



## **Land Use Committee Report**

### **City of Newton** **In City Council**

**Tuesday, February 9, 2016**

Present: Councilors Laredo, Lipof, Crossley, Auchincloss, Cote, Harney

**#15-16      Special permit petition for an accessory apartment at 126 Cornell Street**

SCOTT TIMMINS petition 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.

**Action:**      **HELD 6-0; Hearing continued to February 23<sup>rd</sup>**

**Note:**      Scott Timmins, 424 Newtonville Ave., Agent for this petition. He was joined by the property owner Karen Gage and the architect Chris Roya. The project is to adapt an existing 1889 Carriage House for use as a detached accessory apartment at 126 Cornell Street. The proposed apartment on the property will be over 2,100 square feet which is within the limit of such an apartment. In order to get create shared space, some of the building has been carved out as storage space that is accessible for the main house only through the exterior of the building. Only minimal exterior changes are proposed to the building. The design has been done to be in keeping with the Queen Anne style of the structure and the petitioner has been told all zoning requirements for setbacks have been met. It will need its own dedicated sprinkler system which will be inspected by the Fire Department. There is sufficient parking space in the current driveway for the minimum number of three parking spaces that are needed, however, it is hoped to have four parking spaces for the structure. The Planning Department determined that there is sufficient existing screening for the site lines of the abutters. Neighbors and abutters have been apprised of the project. One neighbor did ask to have some remediation on their behalf and it was agreed to plant a couple of trees and prune one tree and refurbish or replace any necessary sections of the existing fence between the two properties. The structure as it exists is considered an SR3 accessory apartment, preserving a 130 year old carriage house and is sensitive to its historic appearance and will not adversely affect the neighborhood and appropriately diversifies Newton's housing stock.

Ms. Ananth explained that this was a Special Permit for an accessory apartment in a detached structure and the requested relief is to create an accessory apartment in the detached structure in the SR3 district. The criteria that should be considered is whether or not the site is an appropriate location for an accessory apartment and whether or not the use will adversely affect the neighborhood. Ms. Anath provided a power point presentation that showed sufficient parking in the driveway as far as the Planning Department is concerned. It is not proposed to extend the driveway all the way to the carriage house. There is a lawn area that creates a lot of open space on the lot. It will be possible to create a good sized apartment. A small portion of the barn will be

used for storage and there will be living space on the ground floor with bedrooms on the second floor.

Councilor Crossley questioned where the parking was proposed. Ms. Ananth explained that a long driveway exists so the area in between the two houses is lawn allowing sufficient area to park vehicles. Councilor Crossley didn't feel this would be ideal.

Mr. Timmons said that if the project is approved, he will be the tenant and has been putting together the entire package and petition on behalf of the owner. Chairman Laredo asked for clarification on the fact the owner was not listed as the applicant. Ald. Lipof asked Mr. Timmons what his interest was. He responded he is a long-time friend of the owner and, if the special permit is granted, would be the tenant of the carriage house. Ald. Laredo had some concern regarding the format and wanted to be sure it is right. Ald. Crossley thought maybe this petition was not worded correctly and the owner should be named as the petitioner. If a Special Permit is issued, Ald. Laredo wanted to be sure it was done properly. Ald. Crossley said additional relief would be requested if there was a need for parking for a 4th car. She suggested exploring the possibility to create a turnaround in the middle of the lot near the back of the house. Ald. Laredo explained that the petition would have to be noticed again as a different type of relief would be requested. Ms. Ananth said instead of adding additional parking space, setback, and widening the driveway, the driveway could be widened further back and that would not require any additional relief. Chairman Laredo shared the concern of Ald. Crossley. Ald. Lipof did not feel this was a problem. Ms. Ananth felt an arrangement could be worked out that would not require additional relief.

Bill Renke, 142 Cornell Street – The planning documents do not include a parking plan. The driveway is single width; tandem parking would be required and his concern was that tandem parking would result with a spillover of cars on to the narrow street which is also a street that school busses use. There is sufficient room to add parking spaces between the main house and the front carriage house. There are five bedrooms in the main house and three bedrooms in the accessory apartment and it would be reasonable to expect five to six vehicles may be parked on the property. The Planning documents do not include an engineering plan and was told the carriage house has no water or sewer connection. How will sewer be handled? If a pump will be used to push the sewerage uphill to the main house, an engineering review would be necessary. The carriage house will be heated and that could change the dynamics of water runoff and might need to be retained on site. The size of the proposed accessory apartment was calculated to be 5,415 sq. ft. for the house and a maximum size of 1,787 sq. ft. for the accessory apartment. This is not the 2,186 sq. ft. that is proposed. Mr. Renke questioned how the size was calculated. The grade in front of the house might involve more than three ft. and there might be additional concerns.

Everett Yeaw, 132 Cornell Street - He had concerns regarding the number of trees and now that there are differences in parking, it might affect his opinion if there are going to be any cars in the backyard and light coming from cars. There has been a fence there for many years and it needs to be restored/replaced in some form.

John Conner, 135 Cornell Street - Wanted to emphasize the parking problem again. He said the street is not wide enough for two cars to come and go and traffic would be impeded significantly. He asked what the comparable apartments were in sq. ft. and what counts as an apartment, and when does it cease being an apartment and start being another house? Is this a situation where the current apartment, after being converted into a 2200 sq. ft. living area, could then be sold as an independent house? What this would do to the neighborhood when very significant structures come up should be considered. Chairman Laredo responded to the question about accessory apartments being sold separately and said they cannot be. They are accessory to the main unit and the rule is that you have to have the owner living in the accessory apartment or the main structure itself so it cannot be subdivided.

Ms. Ananth said the Board has approved accessory apartments that have been large. It makes sense to utilize to the greatest extent possible the structure. Ald. Laredo asked if the measurements were accurate and is it permissible to have an accessory of this size? The coding officials memorandum notes it was accurately accounted for and within the 33 % that is allowed.

Since the Assessor's data base has different figures, Ald. Laredo would like someone in the Planning Department check if these numbers are accurate. Ms. Ananth said the best measure of the square footage of an existing building is by a registered professional. In the interest of making certain, Chairman Laredo suggested that the assessor's data base be checked again. Ald. Lipof felt this project was the type of additional units we are looking for. He also noted other homes on the street have the same parking situation and hoped the item could be voted out. Councilor Harney agreed this item should be put off briefly until the parking situation is worked out. Chairman Laredo would like this to be discussed again on February 23<sup>rd</sup>. Ald. Harney reported that he had heard from Jim Slattery of 558 Grove Street who is an abutter and approves of the plan.

#### **#16-16 Special permit petition for 30 Caroline Park**

VINCENT NAVE petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to enclose portions of decks on the first and second floors to create living space, which will further increase the non-conforming Floor Area Ratio from .51 to .54, where .42 is the maximum allowed by right, for a single-family dwelling at 30 Caroline Park, Ward 5, Waban, on land known as SBL 53, 36, 2, containing approximately 8,500 sf of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3, 7.4, 7.8.2.C.2, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**ACTION:**        **Hearing closed; Approved 6-0**

**NOTE:**        Alexander Ananth explained this was an increase to the FAR. The proposed extension of the non-conforming structure is not substantially more detrimental than the existing non-conforming structure to the neighborhood and the FAR is consistent with size, scale, and other structures in the neighborhood.

The design does not increase the footprint, just enclosing an existing porch and the Planning Department had no concerns with this project.

Councilor Crossley moved to close the Public Hearing. Vote of 6 in favor, 0 opposed.

Respectfully submitted,

Marc C. Laredo, Chair