



Ruthanne Fuller
Mayor

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Petition: #219-25
Public Hearing:
7/21/2025
12/9/2025

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Barney Heath
Director

WORKING SESSION MEMORANDUM

DATE: December 5, 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
Sondria Berman, Senior Planner for Current Planning

SUBJECT: **Petition #219-25**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four attached single-family dwellings, to waive the minimum front, side and rear setback requirements as required at 11 Parsons St, Ward 3, West Newton, on land known as Section 31, Block 10, Lot 02, containing approximately 17,678 square feet of land in a district zoned Multi-Residence 1. Ref: Sec. 3.4.1, 3.2.4, and 7.3.3 per Ch. 30 of the City of Newton Rev Zoning Ord, 2017.

APPLICATION RECORD: <https://newtonma.viewpointcloud.com/records/872324>

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.



11 Parsons Street

Background

The public hearing for this petition was opened and held on July 22, 2025 and continued to the December 9, 2025 Land Use Committee (LUC) meeting. The petitioner's initial plans proposed razing the existing single-family dwelling to construct four single family attached dwellings in two, 2.5 story buildings requiring relief for the single family attached use and dimensional relief for the 25-footside, and rear setbacks. In the initial Planning Memorandum dated July 17, 2025, staff noted that the site was an appropriate location for the proposed use, highlighting the oversized lot area, the mix of existing housing types and density in the surrounding neighborhood, and the similarity of the proposed size and massing of the two buildings with abutting properties.

At the July 22, 2025 Land Use Committee meeting, the public hearing was opened and the petitioner requested a continuance to provide revised plans to the Land Use Committee and to address comments from a previous neighborhood meeting with said revisions. Planning recommended that the petitioner consider increasing parking stall length to be dimensionally compliant and clarify how the tandem parking arrangement will function.

Relief Requested

- To allow the use of single family attached dwellings (§3.4.1, §7.3.3)
- To allow reduced front and side setbacks (§3.2.4, §7.3.3)

Project Updates

The petitioner submitted revised site plans and architectural plans on November 17th, 2025 and November 24th, 2025. One significant change to the site plan is a reduction in the number of proposed single family attached units from four to three units. While the reduction in units reduces the density of the project, it still requires the same relief for the single family attached use in an MR-1 district. The project is otherwise compliant with frontage, lot area, lot area per unit, lot coverage, open space, stories and height. Though Floor Area Ratio (FAR) restrictions do not apply to single family attached dwellings, as a point of comparison the proposed project will have a total gross floor area for Buildings 1 and 2 of 8,139 square feet and an FAR of approximately .46 where .45 is allowed for a single or two family within an MR-1 zoning district.

Parking and Driveway Access

The petitioner proposes to install a new paved driveway with a 15-foot curb cut on Parsons Street to provide vehicular access to all six parking stalls. Additionally, the petitioner has reconfigured and reduced the number of parking stalls on site from the original plan set from the original eight stalls to six stalls. Building 1 no longer includes eight tandem parking stalls arranged in two rows of four tandem stalls at basement level in Building 1, but instead will include four garage stalls at basement level across a single row in Building 1. Building 2 will include a set of two parking stalls at basement level in a tandem arrangement of two rows of one stall each, with one stall having garage parking. In total, the revised plans show a reduction in the number of proposed parking

stalls, proposing a total of six stalls between both Building 1 and Building 2. Reducing the number of tandem parking stalls to two stalls for a single unit in Building 2 from the previously proposed eight tandem stalls allocated for all units in Building 1 removes the requirement for special permit relief for tandem parking.

Planning notes the project includes a notable increase in impervious surface area with a total of 5,053 sq. feet of impervious area from the existing 2,738 square feet.

Building Relocation

Additional changes to the site plan include a structural reconfiguration of the two single family attached buildings, increasing the distance between Building 2 and the rear setback from the originally proposed 15.5 feet to 26.1 feet, meeting the minimum 25-foot rear setback distance and no longer requiring relief. This also results in a reduced interior distance between Building 1 and Building 2 from 13 feet to 10 feet between buildings.

Setbacks

The proposed project also requires relief for front and side setbacks, but no longer requires relief for the rear setback. Building 1 proposes a 21-foot front setback where 25 feet is the minimum required, requiring relief. Additional relief for the minimum 25-foot side setbacks along the northwest property line are requested for both Building 1 and 2, with Building 1 proposing an 8.8 foot side setback and Building 2 proposing an 8.5 foot side setback, respectively.

Retaining Walls

An existing stone wall in the interior of the site is slated for removal to accommodate the proposed driveway. Another existing retaining wall along Cheesecake Brook, however, will remain undisturbed. Additionally, there are two new retaining walls proposed on site. A curved retaining wall is proposed at the front of Building 1 facing Parsons Street with a height range of .5 feet to 3.9 feet. A second proposed retaining wall is to be installed between Buildings 1 and 2, with a max height of 3.9 feet to address the existing sloped topography for an exterior stairwell installation. While each of these proposed retaining walls are below the four-foot threshold requiring relief, Planning recommends the petitioner pay careful attention to grading and the construction of these walls to ensure that they are consistent with the height measurements proposed to avoid requesting further relief.

Additional Plans

Planning notes that the petitioner provided a turning radius plan titled "Turning Analysis" dated 3/12/2025 revised through 11/14/2025 for the new proposed parking configuration for Buildings 1 and 2. The plan shows how each vehicle will be able to complete a three-point turn to enter and exit the driveway.

A Landscaping Plan dated March 13th, 2025 was included with the original plan set and project proposal, however, a revised landscape plan has not been submitted with the revised proposed project and plans. Planning recommends the petitioner confirm if there will be any changes or updates to the original landscape plan.

Analysis

The Planning analysis from the initial submission still stands, noting that the location is appropriate for the proposed use, and the buildings proposed in conformance with the size and density of the surrounding mixed-use neighborhood. Planning notes that the petitioner made improvements to the proposed project by reducing the number and arrangement of tandem parking stalls on site and making each of the parking stalls dimensionally compliant. Furthermore, the petitioner has relocated Building 2 closer to the interior of the site and removed the required relief for the rear setback, bringing the project's rear setbacks into compliance. In addition, the petitioner's proposal has been mindful of the irregular shape of the lot and its proximity to the buffer zone for Cheesecake Brook allocating the development closest to the northwestern lot line, furthest from the Brook.

ATTACHMENTS:

Attachment A: Revised Zoning Review Memorandum, dated December 3, 2025
Attachment B: DRAFT Council Order



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Barney Heath
Director

ZONING REVIEW MEMORANDUM

Date: December 3, 2025

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Terrence P. Morris, Attorney
KZ Fleet LLC, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request for a special permit to allow three attached single-family dwellings, to waive the side setback requirement

Applicant: KZ Fleet LLC	
Site: 11 Parsons Street	SBL: 31010 0002
Zoning: MR1	Lot Area: 17,678 square feet
Current use: Single-family dwelling	Proposed use: Three attached single-family dwellings in two buildings

BACKGROUND:

The subject site is comprised of 17,678 square feet in the MR1 zoning district and is improved with a single-family dwelling constructed circa 1874. The petitioner seeks to raze the existing dwelling and construct three single-family attached dwellings in two buildings with associated dimensional relief, requiring a special permit.

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

- Special Permit Application, prepared by Terrence P. Morris, attorney, submitted 6/23/2025
- Existing Conditions Plan, signed and stamped by Christopher C. Charlton, surveyor, dated 2/21/2025
- Zoning Plan, signed and stamped by Edmond Spruhan, engineer and Christopher C. Charlton, surveyor, dated 2/20/2025, revised 11/14/2025
- Floor Plans and Elevations, prepared by MGD, architect, dated 11/10/2025

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to raze the existing single-family dwelling and construct three single family attached dwellings in two buildings. Per section 3.4.1, a special permit is required to allow attached single-family dwellings in the MR1 district.
2. Per the footnote to section 3.2.4, the City Council may grant exceptions to the dimensional standards of section 3.2.4 for attached single-family dwellings if it is determined that literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or graded of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or the protection of environmental features.
3. Per section 3.2.4, single-family attached dwellings require 25-foot setbacks from each lot line. Building 1 has a proposed front setback of 21 feet.

Building 1 has a proposed side setback of 8.8 feet and Building 2’s side setback is proposed at 8.5 feet. A special permit is required to waive the 25-foot side and rear setback requirements.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	17,678 square feet	No change
Frontage	80 feet	86.4 feet	No change
Setbacks – Building 1			
• Front	25 feet	< 25 feet	21 feet*
• Side	25 feet	46.1 feet	31.8 feet
• Side	25 feet	7.6 feet	8.8 feet*
• Rear	25 feet	49.9 feet	> 25 feet
Setbacks – Building 2			
• Front	25 feet	N/A	>25 feet
• Side	25 feet	N/A	32.4 feet
• Side	25 feet	N/A	8.5 feet*
• Rear	25 feet	N/A	26.1 feet
Height			
• Building 1	36 feet	35.2 feet	35.75 feet
• Building 2		N/A	35.69 feet
Stories	2.5	2.5	
Lot Area Per Unit	4,000 square feet	17,678 square feet	5,893 square feet
Max Lot Coverage	25%	Not provided	20.7%
Min. Open Space	50%	Not provided	72.5%

*Requires relief

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1	Request to allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	Request to allow reduced front and side setbacks	S.P. per §7.3.3

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 three single family attached units with reduced front and side setbacks as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

FINDINGS:

1. The specific site is an appropriate location for the proposed project with three single family attached units and reduced front and side setbacks because it is a residential use in a Multi residence 1 zoning district and is sited on one of the largest lots in the neighborhood with the massing distributed between two buildings. (§7.3.3.C.1)
2. The proposed development will not adversely affect the neighborhood because the area has a variety of housing types and uses, and the massing of the units will be distributed between two buildings. (§7.3.3.C.2)
3. The proposed residential project will not create a nuisance or serious hazard to vehicles or pedestrians because all required parking will be accommodated on site and the existing curb cut will be retained in the same vicinity as the existing curb cut. (§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)

PETITION NUMBER: 219-25

PETITIONER: KZ Fleet LLC

LOCATION: 11 Parsons Street, Ward 3, Newton, on land known as Section 31 Block 10 Lot 02, 17,678 sq. ft. of land

OWNER: KZ Fleet LLC

ADDRESS OF OWNER: 37 Upham Street
West Newton, MA 02465

TO BE USED FOR: Single family attached development with three units

RELIEF GRANTED: Special Permit per §7.3.3:

- to allow single family attached dwellings (§3.4.1)
- to allow reduced front and side setbacks (§3.2.4)

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 set titled, "Site Plan" prepared by Spruhan Engineering, P.C., signed and stamped by Christopher C. Charlton, Professional Land Surveyor, and Edmond T. Spruhan, Professional Engineer, dated 2/20/2025 and revised through 11/14/2025, consisting of the following sheets:
 - i. "Zoning Plan I", Sheet 1 of 2
 - ii. "Zoning Plan II" Sheet 2 of 2
 - b. A set of architectural drawings titled "11 Parsons Street-Front" prepared by MGD Habitat Design, unsigned and unstamped, dated 3/34/2025 consisting of the following sheets:
 - i. "Front Elevation", Sheet SD.08
 - ii. "Left Elevation" Sheet SD.09
 - iii. "Rear Elevation" Sheet SD.10
 - iv. "Right Elevation" Sheet SD.11
 - c. A landscape plan prepared by prepared by Ecotec, Inc., unsigned and unstamped, dated 3/13/2025 consisting of the following sheets:
 - i. "Planting schematic for enhancement planting area", Sheet 1
 - ii. "Proposed ornamental Plantings", Sheet 2
2. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the Petitioner shall provide a final Operations and Maintenance Plan (the "O&M Plan") for stormwater management to the Engineering Division of Public Works for review and approval, should a system be required. Once approved, the O&M Plan must be adopted by the Petitioner and recorded at the Middlesex South District Registry of Deeds. A copy of the recorded O&M Plan shall be filed with the Engineering Division of Public Works and submitted with the Building Permit application.
3. The Petitioner shall do the following to remediate pest and rodent activity:

- a. Prior to issuance of any demolition or building permit, the Petitioner, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
 - b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department for review and approval prior to issuance of any demolition or building permit. A copy of such approval shall be provided to the Department of Planning and Development.
 - c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration.
4. Prior to the issuance of any Building Permit, the Petitioner shall submit a Construction Management Plan (the "CMP") for review and approval to the Commissioner of Inspectional Services, the Director of Planning and Development, the City Engineer, and the Chief of the Fire Department. The CMP shall be in compliance with all applicable policies and ordinances in effect at the time of submission. The Petitioner shall comply in all material respects with the Construction Management Plan, which shall be consistent with and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor. This information shall also be posted in a clear and visible manner at the construction site.
 - b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - c. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction materials and delivery vehicles and equipment, and location of any security fencing and erosion control.
 - d. A plan showing temporary pedestrian access within work zones in accordance with DPW Policy.
 - e. Proposed methods for dust control including, but not limited to: watering, covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - f. Proposed methods of noise control, in accordance with the Revised Ordinances, §20-13. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.

- d. Obtained approval from the City Engineer certifying that all engineering details for the portion of the Project for which a certificate of occupancy is requested have been constructed to standards of the City of Newton Public Works Department.
 - e. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, landscape features, fencing and parking areas related to or for the portion of the Project for which a certificate of occupancy is requested.
7. The Petitioner shall install all landscaping consistent with this Special Permit/Site Plan approval and shall maintain landscaping in good condition. Any plant material that becomes diseased or dies shall be replaced as soon as feasibly possible with similar material.
8. Provided that all other requirements in Condition #6 are satisfied and the project is substantially complete, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to completion of final landscaping (including hardscape improvements).