



#417-22

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 20, 2022
Land Use Action Date:	December 12, 2022
City Council Action Date:	December 19, 2022
90- Day Expiration Date:	December 19, 2022

DATE: September 16, 2022

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Cat Kemmett, Senior Planner

SUBJECT: **Petition #417-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking in the front setback and to allow a second front entrance at 154 Oliver Road, Ward 5, Newton, on land known as Section 54 Block 01 Lot 18, containing approximately 6,343 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, 6.7.1.D.4 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.



154 Oliver Road

EXECUTIVE SUMMARY

The property located at 154 Oliver Road consists of a 6,343 square foot lot in the Single Residence 2 (SR-2) zone in Waban. The lot is improved with a two-story single-family residence constructed circa 1920. The petitioners are seeking to add a second front entry for an approved accessory apartment in place of the existing garage door and to construct a second surface parking stall within the front setback. The project requires relief to allow an additional parking stall within the front setback and to have a second front entrance located on the façade of a building facing a street.

The Planning Department is unconcerned with the additional parking stall within the front setback and the second entrance facing a road. The existing building already has both a main front entrance and garage door fronting Oliver Road, so the proposed plan would essentially change the existing garage door to a pedestrian entry. The site is constrained in locating parking elsewhere due to the orientation of the single-family dwelling on the lot, and the petitioner is removing existing pavement and replacing it with concrete strips and lawn.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed parking stall within the front setback (§5.1.7.A, §5.1.13, §7.3.3.C.1.)
- The site of the second front entrance on Oliver Road is an appropriate location (§5.1.7.A, §5.1.13, §7.3.3.C.1.)
- The additional parking stall within the front setback and second front entrance will adversely affect the neighborhood. (§5.1.7.A, §5.1.13, §7.3.3.C.2.)
- The proposed changes will not be a nuisance or serious hazard to vehicles or pedestrians. (§5.1.7.A, §5.1.13, §7.3.3.C.3.)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§5.1.7.A, §5.1.13, §7.3.3.C.4)
- Literal compliance with the allowed number of parking stalls within the front setback 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. (§5.1.7.CA, §5.1.7.C, §5.1.13).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

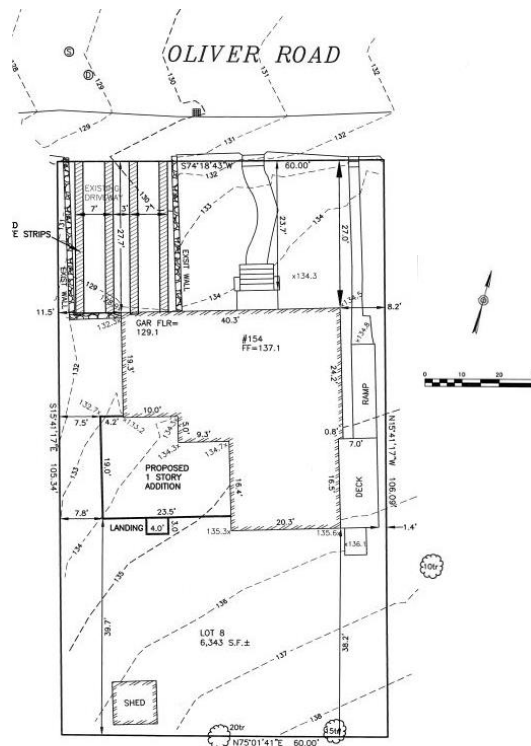
The subject property is located on Oliver Road in Waban within the SR-2 zone. The SR-2 zone encompasses all of Oliver Road, with some land zoned MR-1 on the south

section of Chestnut Street west of the subject property. **(Attachment A)**. The surrounding land use of the neighborhood is predominantly single family residential **(Attachment B)**.

B. Site

The site consists of 6,343 square feet improved with a two-story single-family dwelling. The site is accessed by one curb cut providing access to an existing asphalt driveway that leads up to an attached garage.

Proposed Site Plan



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

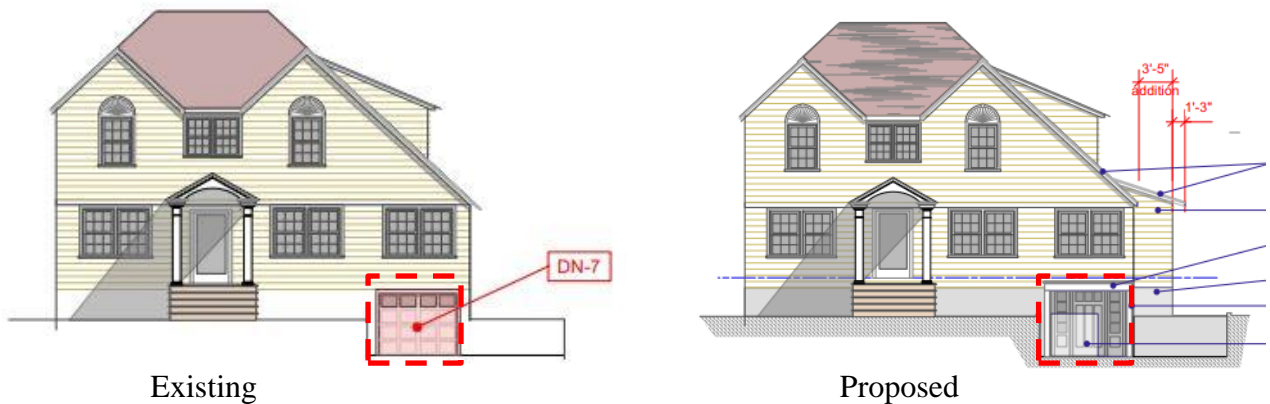
The principal use of the site is and will remain single-family.

B. Building and Site Design

The petitioners are seeking to convert the existing attached garage space into a

pedestrian entry for an accessory apartment. The existing garage door, frame, and tracking will be removed and replaced with a new exterior door measuring 3'0" x 6'8" and sidelight assembly.

Front Elevation



C. Parking and Circulation

The petitioners are seeking to remove the existing asphalt driveway in front of the garage area and replace it with a concrete ribbon driveway consisting of four concrete strips, each 18 inches wide. The proposed configuration would allow for two parking stalls within the front setback, where only one is allowed as of right. The property has a front setback of 27 feet, however due to the configuration of the site the distance increases to 27.7 feet where the driveway is located. The minimum required front setback for a single-family, detached building in the SR-2 district is 25 feet.

D. Landscaping

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

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

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

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§5.1.7.A §5.1.13	Request to allow a second parking stall in the front setback	S.P. per §7.3.3
§6.7.1.D.4	Request to allow a second front entrance	S.P. per §7.3.3

B. Engineering Review

Engineering Review is not required at this time.

C. Historic Preservation Review

This petition does not meet the minimum threshold for Newton Historical Commission review.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

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




ATTACHMENT A

Zoning

154 Oliver Road

*City of Newton,
Massachusetts*

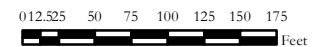
Zoning

-  Single Residence 2
-  Multi-Residence 1
-  Public Use

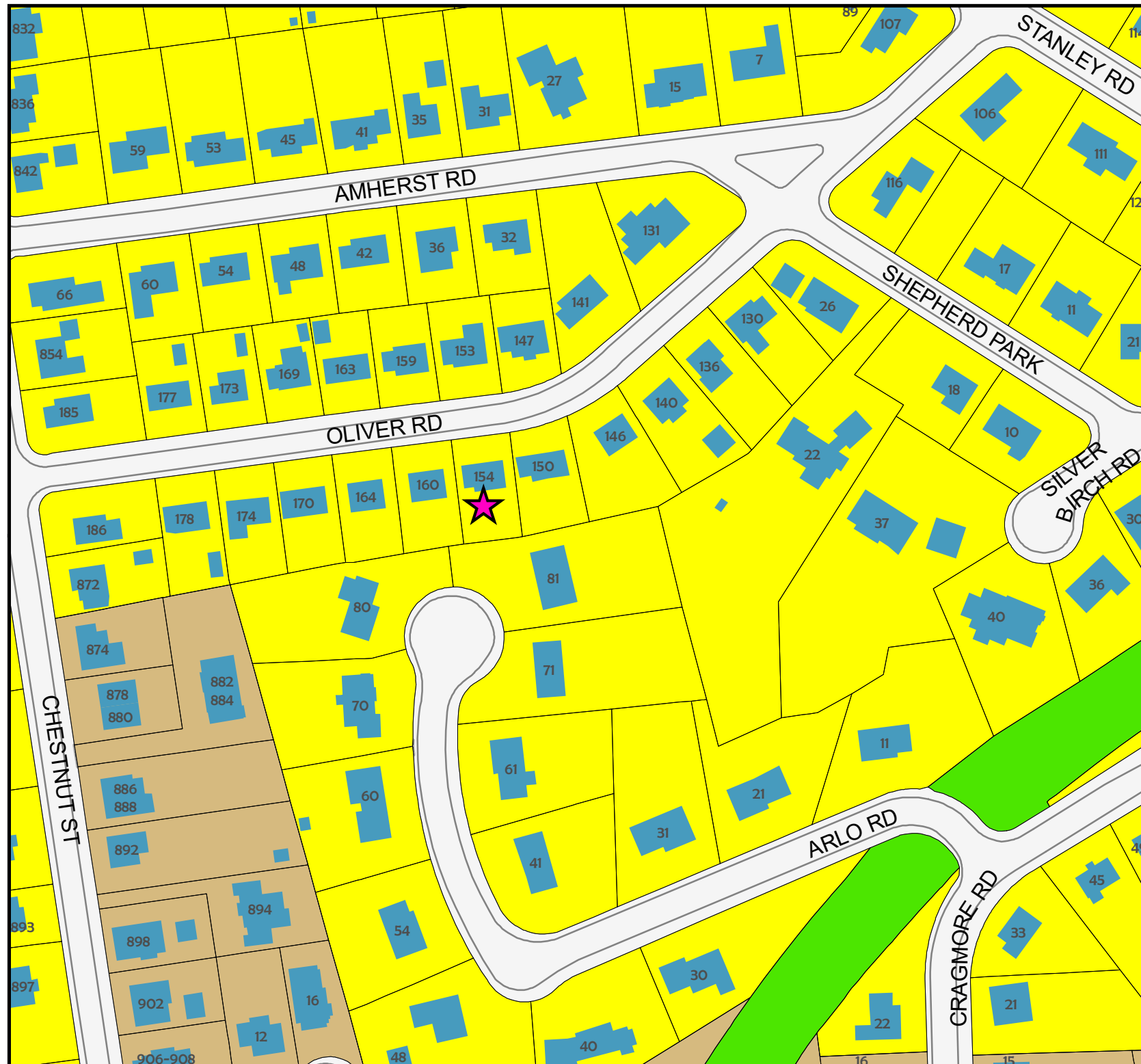


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: September 09, 2022



ATTACHMENT B





Land Use

154 Oliver Road

*City of Newton,
Massachusetts*

Land Use

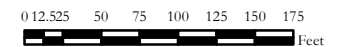
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Nonprofit Organizations
-  Vacant Land

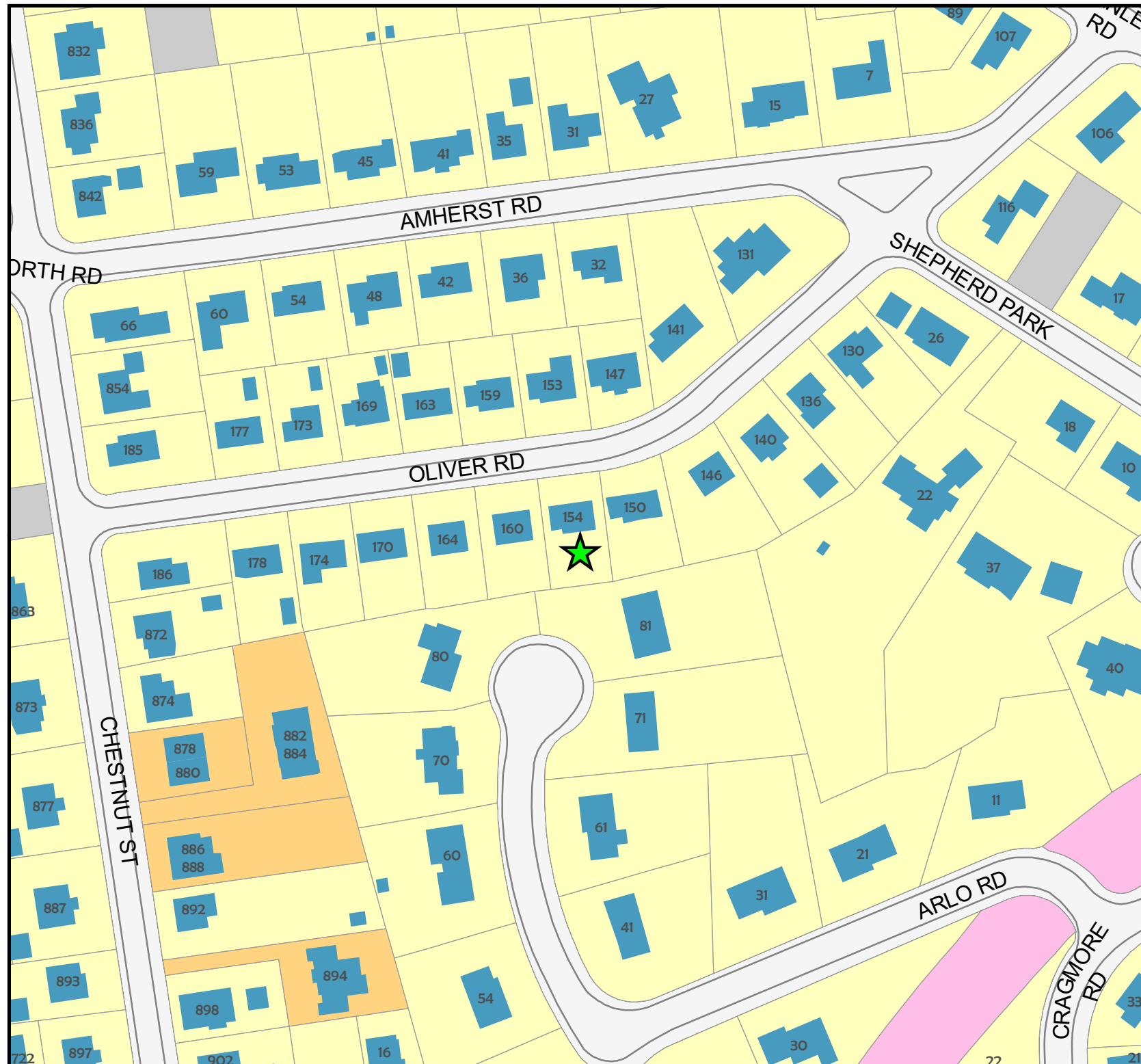


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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 20, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Nancy Zollers, Applicant
Jay Walter, Architect
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow parking in the front setback and to allow an additional front entrance

Applicant: Nancy Zollers	
Site: 154 Oliver Road	SBL: 54001 0018
Zoning: SR2	Lot Area: 6,343 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 154 Oliver Road consists of a 6,343 square foot corner lot improved with a single-family dwelling constructed circa 1920. The petitioner proposes to convert an existing single-car garage into living space. To meet the parking requirement, the petitioner intends to construct a second parking stall 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 Jay Walter, architect, submitted 6/12/2022
- Existing Conditions Plan, signed and stamped by Bruce Bradford, surveyor, dated 4/7/2022
- Proposed Conditions Plan, signed and stamped by Bruce Bradford, surveyor, dated 12/20/2021, revised 3/14/2022
- Floor Plans and Elevations, signed and stamped by Jay Walter, architect, dated 6/4/2022

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to convert the existing attached garage space into a pedestrian entry for an approved accessory apartment, and construct a second surface stall in front of the garage space within the front setback. 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 a second parking stall in the front setback where one stall is the maximum allowed.
2. Section 6.7.1.D.4 states that only one front entrance may be located on the façade of the building facing a street, unless by special permit. The proposed conversion of the garage into a pedestrian entrance will create a second entrance on the front façade for use by the accessory apartment, requiring a special permit.

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§5.1.7.A §5.1.13	Request to allow a second parking stall in the front setback	S.P. per §7.3.3
§6.7.1.D.4	Request to allow a second front entrance	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

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 allow an additional stall within the front setback and a second front entrance as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof.

1. The site is an appropriate location for the proposed additional parking stall within the front setback due to the site's topography and existing parking in the front setback. (§5.1.7.A, §5.1.13, §7.3.3.C.1.)
2. The site is an appropriate location for a second front entrance on Oliver Road (§5.1.7.A, §5.1.13, §7.3.3.C.1.)
3. The additional parking stall within the front setback and second front entrance will not adversely affect the neighborhood due to the overall reduction of impervious paving on the site and the front entrance is replacing an existing garage door. (§5.1.7.A, §5.1.13, §7.3.3.C.2.)
4. There will be no nuisance or serious hazard to vehicles or pedestrians. (§5.1.7.A, §5.1.13, §7.3.3.C.3.)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§5.1.7.A, §5.1.13, §7.3.3.C.4)
6. Literal compliance with the allowed number of parking stalls within the front setback is impracticable due because the site is constrained in alternate locations for parking outside of the front setback and the additional parking stall utilizes existing driveway area (§5.1.7.A, §5.1.7.C, §5.1.13).

PETITION NUMBER: #417-22

PETITIONERS: Frank Linski & Nancy Zollers

LOCATION: 154 Oliver Road, on land known as Section 54, Block 1, Lot 18, containing approximately 6,343 square feet of land

OWNER: Frank Linski & Nancy Zollers

ADDRESS OF OWNER: 154 Oliver Road
Newton, MA 02468

TO BE USED FOR: Driveway and front entrance

CONSTRUCTION: Site only

EXPLANATORY NOTES: §5.1.7.A, §5.1.13, and §7.3.3 to allow parking within the front setback. §6.7.1.D.4 and §7.3.3 to allow a second front entrance on Oliver Road.

ZONING: Single Residence 2 district

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. Plan of Land, signed and stamped by Bruce Bradford, land surveyor, on November 18, 2021 and revised 12,20,21, 2/7/22.
 - b. Architectural plans, signed and stamped by Jay Walter, registered architect, dated September 22, 2021.
 - i. Plot Plan, A-1
 - ii. Existing Plan with Demo Notes, A-2
 - iii. Basement Plan/ Roof Plan, A-4
 - iv. FAR/ Accessory Apt. Area Diagrams, A-6
 - v. Front Elevation/ Finish Schedule, A-8
 - vi. Addition & Remodeling, A-10
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 Planning and Development.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - 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 council 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.
4. 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 Professional Land Surveyor.

DRAFT