



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: June 1, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Neil Cronin, Chief Planner for Current Planning

Cc: Alena Shulakova, Applicant  
Terrence P. Morris, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to extend the nonconforming use and associated parking waivers**

Applicant: Alena Shulakova	
<b>Site:</b> 38 Richardson Street	<b>SBL:</b> 12013 0007
<b>Zoning:</b> MR2	<b>Lot Area:</b> 9,370 square feet
<b>Current use:</b> 3-unit multi-family dwelling	<b>Proposed use:</b> No change

### BACKGROUND:

The subject site consists of a 9,370 square foot lot improved with a legal nonconforming three-unit multi-family dwelling originally constructed in 1851 as a single-family dwelling. The petitioner proposes to construct a two-story rear addition, patios, and to increase the parking area.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Terrence P. Morris, attorney, dated 4/14/2021
- Existing Conditions Plan, prepared by Spruhan Engineering, surveyor, dated 1/6/2021
- Civil Plan Proposed, signed and stamped by Edmond Spruhan, civil engineer, dated 4/23/2021
- Floor Plans and Elevations, signed and stamped by Ronald Bourque, architect, dated 3/24/2021
- Letter from Commissioner Lojek, dated 10/31/2017

## **ADMINISTRATIVE DETERMINATIONS:**

---

1. A multi-family dwelling requires a special permit in the MR2 district per section 3.4.1. Originally constructed as a single-family dwelling, the property has been used as a three-unit multi-family dwelling since 1919 when it was zoned General Residence, which allowed multiple dwelling units. The petitioner intends to make additions to the existing legal nonconforming three-unit multi-family dwelling, requiring a special permit.
2. Per section 5.1.8.A.1, no parking may be located within a side setback. The petitioner proposes to locate parking within 5 feet of the western side lot line, where 7.5 feet is required, requiring a special permit per section 5.1.13.
3. Section 5.1.8.A.2 states that no outdoor parking may be located within five feet of a building containing dwelling units. The petitioners propose parking within five feet of the dwelling at the rear, requiring a special permit per section 5.1.13.
4. Per section 5.1.8.B.1, the minimum required width for a parking stall is 9 feet. The petitioner proposes parking stalls with an 8.5-foot width, requiring a special permit per section 5.1.13.
5. Section 5.1.8.C.1 and 2 require a minimum maneuvering aisle width of 24 feet for 90-degree parking. The petitioner proposes a maneuvering aisle as narrow as 17.3 feet in width, requiring a special permit per section 5.1.13.
6. Per section 5.1.8.D.1, entrance and exit drives must be a minimum of 20 feet wide for two-way use. The petitioner proposes a 9-foot wide driveway, requiring a special permit per section 5.1.13.
7. The petitioner proposes four tandem parking stalls at the rear of the property. Per section 5.1.8.E.1, parking must be designed to allow for vehicles to proceed to and from the parking space without requiring moving another vehicle. To allow the tandem stalls requires a special permit per section 5.1.13.
8. Section 5.1.9.A requires that outdoor parking facilities provide perimeter screening from abutting streets and properties. No landscape screening or fencing is indicated on the plans. A special permit to waive the perimeter screening is required per section 5.1.13.
9. Section 5.1.10.A.1 requires surface parking used at night be provide a minimum lighting intensity of one-foot candle over the entire facility. The petitioner seeks a special permit to waive this requirement per section 5.1.13.
10. Section 5.1.10.B.3 require that parking areas be permanently striped. The petitioner seeks a waiver from this provision per section 5.1.13.

MR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	<b>9,370 square feet</b>	<b>No change</b>
Setbacks			
• Front	25 feet	<b>21.3 feet</b>	<b>No change</b>
• Side	7.5 feet	23.3 feet	No change
• Side	7.5 feet	<b>5.1 feet</b>	<b>No change</b>
• Rear	15 feet	41.8 feet	46.7 feet
Building Height	24 feet (36 feet by SP)	32.6 feet	32.8 feet
Max Number of Stories	2.5 (3 by SP)	2.5	No change
Lot Area Per Unit	3,000 square feet	3,123 square feet	No change
Maximum Lot Coverage	30%	NA	22.5%
Minimum Open Space	50%	NA	50.1%

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1	Request to alter/extend a nonconforming multi-family dwelling use	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	Request to allow parking in the side setback	S.P. per §7.3.3
§5.1.8.A.2 §5.1.13	Request to allow parking within five feet of a building with dwelling units	S.P. per §7.3.3
§5.1.8.B.1 §5.1.13	Request to reduce the width of parking stalls	S.P. per §7.3.3
§5.1.8.C.1 §5.1.8.C.2 §5.1.13	Request to reduce the minimum maneuvering aisle width	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	Request to reduce the minimum width for entrance and exit drives for two-way traffic	S.P. per §7.3.3
§5.1.8.E.1 §5.1.13	Request to allow tandem parking stalls	S.P. per §7.3.3
§5.1.9.A §5.1.13	Request to waive perimeter screening requirements	S.P. per §7.3.3
§5.1.10.A.1 §5.1.13	Request to waive outdoor lighting requirements	S.P. per §7.3.3
§5.1.10.B.3 §5.1.13	Request to waive the striping requirement	S.P. per §7.3.3