



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

Candace Havens

ZONING REVIEW MEMORANDUM

Date: July 24, 2012

To: John Lojek, Commissioner of Inspectional Services

From: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning

Cc: Stephen Buchbinder, attorney representing applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow attached dwellings

RECEIVED
 NEWTON CITY CLERK
 2013 FEB 26 PM 1:04
 David A. Olson, CMC
 Newton, MA 02459

Applicant: Nine Ripley LLC	
Site: 9 Ripley Street	SBL: 65019 0020
Zoning: MR1	Lot Area: 19,367 square feet
Current use: Single-family dwelling	Proposed use: Four attached dwellings

BACKGROUND:

The property at 9 Ripley Street consists of a 19,367-square foot lot occupied by a single-family dwelling constructed in 1866. The applicant proposes to add three additional dwelling units, one attached to the existing dwelling and a new group of two located between the street and the existing dwelling.

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

- Architectural plans, unsigned and unstamped by Kunz Associates, Architects, dated 6/8/12
 - Renderings
 - Proposed Floor Plans Unit 1
 - Proposed Floor Plans Unit 2
 - Proposed Plans Basement & 1st Level, Units 3 & 4
 - Proposed Plans 2nd and 3rd Level, Units 3 & 4
- Revised architectural plans, unsigned and unstamped by Kunz Associates, Architects, dated 6/19/12
- Site plan, signed and stamped by Joseph R. Porter, Surveyor, revised 6/21/12
- FAR/Lot Coverage Calculation
- Letter from Newton Historical Commission, waiving demolition delay, dated 6/23/11

ADMINISTRATIVE DETERMINATIONS:

1. Per Section 30-9(b)(5), attached dwellings require a special permit in the MR1 zone. To use the property as proposed, the applicant must obtain a special permit from the Board of Aldermen.
2. The property is in the MR1 zone and must comply with the dimensional standards of Section 30-15, Table 1 for attached dwellings (see chart below).

MR1 Zone	Required/Allowed	Existing	Proposed
Lot Size	15,000 square feet	19,367 square feet	No change
Frontage	80 feet	115.1 feet	No change
Lot area per DU	4,000 square feet	19,367 square feet	4,842 square feet
Setbacks			
• Front	25 feet	112.3 feet	20.1 feet
• Side	25 feet*	17.5 feet*	15.2 feet
• Rear	25 feet*	16.3 feet*	16.3 feet
Building Height	36 feet	26.2 feet	34.05 feet
Maximum Stories	2.5	2	2.5
Max. Lot Coverage	25%	10.2%	23.9%
Min. Open Space	50%	76.9%	57.0%

* Setbacks for the existing single-family dwelling are 15 feet to the rear and 7.5 feet to the side

3. By changing the use from a single-family dwelling to attached dwellings, the required side and rear setbacks increase to 25 feet. This increase would make the existing structure nonconforming with regard to side and rear setbacks. The applicant also proposes to add a new structure containing two attached dwelling units 15.2 feet from the side lot line and 20.1 feet from the front lot line. To locate the structures as proposed, the applicant must obtain a special permit from the Board of Aldermen, per Section 30-9(b)(5)b) to waive the front, side, and rear setback requirements.
4. Per Section 30-9(b)(5)a), driveways to attached dwellings may not be located closer than ten feet to a property line. The applicant's plans show a driveway located five feet from the north-west side lot line. To locate the driveway as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-9(b)(5)b).
5. Per Section 30-5(b)(4), a special permit is required to locate a retaining wall of greater than four feet within a required setback. The applicant's plans show two retaining walls of greater than four feet located within the front setback to provide access to the below-grade parking facility of the front structure. To construct the walls as proposed, the applicant must obtain a special permit from the Board of Aldermen.
6. Per Section 30-19(d)(2), two parking stalls are required for each dwelling unit, for a total of eight. The applicant's site plan and floor plans show a total of nine conforming parking stalls: one basement parking stall in each of the two rear units, four stalls located in the basement of the front units, and three outside stalls. Therefore, no additional relief is required.

7. As the parking stalls are located in three individual garages and two locations outside, the proposed parking arrangement qualifies as several parking facilities of five or fewer stalls and must meet the requirements of Section 30-19(g). Per Section 30-19(g)(1), no parking stalls shall be located within required side setback distances. The applicant's site plan shows three outdoor parking stalls located within the required 25-foot setbacks. To locate the parking stalls as proposed, the applicant must obtain a special permit per Section 30-19(m).
8. The applicant must comply with Chapter 20 Sections 31-39, Tree Preservation if any trees with a Diameter Breast Height (DBH) of greater the eight inches are removed.
9. As the applicant proposes to create three new residential units through a special permit, the proposed development falls under the scope of Section 30-24(f), *Inclusionary Zoning*. Per Section 30-24(f)(3), the number of required inclusionary units shall be equal to 15% of the three additional units ($15\% * 3 = .45$), which rounds down to zero units required. No additional zoning relief is required.
10. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Use</i>	<i>Action Required</i>
§30-9(b)(5)	Allow attached dwellings in an MR1 zone	S.P. per §30-24
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§30-9(b)(5)b)	Allow a front setback of 20.1 feet, a side setback of 15.2 feet and a rear setback of 16.3 feet where 25 foot setbacks are required	S.P. per §30-24
§30-9(b)(5)a) and (5)b)	Allow a driveway five feet from a side lot line where a minimum of ten feet is required	S.P. per §30-24
§30-5(b)(4)	Construct a retaining wall greater than four feet in height within a required setback distance	S.P. per §30-24
§20-31 thru 29	Permit the removal of trees over eight inches of DBH	Comply with §20-31 thru 39
<i>Ordinance</i>	<i>Parking</i>	<i>Action Required</i>
§30-19(g)(1); §30-19(m)	Permit three parking stalls located within required side setbacks	S.P. per §30-24