



Setti D. Warren
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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: November 18, 2014
Land Use Action Date: December 2, 2014
Board of Aldermen Action Date: December 15, 2014
90-Day Expiration Date: February 2, 2015

DATE: November 14, 2014

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Jane Santosuosso, Chief Zoning Code Official

SUBJECT: **Petition #363-14**, David HORNSTEIN, for a SPECIAL PERMIT/SITE PLAN APPROVAL to convert an existing detached carriage house into an accessory apartment and gym at 40 HAMPSHIRE ST, Ward 3, WEST NEWTON, on land known as SBL 32,41,2, containing approximately 43,377 square feet of land in a district zoned SINGLE RESIDENCE 1. 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.



40 Hampshire Street

EXECUTIVE SUMMARY

The property located at 40 Hampshire Street consists of a 43,377 square foot lot improved with a single-family dwelling built in 1913 and an existing one-story detached garage built in 1917. The petitioner built a new attached three-car garage in 2013, and abandoned the garage use of the detached structure. The detached structure is currently used as an office and gym. The petitioner is proposing to convert some of the space within the detached structure into a 935 square foot one-bedroom accessory apartment, with an additional 301 square feet of space reserved for a gym accessible from a separate entrance. To use the detached accessory structure as proposed, the petitioner is seeking approval to allow a detached structure to be used as an accessory apartment.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The site is an appropriate location for the proposed accessory apartment. §30-8(d)(2), Table 30-8, §30-24(d)(1)
- The use 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)
- Access over streets is appropriate for the types and numbers of vehicles proposed. §30-24(d)(4)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on Hampshire Road, with the rear of the site gaining access off of Valentine Park. The site is surrounded by single-family residences and is located in an area zoned Single-Residence 1.

B. Site

The property consists of 43,377 square feet of land and is improved with a single-family residence built in 1913 and a detached garage built in 1917. The residence is accessed from a driveway off of Hampshire Street and the detached structure is accessed by a cobblestone driveway off of Valentine Park.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property will contain an owner occupied single-family residence and, if approved, an accessory apartment with a gym with a separate entrance.

B. Building and Site Design

The petitioner's detached accessory structure has already been modified as living space, with the garage doors having been replaced by casement windows and a door through a previous building permit. The existing structure was enlarged in 1982 to its current size. The space to be occupied by the accessory apartment is currently used as an office and gym. With approval, a portion of the space will be converted to a one-bedroom accessory apartment with living room, kitchen and bath. An additional 301 square feet will be reserved for a gym, which will be accessed through a separate entrance.

C. Parking and Circulation

The existing main dwelling is accessed off of Hampshire Street with a paved drive leading to a three-car garage which was built in 2013. The detached garage gains access off of Valentine Park by a cobblestone drive at the rear of the property. Currently the drive is cobbled all the way to the detached garage. The petitioner intends to remove the cobblestones directly in front of the detached structure and replace them with a garden. A wall will be built between the garden and the remaining cobblestone parking area, directly off of Valentine Park. The tenant of the accessory apartment will park in front of the proposed wall on the existing cobblestone drive.

D. Landscape Screening

The lot is heavily landscaped. The petitioner intends to build a new six foot tall fence along the lot line abutting the detached structure and the neighbor to the south. The fence will extend over what is now a cobblestone driveway. A smaller cobblestone parking area will remain directly off of Valentine Park, for the use of the tenant. The Planning Department does not believe additional screening is needed for the proposed parking stall.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT A**) provides an analysis of the proposal with regard to zoning. The petitioner is requesting a Special Permit/Site Plan Approval for the proposed accessory apartment in the existing detached structure.

V. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

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



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Attachment A

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: September 16, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: David Hornstein, Designer
R. Rand Ross, Applicant
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

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

Applicant: R. Rand Ross	
Site: 40 Hampshire St	SBL: 32041 0002
Zoning: SR1	Lot Area: 43,377 square feet
Current use: Single-family dwelling	Proposed use: Single-family with accessory apartment

BACKGROUND:

The property at 40 Hampshire Street, located in the SR1 district, is improved with a single-family dwelling built in 1913 and a detached two-car garage built in 1917. The applicant built a new attached three-car garage in 2013, and abandoned the garage use in the detached structure. The detached garage has been used as an office and gym. The applicant proposes to convert the detached garage into an accessory apartment with 301 square feet of the building reserved with a separate entrance for a gym and bathroom.

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

- Zoning Review Application, prepared by David Hornstein, designer, dated 8/20/2014
- Site Plan, signed and stamped by Bruce Bradford, surveyor, and Michael S. Kosmo, civil engineer, dated 8/1/2013
- Site Plan, prepared by Melissa MacDonald, Landscape Architect, dated 7/2014
- Existing Floor Plan, prepared Light House Design, undated
- Proposed Floor Plan, prepared by Light House Design, undated
- Elevations, prepared by Light House Design, undated

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to convert an existing detached garage in to an accessory apartment. Section 30-8(d)(2) requires a special permit to create an accessory apartment in a detached structure.
2. Table 30-8 requires a lot have at least 10,000 square feet for an accessory apartment in the SR3 district. The Applicant's lot has 43,377 square feet.
3. The Applicant's main structure has 6,354 square feet. Table 30-8 requires a special permit for the creation of an accessory apartment associated with a dwelling which is at least 1,800 square feet, but less than 2,500. No special permit is required.
4. Section 30-8(d)(1)(a) requires that when there is an accessory apartment within a single-family dwelling, one of the units must be occupied by the owner of the property. The owner of the property intends to maintain residency on the property.
5. 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 1913, and the garage in 1917, and thus meet the requirement.
6. The proposed accessory unit must be greater than the minimum of 250 square feet, and less than the maximum of 1,200 square feet required by the ordinance per Section 30-8(d)(2)(a). The proposed apartment is approximately 935 square feet.
7. Any exterior alterations required to meet applicable building, fire or health codes are permitted, per section 30-8(d)(1)(d). The proposed alterations to the garage structure are cosmetic in nature.
8. There are no other existing or proposed accessory apartments on the lot, per section 30-8(d)(1)(f).
9. No lodgers are allowed in any unit, per section 30-8(d)(1)(g).
10. Sections 30-8(d)(h), 30-19(d)(19) and 30-19(g) require two parking stalls for the main dwelling unit, and one stall for the accessory unit. There currently exists a three-car attached garage on the main dwelling built in 2013 receiving its access off Hampshire Street, as well as parking for six vehicles in the space in front of the detached garage structure on a separate driveway off of Valentine Park.
11. The accessory apartment must comply with all applicable building, fire and health codes, per section 30-8(d)(1)(i).

SR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	15,000 square feet	43,377 square feet	No change
Frontage	100 feet	300 feet (62 ft and 63 ft)	No change
Lot size required for an accessory apartment	25,000 square feet	43,377 square feet	No change
Building size required for an accessory apartment	4,000 square feet	6,354 square feet	No change
Size of accessory apartment	250 sf minimum to 1,200 sf maximum		935 square feet
Lot Coverage	20%	13.8%	No change
Open Space	65%	74%	No change



1. See "Zoning Relief Summary" below:

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

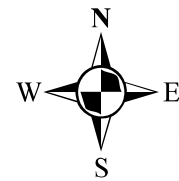
Land Use Map 40 Hampshire Street

*City of Newton,
Massachusetts*

Legend

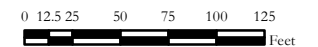
- Land Use**
-  Single Family Residential
 -  Mixed Use
 -  Property Boundaries
 -  Building Outlines

ATTACHMENT B

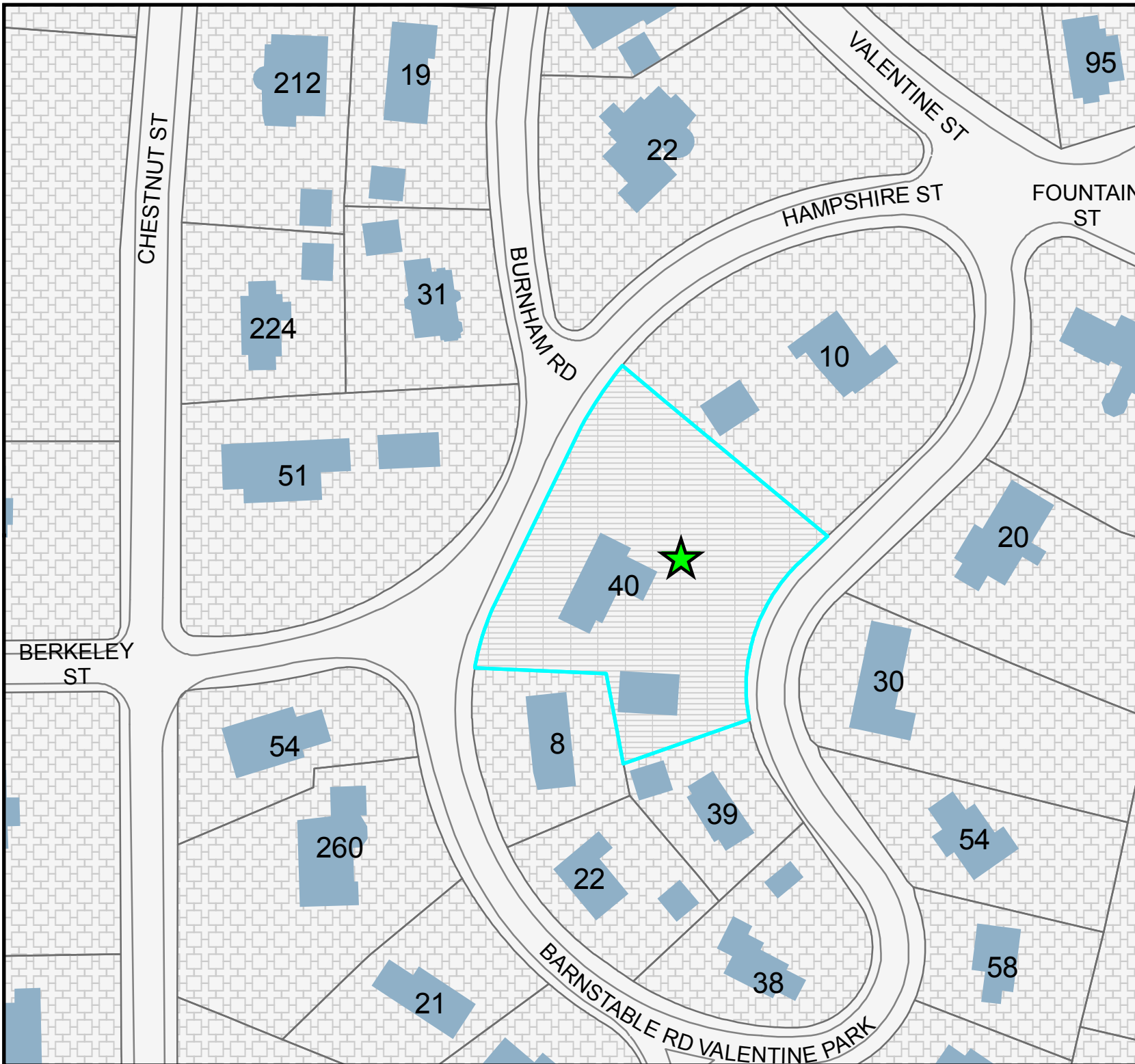


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GIS Administrator - Douglas Greenfield



Map Date: November 12, 2014




Zoning Map 40 Hampshire Street

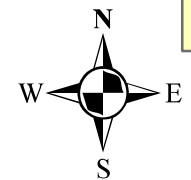
*City of Newton,
Massachusetts*

Legend

Zoning

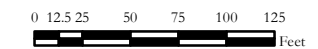
 Single Residence 1

ATTACHMENT C



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