



Zoning & Planning Committee Report

City of Newton **In City Council**

Monday, November 14, 2016

Present: Councilors Hess-Mahan (Chair), Danberg, Baker, Albright, Leary, Kalis and Yates

Absent: Councilor Sangiolo

Also Present: Councilor Crossley

Planning & Development Board Present: Scott Wolf (Chair), Peter Doeringer and Barney Heath

City Staff Present: Barney Heath (Deputy, Planning Dept.), James Freas (Deputy Director, Planning Dept.), John Lojek (Commissioner, Inspectional Services), Marie Lawlor (Assistant City Solicitor), Maura O'Keefe (Assistant City Solicitor), Lily Reynolds (Community Engagement Manager, Planning Dept.), Karyn Dean (Committee Clerk)

#362-16 Mayor's appointment of Sonia Parisca to the Planning & Development Board
HIS HONOR THE MAYOR appointing Sonia Parisca, 185 Franklin Street, Newton as an alternate member of the Planning & Development Board for a term to expire December 1, 2021. (60 days 01/06/17) [10/28/16 @ 10:34 AM]

Action: Zoning & Planning Approved 6-0 (Councilor Leary not voting)

Note: Ms. Parisca joined the Committee. She explained that as an architect she has always been interested in the built environment and as an urban planner she loves the processes by which the built environment is created. She has been a community organizer and served on planning boards and school boards. Newton is a very interesting city in the metro Boston area with a lot of pressure for construction and growth. She would like to be engaged in the review of upcoming projects to make them consistent with the zoning and the comprehensive planning. She would like to see those projects successful that can keep with Newton standards.

She has an interest in art relating to public spaces such as plazas, transportation areas, urban and neighborhood centers. This is an idea she would like to explore in Newton. She has done lighting for museums, art galleries and other spaces in Venezuela.

A Councilor noted that there has been tension between balancing residential and commercial properties. He asked how she might balance those needs between growth and maintaining character. Ms. Parisca said she did not want to prohibit growth. There needs to be room for transformation and some of the centers with accessibility to transportation and services could accommodate those changes. Each project needs to be analyzed and reviewed for appropriateness to an area.

Committee members were very pleased that Ms. Parisca was willing to serve felt her background was extremely impressive and relevant to this appointment. Councilor Yates moved approval and the Committee voted in favor, unanimously.

A Public Hearing is being held on this item:

#343-16 Zoning amendment relative to accessory apartments

HIS HONOR THE MAYOR, COUNCILOR HESS-MAHAN, ALBRIGHT, CICCONE, CROSSLEY, AND NORTON proposing to amend Chapter 30 Section 6.7.1 Accessory Apartments and Section 5.1.4 Number of Parking Stalls in order to create a new accessory apartment ordinance that expands the availability of accessory apartments. [10/07/16 @ 10:03 AM]

Action: Zoning & Planning Held 7-0; Hearing closed

Note: Councilor Hess-Mahan opened the public hearing for the Zoning & Planning Committee. The Planning & Development Board opened their public hearing as well.

James Freas, Deputy Director of the Planning Department addressed the Committee. He explained that amending the accessory apartment ordinance has been under discussion for the last 2 years and the proposed amendments were created by the work done by the City Council's Accessory Apartment Subcommittee and the Planning Department. Further expanding the options for accessory apartments is one of the ten priorities identified in the Housing Strategy which was released by the Mayor's office in June.

Just as clarification, an accessory apartment is a small dwelling unit, internal to an existing house or in a detached structure which is subservient to the primary dwelling on the lot. It does not have all the same rights intended to the primary unit. Typically, the accessory unit would consist of a bedroom, a bathroom and some sort of cooking facility.

Current Ordinance

Mr. Freas presented a PowerPoint which is attached to this report. Please refer to it for details of the presentation.

He noted that the first accessory apartment ordinance was created in Newton 30 years ago with essentially the same set of goals described in the presentation. The demographic trends that inspired that action have continued. Continually households of low and medium income are leaving the city and being replaced by household of much higher incomes. This is driven by Newton's high housing costs exemplified by the 2016 median home price of \$1.1M.

At the same time, Newton has seen a shift in the age of its population with those aged 65+ projected to reach 25% by 2030. A Senior Center survey found that 88% of the senior population wishes to stay in the community while they age. The current housing stock is not ready to accommodate that population as they seek to downsize into more age-friendly units. More than

half of the City's housing stock is one-family homes and home size has increased from 2,400 square feet to 4,100 square feet in the past 10 years, while household sizes are decreasing.

The existing ordinance has done little to address these goals and issues, but instead was adopted to limit the options for creating accessory apartments. From 1994-2009 approximately 4 units were created per year; and from 2010 to the present approximately 6 units have been created per year. Therefore, over 20 years approximately 72 accessory apartments have been created which represents .002% of the housing stock.

The current ordinance sets minimum house and lot sizes with the goal of limiting the availability to 13% of the total single and two family lots. Unfortunately, these are larger houses on larger lots and therefore tend to be more expensive and tend to be the least likely to pursue an accessory apartment. The Community Development Block Grant neighborhoods in particular, represent areas with a sizeable low to moderate income population and they are much less likely to have the dimensional requirements needed to create the units by right. As a result, there are a limited number of scattered permitted units across the City.

Illegal accessory apartments are thought to be in the range of 600 or more. There is a map in the presentation which shows the illegal apartments that have been identified thus far. Some of those have been legalized, some have been shut down. Those units tend to concentrate in the low to moderate income areas mentioned earlier, where they are not allowed by right. The Inspectional Services Department works very closely with the Police and Fire Departments as well as with local colleges to identify illegal and overcrowded apartments to take action. Unfortunately, many are discovered as a result of fire or other emergency actions which highlights why this is an issue and why as many as possible need to be brought up to safety and fire codes.

Proposed Ordinance

Please refer to the presentation for details of the proposed ordinance. Many of the provisions of the current ordinance will be retained such as owner occupation; anti-condo-ization; recording and annual reporting. The proposal adds that the total combined number of people residing in the principal and accessory unit may not exceed the number allowed in the principal dwelling unit alone, as to not add density. It also adds that no second door can be added to the front of the house and any external alternations must blend into the existing home's character. It also removes the parking requirement of adding a parking space for an accessory apartment, but still requires the 2 spaces that would be required for the existing single-family house. However, where the creation of the 2 required on-site parking spaces results in the elimination of 2 on-street parking spaces (due to a new curb cut), one of the on-site parking spaces may be waived. There are some provisions for historic structures as well in the presentation.

The Planning Department recommends adoption of the proposed ordinance based on the benefits noted in the attached presentation.

Committee Comments/Questions

The Committee was provided with the 1989 Accessory Apartment Subcommittee report at the request of Councilor Baker. It sets forth the rationale for the current arrangement. The issue is not whether the City should have accessory apartments, it is where they should be and under what conditions. The overlay districts were meant to make the opportunity for accessory apartments equal throughout the City by special permit and by right. This was an expansion of what has previously existed. They were designed to focus on size of structures and lots in order to make them truly accessory. (The report may be found online on the City Council page in the Friday Packet under Zoning & Planning Items.) This new arrangement is a significant change from what is currently in place. He also said the purpose of the original ordinance was not to limit accessory apartments, but to set a reasonable boundary to decide when they were truly accessory or not. The question for the next discussion is to see what has actually been changed and he would like to see the specific provisions that are changing.

He would like to know how the City could enforce that the number of people living in the house and the unit would not increase, as has been proposed.

It was asked what the minimum distance under building or fire code between occupied dwellings. Commissioner Lojek said the minimum distance is 5 feet.

A Councilor asked about the dimensional requirements in the proposed ordinance. Mr. Freas said the dimensional requirements for lot and house size have been removed. Instead they have been replaced by use and design restrictions and regulations. This opens up the opportunity for smaller lots and homes as that has been reported as the biggest obstacle to most people creating a unit.

It was asked who would have the final decision when the Commissioner of ISD is in consultation with the Director of Planning and/or the Newton Historical Commission or the Local Historic District Commission in the application of the rules. Mr. Freas and Commissioner Lojek explained that the Commissioner has the final decision. Just as the Urban Design Commission consults with the Commissioner on signs, the Commissioner takes their counsel into consideration but makes the final decision.

Peter Doeringer, Planning Board member, asked about setbacks. Mr. Freas explained that an internal accessory apartment would be subject to the same setbacks as the house.

It was asked if there were any changes to the lookback period. Mr. Freas said it was eliminated as no longer necessary as all houses would be permitted to have an accessory apartment and the lookback period was relative to legalizing illegal apartments. The footprint of the house can be increased to create an accessory apartment; however, the FAR requirements and the setback requirements remain and must be met.

Mr. Freas also pointed out that the accessory units that might be created are often in transition. One family may use them for that purpose, the next owner may convert it back into the main house and take it out altogether.

Public Comment

Marcia Phelps, 5 Hamlin Road, Newton Centre said her Committee on Senior Housing at a modern orthodox synagogue had a point of view on this issue and she also thanked the Committee for coming up with a creative ordinance. Her Committee is very excited about the proposed ordinance.

Ginny Robinson, 53 Crescent Ave, Newton Centre said she is in favor of the proposed ordinance. It is a wonderful way to create more affordable housing in a community that really needs it. She is the former president, chairman of the board of Cooperative Living of Newton. Six of the local ministers asked them to explore creating a congregate house which was created on Newtonville Ave. Later they did a study of elder housing needs and preferences in the 1980s and there was a strong preference for accessory apartments, but many could not do it due to the square footage requirements in the current ordinance. This new proposal solves those problems. She and her husband are 84 and 94. Her husband has Alzheimer's and they live in an old house but not quite enough square footage in the lot to create an accessory apartment. Security is an issue for folks who might fall, also financial security and the need for companionship. They created a caregiver suite out of a bedroom, guest room and a bathroom with a second means of egress. The roomers who have lived with them have been wonderful but it would have been more convenient and allow for more choices of tenant with an accessory apartment. They would like to stay the rest of their lives in their home and this would make it more possible.

Rebecca Miller, 20 Matacomet Rd., Waban said she has a special permit under review for an accessory apartment. She has two children heading to college, divorced and is self-employed. She has a perfect 750 square foot space in her basement. She had hoped to get it by right but she is 3K square feet short on her lot for by-right development. The unit could provide housing and provide her with the extra income she needs. There is plenty of parking onsite and she is in favor of this proposal.

Patricia Missura, 919 Watertown Street, West Newton said she and her husband bought what was described as a 3-family house with 2 apartments and a third floor "in-law" apartment. It has 2 separate means of egress, kitchen, bedroom and bathroom but has always been on the same electric and gas meter as the second floor. They were excited to be able to afford to live in Newton and be in a friendly family neighborhood with great schools for their 3 children. Her mother-in-law would like to live with them. She is from Russia and would like to be with her family; sharing the space has been challenging so the accessory unit would be perfect. When they went to refinance their mortgage they realized it was not a legal unit. The current ordinance does not allow them, due mainly to dimensional requirements, to use it by right. The special permit process is lengthy and expensive. She is in favor of the proposed ordinance in order to allow their family to be together and to afford their life in Newton.

Andreae Downs, Chestnut Street, said she is the Chair of the Transportation Advisory Committee. She feels strongly that homeowners should not be told to build a minimum number of parking spaces. Her family has one car and one driveway even when there were 4 drivers in the house. To force two parking spots on a lot or a third for an accessory unit makes no sense. It would be preferable to have grass or gardens and the owners may not even own a car. More people are biking and using public transportation. It's a foolish expense and instead would be better to allow homeowners to put in as much parking as they need for the current cars they have. Instead of a parking minimum, put in a parking maximum. This cuts down on drivers and air and water pollution.

Steve Vona, West Newton said he is doing a wonderful project in designing more affordable housing, less size, less requirements for parking and usage and more needs to be done to find affordable housing. Accessory apartments are a great way to do it. Working with FAR that is required on the lot as is and work with that is the best way to determine parking. The City requires two parking spots for everything and it is not needed. Growing up, his family made do with one car. He lives in a 5,700 square foot house with a 1,000 square foot basement space. He is near a bus and parking is not necessary. If parking is not available, that should not be an obstacle. He is in favor of this proposal and it helps seniors stay here instead of selling to developers who rip them down and rebuild. He would like to see his parents or in-laws move in with privacy and dignity and allow their family to be together.

Jay Reeg, 47 Tarleton Road, said he was in favor of this ordinance and while he does not need this option right now, he does have friends and neighbors who do and he may need this in the future.

Marian Knapp, 240 Hammond Pond Parkway, Chestnut Hill serves on the Council on Aging. Her comments are attached. Additionally, she wondered what the tax implications might be. Mr. Freas said he is working on gathering that information. They are looking at the assessed values of those who added accessory apartments. Some assessed values went up and some went down. These are all very individualized but they are going to work with the Assessor's Office to answer those questions. Single family and two family homes classifications will not change, just the assessed value.

Ron Mauri, 35 Bradford Road said he had some objections to the proposal and some things he liked. This is a fundamental zoning change and the character of the neighborhood with potential adverse effects on abutters. It needs to be done carefully. Traffic is a problem and neighbors are already complaining about drivers cutting through and going through stop signs. As housing is added, cars are being added and that is very obvious. He does not want to leave his community and zoning is supposed to provide protection and stability. Also, this is a permanent change. When a property sells it sells with an income unit. Large accessory apartments can be allowed by special permit and essentially become another house. He would like to limit the size allowed by special permit. He was confused by the parking requirements.

Peter Vieira, 67 Old Orchard Road, Chestnut Hill, said he is a representative of the Chestnut Hill Association and also the Chestnut Hill Historic District Commission. The CHA was instrumental in developing the initial ordinance and those in the CHA are concerned about the elimination of the safeguards that have preserved their neighborhood. The concern is their proximity to Boston College and the inspection protocol. If this were passed in its current form there is concern about absentee landlordism and student housing becoming a problem. He advocated for continued study of a more balanced approach. The Historic Commission perspective is concerned about the dimensional requirements in particular for the detached structures.

Henry Finch, 153 Windsor Road, Waban said he has been a resident since 1950 and agrees with most of the proposal. He felt an accessory apartment added to a two family would have some pretty stringent construction limitations and that should be noted. FAR and setback requirements are still in place and that may not have been understood. He liked the parking requirements because there is no on-street overnight parking in the winter. He also noted that the alternate to an accessory apartment for some owners might be to sell their home and a larger home could be built increasing density. There is one in his neighborhood which is beautiful. On the other hand, he wondered how the conversions would affect schools and services. He suggested checking with other communities on that. Mr. Freas said looking at the last 20 years history in Newton, there have been 72 units created. They will probably see an increase but they do not anticipate a terribly large influx of units. He also pointed out that there are a number of illegal arrangements going on around the City. These people exist already and he did not feel that this proposal will be adding significant density.

Jerry Reilly, 12 Spring Street, Upper Falls said affordability is a problem and housing is a problem. Every big project to add housing like Riverside, Austin St. Orr Block, etc. runs into opposition about the neighborhood changing, traffic and character. This is something that adds exactly the kind of housing that the City needs. It is integrated into the housing stock that exists and is something everyone should be able to come together one. Owner occupation keeps this about people and families to allow income to a struggling homeowner and maybe helps a family member as well, or provides housing for someone who needs an affordable unit. He is completely in favor.

Jonathan Kantar, 672 Chestnut Street, Waban said he strongly supports the effort to expand accessory apartments. He designs and renovates many homes in Newton and other places and people who are creating these units are doing so for very personal reasons. They are for family members and they want them done in careful and thoughtful ways and their families and their lives change. There is quite a bit of preservation involved as well such as carriage houses. The other choices are to knock them down for a garage and if they're going to spend the money to renovate they would want it to generate some income. It's a win-win. Also, the more people you can get under one roof or under one lot, the more sustainable the society is.

Deborah Pierce, 128 Westland Ave. West Newton said she was in favor of this proposal. She agrees with all the previous statements. She is glad this is an open conversation. She felt that the restrictions on external renovations were restrictive and as long as they are done well it should be

fine. She assumed that the special permit process would guide the renovations. She said she has seen some very cheesy and unsafe accessory units in certain parts of the City. She hopes that in this process, there is flexibility to award well thought out solutions and avoid chopping up an hold house to squeeze a couple of students in and keep the integrity of the house.

Kathleen Kouril Grieser, 258 Mill Street, Newtonville said she would like to have oversight over how the houses might be divided up to create the units. She feels this proposal is effectively changing all single family zones to multi-family districts by saying anyone can build an accessory apartment. If the problem is to find a way for seniors to stay in their home because property taxes are too high, the City could solve that problem by discounting taxes of seniors in a mean-tested way. All the costs will be externalized when instead the city could provide tax relief. If the special permit process is onerous and expensive, the city could make it less so by removing the fee or disallowing attorneys from the process. A wholesale rezoning of single family districts when trying to solve specific problems is overreach. She has faith in the special permit process and the case-by-case circumstances that have been described can be dealt with in that process and relief can be given that way. She wondered what would happen if everyone on her street created a unit. Where would all the cars go and how could the city afford the potential costs for schools and other resources. The units do not count as units for the SHI and are not "Affordable Housing". Other communities who have done this sort of ordinance have not seen a lowering of housing or rent costs down.

Jay Walter, 83 Pembroke Street, Newton is a local architect and a preservationist and supports this ordinance. It is an excellent way to preserve existing housing stock and develop more diverse housing and affordable housing for seniors. Only 70 apartments have been developed because the dimensional and other requirements have been too restrictive. This ordinance supports the Housing Strategy and the Comprehensive Plan. Hearing the comments tonight, it is clear it helps families and strengthens the community.

Julia Malakie, 50 Murray Road, West Newton agreed with Ms. Kouril Grieser. She said it was an almost Republican idea where one is privatizing the profits and socializing the cost because the City as a whole is being impacted by on street parking. It is disingenuous to say the winter parking ban would have an impact on the total number of cars when the City is looking at eliminating the winter parking ban. This would encourage people to own more cars and help developers. FAR and setback requirements will be changed by special permits.

Mike Brown, 85 Homer Street, Newton Centre explained that he and his wife moved here 30 years ago and their house was built in 1854 and if they had not restored it, it would have probably been knocked down. They are on a half-acre lot in Newton Centre. They are strongly in favor of the ordinance. Six weeks ago they put their house on the market because they were finding it unaffordable to stay here. They took their house off the market, when they heard about this ordinance hoping it would pass and pass soon so they could stay in their home. He is 70 years old and this is a very immediate problem. He was hoping to find out how quickly this might pass. It

was explained that it was very difficult to know when that might happen as there are a number of factors involved.

John Seferiadis, 51 Lakewood Road asked about the internal accessory apartment and if it could include an increase of the outside envelope. It was confirmed that could happen within FAR and setback requirements or by special permit. He felt the language could be changed to make it more clear.

Linda Brenann, 28 Orchard Avenue, she asked if a detached accessory apartment that is 1,000 square feet is by special permit, currently and if going forward, that would be allowed by-right. Mr. Freas confirmed that was correct. She said she has been trying to build that 1,000 square foot unit via special permit and they withdrew their petition. Their neighbors were very unhappy with their proposal. The special permit is a long, tedious and expensive process which includes many building professionals. In all fairness, she hopes that the language is very clear and not left up to many different people's interpretation. These are very personal issues and people are relying on this for their financial security and for their families.

Sean Leary, 24 Floral Street, Newton Highlands is very much in support of accessory apartments. He would have liked to keep his sick parents at home longer instead of having them go to assisted living facilities which are terribly expensive. There are people who have lived here their whole lives who should be able to stay in their own homes, and if neighbors are upset because of an extra car that should not be an issue.

Josephine McNeil, 53B Taft Avenue, West Newton said she is in favor of the proposal. There seem to be a majority of people who think creating these units is going to create affordability. She does not think that will happen. She wonders how fair housing laws will impact this because not everyone will have family members moving in. Commissioner Lojek noted that owner-occupied one and two family houses are exempt from fair housing laws so there is no impact. There are very few things that are exempted in these cases.

Simon French, 47 Grant Avenue asked if a 2 family house could have 2 accessory units. Mr. Freas said that condos do not apply under this ordinance and also if it were an apartment situation, then it would be a first-come, first-served scenario. He also asked if attics and basements could be used. The Commissioner said if they qualify under habitable space under the state building code. If they do not count against FAR now, that would not change. Change of use does not change the FAR. There are restrictions on minimum and maximum size of the unit which apply, however.

Marcia Cooper, 170 Allen Road said she is in favor of the proposal and while 100% may not be affordable a good many will be and it will created affordable housing units in Newton. Not every home will want to do this, but the elderly who want to stay in Newton who own homes will have the opportunity to bring in a tenant for income and it's a good idea. She is not sure why anyone would be against this. The streets belong to everyone and who cares if a car is parked in front of

your house. She bought her house and not the street. More opportunities for residents to stay in Newton is good.

The Committee voted to close the Public Hearing 6-0 (Councilor Baker not voting)

The Planning Board voted to close their Public Hearing 3-0

Councilor Crossley added that anyone may follow up in writing and encouraged them to do so. Any comments may be sent to the Committee Clerk, Karyn Dean at kdean@newtonma.gov.

Follow Up Questions/Requests

The Chair asked that Committee members pose questions to James Freas in order to facilitate the next discussion of the item.

- Regulations regarding attaching a carriage house to the main house
- Number of single and two family homes in the City = 19,798
- What would be the impact of removing the single family parking requirement
- Examples of other communities and how many new units were created under similar regulations; find both positive and negative examples and what the issues and solutions might have been
- Examples of impact in a couple of specific areas in those communities (traffic, schools etc.)
- Estimated projection of created units in 5 and 10 years
- Invite John Lojek to the next meeting to discuss interpretation of the ordinance and how he consults with Planning and the Historical Commission and the Historic District Commissions
- Consider possibility of a pilot program
- Clarity around the fiscal impact on the City
- Clarity that this is not going to provide a development opportunity to build new homes with accessory apartments in them for income
- Clarification of the changes being made in the ordinance via chart, etc.
- Would end of the winter parking ban have any sort of effect

The Planning Board recommended finding the two closest communities to Newton for analysis on this issue instead of a broader reach. Mr. Doeringer felt the annual owner occupied inspection and getting the illegal apartments up to code are two important issues to consider. Accountability and monitoring are areas where regulations tend to break down so special attention should be given to those.

#108-15 Zoning amendment for accessory apartments supportive of seniors
HIS HONOR THE MAYOR requesting consideration of changes to the Zoning Ordinance that would facilitate the creation of accessory apartment units, supportive of Newton's seniors. [04/24/15 @ 2:38 PM]

Action: Zoning & Planning Held 7-0

Note: This item was held without discussion.

#64-13 Permitting for conversion of historic barns/carriage houses to accessory apts
HISTORICAL COMMISSION requesting the creation of an administrative permitting process for converting historic barns and carriage houses into accessory apartments to assist in their preservation.

Action: Zoning & Planning Held 7-0

Note: This item was held without discussion.

#61-10 Discussion relative to bringing existing accessory apartment into compliance
ALD. CICCONE, SWISTON, LINSKY, CROSSLEY AND HESS-MAHAN requesting a discussion relative to various solutions for bringing existing accessory and other apartments that may not meet the legal provisions and requirements of **Chapter 30** into compliance.

Action: Zoning & Planning Held 7-0

Note: This item was held without discussion.

#164-09(2) Request for amendments to dimensional requirements for accessory apartments
ALD. HESS-MAHAN requesting that the Planning Department study the dimensional requirements for lot and building size for accessory apartments and make recommendations for possible amendments to those dimensional requirements to the board of Aldermen that are consistent with the Newton Comprehensive Plan.

Action: Zoning & Planning Held 7-0

Note: This item was held without discussion.

Meeting adjourned.

Respectfully Submitted,

Ted Hess-Mahan, Chair

Zoning and Planning Committee

1

ACCESSORY APARTMENT ORDINANCE AMENDMENT

Goals

2

- Diversify housing choices in the City while respecting the look and scale of existing neighborhoods;
- Provide a non-subsidized form of housing that is generally less expensive than similar rental units in multi-family buildings;

Goals

3

- Create more housing units with minimal adverse affects on Newton's neighborhoods;
- Provide an option for an income stream, particularly for low-income seniors;

Goals

4

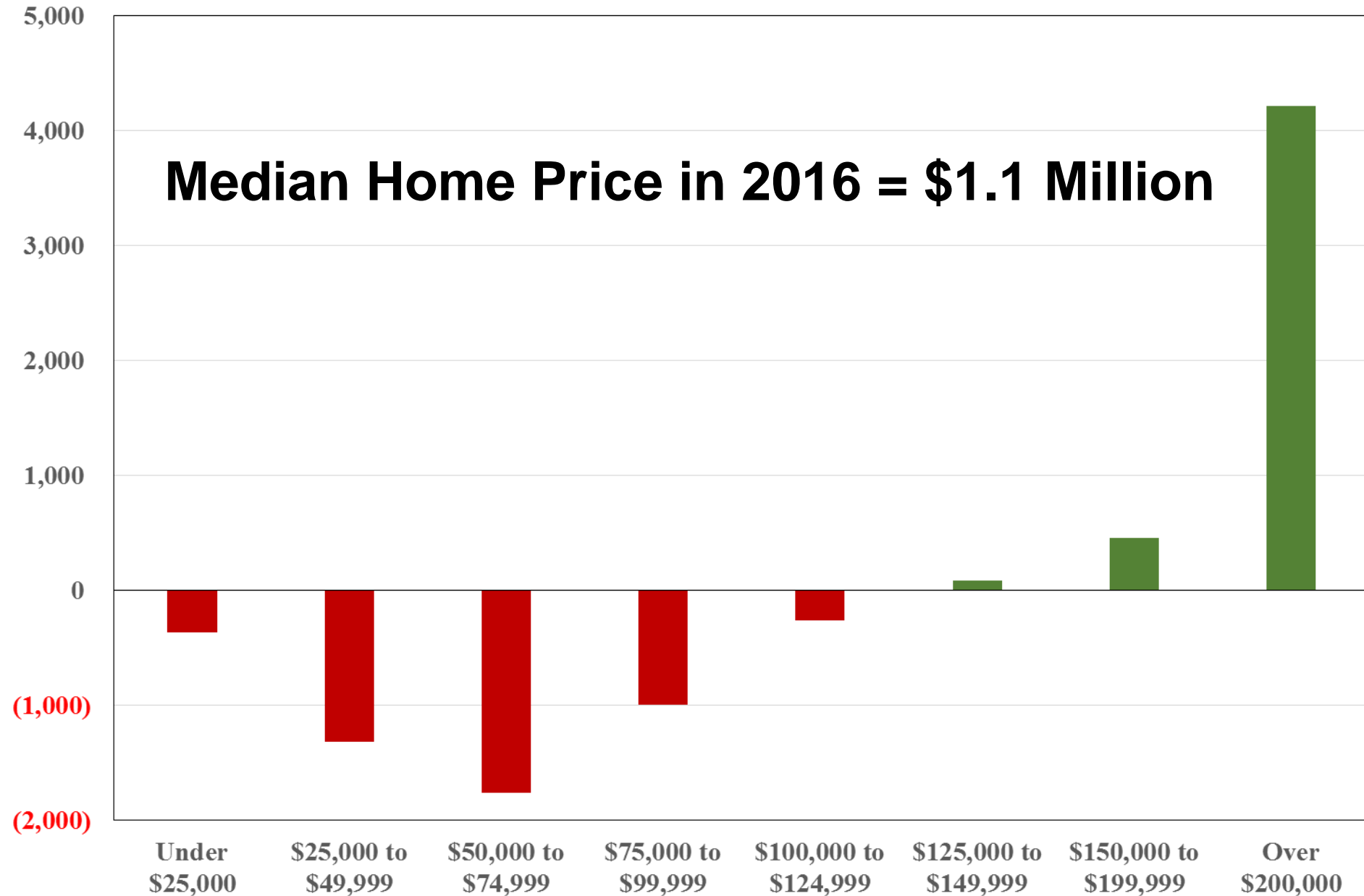
- Promote the preservation of historic buildings, particularly historic carriage houses
- Help to provide a path to legalization of existing illegal apartments
- Reduce safety violations associated with illegal apartments

HOUSEHOLDS, BY INCOME

2000-2013 City of Newton

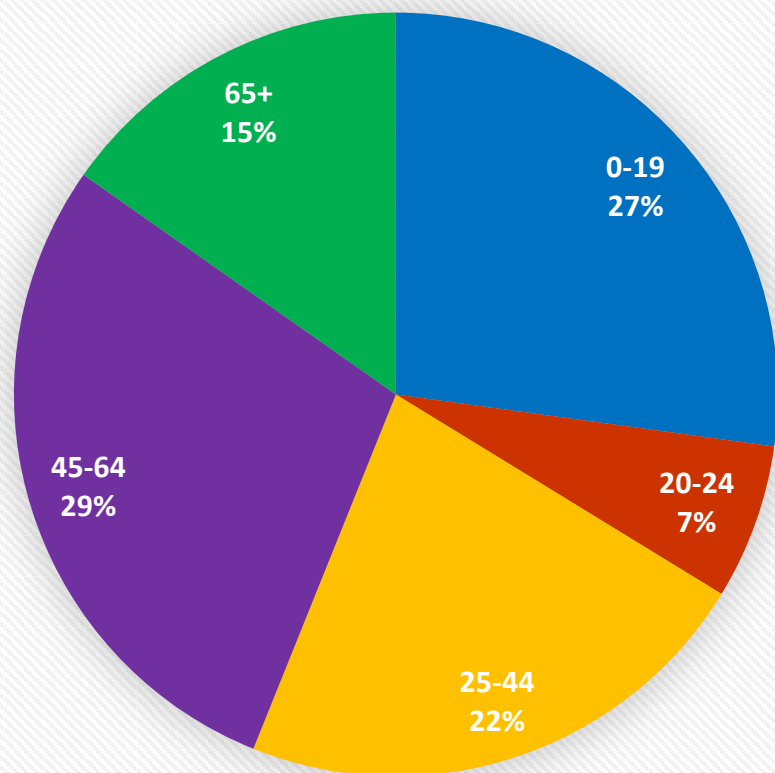
#343-16

Median Home Price in 2016 = \$1.1 Million

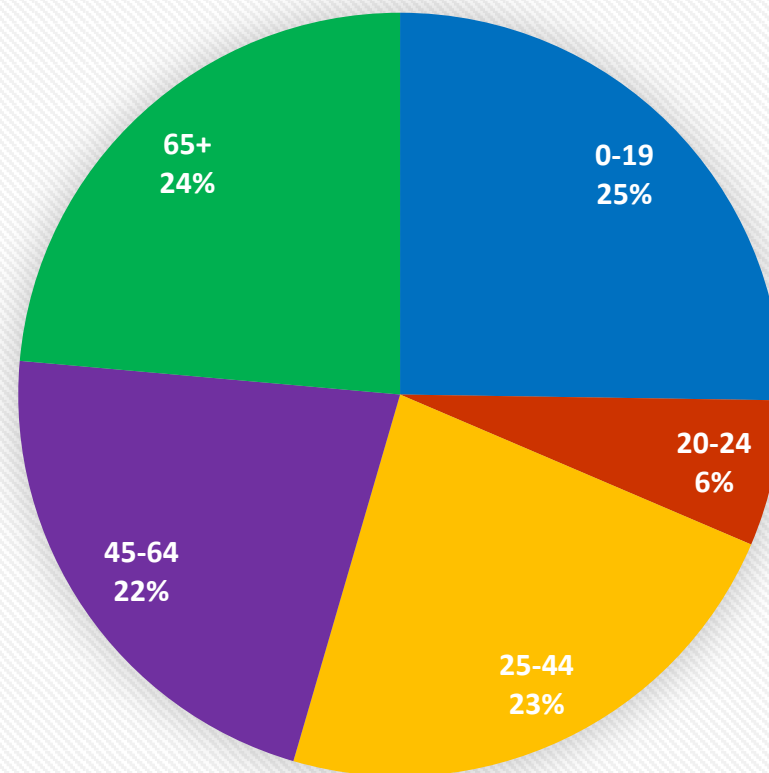


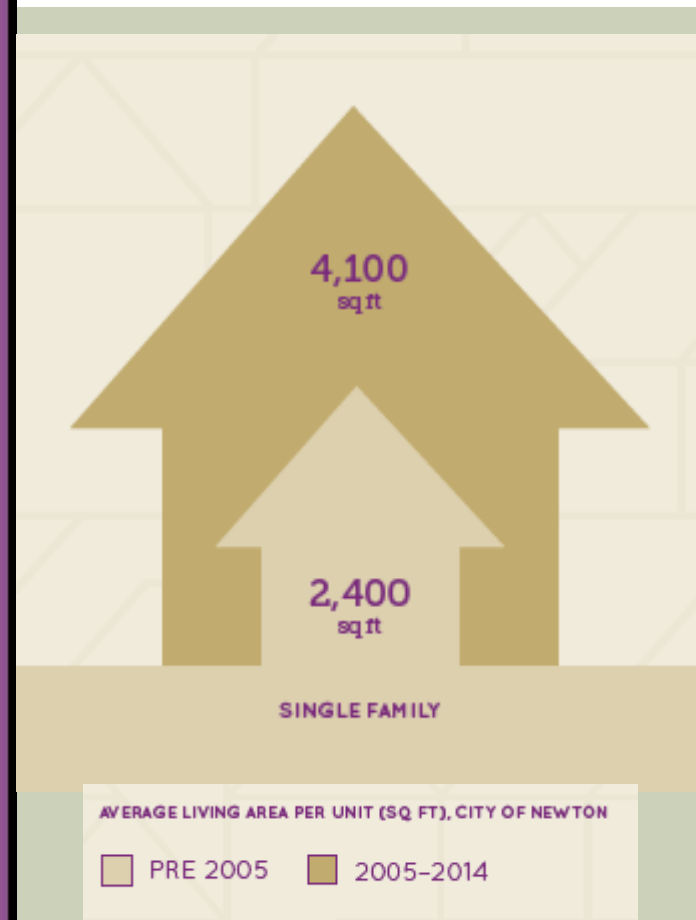
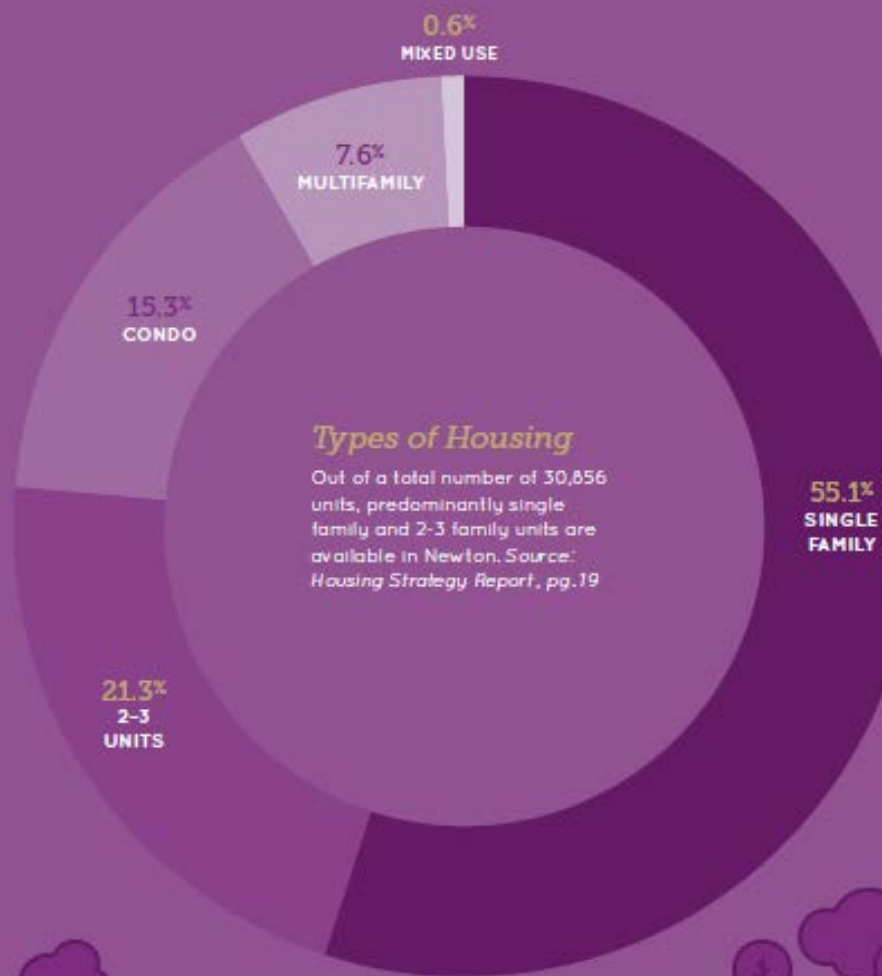
Population by Age

2010



2030





Existing Ordinance

8

- 1994 – 2009

- 5 by-right
- 23 by special permit
- 8 by legalization

Aprox. 4 per year

- 2010 – Present

- 2 by-right
- 22 by special permit
- 12 by legalization

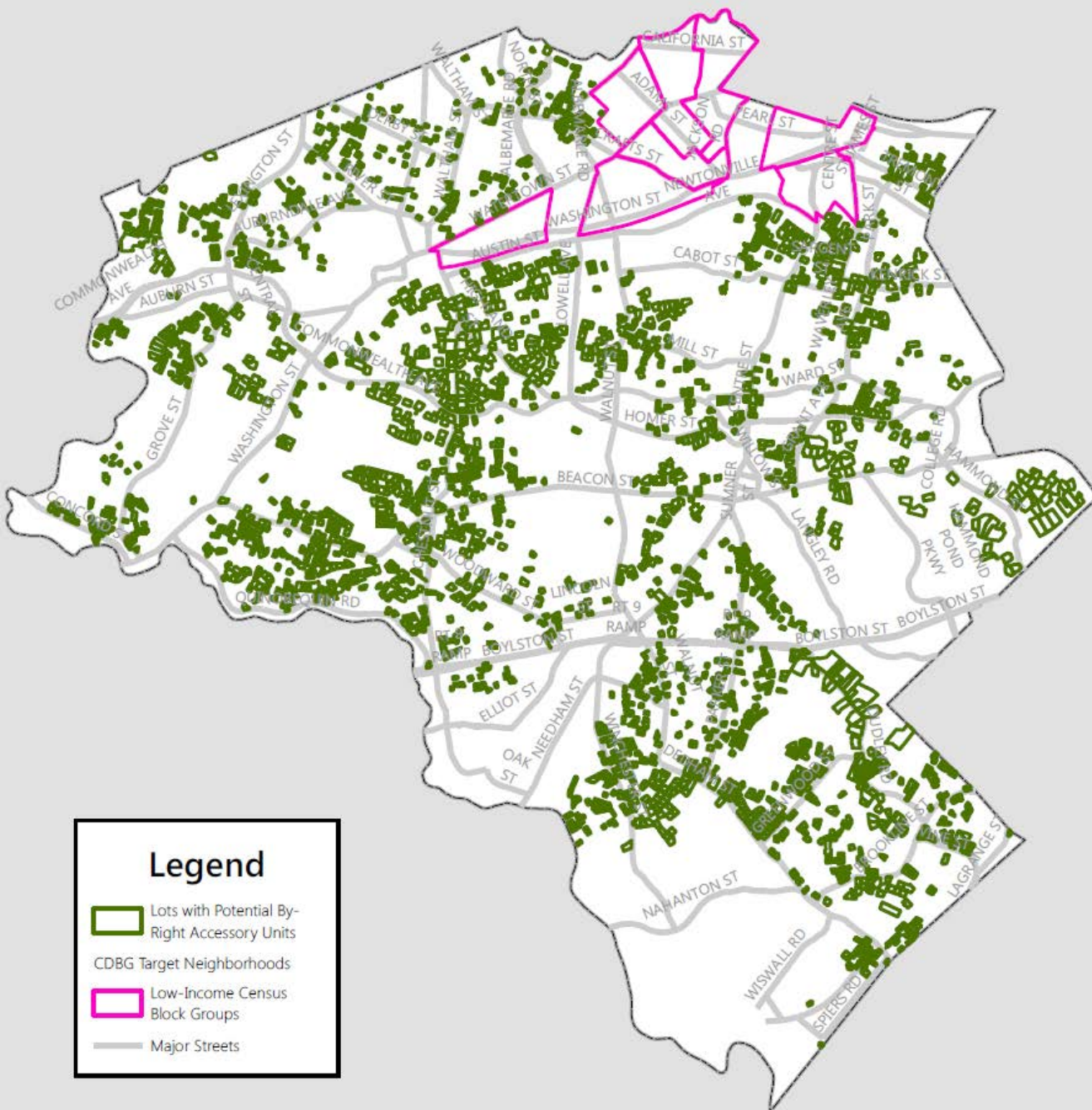
Aprox. 6 per year

Total – 72

.002% of housing

By-Right Lots

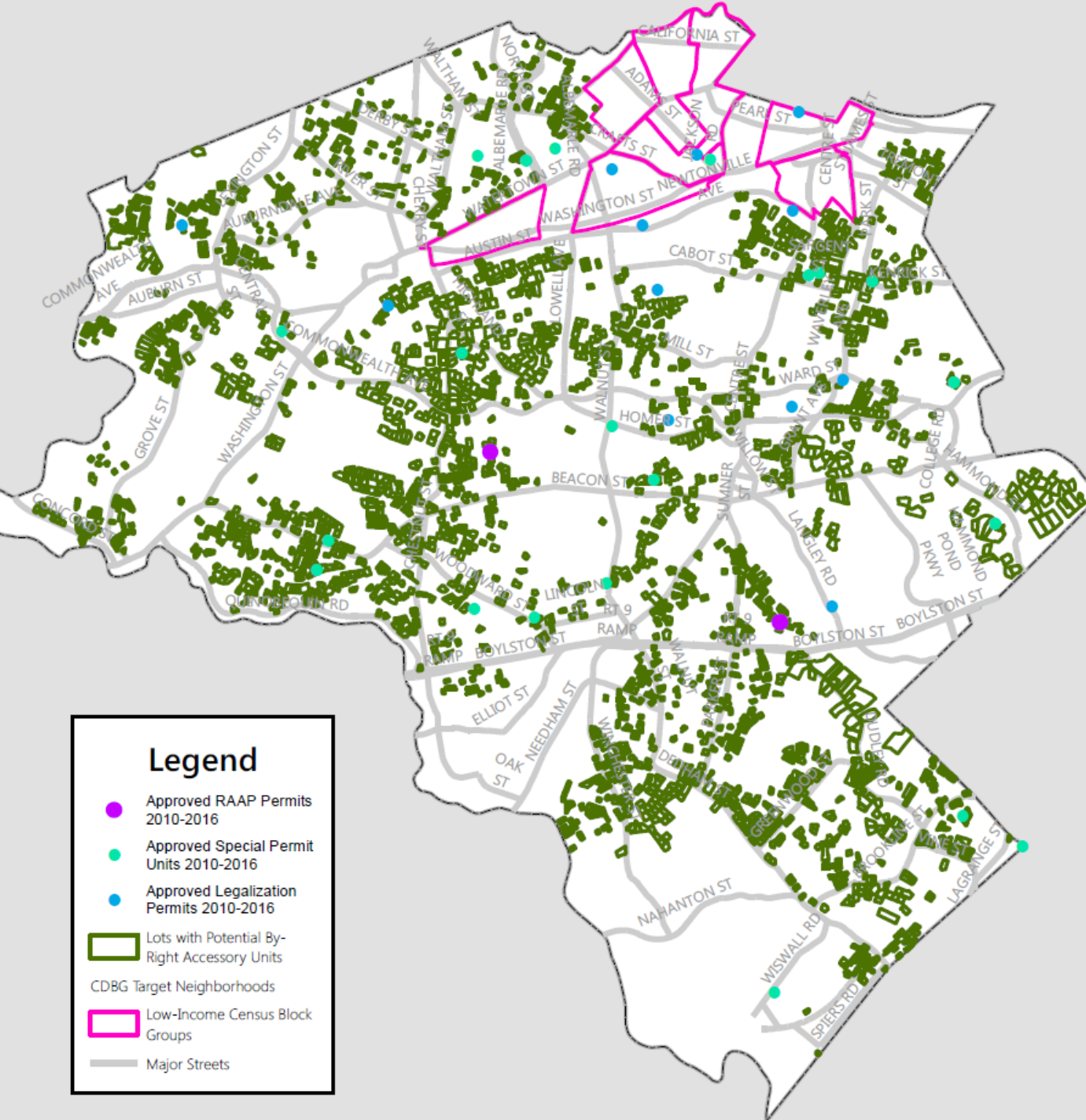
Aprox. 13%



#343-16

Permitted Accessory Apartments

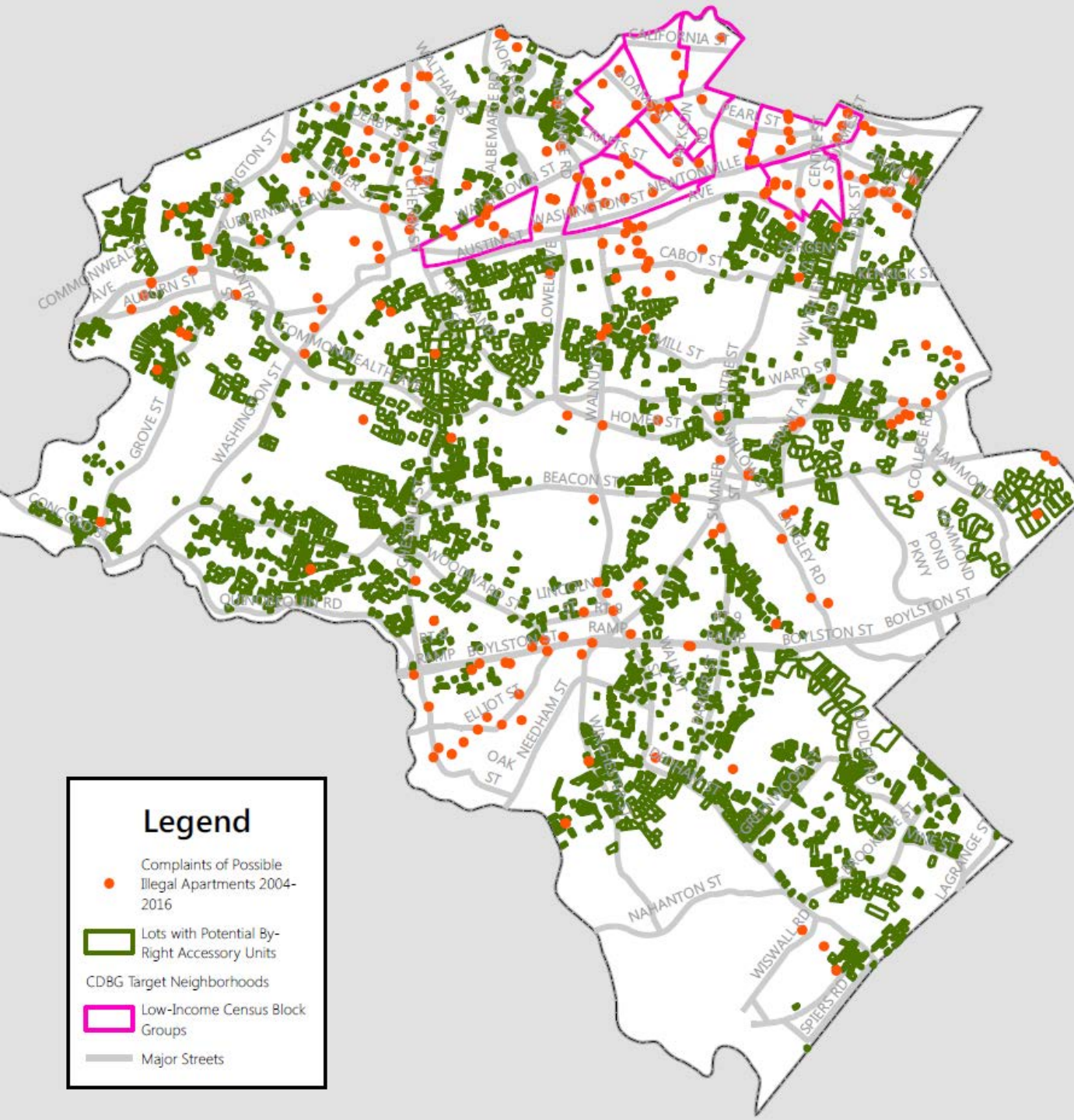
2010 - Now



#343-16

Illegal Apartment Reports

2004 - Now



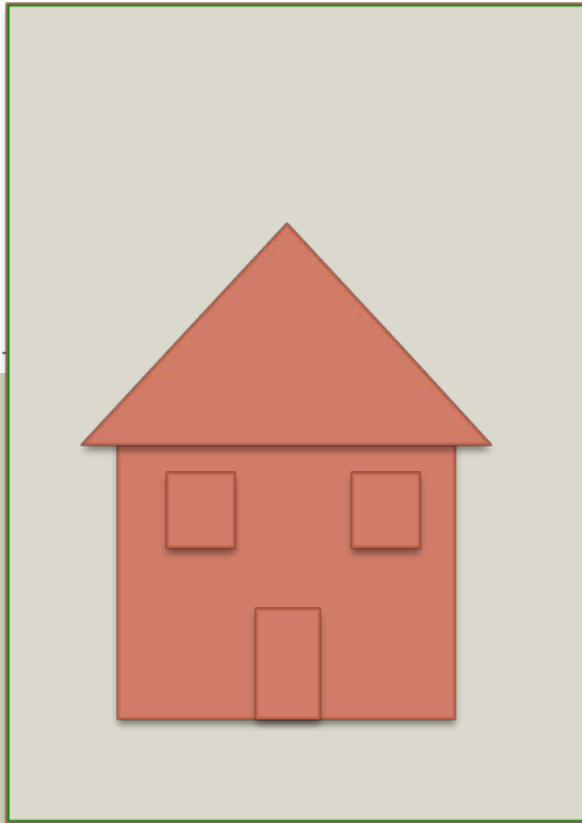
11/14/16

Proposed Ordinance – Use Restrictions

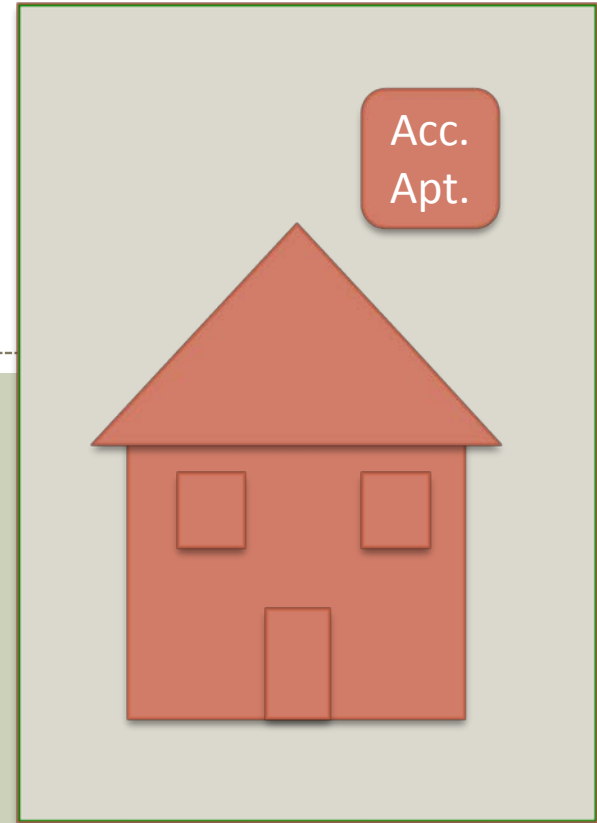
12

- Retains provisions:
 - Property owner lives on site
 - Anti-condo-ization
 - Recordation & annual reporting

- Adds Provision
 - The total combined number of individuals residing in the principal and accessory dwelling units may not exceed the number allowed in the principal dwelling unit alone.



1 Family &
up to 3
unrelated
individuals



1 Family &
up to 3
unrelated
individuals

Proposed Ordinance – Design Restrictions

14

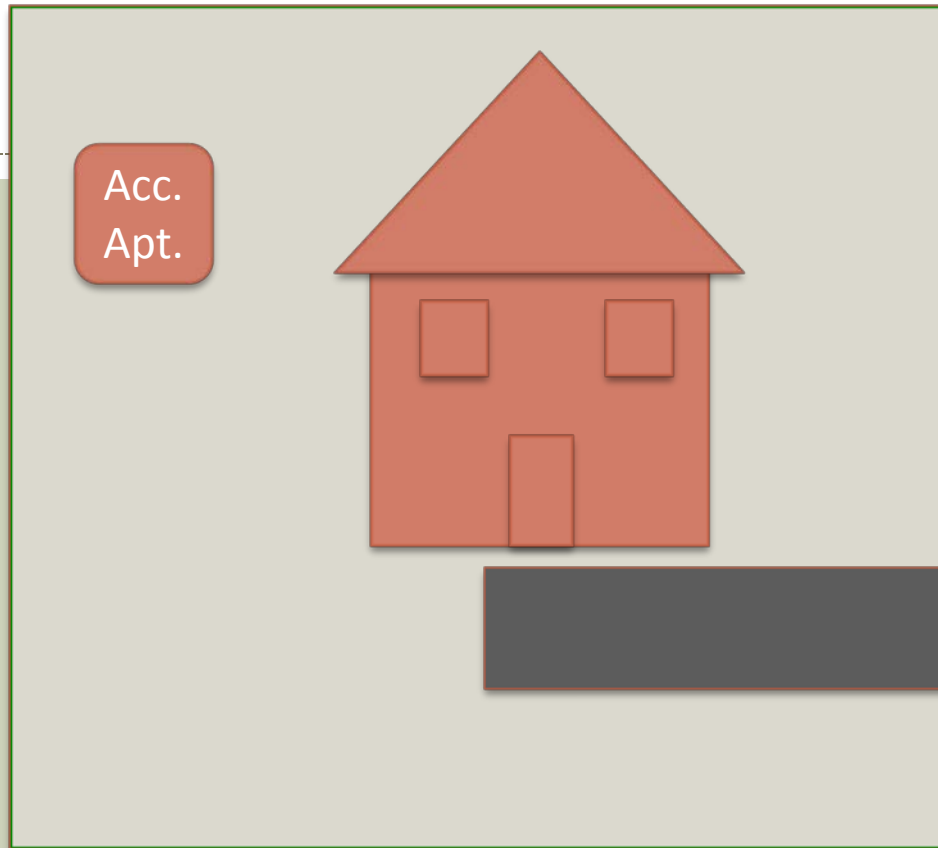
- **Adds Provisions**
 - No 2nd door on front
 - External alterations must blend into existing house
- **Historic Accessory Structures**
 - Exempt from most requirements
 - Must have restoration plan approved by Historic body
 - Must be at least 12.5 feet from residential structure

Proposed Ordinance – Parking

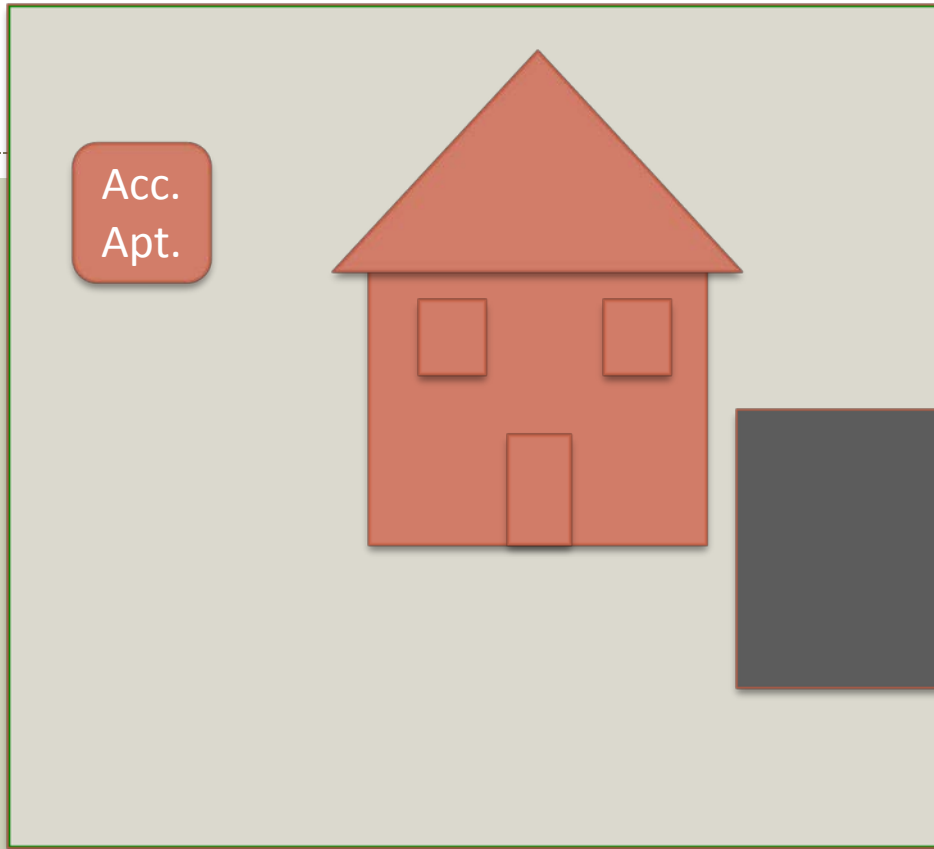
15

- **Adds Provisions**

- Removes accessory apartment parking requirement
- Requires full complement of parking under the ordinance – 2 spaces.



Parking Required



One Parking Space
May Be Waived

Recommendation

18

- **Benefits**

- Offer an inexpensive housing option
- Create benefits that may enable seniors to stay in their homes by both providing income and reducing social isolation
- Creating housing options in existing buildings is more sustainable/fewer greenhouse gasses
- occupancy limits are the same for residences whether or not they have an accessory unit
- Character of neighborhoods is protected

- Questions?

November 15, 2016

City Councilors,

I am Marian Knapp. I live at 250 Hammond Pond Pkwy, Chestnut Hill. I am chair of the Newton Council of Aging. I come to speak to you about the Accessory Apartment Ordinance.

The Newton Department of Senior Services and the Newton Council on Aging has been working closely with the Planning Department regarding the Accessory Apartment Ordinance. The Planning Department engaged the NDSS and the NCOA early in the process to get feedback on the ordinance and to help with the wording and format of the Fact Sheet. Director Barney Heath and/or Community Engagement Manager Lily Canan Reynolds attended our Council on Aging Advisory Board and Executive Committee meetings to explain the ordinance. Since this ordinance relates largely to Newton's aging population, it was appropriate and helpful for them to seek our input.

This ordinance makes complete sense for the City of Newton. It represents one piece of the larger housing picture, which currently does not serve seniors well, or anyone who requires lower cost options.

- Currently, 40% of Newton households have at least one person age 60+.
- 23% of people age 60+ live alone.
- The median income for single men age 65+ is \$30,438.
- The median income for single women age 65+ is \$26,000.
- For residents age 65+, 28% have an annual adjusted income of under \$25,000.
- 27% of boomer home owners need basic home modifications; 20% can't afford them.

You can find all of this data and much more in our UMass, Gerontology Institute study "Living and Aging in Newton: Now and in the Future, which is available on the Department of Senior Services website.

<http://www.newtonma.gov/civicax/filebank/documents/61678>.

As you know, our city's residents, and older residents in particular, need more housing options that they can afford to hold on to and to maintain.

Accessory Apartments open up terrific opportunities for older people to stay in their homes and benefit from income. Or elders can downsize into smaller units and rent the main part of their homes. The Ordinance fits beautifully with the housing goals for Newton as an age-friendly/livable community. It may be one of the dimensions that Newton can report to the World Health Organization and AARP related to our PLAAN (Planning for a Livable, All Age-friendly Newton) within our designation as a member of the WHO/AARP Age-friendly/Livable Community Network.

The ordinance, as it is written, addresses the concern of having too many residents in one small unit. Parking and traffic issues are being worked on. I have two issues, one of which I raised at the public hearing on 11/12/2016.

1. I do not have adequate information on **taxes**. I do believe that the Accessory Apartment ordinance would offer a great benefit to current and future residents. However, it would be important to ascertain that there would be no adverse tax burden for those who are already struggling to maintain houses and pay their current tax bills. I **look forward to more information and clarification on tax ramifications**.
2. The ordinance states that "Only one entrance may be located on the façade of the building facing a street unless the building had additional street-facing entrances before the accessory apartment was created, except by special permit." **The photograph on the Fact Sheet shows a façade with two entrances. Can you clarify?**