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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: February 9, 2016
Land Use Action Date: April 26, 2016
Board of Aldermen Action Date: May 2, 2016
90-Day Expiration Date: May 9, 2016

DATE: February 5, 2016

TO: City Council

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Katy Hax Holmes, Senior Planner

SUBJECT: **Petition #15-16**, Special Permit petition for an accessory apartment at 126 Cornell Street. SCOTT TIMMINS petition for Special Permit review for an accessory apartment in a detached carriage house at 126 Cornell Street, Ward 4, Newton Lower Falls, on land known as SBL 42, 32, 72, containing approximately 12,682 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec 7.3, 7.4, 6.7.1.D of Chapter 30 of the City of Newton Rev. Zoning Ord, 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



126 Cornell Street, Carriage Barn

EXECUTIVE SUMMARY

The property located at 126 Cornell Street, in Lower Falls, consists of a 12,862 square foot lot and is improved with a single-family residence and a detached carriage house constructed in 1889. The property is known historically as the Peter C. Baker House (NWT.2759), named for a local carpenter and longtime resident there. The petitioners are proposing to add an accessory apartment use to the carriage house on the property.

The Planning Department is not concerned with the creation of an accessory apartment in the accessory structure on this property, and believes the proposed apartment is designed to be sensitive to the historic appearance of the carriage house and the property. No major exterior renovations are proposed or required for this use. Additionally, no changes to the site are proposed. The proposed reuse of the structure will help to preserve it. 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 Council should consider whether:

- The site is an appropriate location for an apartment accessory to a single-family dwelling in the Single Residence 3 district. (§7.3.3.C.1)
- The accessory apartment will not adversely affect the neighborhood, as it is set back from Cornell Street, adequately screened, and minimally visible from a public way. (§7.3.3.C.2)

I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Cornell Street, a short street in Lower Falls, which dead-ends where it meets Moulton Street. The site is developed with a single-family residence consistent with the surrounding older housing stock near the intersection of Cornell and Grove Streets (**Attachment A**). The site and surrounding area are zoned Single Residence 3 (**Attachment B**).

B. Site

The property consists of a 12,862 square foot lot, and is improved with a single-family residence and detached carriage house built in 1889. The carriage house is constructed behind the house slightly below its grade, which also slopes slightly downward from east to the west property line. The single-family residence and accessory structure are accessed via a paving-stone driveway on the west side of the dwelling. The remaining portions of the site are lawn with some mature trees and shrubs along the property lines abutting adjacent properties.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain a single-family residence and, if approved, an accessory apartment will be in a detached accessory structure.

B. Building and Site Design

The petitioners are proposing to adapt a historic carriage house for use as an accessory apartment. The accessory structure was designed in the Queen Anne Style, in keeping with the main house and the surrounding older portion of the neighborhood. The carriage house is quite large and the proposed apartment will occupy a total of 2,186 square feet in the accessory structure. The remaining portion of the accessory structure, 114 square feet, will be used by the principal dwelling for storage and to house the mechanicals for the structure. The apartment would occupy both levels of the carriage house with living/dining areas on the first floor, and three bedrooms on the second floor. The proposed accessory use meets all of the controls for accessory apartments in detached structures as stipulated under §6.7.1.F of the NZO.

The petitioners are proposing to provide four shared, tandem-vehicle spaces via Cornell Street, one more space than is required, in the existing driveway. With the exception of the exterior parking stalls and existing landscape plantings around the proposed accessory structure, no other changes are proposed for the site.

The Planning Department has no concerns with the proposed accessory apartment, as the structure exists and will further diversify Newton's housing stock. The topography of the site is such that the carriage house is only partially visible from a public way. The Planning Department believes that the proposed placement of the accessory apartment in the existing carriage house will serve to enhance the historic property and encourage the sustained preservation of the carriage house. The Planning Department does, however, suggest that the petitioners consider eliminating one proposed tandem parking stall.

C. Landscape Screening

The site has a significant amount of existing mature vegetation along the property lines abutting adjacent properties. The Planning Department believes that the existing vegetation is adequate, and does not believe additional screening is needed.

III. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard

to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §6.7.1.D, to create an accessory apartment in a detached structure accessory to a single-family dwelling in a Single Residence 3 district.

B. Engineering Review

No increase in impervious surface on the lot is planned; therefore no review by the Engineering Division is required.

C. Fire Department Review

The carriage barn is set back over 100 feet from Cornell Street; therefore, a sprinkler system in the carriage house and final review of plans by the Fire Department are required.

IV. 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, dated January 6, 2016



Land Use #15116 126 Cornell St.

*City of Newton,
Massachusetts*

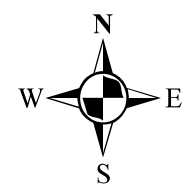
Legend

Land Use

Land Use

- Single Family Residential
- Multi-Family Residential

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
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield

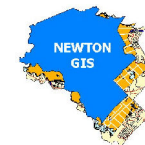
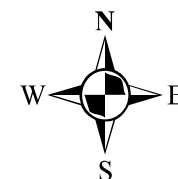


Zoning Map 6 126 Cornell St.

*City of Newton,
Massachusetts*



Attachment B



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CITY OF NEWTON, MASSACHUSETTS
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Map Date: February 03, 2016





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ATTACHMENT C

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: January 27, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Scott Timmins, agent
Karen Gage, owner
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: Karen Gage	
Site: 126 Cornell Street	SBL: 42032 0072
Zoning: SR3	Lot Area: 12,862 square feet
Current use: Single-family dwelling	Proposed use: Single-family with accessory apartment in detached carriage house

BACKGROUND:

The property at 126 Cornell Street consists of a 12,862 square foot lot improved with a single-family dwelling and carriage house constructed in 1889. The applicant proposes to convert the existing carriage house into an approximately 2,186 square foot accessory apartment. No major exterior renovations are required.

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

- Zoning Review Application, prepared by Scott Timmins, agent, submitted 11/25/2015
- Plan of Land, signed and stamped by Justin D. Maloney, surveyor, dated 11/20/2014
- Architectural plans, prepared by Royer Architects, dated 11/23/2015
 - Floor plans
 - Elevations
 - Photos and section
 - FAR calculations and diagrams

ADMINISTRATIVE DETERMINATIONS:

1. The existing single-family structure is located in an SR3 district. Per section 6.7.1.D, a special permit is required to create an accessory apartment in a detached structure accessory to a single-family dwelling in the SR3 district.
2. Section 6.7.1.B.1 requires that one of the two units be owner-occupied. The applicant intends to maintain residence in the primary dwelling.
3. The dwelling must have been constructed 10 or more years prior to application per Section 6.7.1.B.2. The primary dwelling was constructed in 1889.
4. To grant a special permit for an accessory apartment, Section 6.7.1.F requires a lot of at least 7,000 square feet, and a building size of at least 1,800 square feet in the SR3 district. The property is 12,862 square feet and the building size is approximately 6,626 square feet. The property meets the requirements of this section.
5. Section 6.7.1.D.a states that in a single residence district, an accessory apartment shall be a minimum of 250 square feet and a maximum of 1,200 square feet, or 33 percent of the total building size, whichever is greater. Per this section, the maximum allowed size of the accessory apartment is 2,186 square feet. The accessory apartment, as proposed, is 2,186 square feet. While the total square footage of the existing building is larger than allowed, the applicants have created a shared storage space to reduce the size of the accessory apartment so as to meet the requirement of the Ordinance.
6. Section 6.7.1.D.c allows for exterior alterations required to meet applicable building, fire or health codes which are in keeping with the architectural integrity of the structure and neighborhood. The applicants propose a covered porch and step on the side of the existing detached structure, as well as a proposed roof over the front entrance. Both meet all zoning requirements for setbacks.

Zone SR3	Required/Allowed	Existing	Proposed
Lot Size	7,000 square feet	12,862 square feet	No change
Frontage	70 feet	89 feet	No change
Setbacks for existing structure <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	21.8 feet 9.7 feet >50 feet	No change No change No change
Setbacks for detached structures <ul style="list-style-type: none"> • Front • Side • Rear • Height • Max stories 	25 feet 5 feet 5 feet 22 feet 1.5	+/- 127 feet 10 feet 4.7 feet 31.3 feet 2.5	No change 9.3 feet No change No change No change
Max Lot Coverage	30%	21.7%	22.1%
Min Open Space	50%	66.5%	66.3%
# of Parking Stalls	3	3	3

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§6.7.1.D	Creation of an accessory apartment in a detached structure accessory to a single-family dwelling	S.P. per §7.3