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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: July 7, 2022

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Norton Point Street LLC, Applicant  
106 River Street LLC T/C David Oliveri, Applicant  
Terrence P Morris, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE: Request to allow a 9-unit residential dwelling**

Applicant: Norton Point Street LLC & 106 River Street LLC	
<b>Site:</b> 106 River Street	<b>SBL:</b> 33024 0011A
<b>Zoning:</b> BU1	<b>Lot Area:</b> 15,802 square feet
<b>Current use:</b> Office	<b>Proposed use:</b> 9-unit residential dwelling

**BACKGROUND:**

The subject site consists of a 15,802 square foot lot improved with a single-story office building built in 1930 with surface parking located at the corner of River Street and Elm Street. The petitioner proposes to raze the building and construct a nine-unit, three-story residential dwelling with surface parking portions of which are covered by the upper stories of the proposed dwelling.

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 6/2/2022
- Plot Plan of Land, prepared by Peter Nolan, surveyor, dated 12/4/2020
- Proposed Plan, prepared by Peter Nolan, surveyor, dated 5/3/2022
- Floor Plans and Elevations, prepared by Sustainable Comfort, architect, dated 5/4/2022

## **ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioner intends to raze the single-story office building and construct a three-story, nine-unit residential dwelling with covered parking. Per section 4.4.1, a special permit is required to allow residential uses on the ground floor with residential uses above in a Business 1 zoning district.
2. The petitioner intends to construct a three-story structure. Per section 4.1.2.B.3 and 4.1.3, a special permit is required to allow for a three-story structure with 36 feet in height.
3. Per section 4.1.3, the maximum by-right FAR for a three-story building is 1.00, and up to 1.50 by special permit. The building is proposed with a total of 18,962 square feet resulting in an FAR of 1.20, requiring a special permit.
4. section 5.1.4, two parking stalls are required per unit, resulting in a requirement of 18 stalls. The petitioner proposes to construct 19 parking stalls to serve the nine residential units. Six of the stalls are reserved for visitor use. Per section 5.1.3.E required parking stalls shall not be assigned to specific persons or tenants so as to render them unavailable to the persons they are intended to serve. To the extent that "visitor" stalls are assigned, a special permit is required per section 5.1.13.
5. Per section 5.1.8.A.2, no outdoor parking may be located within five feet of a building containing residential units. The proposed covered parking is within five feet of the building, requiring a special permit per section 5.1.13.
6. Section 5.1.8.B.6 requires that end stalls restricted on one or both sides have a maneuvering space of at least five feet in depth and nine feet in width. Three end parking stalls are restricted, requiring a special permit per section 5.1.13.
7. Section 5.1.8.C requires a 20-foot wide maneuvering aisle for two-way traffic where there is parallel parking. The proposed aisle is 18 feet wide, requiring a special permit per section 5.1.13.
8. An entrance and exit drive is required to be a minimum of 20 feet wide for two-way traffic per section 5.1.8.D.1. The proposed drive is 18 feet wide, requiring a special permit per section 5.1.13.
9. Section 5.1.9 requires outdoor parking facilities containing more than five stalls to be screened from abutting streets and properties. No screening is proposed along the perimeter of the parking areas abutting neighboring properties, requiring a special permit per section 5.1.13.
10. Outdoor parking facilities containing more than five stalls used at night are required to provide security lighting designed to maintain a minimum intensity of 1-foot candle on the entire surface of the facility. The petitioner seeks a waiver from the lighting requirements per section 5.1.13.

<b>BU1 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	10,000 square feet	15,802 square feet	No change
Setbacks			
• Front (River St)	10 feet	<b>1.7 feet</b>	10 feet
• Front (Elm St)	10 feet	<b>1.4 feet</b>	10 feet
• Rear (east)	18 feet	53.7 feet	18 feet
• Rear (south)	18 feet	122.4 feet	29 feet
Building Height	24 feet (36 feet by SP)	14.9 feet	<b>36 feet*</b>
Max Number of Stories	2 (3 by SP)	1	<b>3*</b>
Lot Area Per Unit	1,200 square feet	NA	1,756 square feet
FAR	1.00 (1.50 by SP)	.33	<b>1.20*</b>

\*Requires relief

See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1	Request to allow ground floor residential use with residential above	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	Request to allow a three-story structure with 36 feet in height	S.P. per §7.3.3
§4.1.3	Request to allow an FAR of 1.20	S.P. per §7.3.3
§5.1.3.E §5.1.13	Request to allow assigned parking stalls	S.P. per §7.3.3
§5.1.8.A.2 §5.1.13	Request to allow outdoor parking within five feet of a residential building	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	Request to allow restricted end stalls	S.P. per §7.3.3
§5.1.8.C §5.1.13	Request to allow a reduce maneuvering aisle width	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	Request to reduce the driveway width for two-way traffic	S.P. per §7.3.3
§5.1.9 §5.1.13	Request to waive perimeter screening	S.P. per §7.3.3
§5.1.10 §5.1.13	Request to waive lighting	S.P. per §7.3.3