



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459  
617-796-1120

Petition: #142-25  
Public Hearing:  
5/20/25  
**8/19/25**

Barney Heath  
Director

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## PUBLIC HEARING MEMORANDUM

**DATE:** August 15, 2025

**TO:** City Council

**FROM:** Barney S. Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Cat Kemmett, Deputy Chief Planner for Current Planning

**SUBJECT:** **Petition #142-25** for SPECIAL PERMIT/SITE PLAN APPROVAL to exceed FAR and to allow parking in the front setback

**MATERIALS:** <https://newtonma.viewpointcloud.com/records/865377>

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



**65 Clark Street**

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## **Background**

The public hearing for this petition was opened and held on May 20, 2025 for the petitioner to respond to comments from the Committee. At that meeting the petitioner shared their plan to construct a two and a half story rear addition, which needs relief for FAR. This plan also proposed to remove the existing driveway and parking on Clark Street and create a new driveway and parking area from Cloverdale Road which required dimensional parking relief. In the Planning memorandum prepared for the public hearing, staff noted that though the project needs FAR relief, the addition will be located at the rear, minimizing the impact of the massing from neighboring properties and the street.

## **Project Updates**

The petitioner has submitted a revised site plan and planting plan in advance of the August 19, 2025 hearing date. Due to the minor nature of the changes, a revised zoning review memo is not required. The proposed rear addition is unchanged in the revised plan and requires no additional relief other than the request to exceed FAR which still stands.

The parking design has been altered in the new plan. Initially the petitioner proposed for all four parking stalls serving the two residential units to be accessed via a curb cut on Cloverdale Road in a tandem configuration. All four stalls needed special permit relief because they were located within a front setback, and two stalls were located within five feet of a street, which also required relief. In the amended plan, a curb cut and driveway on Clark Street will now be retained in roughly the same location and orientation as the current driveway, which would have been removed in the previous iteration of the plan. This curb cut and driveway will provide access to two tandem parking stalls. An 11-foot-wide new curb cut and driveway will be added on Cloverdale Road at the southern corner of the property providing access to two tandem parking stalls. All four parking stalls will be dimensionally compliant at 9 feet wide by 19 feet long and will be constructed from permeable paving materials. Though special permit relief is still required for the location of the four stalls within the front setback, in the revised plan there is no longer relief need for parking within five feet of the street as they are all set back at least five feet.

The petitioner has also provided a new planting plan dated August 4, 2025. Three Norway Maples with a combined total of 50 caliper inches will be removed. Northern white cedar, sugar maple, and red maple trees will be planted along the perimeter of the site which will provide some screening.

## **Analysis**

Based on the recommendation of the Newton Historical Commission, the proposed work will not detract from the historic character of the existing dwelling. Though it will be reduced from what

exists today, the rear setback will still exceed what is required in the ordinance, mitigating impacts to the abutter at the rear. In reconfiguring the parking areas, the parking stalls are now further from the street, which eliminates one of the special permit reliefs required initially in the petition. Staff are supportive of the decision to utilize permeable paving for the parking areas and note that these permeable surfaces must be maintained and cleaned regularly to maintain to allow full permeable functionality.

**ATTACHMENTS:**

**ATTACHMENT A:** DRAFT Council Order

#142-25  
65 Clark Street

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 exceed the Floor Area Ratio (FAR) and to allow parking in both front setbacks as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

FINDINGS:

1. The site is an appropriate location for the proposed parking stalls in the front setbacks because the site is constrained by its location on a corner lot. The site has two pre-existing nonconforming front setbacks, which make locating parking in such a way that does not require relief challenging. (§7.3.3.C.1)
2. The proposed parking stalls will not adversely affect the neighborhood because other dwellings in the neighborhood have parking stalls located within front setbacks. (§7.3.3.C.2)
3. The proposed parking stalls will not create a nuisance or serious hazard to vehicles or pedestrians because the parking stalls will be dimensionally compliant and adequate sightlines will be provided. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)
5. The proposed increase in FAR from .49 to .60, where .50 is the maximum allowed by-right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the addition will be located at the rear of the dwelling. (§3.1.3 and §7.8.2.C.2)
6. Literal compliance with the dimensional parking requirements is impracticable because the site is constrained by its location on a corner lot and pre-existing nonconforming front setbacks which prevent construction of by right parking stalls elsewhere on the site. (§5.1.13)

PETITION NUMBER: #142-25

PETITIONER: RMR Development LLC

LOCATION: 65 Clark Street, Ward 6, Newton Centre, on land known as Section 52 Block 28 Lot 12, containing approximately 8,641 sq. ft. of land

OWNER: Ritesh Kochhar

ADDRESS OF OWNER: 150 Ridge Avenue  
Newton, MA 02459

TO BE USED FOR: Two-family dwelling

RELIEF GRANTED: Special Permit per §7.3.3 to further increase the nonconforming FAR to .60 (§3.2.3 and §3.2.11) and to allow parking in the front setback (§5.1.7.A and §5.1.13)

ZONING: Multi Residence 1

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. Site Plan signed and stamped by John D. Sullivan III, Professional Engineer, and Paul J. Finocchio, Professional Land Surveyor, last revised July 18, 2025
  - b. Architectural plans prepared by Michienzi Drafting & Design, signed by Brenda L. Michienzi dated June 2024 consisting of the following sheets:
    - i. "Addition & Remodel" Sheet 1, showing front and rear elevations
    - ii. "Addition & Remodel" Sheet 2, showing right elevation
    - iii. "Addition & Remodel" Sheet 3, showing left elevation
2. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
  - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.

- b. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
3. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with for the portion of the project for which occupancy is requested and the Petitioner has:
  - a. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1, including the as built FAR.
  - b. Submitted final as-built survey plans in digital format, stamped, and signed by a professional land surveyor or professional engineer, as applicable.