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James Freas
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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: Florin Luca, Studio Pph, architects
Linda Brennan & Robert Lee, applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

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

Applicant: Linda Brennan & Robert Lee	
Site: 28 Orchard Ave (Waban)	SBL: 54010 0001
Zoning: SR2	Lot Area: 19,859 square feet
Current use: Single-family dwelling	Proposed use: Single-family with accessory apartment in detached structure

BACKGROUND:

The property at 28 Orchard Ave. in Waban consists of a 19,859 square foot lot improved with a single-family dwelling built in 1840 and a detached two-car garage built in 1921. The property has frontage along Orchard Avenue, as well the end of Mayflower Terrace at the southern corner. The applicants propose to build a detached accessory structure to house an accessory apartment which will be accessed off of Mayflower Terrace.

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

- Zoning Review Application, prepared by Luca Florin, architect, submitted 5/28/2015
- Existing Conditions Plan, prepared by Verne T. Porter, surveyor, dated 4/9/2015
- Proposed Conditions Plan, prepared by Verne T. Porter, surveyor, dated 3/31/2015
- Code and Zoning Information, prepared by Studio Pph, architect, dated 5/26/2015
- Site Plan, prepared by Studio Pph, architect, dated 5/26/2015
- Floor Plans, prepared by Studio Pph, architect, dated 5/26/2015
- Elevations, prepared by Studio Pph, architect, dated 5/26/2015

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 10,000 square feet and a building size of at least 2,600 square feet. The property is 19,859 square feet and the building size is approximately 4,081 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 on the property.
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 circa 1840 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. Sections 30-8(d)(1)h and 30-19(d)(19) and 30-19(g) require that the property provide two parking stalls for the single-family dwelling, as well as one stall for the accessory unit. The main dwelling has a two-car garage built in 1926, meeting the parking requirement. The applicants propose to provide two surface parking stalls accessed off of Mayflower Terrace located in a paved area in front of the proposed accessory structure.
9. The proposed parking for the accessory apartment is located within the front setback. Section 30-19(g)(1) states that one parking stall per each unit may be located within the front setback. As there will be two units on the property, the two stalls in the front setback are allowed by right.
10. The proposed accessory apartment is 1,150 square feet, which is greater than the minimum of 400 square feet, and less than the maximum of 33% of the total building size, or 1,690 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	16,859 square feet	No change
Frontage	100 feet	172 feet	No change
Setbacks for existing structure <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	19.3 feet 24.9 feet 20.7 feet	No change No change No change
Setbacks for detached structures <ul style="list-style-type: none"> • Front (Mayflower Terrace) • Front (Orchard Avenue) • Side • Height 	25 feet 25 feet 5 feet 22 feet		35 feet 51.6 feet 14 feet 22 feet
Max Lot Coverage	30%	14%	18%
Min Open Space	50%	77%	70%

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