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#377-22

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	August 9, 2022
Land Use Action Date:	October 25, 2022
City Council Action Date:	November 7, 2022
90-Day Expiration Date:	November 7, 2022

DATE: August 5, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #377-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking in the front setback at **344 Woodward Street**, Ward 5, Newton, on land known as Section 54 Block 08 Lot 24, containing approximately 8000 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 5.1.7.A, 5.1.13 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



344 Woodward Street

EXECUTIVE SUMMARY

The subject property at 344 Woodward Street consists of an 8,000 square foot lot in a Single Residence 1 (SR1) zoning district improved with a single-family dwelling constructed in 2022 that replaced a previous dwelling.

A previously extant circular driveway in the front of the property was removed during the recent construction and two separate driveways that accommodate four parking stalls were built within the front setback. Since, per Sec. 5.1.7.A of the Newton Zoning Ordinance (NZO), only one parking stall may be located in the front setback for use in conjunction with a single-family dwelling, a special permit per Sec. 5.1.13 is required to allow the three additional parking stalls in the front setback.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- granting an exception to the requirements established by §5.1.7.A that no parking stall shall be located within any required setback distances from a street lot line is appropriate as literal compliance with the requirement is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.13)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the west side of Woodward Street, opposite Homestead Street. The site is developed with a single-family dwelling, consistent with the surrounding neighborhood, with exceptions including a few vacant and open space parcels (**Attachment A**). The site and surrounding area are zoned SR2, with the exceptions of several Public Use (PU) parcels to the northeast (**Attachment B**).

B. Site

The subject property consists of an 8,000 square foot lot improved with a recently constructed single-family dwelling. The lot slopes downward approximately ten feet from front to back (northeast to southwest) Approximately half of the lot's frontage is occupied by paved parking areas, with the balance of that area occupied by lawn area and paved walkways.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

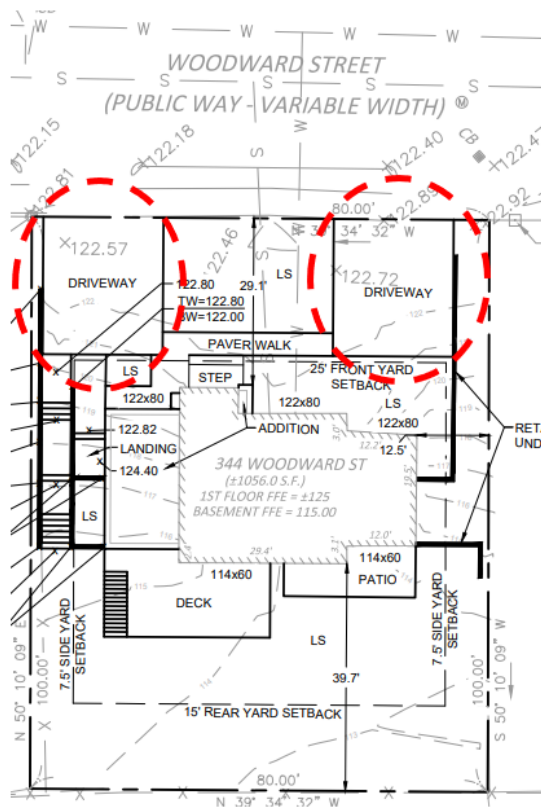
The principal use of the site will remain a single-family residence.

B. Building, Site Design, Parking and Circulation

No changes to the dwelling are contemplated by the present petition.

The petitioners are seeking approval of two separate two-car width wide driveways, one on each the left and right sides of the property, that together provide four parking stalls within the front setback, three more than the one parking stall associated with a single-family dwelling that may be located in a front setback. A previously extant circular driveway in the front of the property was removed during the recent construction

The Planning Department notes that the four paved parking spaces would together occupy approximately half of the property's front setback area. The submitted proposed site plan does not indicate the dimensions of the proposed parking areas, nor the location and width of the associated curb cuts (the latter presumably those utilized for the now-removed circular driveway). The petitioner has indicated separately that the right side parking area has a width of 20.25 feet and a length of 26.5 feet, and that the left area has a width of 20 feet and a length of 26.5 feet. This information would need to be included in the site plan.



Proposed site plan- location of parking areas indicated

Importantly, Planning further notes that the four parking stalls are in excess of the two stalls required per the NZO and would represent a considerable amount of paving in the most publicly visible portion of the lot. The Planning Department suggests that the petitioners

consider eliminating some of the excess parking stalls and consider ways to reduce the paving and visual impact of the stalls.

C. Landscaping

A landscaping plan was not submitted with the petition.

The Planning Department suggests that in the event the special permit is granted it should include a condition that the petitioner provide a landscaping plan that includes vegetative screening to modify the visual impact of the stalls on abutting properties and public way, consistent with pedestrian and vehicular safety.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Special Permit per §7.3.3 to allow parking in the front setback (§5.1.7.A, §5.1.13)

B. Engineering Review

Review of the petition by the Engineering Division is not required at this time.

C. Historic Review

Review of the petition by the Newton Historic Commission is not required at this time.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Land Use Map
Attachment B: Zoning Map
Attachment C: Zoning Review Memorandum
Attachment D: DRAFT Council Order

ATTACHMENT A




Land Use

344 Woodward St.

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Open Space
-  Vacant Land



The information on this map is derived from a Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 Feet

Map Date: August 03, 2022

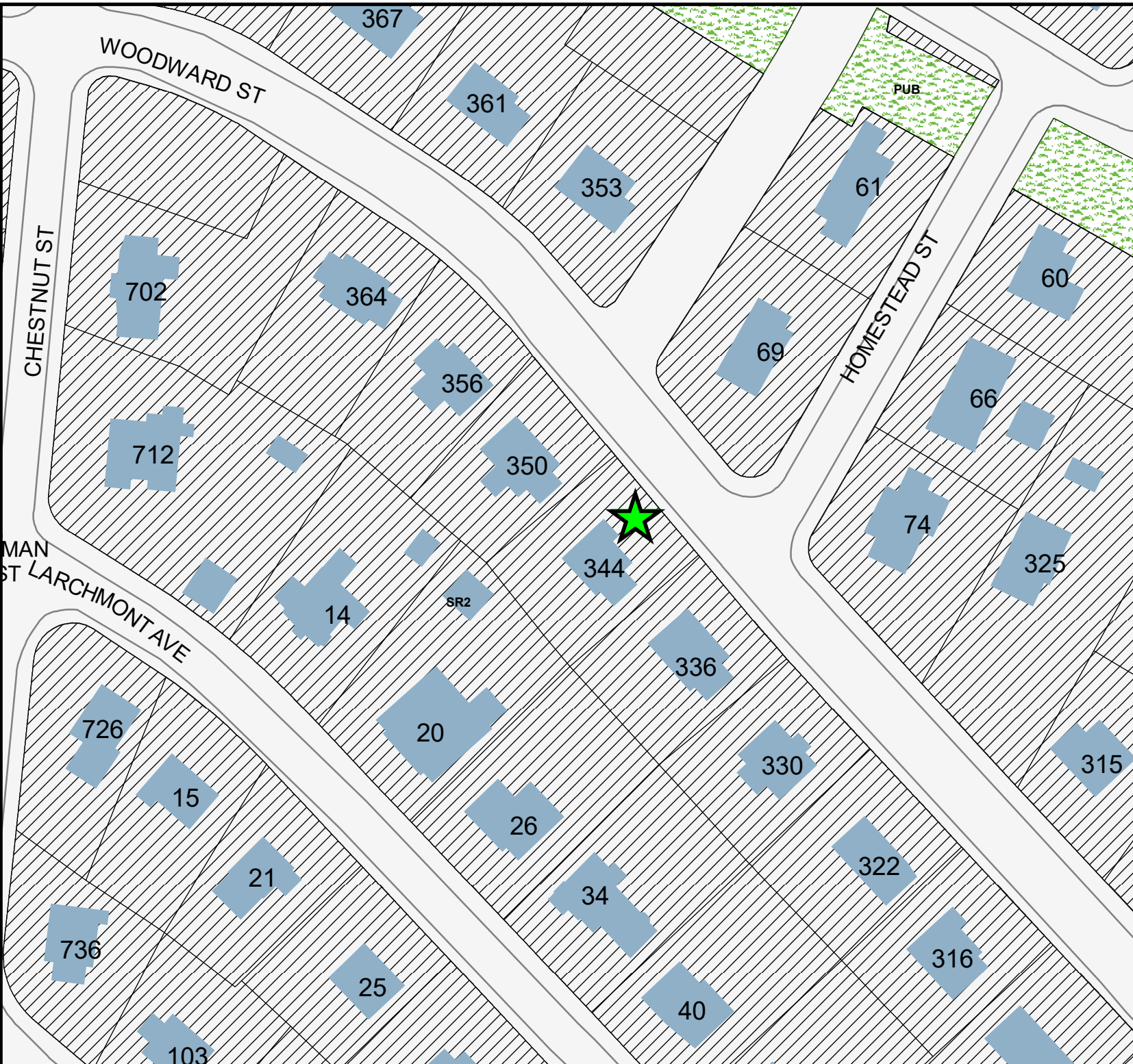




ATTACHMENT B

Zoning

344 Woodward St.

*City of Newton,
Massachusetts*

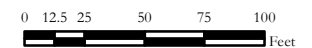


-  Single Residence 2
-  Public Use



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CITY OF NEWTON, MASSACHUSETTS
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 28, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Rajeev Pattni, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow parking in the front setback

Applicant: Rajeev Pattni	
Site: 344 Woodward Street	SBL: 54008 0024
Zoning: SR2	Lot Area: 8,000 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 344 Woodward Street consists of an 8,000 square foot lot improved with a single-family dwelling constructed in 2022 after the original dwelling was razed. The original circular driveway was replaced by two separate driveways accommodating four parking stalls within the front setback, requiring a special permit.

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

- Zoning Review Application, prepared Rajeev Pattni, applicant, dated 6/28/2022
- Certified Plot Plan, Existing Conditions, signed and stamped by Paul S. Campbell, engineer/surveyor, dated 9/30/2020, revised 4/29/2021, 6/16/2021
- Partial As-Built Plan, signed and stamped by Derek B. Redgate, engineer, dated 6/27/2022

ADMINISTRATIVE DETERMINATIONS:

- 1. The original circular driveway was removed during construction and replaced with two driveways on each end of the frontage, accommodating four vehicles. Per section 5.1.7.A only one parking stall may be located in the front setback for use in conjunction with a single-family dwelling. A special permit per section 5.1.13 is required to allow an additional three parking stalls in the front setback.

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§5.1.7.A	Request to allow parking in the front setback	S.P. per §7.3.3
§5.1.13		

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking in the front setback (§5.1.7.A, §5.1.13) , as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- *granting an exception to the requirements established by §5.1.7.A that no parking stall shall be located within any required setback distances from a street lot line is appropriate as literal compliance with the requirement is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.13)*

PETITION NUMBER: #377-22

PETITIONER: Rajeev Pattni

LOCATION: 344 Woodward Street, Section 54, Block 8 Lot 24, containing approximately 8,000 square feet of land

OWNER: Rajeev Pattni

ADDRESS OF OWNER: 344 Woodward Street
Newton, MA 024684

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- allow parking in the front setback (§5.1.7.A, §5.1.13)

ZONING: Single Residence 2 (SR2)

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 the following plans:
 - a. a site plan entitled "344 Woodward Street Residence, Partial As-Built Plan (A100)," dated June 27, 2022, prepared by Highpoint Engineering, Inc., stamped and signed by Derek S. Redgate, Professional Engineer, June 27, 2022
2. 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 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. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
 - b. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
 - c. 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 land surveyor.