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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: April 14, 2015
Land Use Action Date: May 5, 2015
Board of Aldermen Action Date: May 18, 2015
90-Day Expiration Date: June 15, 2015

DATE: April 10, 2015

TO: Board of Aldermen

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

SUBJECT: **Petition #60-15**, MARJA J. SISK & DAVID GROSSMAN petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to create an accessory apartment in a detached structure at **86 WABAN HILL ROAD**, Ward 7, Chestnut Hill, on land known as SBL 63, 8, 37, containing approximately 50,649 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec 30- 24, 30-23, 30-8(d)(2) 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.



86 Waban Hill Road

EXECUTIVE SUMMARY

The property at 86 Waban Hill Road consists of 50,649 square feet of land, improved with a single-family dwelling and carriage house built in 1911, and open space. The petitioner is seeking a special permit to allow an approximately 985 square foot accessory apartment in the second floor of the carriage house. The site has adequate parking for the main dwelling and accessory apartment, and is well screened along the property lines. For these reasons, the Planning Department has no concerns regarding this petition.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The specific site is an appropriate location for an accessory apartment. (§30-24(d)(1))
- The accessory apartment will not adversely affect the neighborhood. (§30-24(d)(2))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on Waban Hill Road. The land uses in the surrounding neighborhood consist mostly of single-family dwellings, as well as multi-family dwellings, the Newton Reservoir and Mt. Alvernia Academy (**ATTACHMENT A**). The zoning districts in the surrounding neighborhood consist of Single-Residence 2, Multi-Residence 1, and Public Use districts (**ATTACHMENT B**).

B. Site

The site consists of 50,649 square feet of land, improved with a 2½-story single-family dwelling and detached carriage house constructed in 1911, and open space. The two structures are located towards the western property line and the rest of the site consists of lawn area and other vegetation. The site slopes down significantly from the eastern to western property line. The site is accessed by a driveway off of Waban Hill Road and can be accessed by foot from Mt. Alvernia Road.

The detached carriage house is located in the western corner of the site adjacent to Mt. Alvernia Academy and another single-family dwelling. There is fencing and vegetation that runs along that portion of the property line.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner is proposing to use the second floor of the detached carriage house for an approximately 985 square foot accessory apartment for their in-laws. The parking for the accessory apartment will be located on the first floor of the carriage house. The Planning Department has no concerns with the proposed use, as there is adequate parking on the site and the only change to the footprint of the existing carriage house will be the addition of a small deck and stairway.

B. Building and Site Design

The petitioner is required to add a second means of egress from the accessory apartment to meet the building code requirements for dwelling units. To satisfy this requirement the petitioner is proposing a small deck and stairs on the east side of the carriage house, for which the Planning Department has no concerns.

C. Landscape Screening

No additional screening is necessary as the carriage house is mostly screened by fencing and vegetation.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- §30-8(d)(2), to create an accessory apartment in a detached structure.

B. Engineering Review

No engineering review is necessary as the petitioner is not increasing the amount of impervious surface on the site by more than 400 square feet.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.




ATTACHMENTS:

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

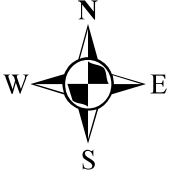
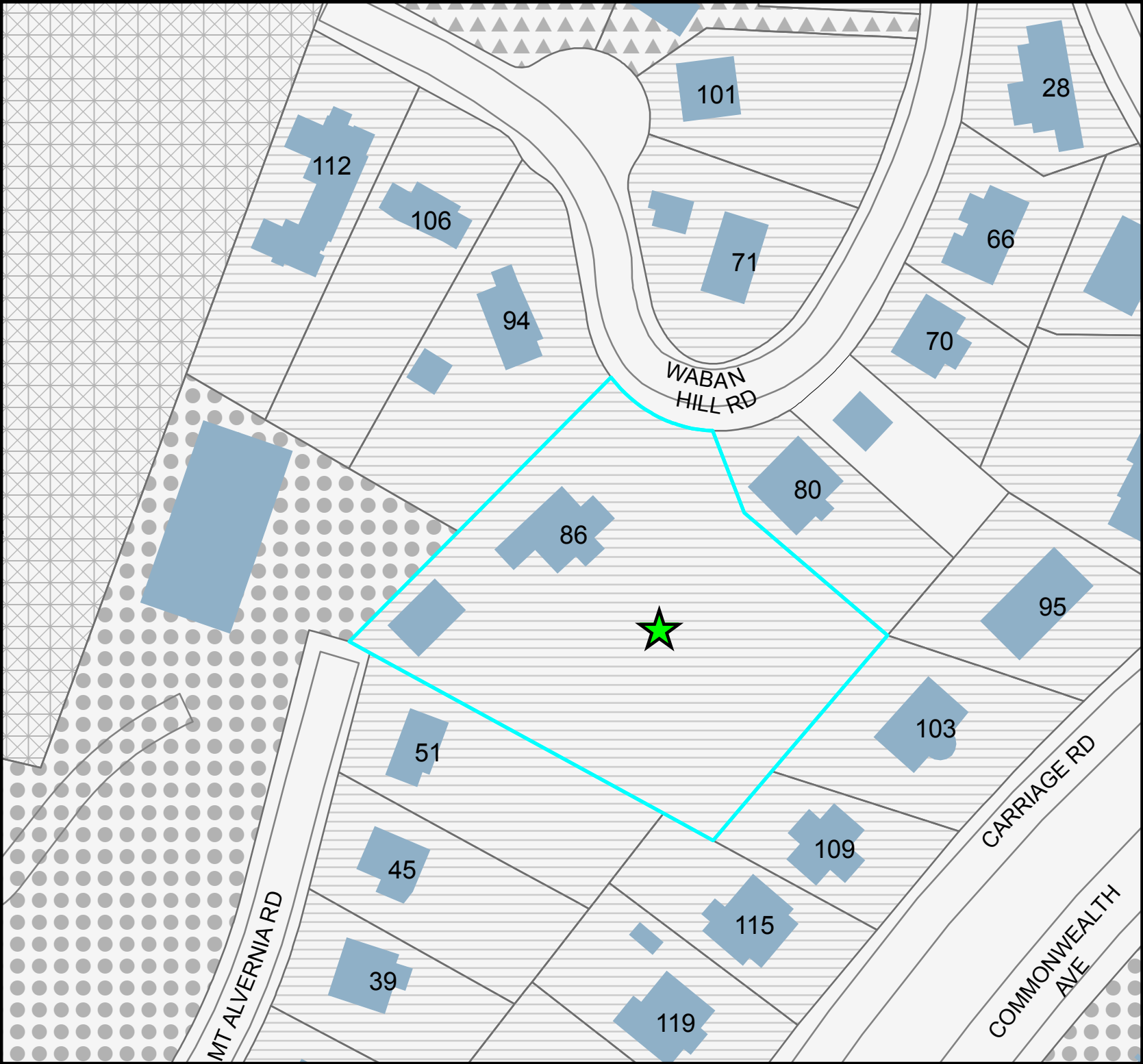
Land Use Map 86 Waban Hill Rd

City of Newton,
Massachusetts

Legend

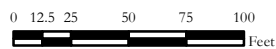
-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Private Educational

ATTACHMENT A



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
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GIS Administrator - Douglas Greenfield



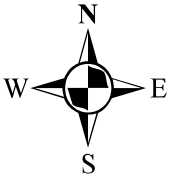
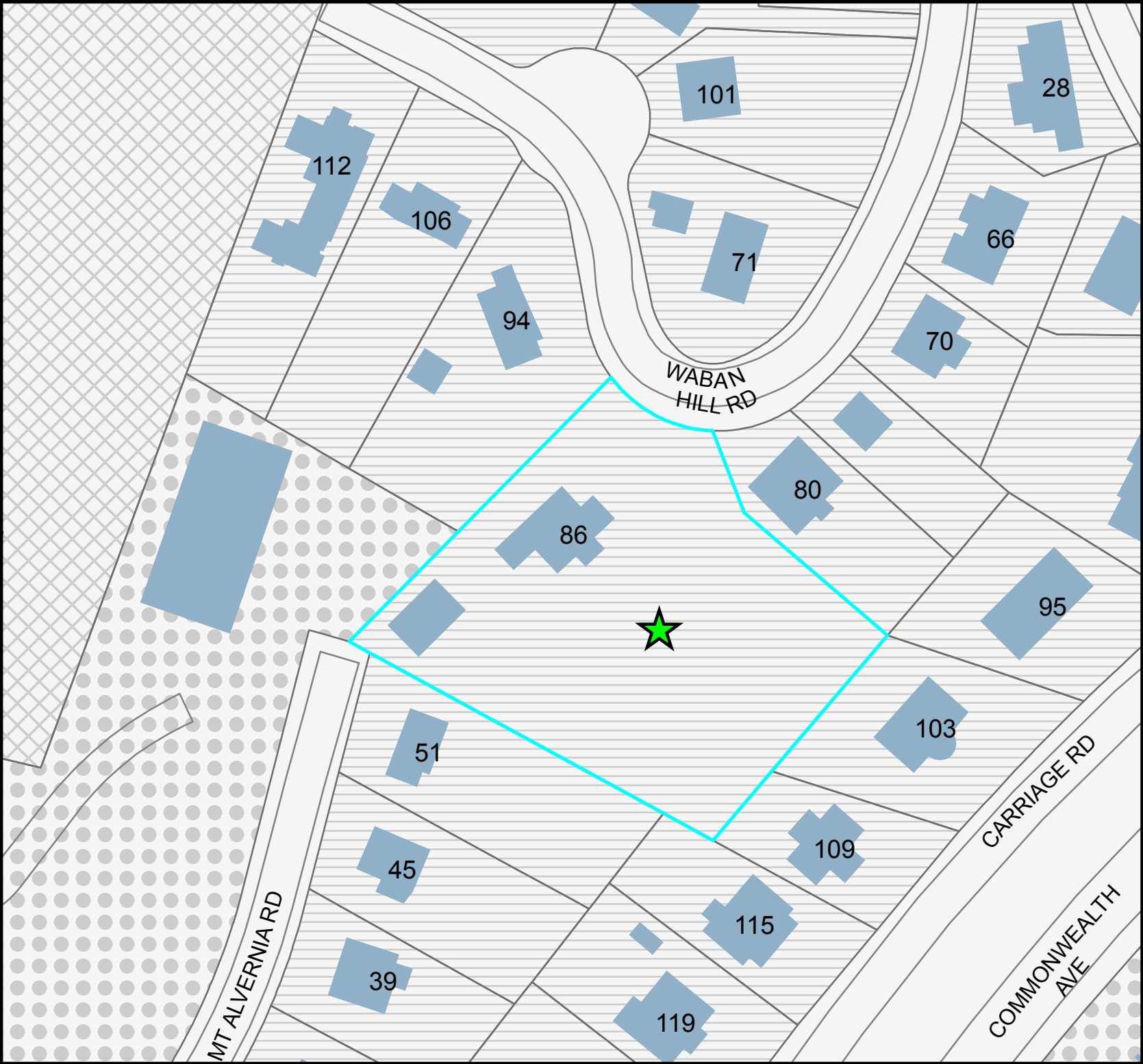
Zoning Map 86 Waban Hill Rd

City of Newton,
Massachusetts

Legend

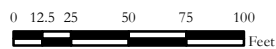
-  Single Residence 2
-  Multi-Residence 1
-  Public Use

ATTACHMENT B



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ATTACHMENT C

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: February 24, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Marja Sisk & David Grossman
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to establish an accessory apartment in a detached carriage house

Applicant: Marja Sisk & David Grossman	
Site: 86 Waban Hill Road	SBL: 63008 0037
Zoning: SR2	Lot Area: 50,649 square feet
Current use: Single-family dwelling	Proposed use: Single-family with accessory apartment in detached carriage house

BACKGROUND:

The property at 86 Waban Hill Road consists of a 50,649 square foot lot improved with a single-family dwelling and carriage house constructed in 1911. The applicant proposes to convert existing second-floor finished space in the two-car carriage house into an approximately 985 square foot accessory apartment. No exterior renovations are required beyond a new exterior staircase to satisfy building code requirements.

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

- Zoning Review Application, prepared by Marja Sisk and David Grossman, applicants, submitted 1/14/2015
- Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 12/18/2014
- Floor plan, dated 1/9/2015

ADMINISTRATIVE DETERMINATIONS:

1. The existing single-family structure is located in an SR2 district. Per section 30-8(d)(2), a special permit is required to create an accessory apartment in a detached structure accessory to a single-family dwelling.
2. Table 30-8 requires a lot of at least 15,000 square feet and a building size of at least 3,100 square feet. The property is 50,649 square feet and the dwelling is approximately 6,100 square feet. The property meets the requirements of Table 30-8.
3. 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.
4. 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 1911 and thus meets the requirement.
5. The applicant is proposing to add a deck and second means of egress toward the back of the structure to satisfy the requirements of the building code. These alterations are permitted by Sections 30-8(d)(1)(d) and 30-8(d)(2)(b).
6. The applicant has not made any alterations to the structure within the last four years necessary to meet the requirements of Table 30-8, per Section 30-8(d)(1)(e).
7. Pursuant to Section 30-8(d)(1)(f), only one accessory apartment is allowed per lot. Only one is proposed.
8. No lodgers are proposed in either unit, per Section 30-8(d)(1)(g)
9. The applicant proposes to maintain two parking spaces within the first floor of the carriage house, as well as parking within the driveway. 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, therefore no parking waivers are required.
10. The proposed accessory unit is 985 square feet, which is 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).

Zone SR2	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	50,649 square feet	No change
Frontage	100 feet	75 feet	No change
Setbacks for existing structure <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	65.3 feet 13.3 feet 92.1 feet	No change No change No change
Setbacks for detached structures <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 5 feet 5 feet	+/- 200 feet 9.3 feet 14.8 feet	No change No change No change
Max Lot Coverage	30%	6.9%	No change
Min Open Space	50%	79%	No change

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-8(d)(2)	Creation of an accessory apartment in a detached structure accessory to a single-family dwelling	S.P. per §30-24