



Zoning & Planning Committee Report

City of Newton In City Council

Monday, January 23, 2017

Present: Councilors Hess-Mahan (Chair), Danberg, Leary, Baker, Albright, Kalis, Yates and Sangiolo;

Also Present: Councilor Crossley

City Staff Present: Barney Heath (Director, Planning Dept.), James Freas (Deputy Director, Planning Dept.), Lily Reynolds (Community Engagement), John Lojek (Commissioner, Inspectional Services), Rachel Blatt (Long Range Planner), Marie Lawlor (Assistant City Solicitor), Karyn Dean (Committee Clerk)

#343-16 Zoning amendment relative to accessory apartments

HIS HONOR THE MAYOR, COUNCILOR HESS-MAHAN, ALBRIGHT, CICCONE, CROSSLEY, AND NORTON proposing to amend Chapter 30 Section 6.7.1 Accessory Apartments and Section 5.1.4 Number of Parking Stalls in order to create a new accessory apartment ordinance that expands the availability of accessory apartments. [10/07/16 @ 10:03 AM] **Hearing closed 11/14/16 (90 days 2/12/17)**

Action: Zoning & Planning approved 5-1-2 (Councilor Baker opposed; Councilors Sangiolo and Yates abstaining)

Note: Councilor Hess-Mahan reminded the Committee that the public hearing on this item was held and closed on November 14th by the Zoning & Planning Committee. Per Chapter 40A, the City Council has 90 days within which take action on this item (2/12/17); if it does not act, the item will have to be re-advertised and re-heard in a new public hearing.

Councilor Hess-Mahan explained that at the November 14th Zoning & Planning meeting, the Planning & Development Board joined the Committee in the public hearing on this item. The Planning Board had three members present and believed that constituted a quorum of its membership. They therefore heard the item and voted to close their public hearing. However, it was later clarified that four members of the Planning Board were needed to constitute a quorum; therefore, the Planning Board held a proper public hearing on this item on December 15th. Their recommendation is attached to this report.

James Freas, Deputy Director of Planning, provided an updated draft ordinance which incorporated the changes considered and approved at the meeting on December 21st. It is attached to this report along with a sample acceptance letter provided by Commissioner John Lojek. This letter is sent to homeowners who have been able to provide sufficient evidence of a pre-existing unit.

Councilor Baker complimented the Planning Department on the brochure that was created with the work of the former Accessory Apartment Subcommittee on the Accessory Apartment process. The brochure is available at the Planning/Inspectional Services counter.

He noted that within the Housing Strategy document from the Mayor's office is an Accessory Apartment FAQ section. He was concerned because the FAQs related to the proposed ordinance and not the current ordinance. He wanted to be sure there was a place for residents to find current information that was separate from the advocacy piece.

The Committee reviewed the changes from the last meeting:

Section C.5

Mr. Freas explained that this section would require that a building must have been built and occupied for at least one year before becoming eligible for an accessory apartment. The Planning Department felt that this section was unnecessary as they do not anticipate people building units into homes in any significant numbers.

Councilor Baker felt developers would take the opportunity to build units into homes and this requirement would deter that behavior. He would like to see this ordinance helpful to those preserving existing homes but not help create a new market. Councilor Sangiolo agreed.

Councilor Kalis felt that it would be fine for someone to build a new home and include an accessory unit as long as they were living there. Councilor Yates would like to include a date certain instead of the one year waiting period. Councilor Leary did not feel having an accessory unit would add value to a large home and she would favor no waiting period. Councilor Crossley was also in favor of deleting this section. She noted that if an owner wanted to have an accessory unit in a new home, they would still have to apply for it. A large lot will be attractive to a developer and the demand is for large houses. There is no data to show any more financial incentive for a developer to have a new home configured with an accessory unit rather than just a larger house. People who want bigger homes are very unlikely to want an accessory unit. Councilor Albright agreed that this provision was not necessary as well as Councilor Danberg.

A straw vote was taken to remove Section C.5 and was approved 5-3-0 with Councilors Baker, Sangiolo and Yates opposed.

New Section C.5

Councilor Baker would like to add a provision that there be a minimum occupancy or rental term of 30 days for an accessory unit. He based this time frame on the Boston model. The Committee agreed to add language and put it in place of the removed Section C.5.

Councilor Hess-Mahan noted that there is a discussion item docketed on regulating short-term rentals as a result of Air-bnb type issues, as well.

Section C.7.

Mr. Freas explained that staff is recommending that the phrase “Before a Certificate of Occupancy is issued” be added to the first sentence of this section. It gives a deadline that a property owner has to record a unit with the Registry of Deeds or with the land court.

Section C.9

Councilor Baker asked that reference to applicable building and fire code requirements be added to this section. The Committee agreed to add that language.

Section D.2

Mr. Freas reminded the Committee that there had been a discussion relative to gross floor area and how that would play into measurements for an accessory unit. Staff looked at the definition of gross floor area and it did not work well for this purpose so it would be best to use the term “Habitable Space” as defined in the zoning ordinance in Section 8.3: “gross floor area in a building structure used for living, sleeping, eating or cooking purposes including closets and hallways.” .

Councilor Crossley said that when referring to an accessory unit it would make more sense to determine size based on measurements from the interior walls of the apartment. In the basement, there could be thick concrete walls so measuring from the interior would make sense. The Committee agreed and no changes were made.

The Committee continued their review of the Accessory Apartment ordinance, starting with Section E. Rules for Detached Accessory Apartments:

Section E.1

Councilor Baker noted that this section provides a substantial change in the ordinance as detached units currently require a special permit. He felt this threshold issue needed further discussion as the ordinance goes too far in allowing accessory units in detached buildings. There is a rear lot subdivision ordinance to prevent the building of structures in the rear lot. In this proposal, someone could build an accessory apartment unit in their backyard as long as the setback was the same as the principal unit. He felt a special permit should be required for all accessory apartments in detached structures and he would like that provision to remain. Councilor Albright has heard from a few people that they would like a special permit process for new construction of a detached unit for an accessory apartment, but they don’t seem as concerned with existing structure conversion.

Councilor Crossley noted that there are about 19,000 single and two-family lots in the City. Not all could possibly accommodate an accessory building large enough to host an accessory unit. Some lots already have an accessory structure on the lot and only one is allowed per lot. The City has 10,759 lots that are under 10,000 square feet – hardly any of those could accommodate a structure and meet the setback requirements. There are 8,523 lots over 10,000 square feet and not all could accommodate, or owners would want, a new detached accessory building. People are concerned about new buildings going up 5 feet from a lot line, but the ordinance requires that new accessory building must meet the setback requirements of the primary unit. Currently, there can be an

accessory building on a lot within 5 feet of the lot line and there can be living space in it. The only difference is that this ordinance is providing for a small space in which someone can live. The City has some very large lots that would easily accommodate an accessory building and why shouldn't they be allowed by right. The number of people allowed on the lot would still be limited to the number allowed in a single family house.

Councilor Sangiolo said the proposed ordinance is creating a much more accessible process for internal units, which is great progress and a huge step in the right direction. She felt maintaining a special permit process for detached structures should remain. She sympathizes with historic buildings and supports their conversion, by right.

Councilors Baker, Yates and Sangiolo would still like to see additional requirements for special permits for detached structures.

Councilor Baker would like to have the dimensional requirements on house and lot size returned to the ordinance. There are some threshold requirements that remain such as FAR and setbacks, etc. but the threshold dimensional requirements no longer apply. Councilor Leary explained that removing those dimensional requirements and making the process accessible to more households was the point of re-drafting the ordinance.

Councilor Hess-Mahan took a straw vote and the Committee approved removal of the dimensional requirements as proposed 5-2-1 with Councilors Yates and Baker opposed and Councilor Sangiolo abstaining.

Section E.2

Mr. Freas noted that a detached unit would still be subject to the allowed accessory building dimensions of a maximum 700 square foot footprint and a 1 ½ story height. This could be increased with a special permit for a non-historic garage. The allowed size of the accessory unit could be from 250-1200 square feet. Commissioner Lojek explained that based on building code regulations of habitable space, a 700 square foot building would yield, at most, approximately 1162 square feet of living space. A larger unit could be created with a special permit, however, the Committee agreed that it would be reasonable to have an upper limit of 1,500 square feet.

Councilor Hess-Mahan would like to amend that a detached accessory unit shall be between 250 and 1200 square feet, by adding the language "or 40% of the total Habitable Space of the principal dwelling, whichever is less." For example, a principal dwelling of 3,000 square feet would yield a 1,200 square foot unit, using the 40% calculation, and a 1,800 square foot house would yield a 720 square foot unit. The Committee agreed to this amendment.

Section E.3

A Committee member noted that this section seems to be providing requirements but the word "should" is being used instead of "shall". Mr. Freas explained this was meant to be consistent with

language used in the Rules for Internal Accessory Apartment section. It was decided that the following language should also be included in this section for consistency and clarity:

“Exterior alterations to an existing accessory structure or the creation of a new accessory structure are permitted provided they are in keeping with the architectural integrity of the existing structure and/or the primary dwelling on the lot and the residential character of the neighborhood.”

Section E.4

Commissioner Lojek explained the current requirement is for a detached accessory building to be 6 feet from the principal dwelling. That distance is being maintained in this proposal. A Committee member was concerned that the detached dwelling might at some point be attached to the principal dwelling by a breezeway which would then cover existing open space and change the massing of the building. Commissioner Lojek explained that the only issue with that would be that an accessory structure can be 5 feet from the lot line but a principal dwelling cannot. Attaching the accessory structure to the principal dwelling may not be allowed if the setback is not appropriate.

Section E.5

This section added that the detached accessory apartment must meet the setback requirements of the primary dwelling unit, except by special permit. The Committee approved of this language.

Section E.6

The Committee agreed to amend the first sentence as follows, for clarity:

“Except as required above, a Detached Accessory Apartment is subject to the dimensional requirements of Section 3.4.3, Accessory Buildings.”

Section E.7

Mr. Freas explained that this section is intended to allow a simplified path to convert an historic carriage house or other historic accessory building to an accessory apartment in order to promote preservation of these buildings. These structures could exceed the 700 square foot footprint and 1 ½ story height requirements by right.

The process of identifying whether a structure is historically significant would continue to be determined by staff (the Historic Planner in consultation with the Chair of the Historical Commission or Chair of the Local Historic District Commission) based on the set criteria in Section 22-50. If a building is not found to be historically significant, it cannot move forward under this section.

Councilor Baker felt that it was appropriate for the Local Historic District Commission to make the threshold determination as to whether a structure is historically significant or not for this purpose. “Historically significant” is not a criteria which is applicable within an Historic District. The special

rights should only go to truly historic structures in the district. Mr. Freas explained that the problem would be that someone would have to go through the Historic District for the “Historically Significant” determination, than back to the Historic District again for approval of exterior alterations.

Councilor Leary said the purpose was to make the creation of accessory apartments easier, while balancing the concerns stated here. She was satisfied there was enough oversight. Councilor Hess-Mahan noted that the Historical Commission docketed an item to promote the preservation of historic carriage houses. Any exterior alterations will have to go through the Local Historic District nonetheless, but he felt the process should be the same as it is when determining Historical Significance in the demolition permitting process. There may be more modern garages that are less than 50 years old in an historic district and he would not want them to get the benefit, therefore using the historically significant criteria is merited.

The Committee agreed to amend Section E.7.a. as follows:

“To qualify under this subsection E,7. the structure must qualify as “historically significant” under Section 22-50 of the City of Newton Ordinances, as determined by a Historic Planner and the Chair of the Newton Historical Commission or Chair of the Local Historic District Commission, whichever has jurisdiction.”

A straw vote was taken to approve this change and it was approved 7-0-1 with Councilor Baker abstaining

Section E.7.b

The Committee agreed to change the distance from an abutting residential property to 15 feet from 12.5 feet, by right. Anything closer would require a special permit.

A straw vote was taken to approve this change and it was approved 5-0-3 with Councilors Hess-Mahan, Leary and Yates abstaining

Section E.7.c and d

Commissioner Lojek explained that if a structure is over 50 years old or in an historic district, Inspectional Services does not play a role. Those cases are sent to the Historic Planner for review. The Committee decided to move the following language from Section E.7 to Section E.7.c and strike Section E.7.d which made reference to the Commissioner of Inspectional Services:

“Exterior alternations shall be subject to the jurisdiction of the Newton Historical Commission or a Local Historic District Commission.”

A straw vote was taken to approve both changes and they were approved 8-0.

Section E.7.G.

The Committee wondered with this was an invalidity clause and not a severability clause. Mr. Freas explained that there was a question raised as to whether the owner occupancy clause is allowed. It was decided that if a court decided that clause was not allowed, then the entire ordinance should be invalidated. The Committee decided to leave the section intact.

The Committee agreed to docket an item for updates on how the new process is working.

Councilor Baker added that while he appreciated all the work that has gone into this ordinance, there is a major significant shift in how the City is dealing with zoning by taking accessory apartments out of the threshold of lot and building size and will not serve the City well which is why he cannot support this.

Councilor Hess-Mahan moved approval of the item, as amended. The Committee voted to approve the ordinance 5-1-2 with Councilor Baker opposed and Councilors Sangiolo and Yates abstaining.

The Chair thanked the Committee, the staff and members of the public who were interested and involved in the process for their hard work.

#108-15 Zoning amendment for accessory apartments supportive of seniors
HIS HONOR THE MAYOR requesting consideration of changes to the Zoning Ordinance that would facilitate the creation of accessory apartment units, supportive of Newton's seniors. [04/24/15 @ 2:38 PM]

Action: Zoning & Planning voted No Action Necessary 8-0

Note: The Chair explained that the remaining agenda items were subsumed in #343-16 and therefore should be voted No Action Necessary. The Committee agreed and voted unanimously to NAN all items.

#64-13 Permitting for conversion of historic barns/carriage houses to accessory apts
HISTORICAL COMMISSION requesting the creation of an administrative permitting process for converting historic barns and carriage houses into accessory apartments to assist in their preservation.

Action: Zoning & Planning voted No Action Necessary 8-0

#61-10 Discussion relative to bringing existing accessory apartment into compliance
ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of **Chapter 30** into compliance.

Action: Zoning & Planning voted No Action Necessary 8-0

#164-09(2) Request for amendments to dimensional requirements for accessory apartments

ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan.

Action: **Zoning & Planning voted No Action Necessary 8-0**

Meeting adjourned.

Respectfully Submitted,

Ted Hess-Mahan, Chair



Setti D. Warren
Mayor

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

#343-16
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney Heath
Director

M E M O R A N D U M

To: Newton City Council

From: Planning and Development Board

Date: December 20, 2016

Re: #343-16 Accessory Apartments Ordinance, Planning Board Recommendation

Attendees: Scott Wolf – Chair, Peter Doeringer – Vice Chair, Megan Meirav, Sonia Parisca, Barney Heath

Subject: Petition #343-16, Proposed amendments to the Newton Zoning Ordinance Chapter 30, Section 6.7.1 Accessory Apartments and Section 5.1.4 Number of Parking Stalls

The Board unanimously supports the lessening of the current requirements necessary for Newton homeowners to create an accessory unit and strongly endorses the intent of the proposed amendments to Newton’s zoning ordinances. However, a number of concerns surfaced during the Board’s public hearing on December 15, 2016 about the unanticipated and unintended consequences that might arise if accessory apartments were allowed “by right”.

The Board recognizes that allowing accessory apartments by right would remove the current Special Permit requirement that may serve to discourage homeowners from pursuing this option. However, after substantial discussion, a majority of its member concluded that the goal of amending the current process for developing an accessory apartment would be better served by a revised proposal that removed the by-right provisions contained in Petition #343-16 while simplifying some of the procedures for reviewing and approving accessory apartments. The Board, therefore, voted 4-1-0 not to support Petition #343-16.

The Board recommends instead that the City Council amend Petition #343-16 to eliminate the by-right provision in Section 6.7.1.D.1 and replace it with a modified permitting procedure for reviewing all applications for internal accessory apartments. This modified procedure would create an expedited and simplified procedure for reviewing applications for accessory apartments that would be faster and easier than the current special permit process while still providing a review of the appropriateness and impact of design plans on the surrounding neighborhood. This review would be conducted by a committee or other body knowledgeable about building codes, exterior architectural alterations, and the residential characteristics of Newton neighborhoods.

The Board also recommends that the by-right provision of Section 6.7.1.E.1 be eliminated for detached accessory apartments and that applications for detached accessory apartments continue to

be reviewed under the standard procedure for issuing special permits. These amendments would better recognize the diversity of detached buildings in Newton while providing customary design and setback protections for abutters.

The Board also endorses the general conditions placed on accessory apartments under Sections 6.7.1.D (internal accessory apartments) and 6.7.1.E (detached accessory apartments). However, a majority of the Board is concerned that accessory apartments on the upper floors of buildings could lead to a proliferation of external access stairways and recommends that any stairway providing access to an accessory apartment above the ground floor should be enclosed within the exterior wall of the building.

While the Board applauds the new enforcement procedures for accessory apartments outlined by the Commissioner of Inspectional Services in his memo to the ZAP of December 9, 2016, we also recommend that these procedures be reinforced by the adoption of significant civil fines for the violation of zoning ordinances governing accessory apartments.

The Board would likely endorse with enthusiasm a revised petition for accessory apartments that incorporates these recommendations.

Sec. 6.7. Accessory Uses

6.7.1. Accessory Apartments

A. **Intent.** Accessory apartments are an allowed accessory use where they are, by design, clearly subordinate to the principal dwelling unit, meeting the requirements of the following section. Accessory apartments are intended to advance the following:

1. Diversify housing choices in the City while respecting the residential character and scale of existing neighborhoods;
2. Provide a non-subsidized form of housing that is generally less expensive than similar rental units in multi-family buildings;
3. Create more housing units with minimal adverse affects on Newton's neighborhoods;
4. Provide an option for an income stream, particularly for low-income seniors; and
5. Preserve historic buildings, particularly historic carriage houses and barns.

B. **Accessory Apartment Defined.** A separate dwelling unit located in a Single-Family Detached or a Two-Family Detached building or in a detached building located on the same lot as a Single-Family Detached or a Two-Family Detached building, as an accessory and subordinate use to the primary residential use of the property, provided that such separate dwelling unit has been established pursuant to the provisions of this Sec. 6.7.

1. **Internal Accessory Apartments.** An accessory apartment located within a single- or two-family dwelling.
 2. **Detached Accessory Apartments.** An accessory apartment not located within a dwelling unit but is located in a separate detached accessory building.
- C. **Rules for All Accessory Apartments**

1. No accessory apartment shall be held in separate ownership from the principal structure/dwelling unit;
2. No more than 1 accessory apartment shall be allowed per lot;
3. The property owner must occupy either the principal dwelling unit or the accessory apartment;
4. The total combined number of individuals residing in the principal and accessory dwelling units may not exceed the number allowed in the principal dwelling unit alone, under Sec. 3.4.2 and other applicable sections;
5. The primary dwelling unit must have been constructed 1 or more years prior to the date of application for a permit to construct an accessory apartment as evidenced by a certificate of occupancy for the original construction of the dwelling, or, where no such certificate is available, provided that there is other evidence of lawful occupancy of the existing dwelling on or before a date at least one year prior to the date of application;
6. No additional parking is required for the accessory apartment;
7. Before a Certificate of Occupancy is issued, the property owner of any accessory apartment shall record with the Registry of Deeds for the Southern District of Middlesex County, or with the land court, a certified copy of the decision or of the determination from the Commissioner of Inspectional Services granting the accessory apartment and certified copies shall be filed with the Department of Inspectional Services, where a master list of accessory apartments shall be kept, and with the Assessing Department;
8. When ownership of the property changes, the new property owner shall notify the Commissioner of Inspectional Services, at which time the Commissioner of Inspectional Services shall

conduct a determination of compliance with this Chapter and the 780 CMR; and

9. The property owner shall file with the Commissioner of Inspectional Services a sworn certification attesting to continued compliance with the requirements of this section 6.7.1. Such certification shall be filed annually and the property may be subject to inspection.

D. Rules for Internal Accessory Apartments

1. An Internal Accessory Apartment is allowed by right as a use accessory to a Single-Family Detached-building and a Two-Family Detached building.

2. An Internal Accessory Apartment shall be a minimum of 250 square feet and a maximum of 1,000 square feet or 33 percent of the total habitable space, as defined in Sec. 8.3, in the principal dwelling, whichever is less. The City Council may grant a special permit for a larger Internal Accessory Apartment up to 1,200 square feet or 40% of the total habitable space, whichever is less.

3. Exterior alterations are permitted provided they are in keeping with the architectural integrity of the structure and the residential character of the neighborhood, including, but not limited to, the following considerations:

a. The exterior finish material should be the same or architecturally consistent in type, size, and placement, as the exterior finish material of the remainder of the building;

b. The roof pitch should be architecturally consistent with the predominant roof pitch of the remainder of the building;

c. Trim should be consistent in type, size, and location, as the trim used on the remainder of the building;

d. Windows should be consistent with those of the remainder of the building in proportion and orientation;

e. Exterior staircases should be designed to minimize visual intrusion and be complementary to the existing building;

f. The Commissioner of Inspectional Services shall seek advice and counsel from the Director of Planning and Development and/or the Urban Design Commission where there is a question in the application of the above rules.

4. Only one entrance may be located on the façade of the building facing a street unless the building had additional street-facing entrances before the accessory apartment was created, except by special permit.

5. Where a building is determined to be of historic significance and therefore subject to procedures required under Section 22-50(C)(4) of the City of Newton Ordinances, any decisions of the Newton Historical Commission, or a local Historic District Commission, shall take precedence.

E. Rules for Detached Accessory Apartments.

1. A Detached Accessory Apartment is allowed by right as a use accessory to a Single-Family, Detached Building or a Two-Family, Detached Building.

2. A Detached Accessory Apartment shall be a minimum of 250 square feet and a maximum of 1,200 square feet. The City Council may grant a special permit for a larger Detached Accessory Apartment.

3. If the creation of a Detached Accessory Apartment involves exterior alterations to an existing building or construction of a new building, the following standards shall apply. The exterior finish material should be the same or visually compatible in type, size, and placement, as the exterior finish material of the principal dwelling unit

on the site. The Commissioner of Inspectional Services shall seek advice and counsel from the Director of Planning and Development and/or the Urban Design Commission where there is a question in the application of this requirement.

4. The Detached Accessory Apartment must be at least 6 feet from the principal dwelling unit on the site.

5. The Detached Accessory Apartment must meet the setback requirements of the primary dwelling unit, except by special permit.

6. Except as required above, a Detached Accessory Apartment is subject to the requirements of section 3.4.3. For the purposes of this section, the Commissioner of ISD may determine which lot line is the front on corner lots.

7. **Historic Carriage Houses and Other Historic Accessory Buildings.** Under the following conditions, a Detached Accessory Apartment in a historic accessory building may be allowed by-right without requiring a special permit, and only subject to the rules in this section E.7, provided that exterior alterations shall be subject to the jurisdiction of the Newton Historical Commission or a Local Historic District Commission:

a. The proposed Detached Accessory Apartment will be located in a historic carriage house building or other historic accessory building such as an auto house, garage, stable, machine shop, or barn. To qualify under this subsection E.7, the structure must qualify as "historically significant" under Section 22-50 of the City of Newton Ordinances, the Demolition Review Ordinance;

b. The proposed Detached Accessory Apartment will be greater than 12.5 feet from an abutting residential dwelling, except by special permit; and

c. Any exterior alteration of the building to permit the creation of the Detached Accessory Apartment will preserve its historic character and integrity.

d. The Commissioner of Inspectional Services may seek advice and counsel from the Director of Planning and Development and/or the Newton Historical Commission or the Local Historic District Commission in the application of the above rules.

G. Invalidity Clause. If it shall be determined by a court of competent jurisdiction that any provision or requirement of Sec. 6.7.1 is invalid as applied for any reason, then Sec. 6.7.1 shall be declared null and void in its entirety.

City of Newton



Setti D. Warren
Mayor

Inspectional Services Department

John D. Lojek, Commissioner
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449
Telephone: (617) 796-1060
Fax: (617) 796-1086
www.ci.newton.ma.us

Building/Zoning Inspectors
(617) 796-1060
Zoning Board of Appeals
(617) 796-1065
Plumbing and Gas Division
(617) 796-1070
Electrical Division
(617) 796-1075
TDD/TTY
(617) 796-1089

July 15, 2016

John Smith
10 XXX Street
Newton, MA 02458

Dear Mr. Smith:

I am receipt of your letter of June 28, 2016 requesting that your accessory apartment be designated as a pre-existing unit.

I find that you have provided sufficient information for me to determine that your accessory apartment is a pre-existing unit per the Newton Zoning Ordinance Sec. 6.7.1.H. It is now incumbent upon you to proceed to comply with the Rules of accessory apartments 6.7.1.B and C. Please review this section which I have attached for your perusal.

I hope this serves your purposes. Please contact this office if we can be of further assistance.

Sincerely,

John D. Lojek

cc: property file

Commonwealth of Massachusetts
Middlesex ss

On this ____ day of _____, 2016, I certify that this document is a true, exact, complete and unaltered copy, made by me, of the determination made by Commissioner of Inspectional Services, John D. Lojek, regarding the accessory apartment at _____, Newton, MA, presented to me by Commissioner Lojek.

Ouida C.M. Young
My commission expires: _____

RECEIVED
NEWTON
2017 JAN 23 PM 5:30
David A. Olson, CM
Newton, MA 02458

Commonwealth of Massachusetts
Middlesex ss

On this ____ day of _____, 2016, I certify that this document is a true, exact, complete and unaltered copy, made by me, of the determination made by Commissioner of Inspectional Services, John D. Lojek, regarding the accessory apartment at _____, Newton, MA, presented to me by Commissioner Lojek.

Ouida C.M. Young
My commission expires: _____