



Setti D. Warren
Mayor

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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

| | |
|--------------------------------|-------------------|
| Public Hearing Date: | November 18, 2014 |
| Land Use Action Date: | December 2, 2014 |
| Board of Aldermen Action Date: | December 15, 2014 |
| 90-Day Expiration Date: | February 2, 2015 |

DATE: November 14, 2014

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Jane Santosuosso, Chief Zoning Code Official

SUBJECT: **Petition #361-14**, Smadar Babchuk, for Special Permit/Site Plan Approval to use 594 sq. ft. of the existing basement as an accessory apartment at **206 Wiswall Road**, Ward 8, NEWTON CENTRE, on land known as SBL 84,21,10, containing approximately 11,109 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-22, 30-8(d)(2), and 30-8 Table of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. 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 Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



206 Wiswall Road

EXECUTIVE SUMMARY

The property at 206 Wiswall Road consists of an 11,109 square foot lot improved with a single-family residence constructed in 1948. Several additions and alterations have been made to the structure since it was built, the most recent in 2007 which added a two-stall attached garage with an office and living space above. The existing structure totals approximately 3,247 square feet. The petitioners are proposing to use 615 square feet of living space above the garage to create an accessory apartment. Because the size of the lot is less than 15,000 square feet the petitioners must seek a special permit for the proposed apartment. The petitioner appears to meet all other requirements for an accessory apartment in a Single Residence 2 zone.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The site is an appropriate location for the proposed accessory apartment. §30-8(d)(1), Table 30-8, §30-24(d)(1)
- The use will not adversely affect the neighborhood. §30-24(d)(2)
- The accessory apartment will not create a nuisance or serious hazard to vehicles or pedestrians. §30-24(d)(3)
- Access over streets is appropriate for the types and numbers of vehicles proposed. §30-24(d)(4)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is a corner lot bordered by Wiswall Road and M Roadway, a short cul-de-sac. Chinian Path, a footpath, runs along the southwest of the property. The house is surrounded by single-family residences and is located in an area zoned Single Residence 2.

B. Site

The site consists of 11,109 square feet of land and is improved with a single-family house with an attached two-car garage. The site is level.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioners are proposing to convert existing living space over the existing attached two-car garage of their single-family house into an accessory apartment.

B. Building and Site Design

The petitioners made a significant addition in 2007, which added the attached two-car garage and living space above it. The accessory apartment is proposed within the space created above the garage.

The proposed apartment is approximately 615 square feet. The apartment will have access through an interior staircase leading directly outside, as well as through a door, which is currently a window, leading to an exterior staircase. The apartment contains a bedroom, bathroom, study, and a kitchen/common area. Since the proposed apartment is located within existing space above the garage it does not add to the mass of the house with the exception of a new exterior staircase required to meet the safety standards of the Building Code.

The Planning Department notes that the proposed new exterior staircase is not shown on the submitted elevations and revised plans should be submitted at or prior to the public hearing to ensure the stairs do not block existing or proposed doors.

C. Parking and Circulation

There will be no parking or circulation changes to the site. The petitioners have parking in an existing two car garage. There is an additional parking stall located in the driveway in front of the garage for the proposed accessory apartment.

D. Landscape Screening

The property fronts on two streets, and a public footpath. The Planning Department believes that existing vegetation provides adequate screening for the proposed exterior staircase and parking stall.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum, (**ATTACHMENT A**), provides an analysis of the proposal with regard to zoning. The petitioners are requesting a special permit to create an accessory apartment in a single-residence dwelling on a lot containing less than the required 15,000 square feet.

V. PETITIONERS' RESPONSIBILITIES

The petitioner should clarify the location of the proposed new egress stairs.

ATTACHMENTS:

- Attachment A:** Zoning Review Memorandum
- Attachment B:** Zoning Map
- Attachment C:** Land Use Map



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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: September 24, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Smadar Babchuck, applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to establish an accessory apartment in an existing single family dwelling

| Applicant: Smadar Babchuck | |
|-------------------------------------|--|
| Site: 206 Wiswall Rd | SBL: 84021 0010 |
| Zoning: SR2 | Lot Area: 11,109 square feet |
| Current use: Single-family dwelling | Proposed use: Single-family with accessory apartment |

BACKGROUND:

The property at 206 Wiswall Road consists of a 11,109 square foot lot improved with a single-family dwelling built in 1948. Several additions and alterations have been made to the structure since it was built, the most recent in 2007 which added a two-stall attached garage with an office and common space above. The applicant would like to convert this space into an accessory apartment. No façade or site changes are proposed at this time, though minor alterations may be required to meet health and safety codes per the Building Code. The lot has less than 15,000 square feet, and thus an accessory apartment requires a special permit.

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

- Zoning Review Application, prepared by Smadar Babchuck, submitted 9/4/2014
- Architectural Plans, prepared by Residential Architecture, dated 9/23/2007, revised 7/27/2008
 - Plot Plan
 - Existing floor plans
 - Proposed first floor plan and wall section
 - Proposed second floor plan and wall section

- o Elevations

ADMINISTRATIVE DETERMINATIONS:

1. The existing single-family structure is located in an SR2 district. Per Table 30-8, a special permit is required to create an accessory apartment in a single-family dwelling if the lot size is between 10,000 and 15,000. The applicant’s lot is 11,109 square feet, and therefore requires a special permit to create an accessory apartment.
2. Section 30-8(d)(1)(a) requires that an accessory apartment be located within a single family dwelling and one of the two units must be occupied by the owner of the property. The owner of the property intends to maintain residency in the main dwelling.
3. Section 30-8(d)(1)(b) requires a single-family dwelling to have been constructed at least ten years prior to the date of application for the permit for the accessory apartment. The dwelling was built in 1948 and thus meets the requirement.
4. The proposed accessory unit must be greater than the minimum of 400 square feet, and less than the maximum of 1,200 square feet required by the ordinance per Section 30-8(d)(2)(a). The proposed apartment is approximately 615 square feet.
5. The applicant is not proposing any changes, however any exterior alterations required to meet applicable building, fire or health codes are permitted, per section 30-8(d)(1)(d and 30-8(d)(2)(b).
6. There are no other existing or proposed accessory apartments on the lot, per section 30-8(d)(1)(f).
7. No lodgers are allowed in either unit, per section 30-8(d)(1)(g).
8. Sections 30-8(d)(1)(h), 30-19(d)(1) and 30-19(d)(19) require two parking stalls for the single-family dwelling, and one stall for the accessory unit. The applicant has an attached two-car garage and parking in the driveway, therefore no parking waivers are required. The applicant must maintain screening from the parking area for the unit from the next adjacent lot.
9. The accessory apartment must comply with all applicable building, fire and health codes, per section 30-8(d)(1)(i).

| Zone SR2 | Required/Allowed | Existing | Proposed |
|---|-------------------------|--------------------|-----------------|
| Lot Size | 10,000 square feet | 11,109 square feet | No change |
| Lot size required for accessory apartment | 10,000 square feet | 11,109 square feet | No change |
| Building size required for accessory apt | 2,600 square feet | 3,247 square feet | No change |
| Size of apartment | 250-1,000 square feet | ---- | 615 square feet |




1. See "Zoning Relief Summary" below:

| Zoning Relief Required | | |
|-------------------------------|---|------------------------|
| Ordinance | | Action Required |
| §30-8(d)(2) | Creation of an accessory apartment in a single-family dwelling on a lot with less than 15,000 square feet | S.P. per §30-24 |

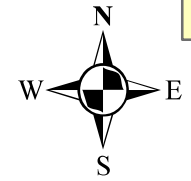
Zoning Map 206 Wiswall Road

City of Newton,
Massachusetts

Legend

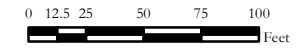
-  Single Residence 1
-  Single Residence 2
-  Public Use

ATTACHMENT B

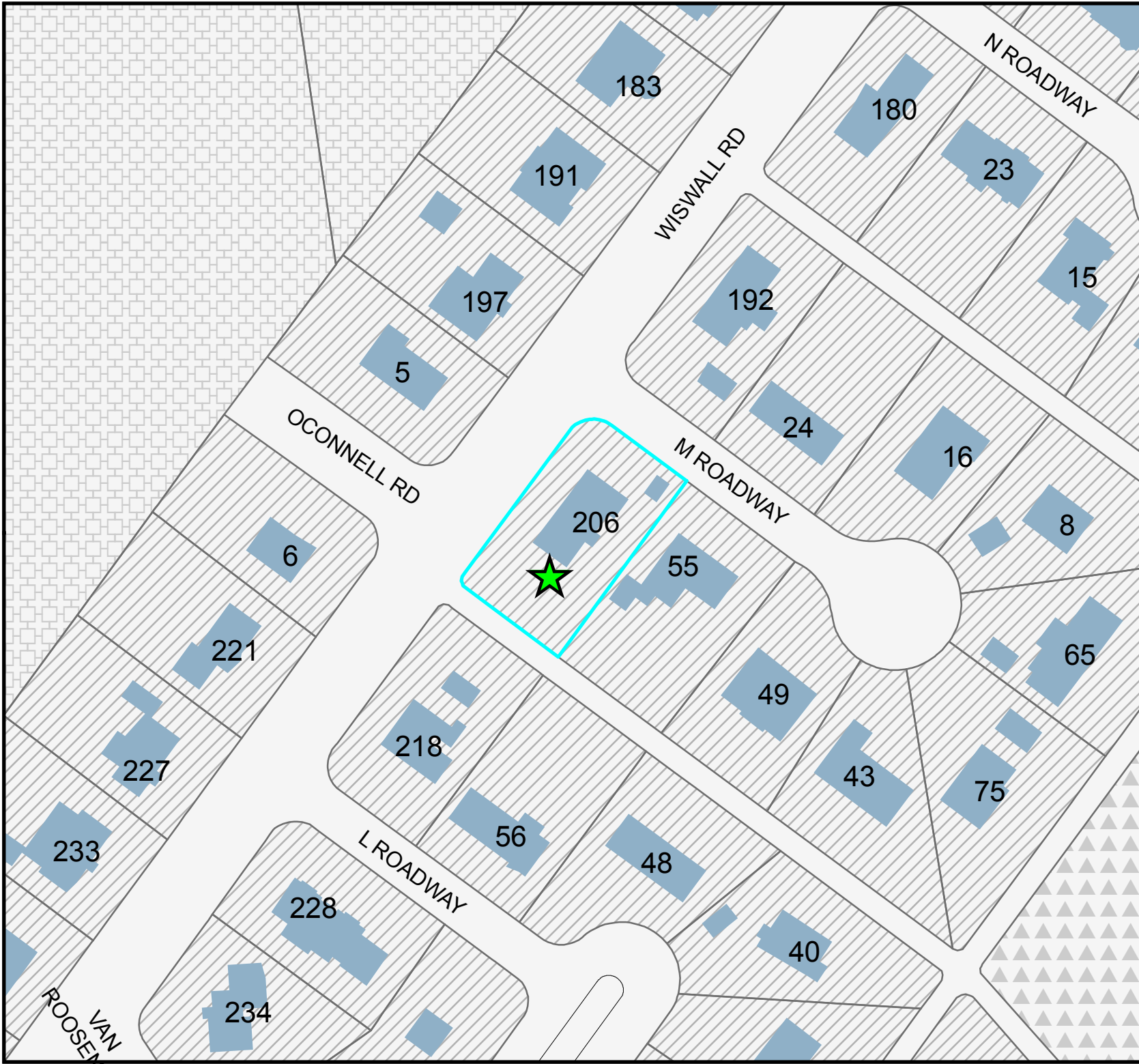


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: November 13, 2014






Land Use Map 206 Wiswall Road

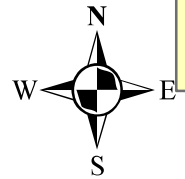
City of Newton,
Massachusetts

Legend

Land Use

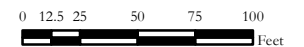
-  Single Family Residential
-  Open Space
-  Private Educational

ATTACHMENT C



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Map Date: November 14, 2014

