



# City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

617-796-1120

Ruthanne Fuller  
Mayor

Barney Heath  
Director

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## PUBLIC HEARING MEMORANDUM

**DATE:** March 8, 2024

**TO:** City Council

**FROM:** Barney S. Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Joseph Iadonisi, Senior Planner

**SUBJECT:** **Petition #139-24**, for SPECIAL PERMIT/SITE PLAN APPROVAL to further extend nonconforming Floor Area Ratio and nonconforming lot coverage at 157 Baldpate Hill Rd., Ward 8, Newton, on land known as Section 82 Block 25 Lot 63, containing approximately 16,048 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 3.1.3, 3.1.9, and 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. 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 City Council will want to consider in its discussion at a subsequent Working Session.



**157 Baldpate Hill Rd.**

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Preserving the Past  Planning for the Future

### I. Project Description

*Use* – single-family, detached

*Zone* – Single-Residence 1 (SR1)

*Lot size* – 16,408 square feet

*Existing Nonconformities* - nonconforming Floor Area Ratio (FAR) and lot coverage

*Proposal*- The petitioner is seeking to add a new lower level, further exceeding the maximum allowable Floor Area Ratio and lot coverage allowed by right in SR1.

*Analysis*

The topography of the site is significant in that there is a downwards slope of approximately 40 feet from the front to the rear of the lot. Due to the grade, the dwelling presents as a single-story from the front of the property while there are currently two levels visible from the rear. Additionally, the grade means that the proposed new building area below the first floor will count towards Floor Area Ratio, further exceeding allowable Floor Area Ratio. The added building area also increases the already nonconforming lot coverage further, requiring a special permit. While a 16,048 square foot lot size typically could support a variety of structures without requiring relief, the significant grade of the site limits some of the by-right options and increases the amount and severity of relief required.

II. Zoning Relief Requested:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further extend nonconforming FAR	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further increase nonconforming lot coverage	S.P. per §7.3.3

For more details around the zoning analysis please refer to **Attachment A**.

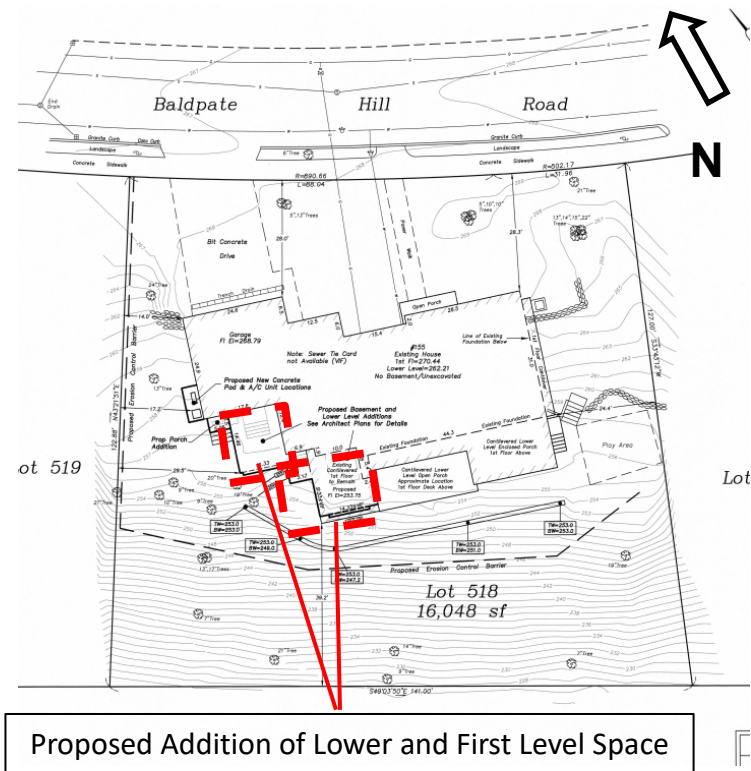
III. Criteria for Consideration per §7.8.2.C.2:

- The proposed addition of a lower level and additions to the first level, further extending nonconforming Floor Area Ratio and nonconforming lot coverage, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§3.1.3, §3.1.9)
- The proposed addition of a lower level and additions to the first level, further extending nonconforming Floor Area Ratio and nonconforming lot coverage, will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§7.8.2.C.2)

IV. Project Proposal and Site Characteristics

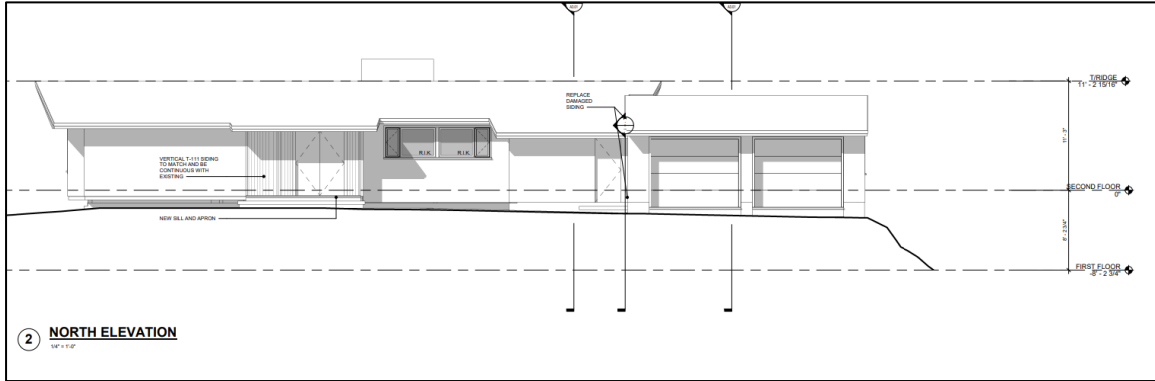
The proposed project consists of an entirely new basement addition and first story addition above. Currently, the primary entrance of the dwelling is on what is considered the second story with the steep grade of the site meaning the first story is almost entirely below the grade of the bottom of the second story front façade (see below for illustration in right or left elevation). This steep grading of the site is even more pronounced at rear half of the property which drops about 30 feet in elevation in the rear 60 feet of the property. The petitioners are proposing to add 484 square feet of living space in the proposed basement. There will also be an addition of 470 square feet to the first story. If approved, the additions will increase lot coverage from 21% to 22.5% and increase Floor Area Ratio from .35 to .40, where .30 is the maximum allowed as of right. The dwelling will remain a two story structure and all other dimensional standards for the SR1 Zone will remain in compliance.

*Proposed Site Plan*

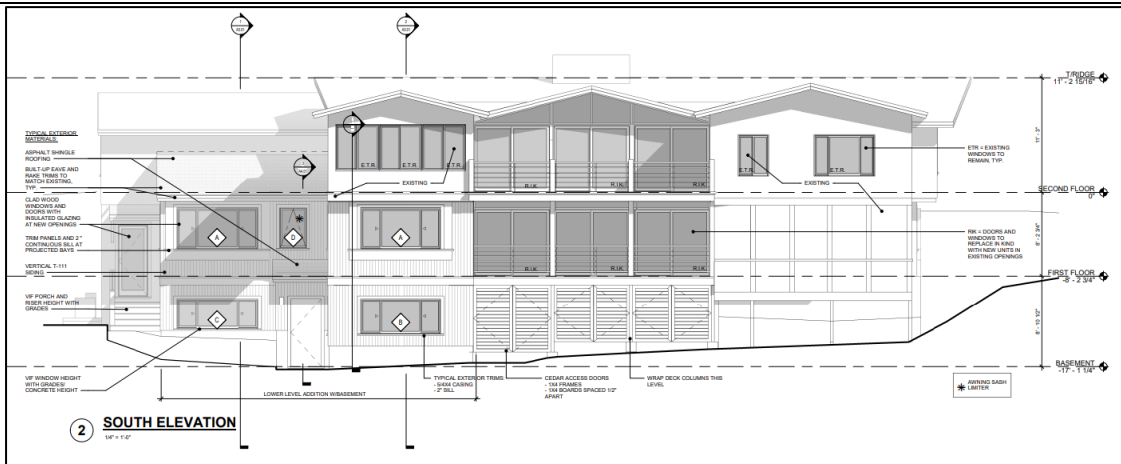


*Proposed Elevations*

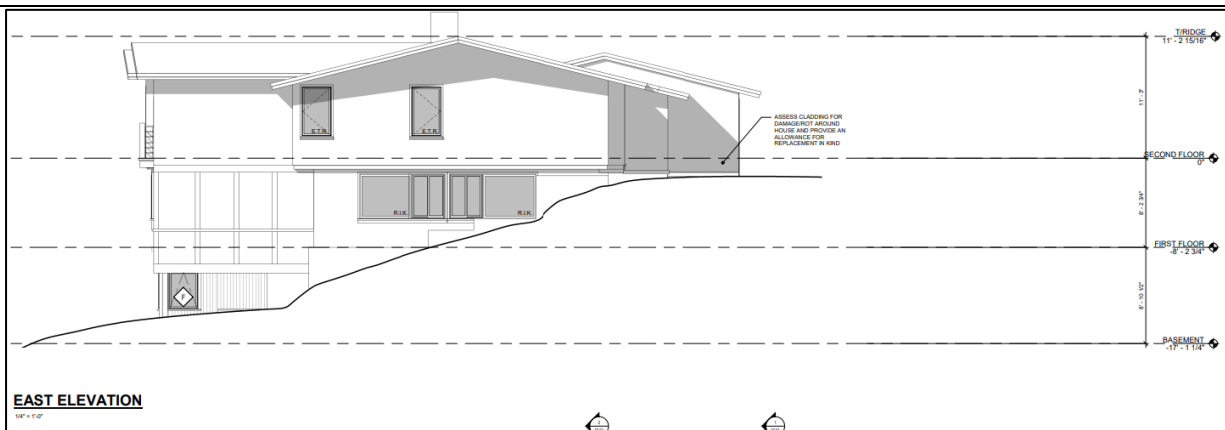
Front Elevation



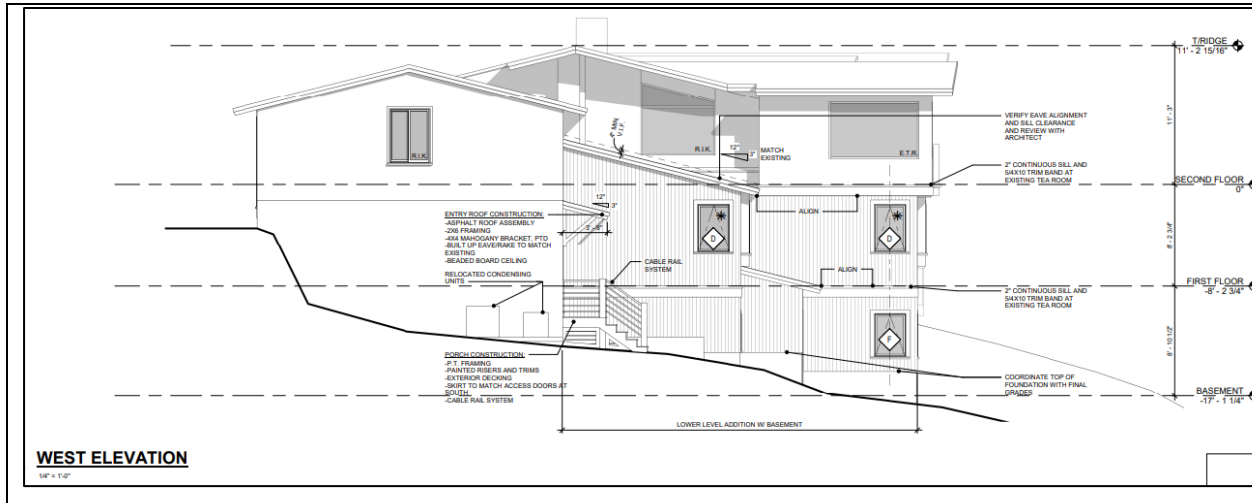
Rear Elevation



Right Elevation



Left Elevation



I. Interdepartmental Review

Should this project be approved, the petitioner will be required to comply with the stormwater ordinance and will be subject to Engineering Review prior to the issuance of a building permit.

II. Petitioner's Responsibilities

The petition is complete.

**ATTACHMENTS:**

**ATTACHMENT A:** Zoning Review Memorandum

**ATTACHMENT B:** DRAFT Council Order



Ruthanne Fuller  
Mayor

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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: January 30, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

Cc: Daniel Krupp and Ryan Winton, Applicants  
Terrence P. Morris, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

RE: Request to further extend nonconforming FAR and lot coverage

Applicant: Daniel Krupp & Ryan Winton	
Site: 157 Baldpate Hill Road	SBL: 82025 0063
Zoning: SR1	Lot Area: 16,048 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 157 Baldpate Hill Road consists of a 16,048 square foot lot improved with a single-family dwelling constructed in 1984 on a pre-1953 lot. There is a significant downward slope from the front of the lot to the rear. As such, the dwelling presents as a single story from the street, but two stories from the rear. The petitioner proposes to construct basement and first story additions which will further extend the nonconforming FAR and lot coverage, requiring a special permit.

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

- Zoning Review Application, prepared Terrence P. Morris, attorney, submitted 1/5/2024
- Existing Conditions Site Plan, signed and stamped by Verne T. Porter, surveyor, dated 10/13/2023
- Proposed Conditions Site Plan, signed and stamped by Verne T. Porter, surveyor, dated 11/15/2023
- Floor Plans and Elevations, prepared by Olson Lewis + Architects, architect, dated 11/22/2023
- FAR calculations, submitted 1/5/2024

**ADMINISTRATIVE DETERMINATIONS:**

1. The existing dwelling is two stories on a slab. The petitioner proposes to construct an addition of a basement story with living space above. The proposed basement addition is lower than the existing slab due to the sloping topography, thus creating a basement where one doesn't currently exist. The proposed construction increases the nonconforming FAR from .35 to .40, where .30 is the maximum allowed per sections 3.1.3 and 3.1.9, requiring a special permit per section 7.8.2.C.2.
2. At the time the dwelling was constructed in 1984, the maximum lot coverage allowed in all districts was 30%. This requirement has since changed to allow for a maximum of 20% in the SR1 district for an old lot per section 3.1.3. The property has an existing nonconforming lot coverage of 21%, which will increase to 22.5% with the proposed additions. To further increase the nonconforming lot coverage requires a special permit per section 7.8.2.C.2.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	16,048 square feet	No change
Frontage	100 feet	120 feet	No change
Setbacks			
• Front	25 feet	28 feet	No change
• Side	12.5 feet	17.2 feet	No change
• Side	12.5 feet	24.4 feet	No change
• Rear	25 feet	39.2 feet	No change
Height	36 feet	20.1 feet	20.9 feet
Stories	2.5	2	No change
FAR	.30	<b>.35</b>	<b>.40*</b>
Max Lot Coverage	20%	<b>21%</b>	<b>22.5%*</b>
Min. Open Space	35%	75%	73.5%

**BOLD** indicates a nonconformity

\*Relief required

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §3.1.9 §7.8.2.C.2	Request to further extend nonconforming FAR	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further increase nonconforming lot coverage	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to further extend nonconforming Floor Area Ratio and nonconforming lot coverage as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The proposed addition of a lower level and additions to the first level, further extending nonconforming Floor Area Ratio and nonconforming lot coverage, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as the additions are the rear of and beneath the dwelling and the dwelling will still present as a single-story from the street. (§3.1.3, §3.1.9)
2. The proposed addition of a lower level and additions to the first level, further extending nonconforming Floor Area Ratio and nonconforming lot coverage, will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood as the steep grade of the site limits the potential locations and by-right options for additions. (§7.3.3.C.1)



PETITION NUMBER: #139-24

PETITIONER: Daniel Krupp and Ryan Winton

LOCATION: 157 Baldpate Hill Rd., Ward 8, Newton, on land known as Section 82 Block 25 Lot 63, containing approximately 16,048 sq. ft. of land

OWNER: Daniel Krupp and Ryan Winton

ADDRESS OF OWNER: 157 Baldpate Hill Rd.  
Newton, MA 02459

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §3.1.3, §3.1.9, and §7.8.2.C.2 to further extend nonconforming Floor Area Ratio and nonconforming lot coverage

ZONING: Single-Residence 1

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping, and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. Plot Plan signed, stamped, and dated by Verne T. Porter, Professional Land Surveyor, dated November 15, 2023.
  - b. Architectural plans prepared by Olson Lewis and Architects, dated November 22, 2023 consisting of the following sheets:
    - i. Proposed elevations (showing rear and right/west), A2.01
    - ii. Proposed elevations (showing front and left/east), A2.02
2. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
  - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.

- b. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
  
3. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with for the portion of the project for which occupancy is requested and the Petitioner has:
  - a. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1.
  
  - b. Submitted final as-built survey plans in digital format, stamped, and signed by a professional land surveyor or professional engineer, as applicable.