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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 1, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Joe Roman, Brown Dog Properties LLC, applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to establish an accessory apartment in an existing two-family dwelling and to allow two parking stalls within five feet of a street

Applicant: Iulia Pirvu	
Site: 74 Waban Street	SBL: 12005 0005A
Zoning: MR1	Lot Area: 12,155 square feet
Current use: Two-family dwelling	Proposed use: Two-family dwelling with accessory apartment

BACKGROUND:

The property at 74 Waban Street is located in the MR1 district and improved with a two-family dwelling built circa 1880. The dwelling was built originally as a single-family dwelling, and was converted into a two-family dwelling in 1943. At some point thereafter a third unit was added to the structure without the benefit of a building permit. The new owner of the property seeks to rectify the violation by seeking a special permit for an accessory unit within a two-family dwelling. The applicant also plans to construct two dormers, one over the middle unit stairs on the second floor and another in the attic at the head of the stairs, as well as razing the existing detached garage and rebuilding a 652 square foot three-car garage. Pursuant to Section 6.7.1.D, a special permit is required to create an accessory apartment in a two-family dwelling.

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

- Zoning Review Application, prepared by Joe Roman, applicant, dated 7/21/2016
- Site Plan, signed and stamped by Peter Nolan, surveyor, and Stephanie Bowker, engineer, dated 7/18/2016
- Architectural Plan of proposed garage, prepared by Matthew Lawrence, architect, dated 7/17/2016

ADMINISTRATIVE DETERMINATIONS:

1. The existing two-family structure is located in the MR1 district. Per Sections 6.7.1.D a special permit is required to create an accessory apartment in two-family structure.
2. Section 6.7.1.F requires a lot have at least 8,000 square feet for an accessory apartment by special permit. The applicant's lot has 12,155 square feet.
3. Section 6.7.1.F requires that a dwelling have at least 2,600 square feet to allow an accessory apartment by special permit. The structure has a building size of greater than 5,800 square feet.
4. Section 6.7.1.D.1.b requires that an accessory apartment in the MR1 district be no larger than 1,200 square feet. The proposed apartment is 971 square feet.
5. Section 6.7.1.B.1 requires that an accessory apartment within a two-family dwelling must have one of the units occupied by the owner of the property. The owner of the property must maintain residency in the main dwelling or the proposed apartment.
6. Section 6.7.1.B.2 requires a two-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 circa 1880 and thus meets the requirement.
7. Section 6.7.1.D.1.c states that any alterations required to meet the applicable Building, Fire or Health codes are permitted provided they maintain the residential character of the neighborhood.
8. Section 5.1.4.A requires two parking stalls for each dwelling unit, and one stall for the accessory unit. The applicant proposes to construct a three-car detached garage at the rear of the property, as well as two new parking stalls on a separate curb cut from the driveway for a total of five stalls, satisfying the parking requirement.
9. Section 5.1.7.A requires that no parking stall locate within five feet of the street. The applicant proposes to construct two new parking stalls at the front lot line. To do so requires a special permit per Section 5.1.13.

MR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	8,000 square feet	12,155 square feet	No change
Frontage	70 feet	80 feet	No change
Lot size required for an accessory apartment	8,000 square feet	12,155 square feet	No change
Building size required for an accessory apartment	2,600 square feet	>5,800 square feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	25.2 feet 12.7 feet 42.9 feet	No change No change No change
Stories	2.5	2.5	No change
Garage Setbacks <ul style="list-style-type: none"> • Front • Side • Rear Height Stories	25 feet 5 feet 5 feet 22 feet 1.5		125.2 feet 5 feet 5 feet 15.89 feet 1
Max Lot Coverage	30%	29.02%	29.07%
Min Open Space	50%	50.51%	50.46%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§6.7.1.D	Creation of an accessory apartment in a two-family dwelling in the MR1 district	S.P. per §7.3.3
§5.1.7.A §5.1.13	To construct two parking stalls within five feet of a street	S.P. per §7.3.3