



Setti D. Warren
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	May 5, 2015
Land Use Action Date:	May 19, 2015
Board of Aldermen Action Date:	July 13, 2015
90-Day Expiration Date:	August 4, 2015

DATE: May 1, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner 

SUBJECT: **Petition #76-15**, Leslie See, for a SPECIAL PERMIT/SITE PLAN APPROVAL for an accessory apartment in a two-family house at 34-36 BROADLAWN PARK, Chestnut Hill, on land known as Section 82, Block, 46, Lot 6, containing approximately 13,913 sq. ft. of land in a district zoned MULTI-RESIDENCE 1. Ref: §30- 24, 30-23, 30-8(d)(1)(C) 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.



34-36 Broadlawn Park

EXECUTIVE SUMMARY

The property at 34-36 Broadlawn Park consists of a 13,913 square foot lot, and is improved with a two-family dwelling that was built in 1970. The site abuts the Town of Brookline to the northeast (rear property line) and the City of Boston to the southeast (side property line). The petitioner currently owns both units in the two-family structure, living in the unit addressed at 34 Broadlawn Park (Unit #1) and renting the unit addressed at 36 Broadlawn Park (Unit #2). The petitioner is proposing to create an approximately 572 square foot accessory apartment within the lower level of the two-family structure. In order to develop the accessory unit as proposed in a Multi-Residence 1 district, the petitioner is seeking a special permit.

The Planning Department has no concerns with the proposed accessory apartment. The 572 square foot accessory unit will add to the diversity of the City's housing stock and is proximate to other two-family and multi-family structures in the surrounding area. The Planning Department further notes that the property complies with the lot coverage and open space requirements of the Newton Zoning Ordinance, and the site can easily accommodate the additional required parking stall in the existing driveway. For these reasons, the Planning Department finds that by allowing an accessory apartment on a property where a two-family dwelling unit exists will not adversely impact the surrounding neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The specific site is an appropriate location for an accessory apartment. (§30-24(d)(1))
- The accessory apartment will not adversely affect the neighborhood. (§30-24(d)(2))
- Access to the site over streets is appropriate for the numbers of vehicles involved. (§30-24(d)(4)).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject site is located along Broadlawn Park, and is bound to the northeast (rear property line) by the municipal boundary between Newton and the Town of Brookline and to the southeast (side property line) by the municipal boundary between Newton and the City of Boston. The site is also proximate to the intersection of Broadlawn Park and Broadlawn Drive. The property is developed with a two-family dwelling, and is abutted by other parcels developed with two-family and multi-family residential uses (**ATTACHMENT A**). The subject property and parcels to the northwest and southwest are zoned Multi-Residence 1 (**ATTACHMENT B**). Across LaGrange Street is an area zoned Multi-Residence 3. The parcels in the Boston contain larger multi-family residences zoned Multi-family Residential (MFR). The nearby properties located in Brookline include single-family homes zoned Single-Family Residential (S-15).

B. Site

The site consists of 13,913 square feet of land, and is improved with a two-family dwelling that was constructed in 1970. The site has vehicular access via a concrete paver driveway off of Broadlawn Park. The remaining portions of the property consist of lawn. The site is partially screened by a sight-obscuring fence along the southeast property line. The petitioner currently owns both units in the two-family structure, living in Unit #1 and renting Unit #2.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

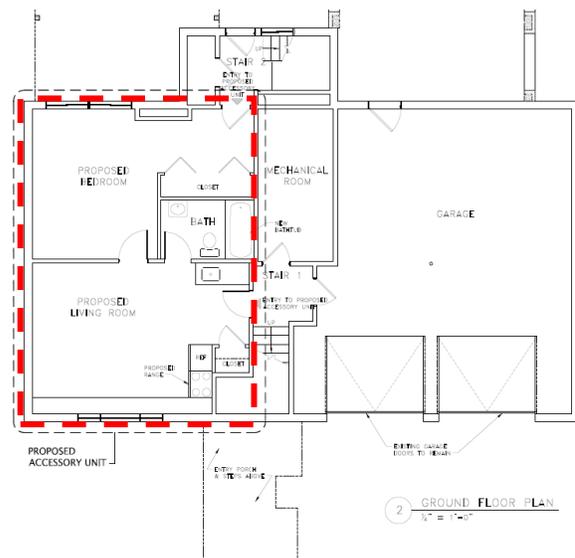
The principal land use will remain a two-family residence, with Unit #1 having an accessory apartment. An accessory apartment in this unit precludes the ability of Unit #2, regardless of ownership, from having the same, as only one accessory apartment is allowed per lot. As mentioned above, the petitioner currently owns both units in the two-family structure.

The Planning Department believes that the site is an appropriate location for an accessory apartment, as there is sufficient parking on the site for the accessory apartment and the site is proximate to other densely developed parcels.

B. Building and Site Design

The petitioner is not proposing to make any changes to the exterior of the structure to accommodate the proposed accessory apartment. The basement will require some internal work in order to create a bathroom and kitchen for the accessory unit, as shown in the Ground Floor Plan (A-1) and outlined to the right.

The Planning Department has no concerns with the proposed changes to the existing structure.



C. Parking and Circulation

The site currently has parking for five vehicles on the site, two parking stalls in the attached garage and three at-grade stalls adjacent to the structure. The existing stalls will accommodate the four stalls required for the two-family use and one stall required for the accessory apartment. The at-grade parking stalls are partially

screened by an existing sight-obscuring fence, which appears adequate to visually screen the at-grade parking areas from the abutting property to the southeast.

D. Landscape Screening

The petitioner did not submit a landscape plan, as there are no changes to the site proposed. The Planning Department believes the existing sight-obscuring fence is adequate to minimize the visual impact of the uses on the site should this request be approved.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following relief:

- §30-9(h)(1), to create an accessory apartment in a two-family dwelling.

B. Engineering Review

The project does not require review by the Engineering Division of Public Works.

V. 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 March 12, 2015

Land Use Map 34-36 Broadlawn Park

*City of Newton,
Massachusetts*

ATTACHMENT A

Legend

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Vacant Land
-  Newton City Boundary

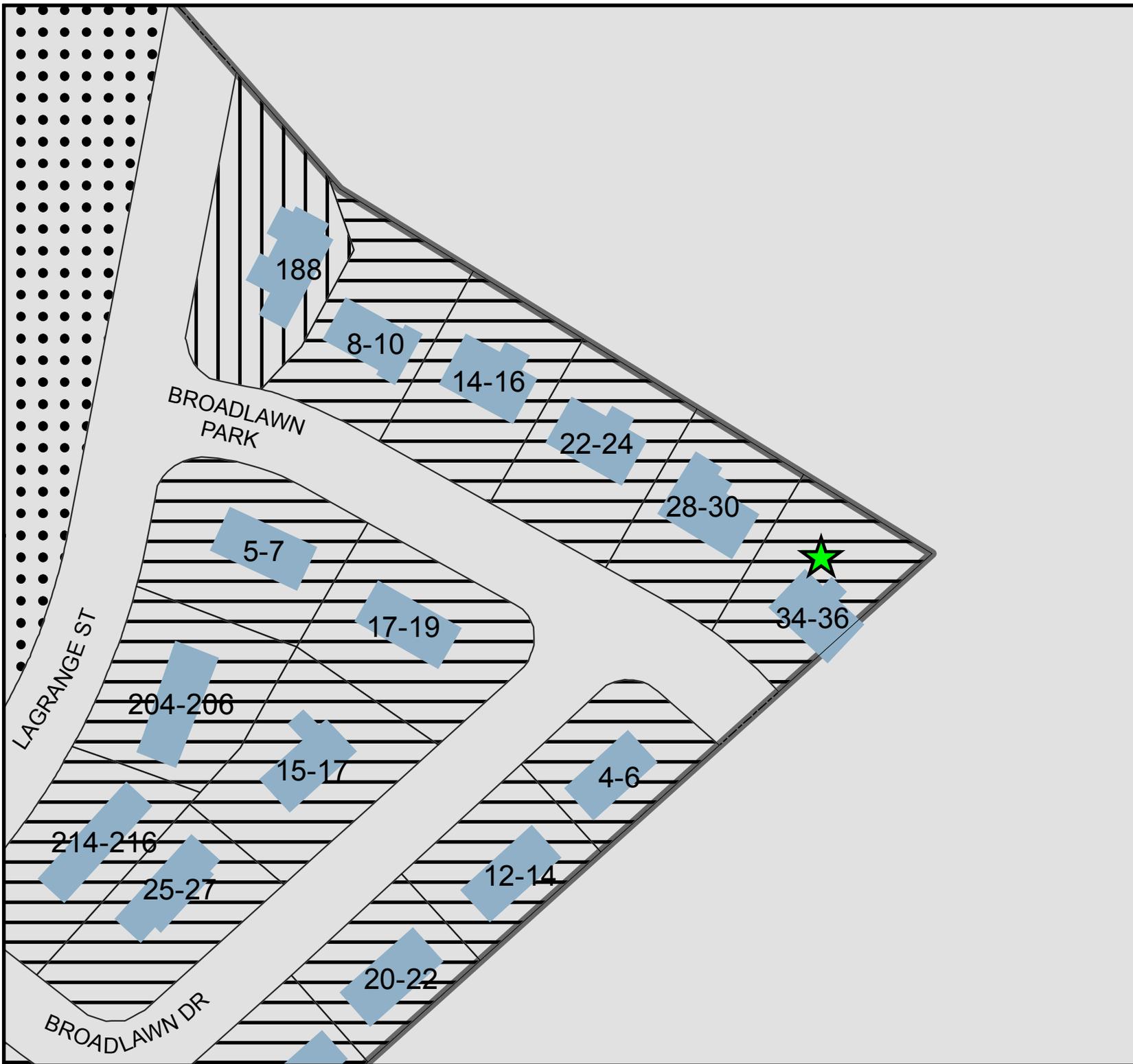


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: April 23, 2015



Zoning Map 34-36 Broadlawn Park

*City of Newton,
Massachusetts*

ATTACHMENT B

Legend

-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 3
-  Newton City Boundary



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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Fees

Map Date: April 23, 2015





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ATTACHMENT C

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: March 12, 2015

To: John Lojek, Commissioner of Inspectional Services

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

Cc: G. Michael Peirce, Attorney
Leslie See and Christopher Man Szeto
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to establish an accessory apartment in an existing two-family dwelling

Applicant: Leslie See and Christopher Man Szeto	
Site: 34-36 Broadlawn Park	SBL: 82046 0006
Zoning: MR1	Lot Area: 13,913 square feet
Current use: Two-family dwelling	Proposed use: Two-family dwelling with accessory apartment

BACKGROUND:

The property at 34-36 Broadlawn Park is located in the MR1 district. The two-family structure was built in 1970 and abuts the Town of Brookline to the rear, and the City of Boston to the east. The structure consists of two and one-half stories with an attached two-car garage. The applicant is seeking a special permit to allow for the creation of a 572 square foot accessory apartment in the garage level of the structure. Pursuant to Section 30-9(h)(1), a special permit is required to create an accessory apartment in a two-family dwelling.

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

- Zoning Review Application, prepared by G. Michael Peirce, dated 2/12/2015
- Site Plan, signed and stamped by Verne T. Porter, surveyor, dated 2/3/2015
- Architectural Plans, signed and stamped by D. Christopher Royer, architect, dated 1/26/2015

ADMINISTRATIVE DETERMINATIONS:

1. The existing two-family structure is located in an MR1 district. Per Sections 30-9(h)(1) a special permit is required to create an accessory apartment in two-family structure.
2. Table 30-8 requires a lot have at least 8,000 square feet for an accessory apartment by special permit. The applicant's lot has 13,913 square feet.
3. Table 30-8 requires that a unit has at least 2,600 square feet to allow an accessory apartment by special permit. The structure has 4,040 square feet, with an additional 2,000 square feet in the basement.
4. Sections 30-9(h)(1)a) require that an accessory apartment within a two-family dwelling must have one of the units occupied by the owner of the property. The owner of the property must maintain residency in the main dwelling or the proposed apartment.
5. Section 30-9(h)(1)b) requires a two-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 1970 and thus meets 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 30-9(h)(1)c). The proposed apartment is approximately 572 square feet.
7. Per Section 30-9(h)(1)e), any additions or alterations to the structure made within two years prior may not be applied towards meeting the requirements of Table 30-8.
8. There are no other existing or proposed accessory apartments on the lot, per section 30-9(h)(1)f).
9. No lodgers are allowed in any unit, per section 30-9(h)(1)g).
10. Sections 30-9(h)(1)h), 30-19(d)(19) and 30-19(g) require two parking stalls for each dwelling unit, and one stall for the accessory unit. The existing two-family dwelling contains an attached two-car garage, as well as two stalls located outside in front of the garage stalls, for a total of four stalls on site. The applicants propose to create a new third outdoor stall on the eastern side of the property, which meets the dimensional requirements of Section 30-19(g)(2). The additional parking stall will be located adjacent to the parking lot of the abutting condo complex.
11. The accessory apartment must comply with all applicable building, fire and health codes, per section 30-9(h)(1)i).

MR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	13,913 square feet	No change
Frontage	80 feet	80 feet	No change
Lot size required for an accessory apartment	8,000 square feet	13,913 square feet	No change
Unit size required for an accessory apartment	2,600 square feet	6,040 square feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	30 feet 10 feet 15 feet	35 feet 13 feet 55 feet	No change No change No change
Stories	2.5	2.5	No change
Max Lot Coverage	30%	15.3%	No change
Min Open Space	50%	72.49%	71%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§30-9(h)(1)	Creation of an accessory apartment in a two-family dwelling in the MR1 district	S.P. per §30-24