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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: April 12, 2016
Land Use Action Date: June 14, 2016
City Council Action Date: June 20, 2016
90-Day Expiration Date: July 11, 2016

DATE: April 8, 2016

TO: City Council

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning

SUBJECT: **Petition #97-16**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow an association of persons in a common dwelling where inhabitants will share common living spaces at **27 Waverley Avenue**, Ward 1, Newton Corner on land known as SBL 71 36 09 containing approximately 10,480 sq. ft. of land in a district zoned MULTI-RESIDENCE 1. Ref: Sec. 3.4.1, 5.1.4, 5.1.13, 5.1.7.A, 7.3.3, 7.4 of Chapter 30 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 conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing that the Land Use Committee of the City Council can consider at a subsequent working session.



27 Waverley Avenue

EXECUTIVE SUMMARY

The property located at 27 Waverly Avenue consists of a 10,480 square foot lot, and is improved with a two-family residence built circa 1900. The property is located in a Multi-Residence 1 zoning district. The petitioner is proposing to establish a housing cooperative for an association of persons in a common dwelling, which would buy the dwelling and then lease the house to the members of the cooperative. The petitioner intends to maintain a full separate one-bedroom unit in the basement of the house, as well as nine additional bedrooms with shared common space on the first, second and third floors of the house. The inhabitants will share a common living room, dining room and kitchen, as well as bathrooms.

The petitioner must seek a special permit to allow for an association of persons in a common dwelling, as well as for waivers to the number of parking stalls required. There are currently three parking stalls located at the front lot line along Waverly Avenue both in the front setback and within five feet of the street. The applicant is proposing to build two more parking stalls (including one accessible stall) to accommodate the proposed use, but is seeking a waiver from constructing any additional required parking stalls.

The Planning Department believes that the proposed 10 bedroom cooperative living home is an appropriate use for the multi-residence lot and preserves the existing house that has at least seven bedrooms already, so long as the impacts from the number of people living on site do not disrupt the neighborhood. The Planning Department recommends that a cap on the maximum number of residents as well as the number of parking stalls allowed on site would help to protect the neighborhood should the Council choose to approve this petition with conditions. Finally, the Planning Department recommends the petitioners consider if an alternative parking arrangement might serve the site better than the proposed parking configuration.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the City Council should consider whether:

- The site is an appropriate location for the proposed association of persons in a common dwelling. (§3.4.1. and §7.3.3.C.1.)
- The proposed waiver of up to 15 parking stalls and to allow parking within five feet of the street is appropriate as literal compliance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features. (§5.1.4., §5.1.7.A., and §5.1.13.)
- The proposed use as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2.)
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3.)

CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Waverly Avenue in Newton Corner, a half block from the intersection with Washington Street. Newton Corner has a number of transit options including express bus stops into Boston. The neighborhood is comprised primarily of single- and two-family residences. The site is zoned Multi-Residence 1 and abuts a Multi-Residence 2 zone to the south and west **(Attachments A & B)**.

B. Site

The property consists of 10,480 square feet of land, and is improved with a 2.5-story two-family residence built circa 1900. The site slopes down slightly from Waverly Avenue towards the rear. There is a detached shed in the rear yard. The existing residence is approximately 3,600 square feet not including the basement.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is currently a two-family residence. The petitioner is proposing an association of persons in a common dwelling. The cooperative would include two units, one unit would include a one bedroom unit in the basement of the house and the second unit would use the remainder of the house and would include up to nine bedrooms.

B. Building and Site Design

The petitioner is proposing to change the use of the house to a cooperative living association with two units and up to 10 bedrooms in total. The only proposed changes to the site are to add an additional parking area to the south of the residence to accommodate two additional parking stalls, including one handicap stall, as well as a proposed ramp to the front porch. Although the Planning Department was initially concerned that five stalls would not be sufficient for the number of adults that may be living in the house the applicant has stated that they intend to select housemates that choose to live without a car. Nevertheless, the Planning Department encourages the petitioner to consider alternative layouts for the parking areas so that there are not two wide curb cuts in front of the house with cars in the front setback, and to minimize the number of stalls that back out into Waverly Avenue.

C. Landscape Screening

The site is well landscaped although some plantings will be removed for the proposed additional parking area. The Planning Department recommends that the petitioners carefully consider the proposed parking arrangement to see if it may make more sense to expand the proposed parking area in favor of removing parking

from the front setback and to minimize the number of cars that back out onto Waverly Avenue, however the Department acknowledges this would be disruptive to the existing garden area. Finally, the Department notes that some landscape screening may be appropriate along the southern property line where the new parking is proposed to be located.

III. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the Memorandum, the petitioner is seeking the following relief:

- §3.4.1 of Chapter 30, to allow an association of persons in a common dwelling
- §5.1.4 and §5.1.13 of Chapter 30, waive up to 15 parking stalls
- §5.1.7.A and §5.1.13 of Chapter 30 to allow parking within five feet of the street.

B. Engineering Review

No engineering review is required at this time. 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 should this project be approved.

IV. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time however the Planning Department encourages the petitioner to consider alternative layouts for the parking areas so that cars do not have to back out into Waverly Avenue, and to screen some of the proposed new parking and potentially remove stalls from the front setback.

ATTACHMENTS:

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






Land Use Map 27-29 Waverly Ave.

City of Newton,
Massachusetts

Legend

Land Use

Land Use

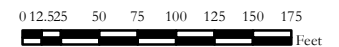
-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Nonprofit Organizations
-  Vacant Land

Attachment A

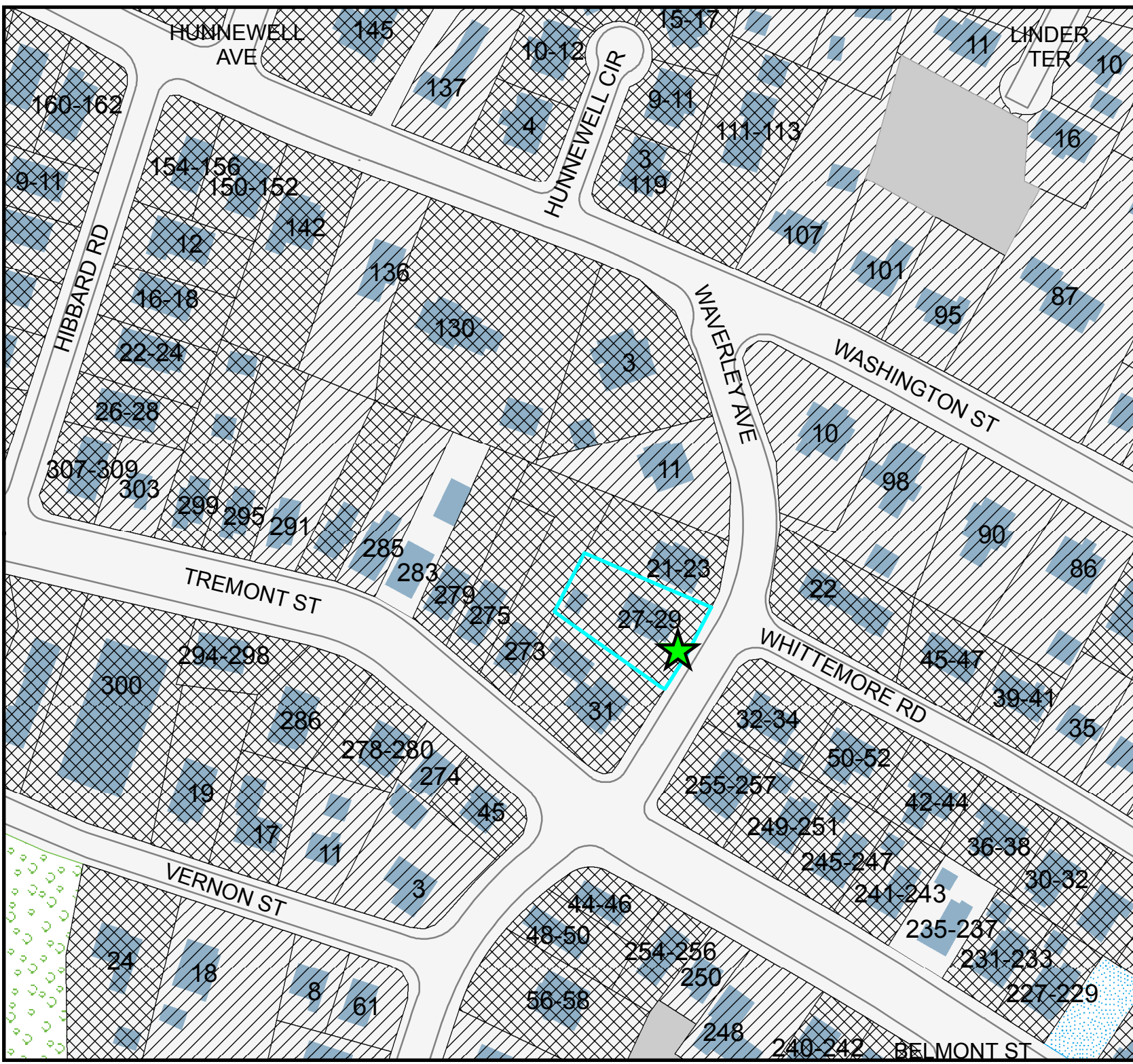


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield







Map Date: March 30, 2016



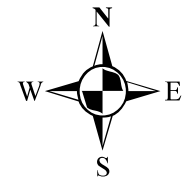
Zoning Map 27-29 Waverly Ave.

City of Newton,
Massachusetts

Legend

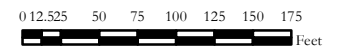
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Public Use

Attachment B

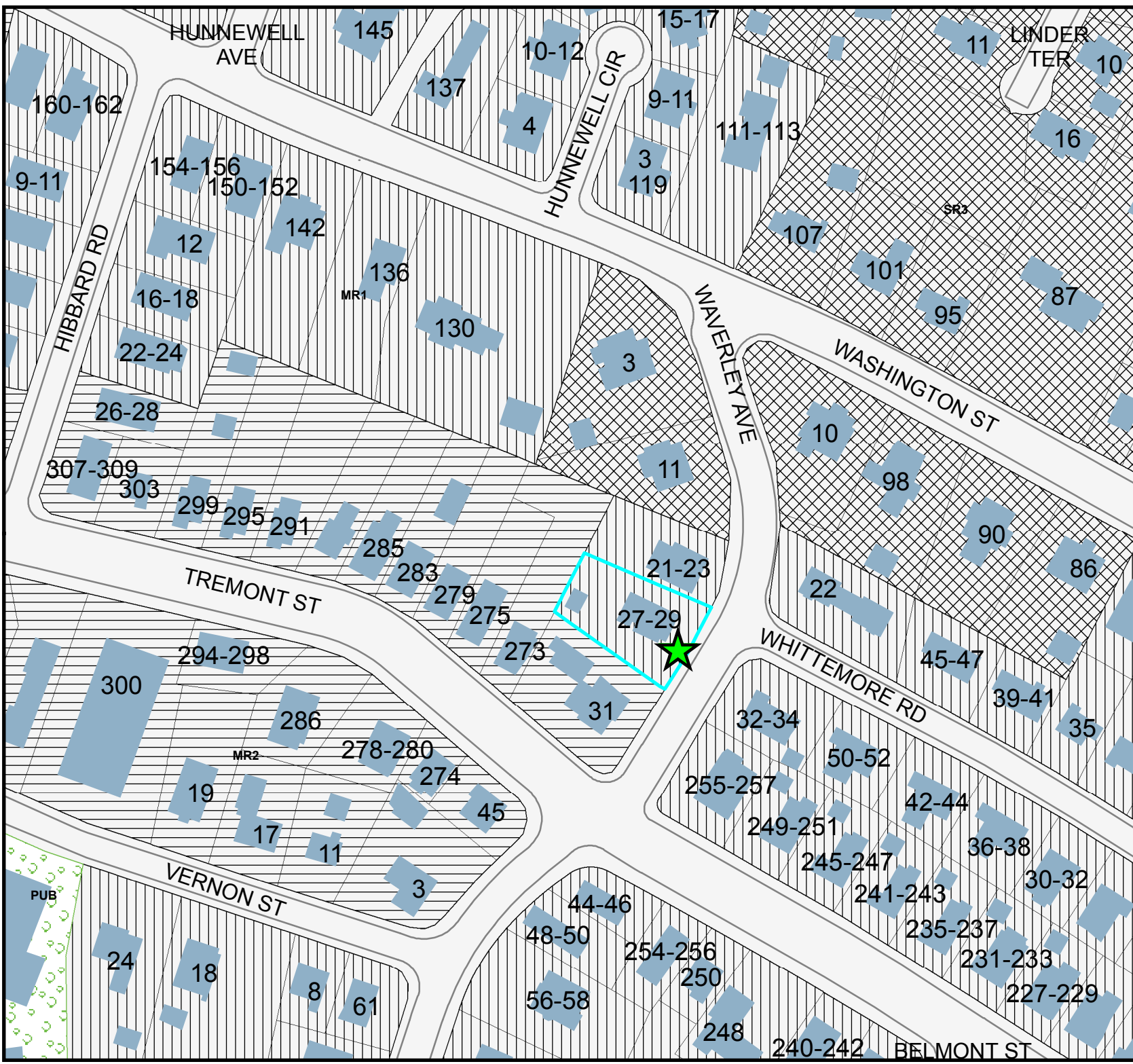


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CITY OF NEWTON, MASSACHUSETTS
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Map Date: March 30, 2016





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Department of Planning and Development
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Attachment C

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: February 16, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Mary-Elise Connelly, agent
Alice Schaefer, applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow an association of persons in a common dwelling

Applicant: Alice Schaefer	
Site: 27 Waverley Ave	SBL: 71036 0009
Zoning: MR1	Lot Area: 10,480 square feet
Current use: Two-family dwelling	Proposed use: Association of persons in a common dwelling

BACKGROUND:

The property at 27 Waverley Avenue consists of 10,480 square feet and is improved with a two-family dwelling built circa 1900 and a detached shed in the MR1 zoning district. The property is currently served by three parking stalls at the front lot line.

The applicant is seeking to establish a non-profit cooperative which would buy the dwelling and then lease the house to the members of the cooperative. The applicant intends to maintain a full separate one-bedroom unit in the basement, as well as nine bedrooms with shared common space on the first, second and third floors, for a total of ten bedrooms. The inhabitants will share a common living room, dining room and kitchen, as well as bathrooms.

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

- Zoning Review Application, prepared by Mary-Elise Connolly, dated 1/5/2015
- Existing and Proposed Site Conditions, signed and stamped by Frank Iebba, dated 8/31/2014

- Architectural Plans, signed and stamped by Ronald F. Jarek, Architect, dated 9/17/2014

ADMINISTRATIVE DETERMINATIONS:

1. Section 6.2.6 defines an Association of Persons in a Common Dwelling as a group of five or more persons 18 years of age or older, who are unrelated by blood, marriage or adoption living together in a common dwelling. Per Section 3.4.1, a special permit is required to allow a cooperative living arrangement.
2. There are ten bedrooms available within the dwelling. While it is anticipated that there will be no more than twelve adults living on the property at one time, there could be up to twenty if there were a couple in each of the ten bedrooms. Section 5.1.4 requires one parking stall per adult occupant in a cooperative living arrangement. There are currently three parking stalls on the site, and the applicant proposes to build two more, including one handicap-accessible stall, for a total of five stalls on the site. The applicant requests a waiver from the parking requirements of Section 5.1.4 of up to 15 stalls. While this waiver would accommodate two adults in each of the ten bedrooms, the applicant does not envision this intensity of use.
3. There are three existing parking stalls located at the front lot line along Waverley Road. Section 5.1.7.A prohibits parking within five feet of the street. Given that the applicant is requesting a change of use, and adding two additional stalls, a waiver is required to legitimize the existing condition per Section 5.1.13.
4. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§3.4.1	Allow an association of persons in a common dwelling	S.P. per §7.3.3
§5.1.4 §5.1.13	To waive up to 15 parking stalls	S.P. per §7.3.3
§5.1.7.A 5.1.13	To allow parking within 5 feet of the street	S.P. per §7.3.3

CITY OF NEWTON
IN CITY COUNCIL

April 19, 2016

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 an association of persons in a common dwelling where inhabitants will share common living spaces and to waive parking requirements, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The site is an appropriate location for the proposed association of persons in a common dwelling as the proposed structure is located in a multi-residence zone and the use will not alter the exterior of the structure which has a large number of existing bedrooms. (§3.4.1. and §7.3.3.C.1.)
2. The proposed waiver of up to 15 parking stalls and to allow parking within five feet of the street is appropriate as literal compliance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features. The waiver as to the number of stalls required is appropriate as the site is well located with respect to transportation options and the cooperative living association intends to seek residents that choose to live without a car. Three of the stalls that are located in the front setback have existed for many years with no known hazards to vehicles or pedestrians. (§5.1.4., §5.1.7.A., and §5.1.13.)

PETITION NUMBER: #97-16

PETITIONER: Alice Schaefer

LOCATION: 27-29 Waverly Avenue, on land known as Section 71, Block 36, Lot 9, containing approximately 10,480 square feet of land

OWNER: Alice Schaefer

ADDRESS OF OWNER: 27 Waverly Avenue
Newton, MA

TO BE USED FOR: An association of persons in a common dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.1, to allow an association of persons in a common dwelling; §5.1.4 and §5.1.13, to waive up to 15 parking stalls; §5.1.7.A and §5.1.13, to allow parking within five feet of the street.

ZONING: Multi-Residence 1 district

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. Proposed Site Plan, signed and stamped by Frank Iebba, dated 8/31/2014 and Revised 12/20/15
 - b. Architectural Plans, signed and stamped by Ronald F. Jarek, Architect, dated 9/17/2014 and consisting of two sheets
 - i. Plans, A-1
 - ii. Plans A-2
2. No more than 20 residents shall reside in the structure at any one time.
3. There shall be no more than five parking stalls on the property.
4. Prior to the issuance of a building permit the petitioner shall submit a revised parking layout plan and planting plan to the Director of Planning and Development for review and approval.
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 board order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.

- d. Submitted a revised parking layout plan and planting plan to the Director of Planning and Development for review and approval.
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 certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.