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Candace Havens

ZONING REVIEW MEMORANDUM

RECEIVED
 Newton City Clerk
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 David A. Olson, CMC
 Newton, MA 02459

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

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

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