



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

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: October 30, 2017

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Laurel Farnsworth, Petitioner
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow an oversized internal accessory apartment and to extend an existing nonconforming three-story and one-half single-family dwelling, and to amend Special Permit #535-91

| Applicant: Laurel Farnsworth | |
|-------------------------------------|---|
| Site: 73 Perkins Street | SBL: 32012 0040 |
| Zoning: SR2 | Lot Area: 18,477 square feet |
| Current use: Single-family dwelling | Proposed use: Single-family dwelling with an internal accessory apartment |

BACKGROUND:

The property at 73 Perkins Street consists of an 18,477 square foot lot located in the SR2 zoning district improved with a single-family dwelling constructed circa 1875 and a detached garage structure. The existing structure is nonconforming with three and one-half stories, where 2.5 is the maximum allowed by right. The applicant proposes to construct an internal accessory apartment on the third and fourth levels. To provide the secondary means of egress necessary to meet building code, a side addition of an enclosed stairway and an exterior rear stair are proposed accessing the third level. The proposed accessory apartment exceeds the maximum habitable space, and the proposed additions further increase the existing nonconforming three-story structure, both requiring special permits.

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

- Zoning Review Application, prepared by Lauren Farnsworth, dated 9/26/2017
- Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 8/14/2006

- Plan of Land-Proposed Additions, signed and stamped by Bruce Bradford, surveyor, dated 9/21/2017
- FAR worksheet, submitted 9/22/2017
- Architectural Plans, dated 8/30/2017
- Special Permit #535-91

ADMINISTRATIVE DETERMINATIONS:

1. The site is currently improved with a nonconforming three and one-half story single-family dwelling constructed circa 1875. Per Section 3.1.3, the maximum number of stories allowed by right is 2.5; a special permit is required for three stories. The petitioner proposes to construct an enclosed stair on the side of the dwelling, as well as a new exterior stair on the rear of the building, for the required means of egress for the proposed apartment on the third level. While the enclosed stair addition is proposed at 34.4 feet, which is less than the maximum height allowed of 36 feet in section 3.1.3, it extends to the third level of the dwelling. Per Section 3.1.3, the existing three-story structure is nonconforming, and requires a special permit to further extend it by adding the enclosed stair.
2. The rules for internal accessory apartments found in section 6.1.7.1.D.3 states that exterior alterations are permitted provided that they are in keeping with the architectural integrity of the structure, and the look, character and scale of the surrounding neighborhood as viewed from the street. The Council should consider the following when determining the appropriateness of the petitioner's proposed addition of an enclosed and exterior staircases to the third floor:
 - a. The exterior finish material should be the same or visually consistent in type, size and placement, as the exterior finish material of the remainder of the building;
 - b. The roof pitch should be consistent with the predominant roof pitch of the remainder of the building;
 - c. Trim should be consistent in type, size and location as the trim used on the remainder of the building;
 - d. Windows should be consistent with those of the remainder of the building in proportion and orientation;
 - e. Exterior staircases should be designed to minimize visual intrusion and be complementary to the existing building.
3. The accessory apartment is proposed for the third and fourth levels of the existing single-family dwelling. Per section 6.7.1.D.2, an internal accessory apartment may not exceed 1,000 square feet, or 33% of the total habitable space in the principal dwelling, whichever is less. The existing dwelling has over 5,000 square feet, thus the maximum allowed for an internal apartment is 1,000 square feet. This same section allows the City Council to grant a special permit to allow an apartment of up to 1,200 square feet. The petitioner proposes an approximately 1,191 square foot apartment, which exceeds the maximum habitable space allowed of 1,000 square feet. A special permit is required.
4. Special Permit #535-91 was approved in 1991 permitting the connection of two dormers on the fourth level of the dwelling. While the proposed approvals do not impact the construction permitted by Special Permit #535-91, Condition 1 requires that all buildings, parking areas, driveways, walkways and other site features be consistent with plans approved with the special

permit. The special permit must be amended to include updated plans showing the proposed enclosed stair addition.

| SR2 Zone | Required | Existing | Proposed |
|--|--------------------------------|------------------------------------|------------------------------------|
| Lot Size | 10,000 square feet | 18,477 square feet | No change |
| Frontage | 80 feet | 31.8 feet | No change |
| Setbacks <ul style="list-style-type: none"> • Front • Side • Rear | 25 feet 7.5 feet 15 feet | 59.2 feet 29.7 feet ±45 feet | No change 21.2 feet ±40 feet |
| Height | 36 feet | 44.5 feet | No change |
| FAR | .35 | .28 | .29 |
| Max Lot Coverage | 30% | 15.7% | 16.2% |
| Min. Open Space | 50% | 62% | 61% |
| Max Accessory Apt SF | 1,000 square feet | | 1,190 square feet |

See “Zoning Relief Summary” below:

| Zoning Relief Required | | |
|-------------------------------|--|------------------------|
| <i>Ordinance</i> | | <i>Action Required</i> |
| §3.1.3 §7.8.2.C.2 | Request to further extend the existing nonconforming three story structure | S.P. per §7.3.3 |
| §6.7.1.D.2 | Request to allow an interior accessory apartment exceeding 1,000 square feet | S.P. per §7.3.3 |
| | Request to amend Special Permit #535-91 | |