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Director

ZONING REVIEW MEMORANDUM

Date: May 1, 2018

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Amy McMahon, Applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to establish a detached accessory apartment

Applicant: Amy McMahon	
Site: 1224 Boylston Street	SBL: 51009 0021
Zoning: SR3	Lot Area: 12,652 square feet
Current use: Single-family dwelling	Proposed use: Single-family with a detached accessory apartment

BACKGROUND:

The property at 1224 Boylston Street consists of a 12,652 square foot lot improved with a single-family dwelling constructed circa 1825 in the Upper Falls Historic District. The applicant proposes to convert an existing finished space in a detached accessory structure originally constructed in 1926 into a 353 square foot accessory apartment.

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

- Zoning Review Application, prepared by Amy McMahon, submitted 3/15/2018
- Existing Apartment Plan, signed and stamped by Frank Iebba, surveyor, dated 3/8/2018
- Existing House Plan, signed and stamped by Frank Iebba, surveyor, dated 8/15/2017, revised 9/12/2017

ADMINISTRATIVE DETERMINATIONS:

1. The existing single-family structure is located in an SR3 district. Per section 6.7.1.E.1, a special permit is required to create an accessory apartment in a detached structure accessory to a single-family dwelling in the SR3 district.
2. The accessory apartment may not be held in separate ownership from the principal structure per section 6.7.1.C.1.
3. Per section 6.7.1.C.2, there may be only one accessory apartment per lot. Only one apartment is proposed.
4. Section 6.7.1.C.3 requires that one of the two units be owner-occupied. The applicant must maintain residence in one of the units.
5. Per section 6.7.1.C.4, the total combined number of individuals residing in the principal and accessory dwelling units may not exceed the number allowed in the principal unit alone.
6. The dwelling must have been constructed four or more years prior to application per Section 6.7.1.C.5. The primary dwelling was constructed in 1926.
7. The minimum occupancy or rental term for a rental agreement is 30 days per section 6.7.1.C.6.
8. Per section 6.7.1.C.7, sufficient screening for parking areas is required to minimize visual impacts to abutters. The petitioner proposes to add a parking stall.
9. The decisions and determinations required to allow an accessory apartment must be filed at the Registry of Deeds, per section 6.7.1.C.8.
10. Any changes in ownership require notification to the Commissioner of Inspectional Services per section 6.7.1.C.9
11. Per section 6.7.1.C.10, the property owner must file with the Commissioner of Inspectional Services a sworn certification of continued compliance with this section 6.7.1.
12. Section 6.7.1.E.2 requires that an accessory apartment shall be a minimum of 250 square feet and a maximum of 1,200 square feet, or 40 percent of the total building size, whichever is less. The proposed apartment is 353 square feet.
13. Section 6.7.1.D.1.c allows for exterior alterations which are in keeping with the architectural integrity of the structure and neighborhood. No exterior alterations are proposed.
14. Section 6.7.1.E.4 requires that the accessory apartment be at least six feet from the principal dwelling unit. The accessory apartment is approximately 15 feet from the principal dwelling.

15. Per section 6.7.1.E.5, the detached accessory apartment must meet the setbacks for the principal dwelling unit, or requires a special permit. The accessory unit meets all principal setbacks and other dimensional requirements.

16. Per section 6.7.1.E.6, a detached accessory apartment is subject to the dimensional requirements of section 3.4.3 for accessory buildings. The existing structure is one story and has a footprint of less than 500 square feet. To the extent that there are any nonconforming dimensions to the structure, no changes are proposed.

Zone SR3	Required/Allowed	Existing	Proposed
Lot Size	7,000 square feet	12,652 square feet	No change
Frontage	70 feet	71 feet	No change
Setbacks for existing structure			
• Front	25 feet	31 feet	No change
• Side	7.5 feet	17.1 feet	No change
• Rear	15 feet	75.1 feet	No change
Dimensions for detached structures			
• Front	25 feet	±75 feet	No change
• Side	5 feet	±10 feet	No change
• Rear	5 feet	±40 feet	No change
• Height	22 feet	<22 feet	No change
• Max stories	1.5	1	No change
Max Lot Coverage	30%	15.8%	No change
Min Open Space	50%	72.4%	70.6%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§6.7.1.E.1	Creation of an accessory apartment in a detached structure accessory to a single-family dwelling	S.P. per §7.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N