



City of Newton, Massachusetts

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

Ruthanne Fuller
Mayor

#64-18
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov
Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: February 6, 2018
Land Use Action Date: April 10, 2018
City Council Action Date: April 16, 2018
90-Day Expiration Date: May 7, 2018

DATE: February 2, 2018

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #64-18** for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached structure for use as an accessory apartment at **361 Wolcott Street**, Ward 4, Auburndale, on land known as Section 44, Block 29, Lot 26, containing approximately 18,200 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 6.7.1.E.1 of the City of Newton Rev Zoning Ord, 2015.

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.



361 Wolcott Street

EXECUTIVE SUMMARY

The property at 361 Wolcott Street consists of an 18,200 square foot lot in a Single Residence 3 (SR3) district. It is improved with a 2,838 square foot, 2 ½ story single-family dwelling constructed circa 1866 and a 373 square foot detached garage constructed in 1919. The Petitioner proposes to construct a second detached accessory structure to be used as an accessory apartment. The proposed 22 foot by 28 foot, 18.8 foot high accessory structure would include 616 square feet of floor area on a single floor.

To construct the detached accessory structure as proposed, the petitioner is seeking a special permit per section 6.7.1.E.1 to allow the creation of an accessory apartment in a detached structure accessory to a single-family dwelling.

The Planning Department is generally not concerned with the creation of the proposed accessory structure and apartment within. The Planning Department does not believe the design and location of the proposed structure will detract from the neighborhood and it would have ample setbacks from the adjacent public way and abutting properties. Furthermore, the accessory apartment would further diversify Newton's housing stock.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

1. The site is an appropriate location for an accessory structure that contains an accessory apartment (§7.3.3.C.1)
2. The proposed accessory structure containing an accessory apartment will not adversely affect the neighborhood (§7.3.3.C.2)
3. The proposed accessory structure containing an accessory apartment will not be a nuisance or create a serious hazard to vehicles or pedestrian (§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 creation of the proposed accessory structure for an accessory apartment is in keeping with the architectural integrity of the principal dwelling and character of the neighborhood (§6.7.1.E.3).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The neighborhood is uniformly zoned Single-Residence 3 (SR3) district (a Manufacturing (MAN) district is located approximately 350 feet to the southeast). The surrounding land use generally reflects this residential zoning, with single family

dwellings predominating but with several two-family dwellings present as well, especially along Auburndale Avenue and Rowe Street (**Attachments A & B**).

B. Site

The property at 361 Wolcott Street consists of an 18,200 square foot lot with a 2,838 square foot, 2 ½ story single-family dwelling constructed and a 373 square foot detached garage. It is generally level and is accessed by two gravel driveways (and associated curb cuts): one on the left side of the dwelling that extends to the front of the structure and another to its right that provides both access to a parking area and the existing detached garage in the rear of the property. Portions of the rear and left side of property are enclosed with fencing. There is considerable vegetation on the property including several mature trees and shrubbery as well as lawn area.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will contain a single-family dwelling, a detached garage and, if approved, a one bedroom accessory apartment within a second detached accessory structure.

B. Building and Site Design

The petitioner proposes to construct a new wood-frame 22 foot by 28 foot detached accessory structure for use as an accessory apartment on the right (east) side of the lot. The structure would have a residential appearance, including a front entry porch, and would have 616 square feet of floor area on a single floor.

As the zoning memorandum indicates (**Attachment C**) the proposed accessory structure meets standards for detached accessory apartments provided by §6.7.1.E. of the Newton Zoning Ordinance, including those for minimum and maximum square footage, maximum percentage of the dwelling's habitable space, minimum distance from principal dwelling, and setback, height and footprint requirements.

As for specific dimensions, the property's floor area ratio (FAR) would increase by 0.03, from 0.23 to 0.26, but remain well below the maximum 0.38% allowed. At one story, the proposed structure is 18.8 feet tall, below the 22 foot maximum.

The front setback (from the property line on Wolcott Street) of the accessory structure would be 32.5 feet, more than the required minimum 25 feet. The relevant side setback, that from the right (east) property line, would be 36.7 feet, significantly more than the required 7.5 feet. The smallest setback, that from the rear property line, would be the minimum 15 feet. The accessory structure would be located 32 feet to the right (east) of the principal structure, considerably more than the required 6 feet.

Lot coverage would increase from 11.2% to 15.2%, well below the maximum 30% allowed; open space would decrease from 81% to 76%, but remain well above the required 50% minimum.

Section 6.7.1.E.3 also provides a rule that the exterior finish material of an accessory structure “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 Petitioner has indicated that the design of the proposed structure is intended to match the existing house as manifested with the inclusion of a front porch and clapboard exterior. As the specific exterior material (e.g., wood, wood composite, etc.) is yet to be determined, the Planning Department suggests that, in the event this petition is granted, the Department review and approve the finish material before the issuance of a building permit and that this be a condition of the special permit.

C. Parking and Circulation

No additional parking is required for the creation of an accessory apartment (§6.7.1.C.7) and no changes to the property’s parking or circulation are contemplated by this proposal. There appears to be sufficient parking on the site given the two existing gravel driveways and associated parking area.

D. Landscape Screening

No landscaping plan was provided with the petition. The Planning Department notes the existence of mature vegetation on the property, including trees, shrubs and hedges along the front property line, and suggests the Petitioner maintain these features to the extent possible.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**Attachment C**) provides an analysis of the proposal with regard to zoning. Based on the completed Zoning Review Memorandum, the petitioner is seeking a Special Permit/Site Plan Approval for the following relief:

- Special permit per §7.3 to allow an accessory apartment in a detached accessory structure (§6.7.1.E.1)

B. Engineering Review

The Engineering Division of Public Works will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit for the proposed accessory structure should this petition be approved.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

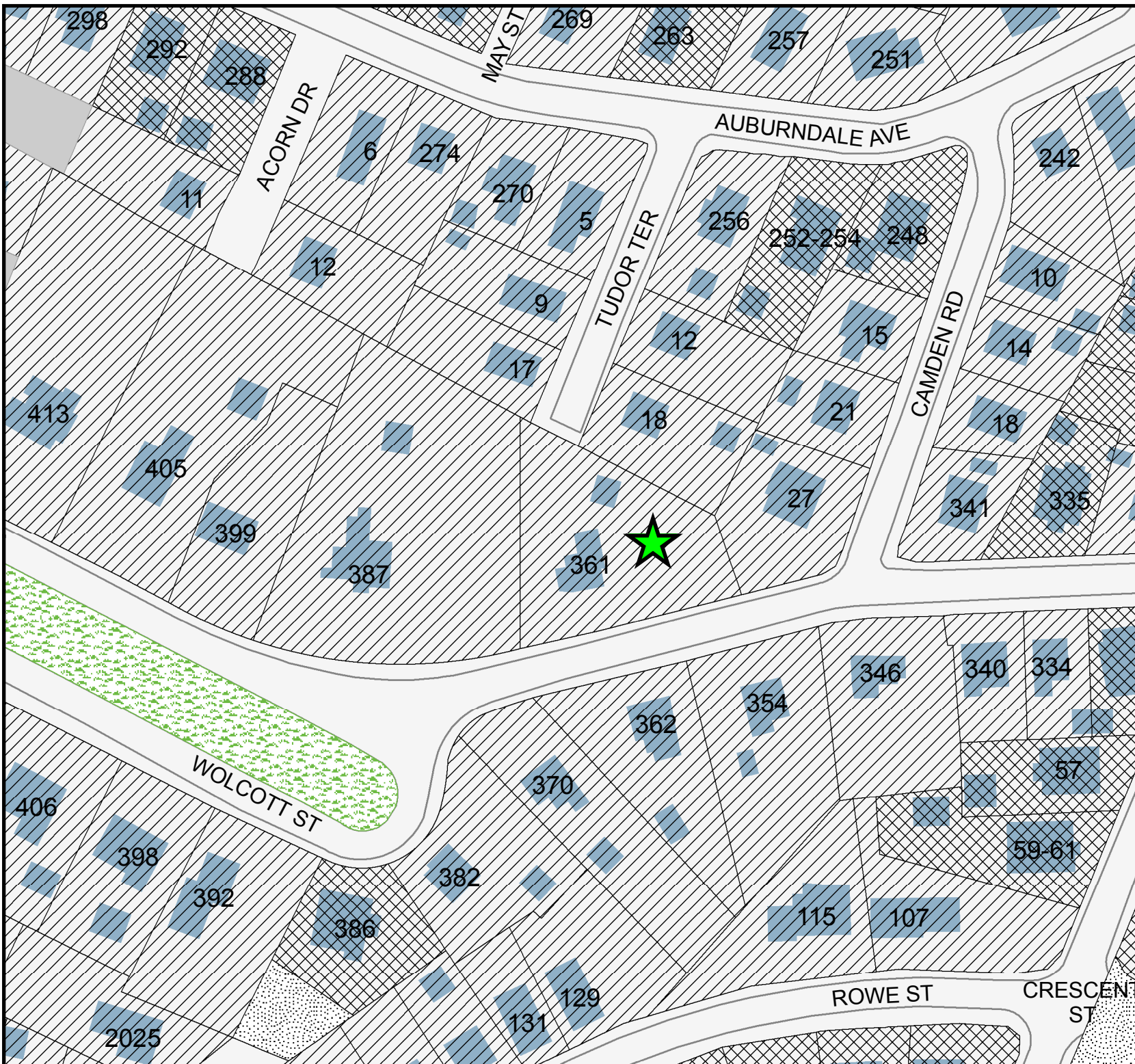
Attachment A: Zoning Map
Attachment B: Land Use Map
Attachment C: Zoning Review Memorandum
Attachment D: DRAFT Order

ATTACHMENT A

Land Use






361 Wolcott Street

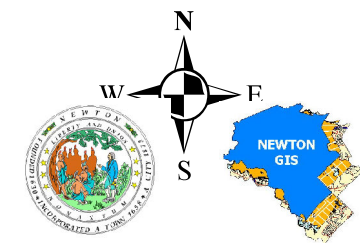
City of Newton,
Massachusetts



Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Vacant Land



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: January 31, 2018




ATTACHMENT B

Zoning

361 Wolcott Street

*City of Newton,
Massachusetts*

Legend

-  Single Residence 3
-  Manufacturing
-  Public Use

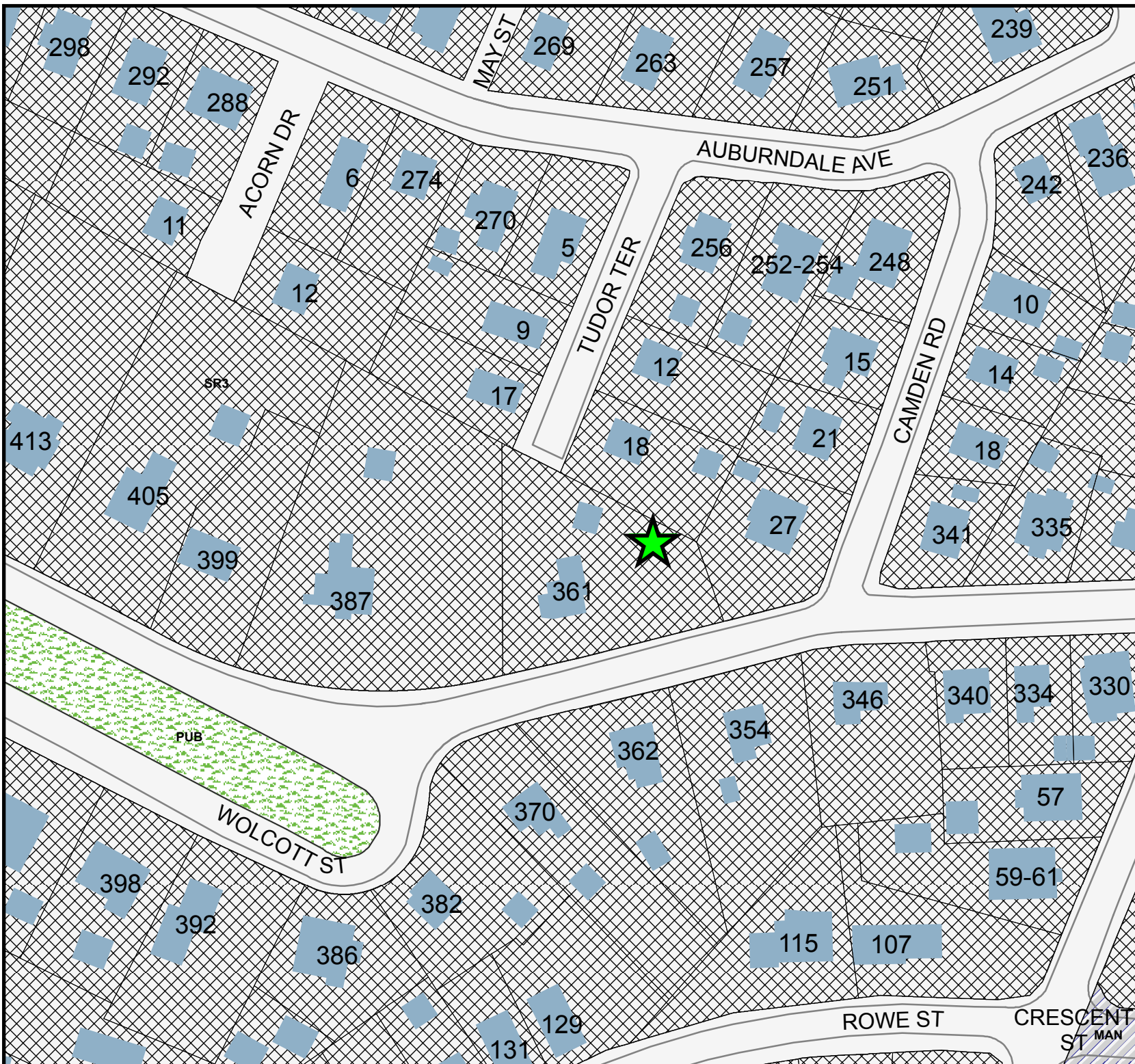


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: January 31, 2018





Setti D. Warren
Mayor

ATTACHMENT C

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(617) 796-1120
Telefax
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TDD/TTY
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: November 29, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Peter Green and Tammy Brynie, petitioners
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to allow an accessory apartment in a detached structure**

Applicant: Peter Green & Tammy Brynie	
Site: 361 Wolcott Street	SBL: 44029 0026
Zoning: SR3	Lot Area: 18,200 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling with a detached accessory apartment

BACKGROUND:

The property at 361 Wolcott Street consists of an 18,200 square foot lot improved with a single-family dwelling constructed circa 1866 and a detached garage constructed in 1919. The Petitioner proposes to construct a second detached accessory structure to be used as an accessory apartment.

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

- Zoning Review Application, prepared by Peter Green, petitioner, submitted 9/28/2017
- Proposed Conditions Plan, signed and stamped by Bruce Bradford, surveyor, dated 10/5/2017
- FAR calculations, submitted 10/5/2017
- Floor Plan and Elevations, prepared by Synnott Architects Inc, dated 9/21/2017

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to construct a new detached accessory structure for use as an accessory apartment. Per section 6.7.1.E.1, a special permit is required.
2. Per section 6.7.1.E.2, a detached accessory apartment may not be less than 250 square feet, or more than 1,200 square feet, or 40% of the total habitable space of the principal dwelling, whichever is less. Forty percent of the total habitable space is approximately 1,250 square feet, thus the maximum allowed is 1,200. The proposed accessory apartment is 616 square feet, requiring no relief.
3. The petitioner proposes to construct a new detached accessory structure to house the accessory apartment. Per section 6.7.1.E.3, the creation of a new accessory structure for an accessory apartment must be in keeping with the architectural integrity of the principal dwelling and character of the neighborhood.
4. Per section 6.7.1.E.5, a detached accessory apartment must be at least 6 feet from the principal dwelling. The proposed detached accessory apartment structure is approximately 32 feet from the principal dwelling structure.
5. The proposed detached accessory apartment meets the setback requirements for the principal structure, as required by section 6.7.1.E.6.
6. A detached accessory apartment must meet the dimensional requirements for an accessory structure found in section 3.4.3, pursuant to section 6.7.1.E.7. Section 3.4.3 requires that a detached accessory structure be no taller than 22 feet, one and a half stories maximum, and have a footprint no larger than 700 square feet. The proposed structure is 18.8 feet tall, with one and half stories, and a 616 foot footprint.

Zone SR3	Required/Allowed	Existing	Proposed
Lot Size	7,000 square feet	18,200 square feet	No change
Frontage	80 feet	184 feet	No change
Setbacks – Primary			
• Front	25 feet	24 feet	No change
• Side	7.5 feet	27 feet	No change
• Rear	15 feet	47 feet	No change
Setbacks - Accessory			
• Front	25 feet		32.5 feet
• Side	7.5 feet		36.7 feet
• Rear	15 feet		15 feet
Max Height (accessory)	22 feet		18.8 feet
Max Stories (accessory)	1.5		1.5
Max Lot Coverage	30%	11.2%	15.2%
Min Open Space	50%	81%	76%
FAR	.38	.23	.26

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§6.7.1.E.1	To allow an accessory apartment in a detached accessory structure	S.P. per §7.3

ATTACHMENT D

DRAFT- #64-18
361 Wolcott 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 construct an accessory structure containing an accessory apartment, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for an accessory structure containing an accessory apartment (§7.3.3.C.1);
2. The proposed accessory structure containing an accessory apartment will not adversely affect the neighborhood as it be set back from the adjacent public way and abutting properties (§7.3.3.C.2);
3. The structure as proposed will not be a nuisance or create a serious hazard to vehicles or pedestrians (§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 accessory structure containing an accessory apartment is in keeping with the architectural integrity of the principal dwelling and character of the neighborhood (§6.7.1.E.3);
6. The proposed accessory apartment will help to diversify Newton's housing stock consistent with Newton's Comprehensive Plan.

PETITION NUMBER: #64-18

PETITIONER: Peter Green

LOCATION: 361 Wolcott Street, Ward 4, on land known as Section 44, Block 29, Lot 26, containing approximately 18,200 square feet of land

OWNER: Peter Green

ADDRESS OF OWNER: 361 Wolcott Street
Newton, MA

TO BE USED FOR: Detached accessory structure with an accessory apartment

CONSTRUCTION: Wood-framed

EXPLANATORY NOTES: Special permit per §7.3 to allow an accessory apartment in a detached accessory structure (§6.7.1.E.1)

ZONING: Single-Residence 3

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. A site plan entitled "Plan of Land in Newton, MA, 361 Wolcott Street, Proposed Addition," prepared by Everett M. Brooks Co., signed and stamped by Bruce Bradford, Professional Land Surveyor, dated October 5, 2017.
 - b. A set of architectural drawings, titled "Brynie/Green Residence, 361 Wolcott Street, Newton, Proposed Cottage/Accessory Apt.," prepared by Synnott Architects, Inc., signed and stamped by Izabella A. Synnott, Registered Architect, dated December 11, 2017:
 - i. Exterior Elevations;
 - ii. Cross Section;
 - iii. Roof Plan;
 - iv. Ground Floor Plan.
2. The accessory apartment may not be held in separate ownership from the principal structure/dwelling unit.
3. The owner of the principal structure/dwelling unit shall occupy either said principal structure/dwelling unit or the accessory apartment and shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year.
4. In the event ownership of the subject property changes, the new owner(s) shall notify the Commissioner of the Inspectional Services Department at which time the Commissioner shall conduct a determination of compliance with this decision and all applicable codes.
5. 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 Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.

- b. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, the Assessing Department and the Department of Planning and Development.
 - c. Submitted to the Director of the Department of Planning and Development the proposed accessory structure's exterior finish material for review and approval.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
6. 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 registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.