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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

RECEIVED  
 Newton City Clerk  
 2016 MAR 10 PM 10:11  
 DAVID A. OLSON, CMC  
 Newton, MA 02459

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

<b>Applicant: Alice Schaefer</b>	
<b>Site:</b> 27 Waverley Ave	<b>SBL:</b> 71036 0009
<b>Zoning:</b> MR1	<b>Lot Area:</b> 10,480 square feet
<b>Current use:</b> Two-family dwelling	<b>Proposed use:</b> 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:

<b>Zoning Relief Required</b>		
<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