



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: September 10, 2015
Land Use Action Date: October 13, 2015
Board of Aldermen Action Date: December 7, 2015
90-Day Expiration Date: December 10, 2015

DATE: September 4, 2015

TO: Board of Aldermen

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

SUBJECT: **Petition #191-15**, 46 SUFFOLK ROAD, LLC., for a SPECIAL PERMIT/SITE PLAN APPROVAL to legalize an existing accessory apartment located in a detached garage at **46 SUFFOLK ROAD**, Ward 7, Chestnut Hill, on land known as SBL 63, 16, 5, containing approximately 110,719 sf of land in a district zoned SINGLE FAMILY 1/OVERLAY A DISTRICT. 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.



46 Suffolk Road

EXECUTIVE SUMMARY

The property located at 46 Suffolk Road consists of a lot containing 110,719 square feet of land, and is improved with a single-family dwelling originally built in 1911, and a detached accessory garage constructed in 1956. According to historic building permits on file with the Inspectional Services Department (ISD), the detached accessory garage was originally built with parking for three vehicles and space used as servants quarters, which was removed in 1959. A subsequent building permit to remodel the detached garage required that there be no living quarters in the garage, though it appears a kitchen was added at some point thereafter. In order to legitimize the accessory apartment, the petitioner is seeking a special permit to allow an accessory apartment in a detached accessory structure.

The Planning Department is not concerned with the legalization of an accessory apartment in the detached accessory garage on this property. The Planning Department notes that the detached accessory garage has been used as an accessory apartment for a number of years without any issues or complaints. Based on the petition, the proposed accessory use complies with the provisions of §30-8(d)(1) and Table 30-8, and the legitimization of the current accessory apartment will not require any exterior alteration to the structure. For these reasons, the Planning Department believes the subject property is an appropriate location for an accessory apartment, and that the accessory use as developed and operated will not adversely affect the surrounding neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The site is an appropriate location for an accessory apartment. (§30-8(d)(2), Table 30-8, and §30-24(d)(1))
- The accessory use as developed and operated will not adversely affect the neighborhood. (§30-24(d)(2))
- The accessory apartment will not create a nuisance or serious hazard to vehicles or pedestrians. (§30-24(d)(3))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located along Suffolk Road. The site is currently developed with a single-family residence, and the surrounded properties contain a mix of single- and multi-family residences, open space, private education, nonprofit organization, and vacant land uses (**ATTACHMENT A**). The site and most of the surrounding properties are zoned Single Residence 1, and is proximate to the Hammond Pond Reservation, which is zoned Public Use (**ATTACHMENT B**).

In addition, the property is located within the Accessory Apartment Overlay A District. As such, the dimensional requirements for creating an accessory apartment under Table 30-3 requires a minimum lot size of 15,000 square feet and the minimum

building size of 3,200 square feet. Based on the petition, the property meets the requirements of Table 30-8 for the overlay district.

B. Site

The subject property consists of 110,719 square feet of land, and is improved with a single-family dwelling (circa 1911) and a detached accessory garage (circa 1956). The petitioner has obtained building permits from ISD to relocate, expand, and remodel the principal dwelling. Per historic building permits on file with the ISD, the detached accessory garage was built with a servants quarters, which were removed in 1959. A subsequent building permit for the detached accessory garage required that there be no living quarters within the garage, though it appears a kitchen was added at some point thereafter by previous owners. As such, the garage appears to have been used as an accessory apartment since. The remaining portions of the property, which are under construction, will include an in-ground pool and landscaped lawn, and the rear of the site also contains a wooded area and wetlands.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will contain an owner occupied single-family residence and, if approved, an accessory apartment in a detached accessory garage.

B. Building and Site Design

The petitioner is proposing to legitimize an accessory apartment within the existing detached accessory garage on the site. According to the project plans, the proposed accessory apartment will only include the upper level of the garage, which totals 1,192 square feet. The remaining portion of the garage, which includes a 1,026 square foot lower level, will be used by the principal dwelling for storage and to house the mechanicals for the structure. Since the accessory apartment already exists, no exterior modifications are needed to accommodate the proposed accessory use or the requirements of the building code.

C. Parking and Circulation

The existing parking and vehicular circulation pattern on the site will be unchanged. The principal dwelling gains access off of Suffolk Road via a driveway on the eastern side of the home, which leads to an attached three-car garage. The accessory apartment is accessed off of Suffolk Road with a separate bituminous driveway on the western side of the property. The parking stall for the accessory apartment will be located within the detached accessory garage, and will accommodate parking for a single car.

D. Landscape Screening

As part of the project to redevelop the principal dwelling on the site, the petitioner is planning to implement a robust landscape plan (**ATTACHMENT C**). The landscape

plan has been reviewed and approved by the Chestnut Hill Local Historic District and the Conservation Commission. While the petitioner's contractors have not finished grading and landscaping on-site, the landscaping plan appears to indicate that the visual appearance of the property's streetscape will be improved and provide adequate screening of the detached accessory garage containing the accessory apartment. The Planning Department does not believe additional screening is needed for the proposed accessory use.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT D**), 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 relief:

- §30-8(d)(2) to legitimize an accessory apartment in a detached accessory structure to a single-family dwelling.

B. Engineering Review

As the petition is not increasing the level of impervious surfaces on the lot by 4%, or 400 square feet, or altering the landscape of the site in a way that results in the alteration of the surface water runoff to abutting properties or erosion of soil, no review by the Engineering Division of Public Works is required. The work associated with the redevelopment of the principal dwelling and site improvements has been reviewed through the building permit process, and has been found to comply with the City's applicable ordinances and regulations.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:









- Attachment A:** Land Use Map
Attachment B: Zoning Map
Attachment C: Landscape Plan, dated November 5, 2014
Attachment D: Zoning Review Memorandum, dated July 1, 2015

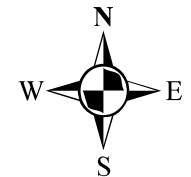
Land Use Map 46 Suffolk Road

*City of Newton,
Massachusetts*

ATTACHMENT A


Legend

-  Property Boundaries
-  Building Outlines
- Land Use**
-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Vacant Land

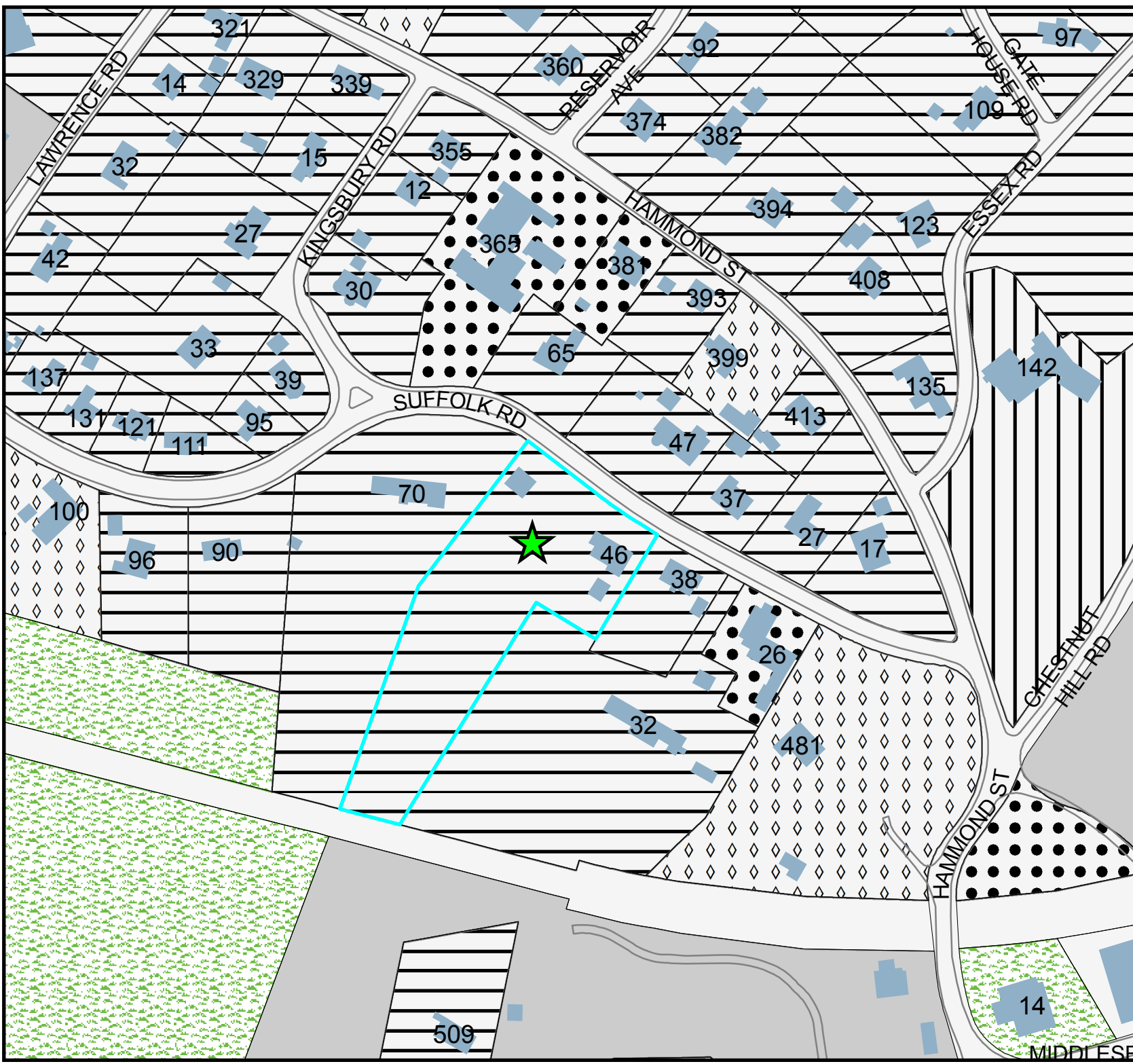


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

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

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 Feet

Map Date: August 27, 2015







Zoning Map 46 Suffolk Road

City of Newton,
Massachusetts

ATTACHMENT B

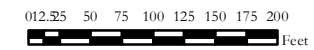
Legend

-  Single Residence 1
-  Public Use
-  Property Boundaries
-  Building Outlines

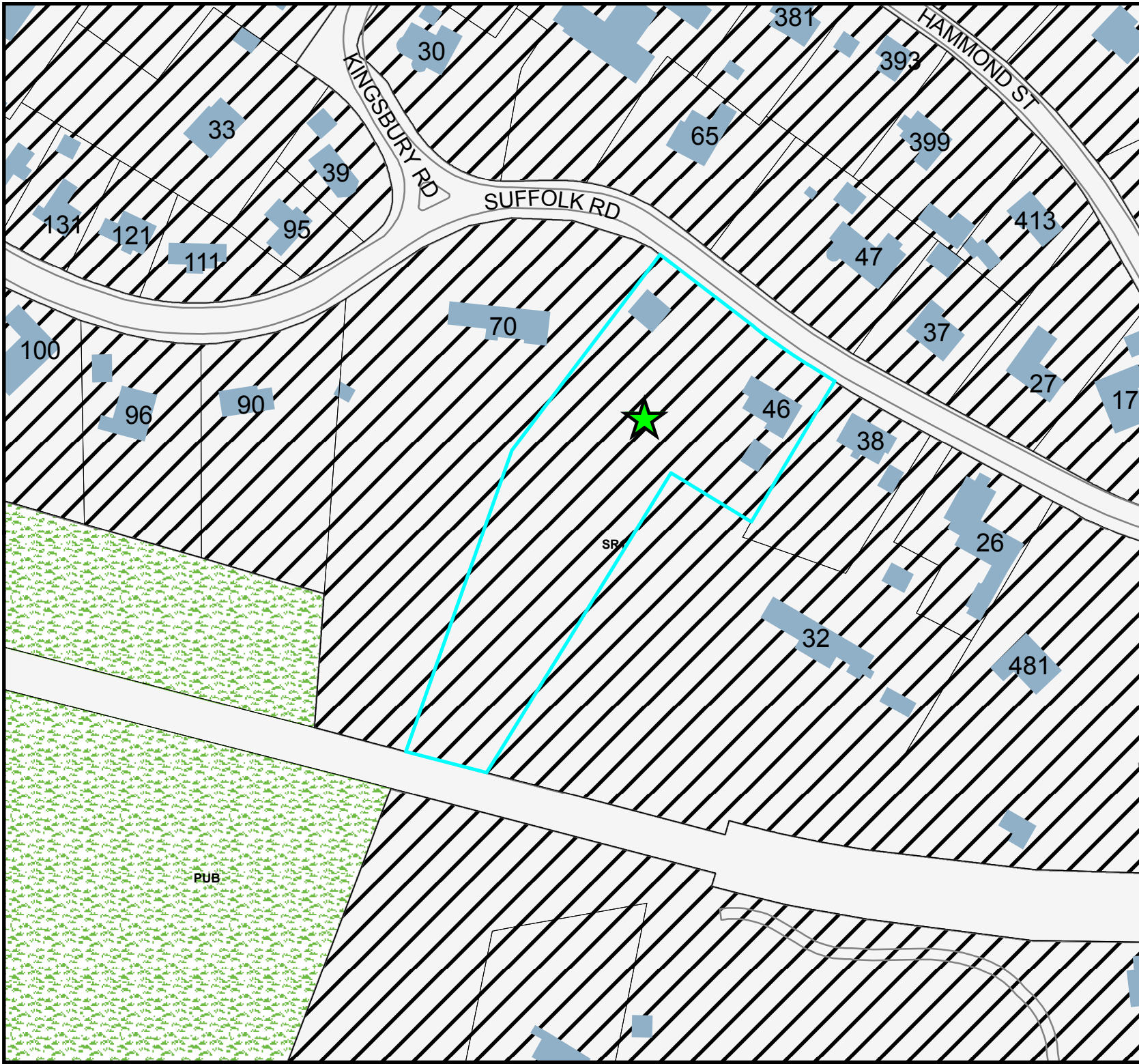


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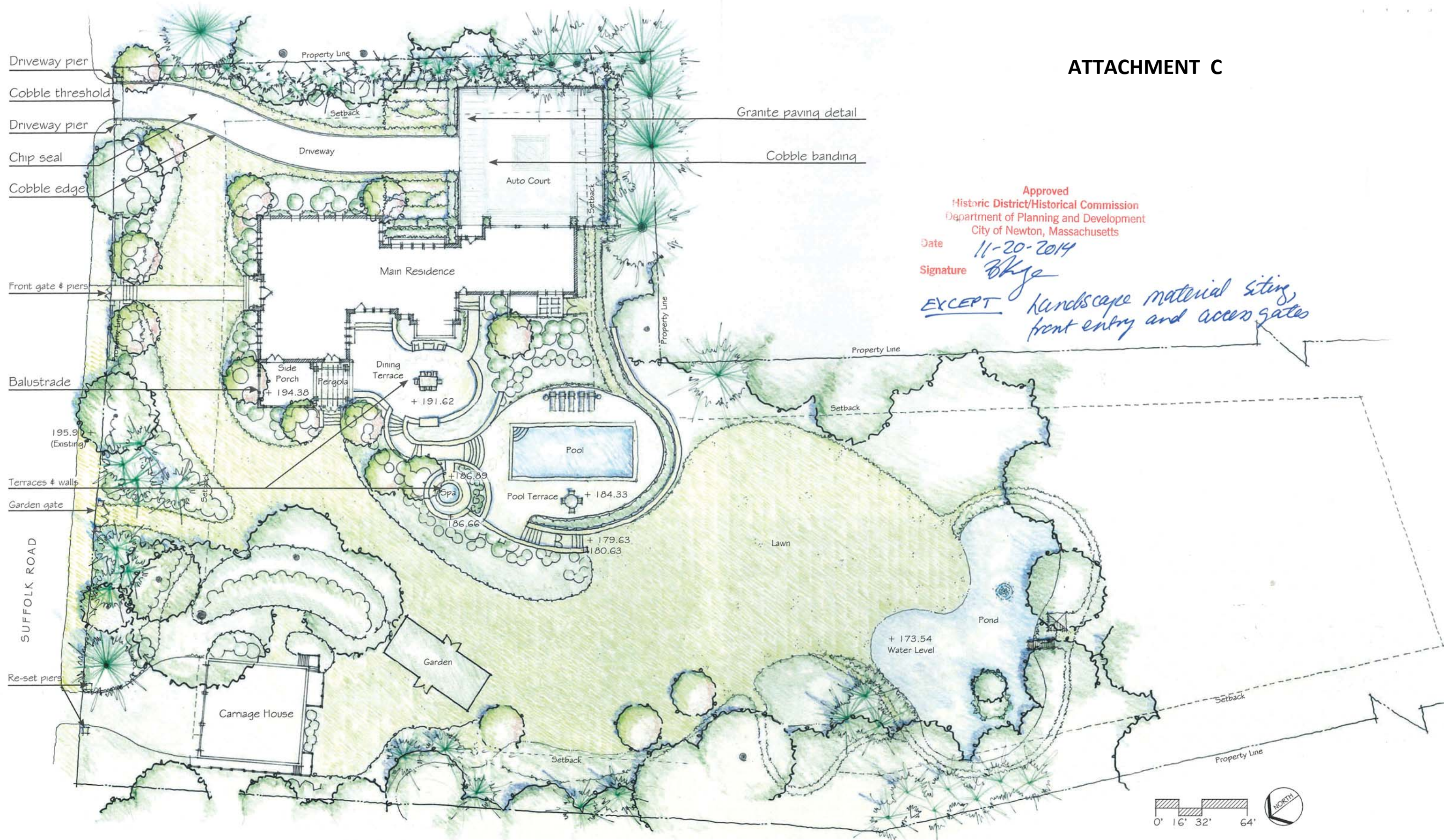
CITY OF NEWTON, MASSACHUSETTS
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Map Date: August 27, 2015



ATTACHMENT C



Approved
 Historic District/Historical Commission
 Department of Planning and Development
 City of Newton, Massachusetts
 Date 11-20-2014
 Signature *BKJ*
 EXCEPT landscape material siting,
 front entry and access gates

Schematic Plan
 Deresiewicz Residence
 46 Suffolk Road, Newton, MA
 November 5, 2014

Dan K. Gordon Associates
 267 Washington Street Suite 6
 Wellesley, MA 02481
 P. 781.237.5751 F. 781.235.6349
 dangordonassociates.com





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Mayor

ATTACHMENT D

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: July 1, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Jeff Birnbaum, 46 Suffolk Road LLC
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to establish an accessory apartment in a detached accessory structure**

Applicant: 46 Suffolk Road LLC	
Site: 46 Suffolk Road LLC	SBL: 63016 0005
Zoning: SR1/Accessory Apartment Overlay A District	Lot Area: 110,719 square feet
Current use: Single-family dwelling	Proposed use: Single-family with accessory apartment in detached garage

BACKGROUND:

The property at 46 Suffolk Road consists of a 110,719 square foot lot improved with a single-family dwelling built in 1911, and detached three-car garage constructed in 1956. Historic building permits indicate that the garage was built with living quarters within, which were removed in 1959. A remodel of the garage in 1989 required that no living quarters (ie kitchen) be allowed within the garage, however at some point since then a kitchen was added and the garage has been used as an accessory apartment with one garage bay remaining. The applicant would like to legitimize the existing accessory apartment. No exterior renovations are required 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 Jeff Birnbaum, applicant, submitted 5/20/2015
- Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 8/13/2013
- Floor plan, undated

ADMINISTRATIVE DETERMINATIONS:

1. The existing single-family structure is located in the SR1 district, as well as the Accessory Apartment Overlay A 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 3,200 square feet. The property is 110,719 square feet and has an approximate building size of 7,660 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 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).
6. Pursuant to Section 30-8(d)(1)(f), only one accessory apartment is allowed per lot. Only one is proposed.
7. No lodgers are proposed in either unit, per Section 30-8(d)(1)(g)
8. The applicant proposes to maintain one parking space within the first floor of the detached garage, as well as parking within an attached garage in the main dwelling. 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.
9. The proposed accessory unit is 1,192 square feet, which is greater than the minimum of 400 square feet, and less than the maximum of 2,528 square feet allowed by the ordinance per Section 30-8(d)(2)(a). (Section 30-8(d)(2)a) allows an accessory apartment in a detached structure to be 1,200 square feet, or 33% of the total building size, whichever is greater).

Zone SR1, Overlay A	Required/Allowed	Existing	Proposed
Lot Size	15,000 square feet	110,719 square feet	No change
Frontage	100 feet	250 feet	No change
Setbacks for existing structure <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 12.5 feet 25 feet	48 feet 53.6 feet 102.7 .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	42 feet 8 feet >500 feet	No change No change No change
Max Lot Coverage	20%	3.1%	No change
Min Open Space	65%	94%	No change
FAR	.26	.07	No change

1. See “Zoning Relief Summary” below:

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