

**DEPARTMENT OF PLANNING AND DEVELOPMENT  
CITY OF NEWTON  
Massachusetts**

**INTER-OFFICE CORRESPONDENCE**

**DATE:** December 3, 2021

**TO:** All Members, City Council

**FROM:** Neil Cronin, Chief Planner for Current Planning  
Katie Whewell, Senior Planner

**SUBJECT:** SP #378-21, 9-11 Circuit Avenue  
Second Call

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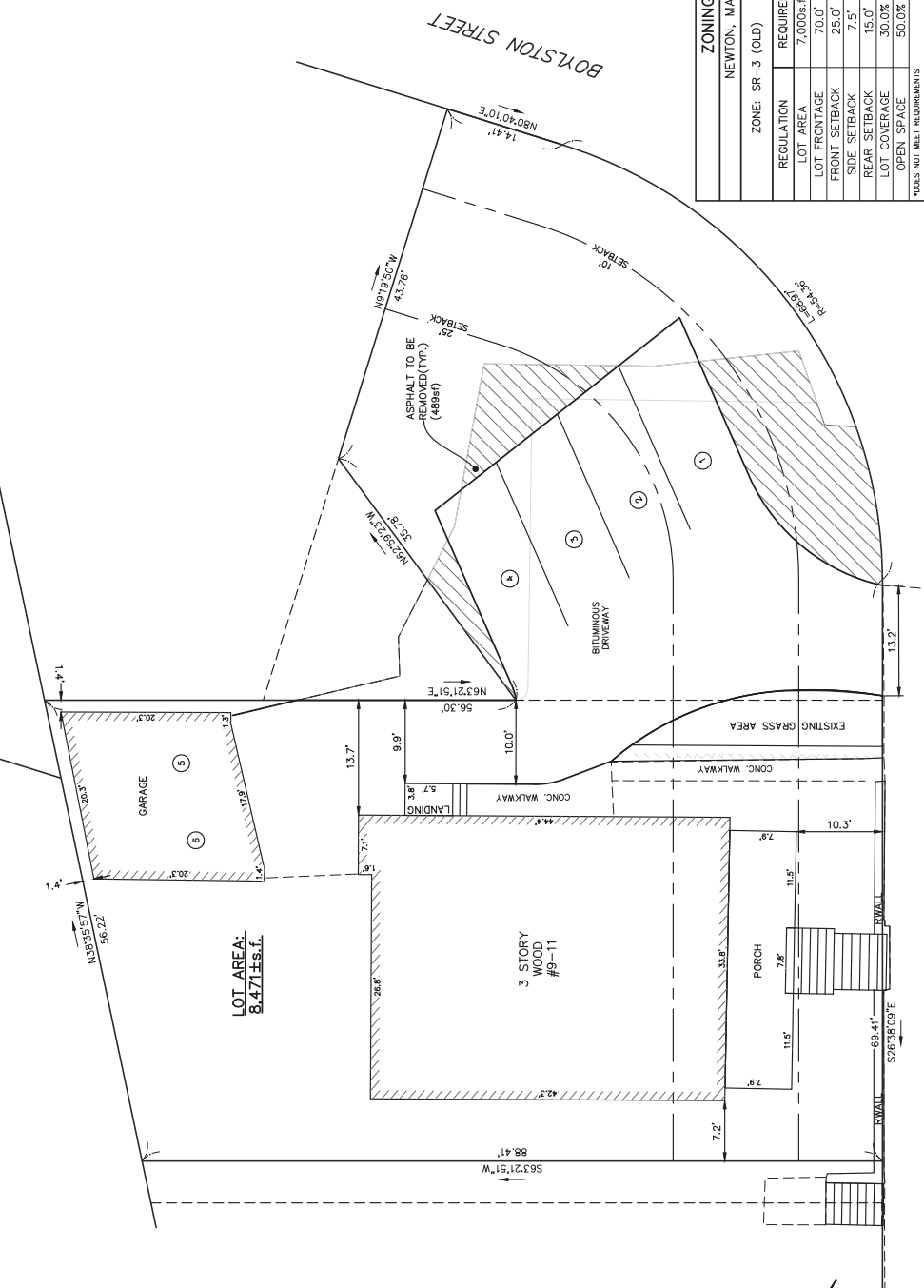
At the November 16, 2021 meeting of the Land Use Committee, the Committee approved the petition subject to second call and requested the petitioner to explore whether the relief for parking stalls within five feet of the street could be eliminated by reconfiguring the parking area. The petitioner submitted the attached site plan (**Attachment A**) moving the parking further into the site, eliminating the need for that relief. Additionally, the Committee expressed a desire to see landscaping along the Circuit Ave frontage. As such, the petitioner agreed to a condition requiring a landscape plan showing landscaping along the Circuit Avenue frontage prior to the issuance of a building permit.

**Attachment A:** Revised site plan, November 17, 2021  
**Attachment B:** Draft Council Order

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**LEGEND**

	BUILDING
	PROPERTY LINE W/ BEARING AND DISTANCE
	PAVEMENT



ZONING CHART NEWTON, MASSACHUSETTS			
REGULATION	REQUIRED	EXISTING	PROPOSED
LOT AREA	7,000s.f.	8,471±s.f.	N/C
LOT FRONTAGE	70.0'	103.89'	N/C
FRONT SETBACK	25.0'	10.3'	N/C
SIDE SETBACK	7.5'	7.2'	N/C
REAR SETBACK	15.0'	N/A	N/C
LOT COVERAGE	30.0%	24.7%	N/C
OPEN SPACE	50.0%	45.2%	50.5%

FOOT NOT MET REQUIREMENTS

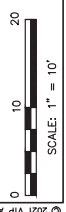
**CERTIFIED PLOT PLAN**  
NEWTON, MASSACHUSETTS

SHOWING PROPOSED CONDITIONS AT  
#9-11 CIRCUIT AVENUE  
SCALE: 1in.=10ft. DATE: SEPTEMBER 17, 2021;  
REVISED: NOVEMBER 17, 2021  
PROJECT: 221125



**VTP ASSOCIATES**  
INC.

LAND SURVEYORS - CIVIL ENGINEERS  
132 ADAMS STREET AND SUITE 3  
NEWTON, MA 02459  
(617) 332-8271



CITY OF NEWTON  
IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to extend the nonconforming two-family use to allow a three-unit multifamily dwelling, to alter the adjacent nonconforming parking facility, to allow parking within the front setback, and to reduce the minimum aisle width for a two way drive aisle, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed extension of the nonconforming two-family use to a three unit multifamily use will not be substantially more detrimental than the existing nonconforming two-family use is to the neighborhood because the petitioner is creating the third unit within the attic, and is not expanding the footprint of the structure (§3.4.1, §7.8.2.C.2).
2. The proposed alterations to the nonconforming surface parking facility will not be substantially more detrimental than the existing nonconforming surface parking facility is to the neighborhood because the petitioner is reducing excess paving, complying with the open space dimensional standard (§5.1.8.A.1, §5.1.8.C.2, §5.1.13, §7.8.2.C.2).
3. Exceptions to the dimensional standards for parking within the front setback, and to reduce the minimum aisle width for a two way drive aisle is in the public interest to preserve open space and reflects existing conditions (§5.1.8.A.1, §5.1.8.C.2, §5.1.13).

PETITION NUMBER: #378-21

PETITIONER: Ronnie Cavalieri

LOCATION: 9-11 Circuit Avenue, on land known as Section 51, Block 15, Lots 12 and 13, containing approximately 8,471 square feet of land

OWNER: Ronnie Cavalieri

ADDRESS OF OWNER: 9-11 Circuit Avenue

Newton, MA 01602

TO BE USED FOR: Three Unit Multifamily Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: To further extend the nonconforming two-family use to a three unit multifamily use (§3.4.1 and §7.8.2.C.2) and to alter a nonconforming parking facility to allow parking within the front setback, and to reduce the minimum aisle width for a two way drive aisle (§5.1.8.A.1, §5.1.8.C.2, §5.1.13, §7.8.2.C.2).

ZONING: Single Residence 3

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. Proposed Site Plan, signed and stamped by Joseph Porter, Professional Land Surveyor, dated September 17, 2021, most recently revised November 17, 2021.
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Inspectional Services and the Department of Planning and Development.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - a. Recorded a certified copy of this council order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
  - d. Submitted a landscape plan to the Director of Planning and Development showing low lying plantings along Circuit Avenue.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a professional land surveyor certifying compliance with Condition #1.

- b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed architect.