



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

**#145-20**  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
[www.newtonma.gov](http://www.newtonma.gov)

**Barney Heath**  
Director

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**M E M O R A N D U M**

**DATE:** May 29, 2020  
**MEETING DATE:** June 2, 2020  
**TO:** Land Use Committee of the City Council  
**FROM:** Barney Heath, Director of Planning and Development  
Neil Cronin, Chief Planner for Current Planning  
Michael Gleba, Senior Planner  
**CC:** Petitioner

In response to questions raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

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**PETITION #145-20**

**169 Hunnewell Avenue**

**Petition #145-20** for SPECIAL PERMIT/SITE PLAN APPROVAL to convert space on the third floor of the existing two-family structure to allow an interior accessory apartment exceeding 1,000 sq. ft. at **169 Hunnewell Avenue**, Ward 1, Newton, on land known as Section 71 Block 32 Lot 01, containing approximately 9,568 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 6.7.1.D.2 of the City of Newton Rev Zoning Ord, 2017.

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**Update**

In order to clarify issues that have been raised concerning the calculation of the relative sizes of a principal dwelling and a related accessory apartment, the Chief Zoning Code Official drafted the attached updated zoning review memorandum.

Planning Department and Law Department will be available to answer questions about the attached at the forthcoming hearing.

**ATTACHMENTS**

**Attachment A** Zoning Review Memorandum (dated May 11, 2020)



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## ATTACHMENT A

City of Newton, Massachusetts  
Department of Planning and Development  
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Director

### ZONING REVIEW MEMORANDUM

Date: May 11, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Neil Cronin, Chief Planner for Current Planning

Cc: Jordana Roubicek Greenman, Attorney  
Mojo Realty Trust, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Acting City Solicitor

RE: Request to allow an accessory apartment exceeding 1,000 square feet

Applicant: Mojo Realty Trust	
Site: 169 Hunnewell Avenue	SBL: 71032 0001
Zoning: MR1	Lot Area: 9,568 square feet
Current use: Two-family dwelling	Proposed use: Two-family dwelling with an accessory apartment

#### BACKGROUND:

The property at 169 Hunnewell Avenue consists of a 9,568 square foot lot improved with a residence constructed circa 1890. The dwelling was originally constructed as a single-family home and was converted to a two-family use in 1942. A third unit was constructed in the attic and was removed by an enforcement action in 1972. The dwelling is currently used as a legal two-family. The petitioner proposes to convert existing space within the attic level to be used as an accessory apartment.

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

- Zoning Review Application, prepared by Jordana Roubicek Greenman, attorney, submitted 11/21/2019
- Second and Third Floor Plans, prepared by John Seger, architect, dated 10/21/2019

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioner proposes to convert existing attic level finished space into an accessory apartment. Per section 6.7.1.D.2, an internal accessory apartment may be a maximum of 1,000 square feet or 33% of the total habitable space in the principal dwelling, as defined in section 8.3. While “dwelling” is defined as the entire structure, it has been determined by the Commissioner of Inspectional Services that in cases of a two-family dwelling, the principal dwelling is considered the dwelling to which the apartment is associated. The proposed apartment is to be associated with the second-floor unit, which has 2,871 square feet of habitable space in the second and attic levels, allowing a 947 square foot apartment. Per section 6.7.1.D.2, a special permit is required to allow an accessory apartment up to 1,200 square feet or 40% of the total habitable space, whichever is less. The proposed apartment is 1,092 square feet, which is 38% of the habitable space of unit. The principal unit will be 1,779 square feet.

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§6.7.1.D.2	Request to allow an accessory apartment in excess of 1,000 square feet	S.P. per §7.3.3

### **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

### **The following must be included when filing a Special Permit Application:**

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners?      Y/N