



City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

Barney S. Heath
Director

Ruthanne Fuller
Mayor

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 14, 2022
Land Use Action Date: August 23, 2022
City Council Action Date: September 5, 2022
90-Day Expiration Date: September 12, 2022

DATE: June 10, 2022

TO: City Council

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

SUBJECT: **Petition #312-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to reconstruct the roof and add front and rear dormers, further increasing nonconforming FAR at 73-75 Ripley Street, Ward 6, Newton, on land known as Section 65 Block 19 Lot 29, containing approximately 7200 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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.



73-75 Ripley Street

EXECUTIVE SUMMARY

The subject property located at 73-75 Ripley Street and consists of 7,200 square feet of land improved with a two-family dwelling constructed in 2002. The dwelling has a nonconforming floor area ratio (FAR) of .56, where .53 is the maximum allowed as of right. The petitioner is seeking to reconstruct the roof and construct four gabled dormers, two on the front elevation and two on the rear elevation. The project further increases the nonconforming FAR from .56 to .71, where .53 is the maximum allowed as of right.

The Planning Department notes that the proposed dormers meet the provisions regarding dormers outlined in the zoning ordinance. The additional floor area is also within the footprint of the structure and replaces existing massing at the front of the structure. There appears to be a discrepancy between the architectural plans and submitted site plan around the height of the structure. The architectural plans indicate an increase in height to 34 feet 10 inches, while the survey submitted reflects the height is maintained at 30.3 feet. Should this petition be approved, an updated site plan showing the distance between the average grade and proposed peak of the roof would need to be submitted before the petition is before the City Council.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The proposed increase in the nonconforming FAR from .56 to .71 where .53 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9, and §7.8.2.C.2).
- The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood (§3.1.9, and §7.8.2.C.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Ripley Street in the Multi Residence 1 (MR-1) zone in Newton Centre. The site as well as other properties on the southern side of Ripley Street abut a Single Residence 3 zone to the rear (**ATTACHMENT A**). The uses in the area consist of a mix of single and multi-family residential uses, with a private education use to the rear of the properties on the southern side of Ripley Street (**ATTACHMENT B**).

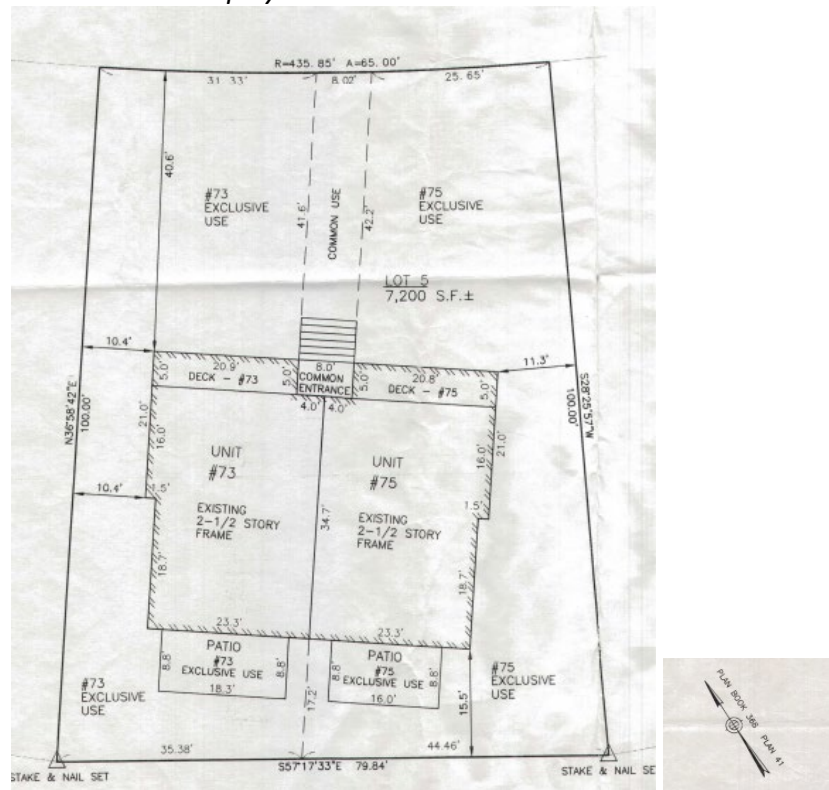
B. Site

The site consists of 7,200 square feet of land and is improved with a two-family

dwelling constructed in 2002. The site has two curb cuts from Ripley Street that provides access to the two driveways and attached garages along the front elevation of the dwelling. The site also features external stone stairway to the front doors of the two-family dwelling. The garages are at street level however the front doors to the units are above street level. The dwelling has a nonconforming FAR of .56, where .53 is the maximum allowed as of right. The site slopes upwards from the front to the rear property line with retaining walls along the driveways for each unit.

Site Plan

Ripley Road



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

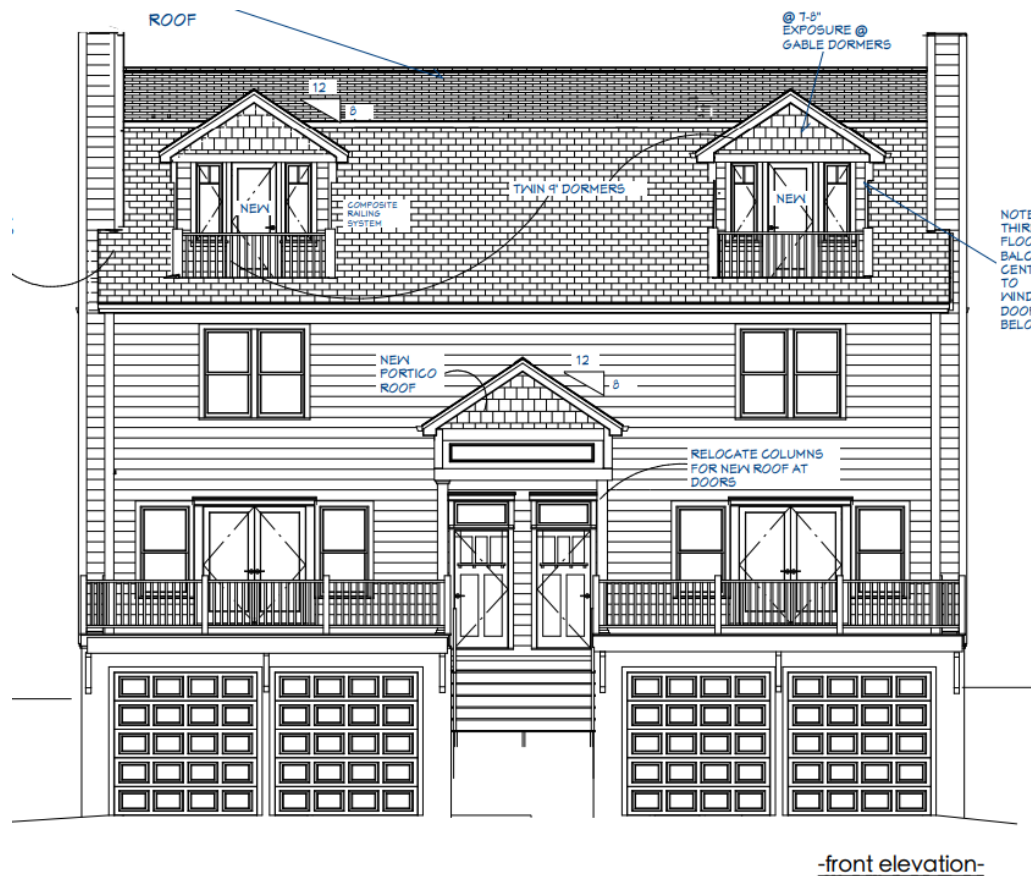
The use of the site will remain a two-family use.

B. Site and Building Design

The petitioner is proposing to reconstruct the roof to a gambrel style roof and construct two dormers to the front of the dwelling, and two dormers to the rear of the dwelling. The project will create 1,077 square feet of floor area above the second

story, resulting in an increase in the nonconforming FAR from .56 to .71. The project results in a structure consisting of 5,123 square feet, where 3,816 square feet is the maximum allowed as of right and 4,046 square feet exists.

Proposed Front Elevation



The Planning Department notes that the proposed dormers meet the provisions regarding dormers outlined in the zoning ordinance. There appears to be a discrepancy between the architectural plans and submitted site plan around the height of the structure. The architectural plans indicate an increase in height to 34 feet 10 inches, while the survey submitted reflects the existing height is maintained at 30.3 feet. The survey is dated 2022 but does not indicate whether it is an existing or

proposed site plan. While the height indicated within the architectural plans is below the 36 feet allowed as of right, an updated site plan showing the distance between the average grade and proposed peak of the roof would need to be submitted before the petition is before the City Council should this petition be approved.

C. Parking and Circulation

The petitioner is not proposing any changes to parking or circulation.

D. Landscaping

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the proposal regarding zoning. The petitioner is seeking the following relief:

➤ §3.1.3, §3.1.9 §7.8.2.C.2 of Section 30, to further extend the nonconforming FAR

B. Engineering Review

Engineering Review is not required at this time.

C. Newton Historical Commission

Review from the Newton Historical Commission or Chief Preservation Planner is not required at this time.

V. PETITIONER'S RESPONSIBILITIES

The petition is complete.

ATTACHMENTS:

ATTACHMENT A: Zoning Map
ATTACHMENT B: Land Use Map
ATTACHMENT C: Zoning Review Memorandum
ATTACHMENT D: DRAFT Council Order




ATTACHMENT A

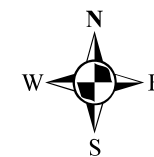
Zoning

73-75 Ripley Street

*City of Newton,
Massachusetts*

Zoning

-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1

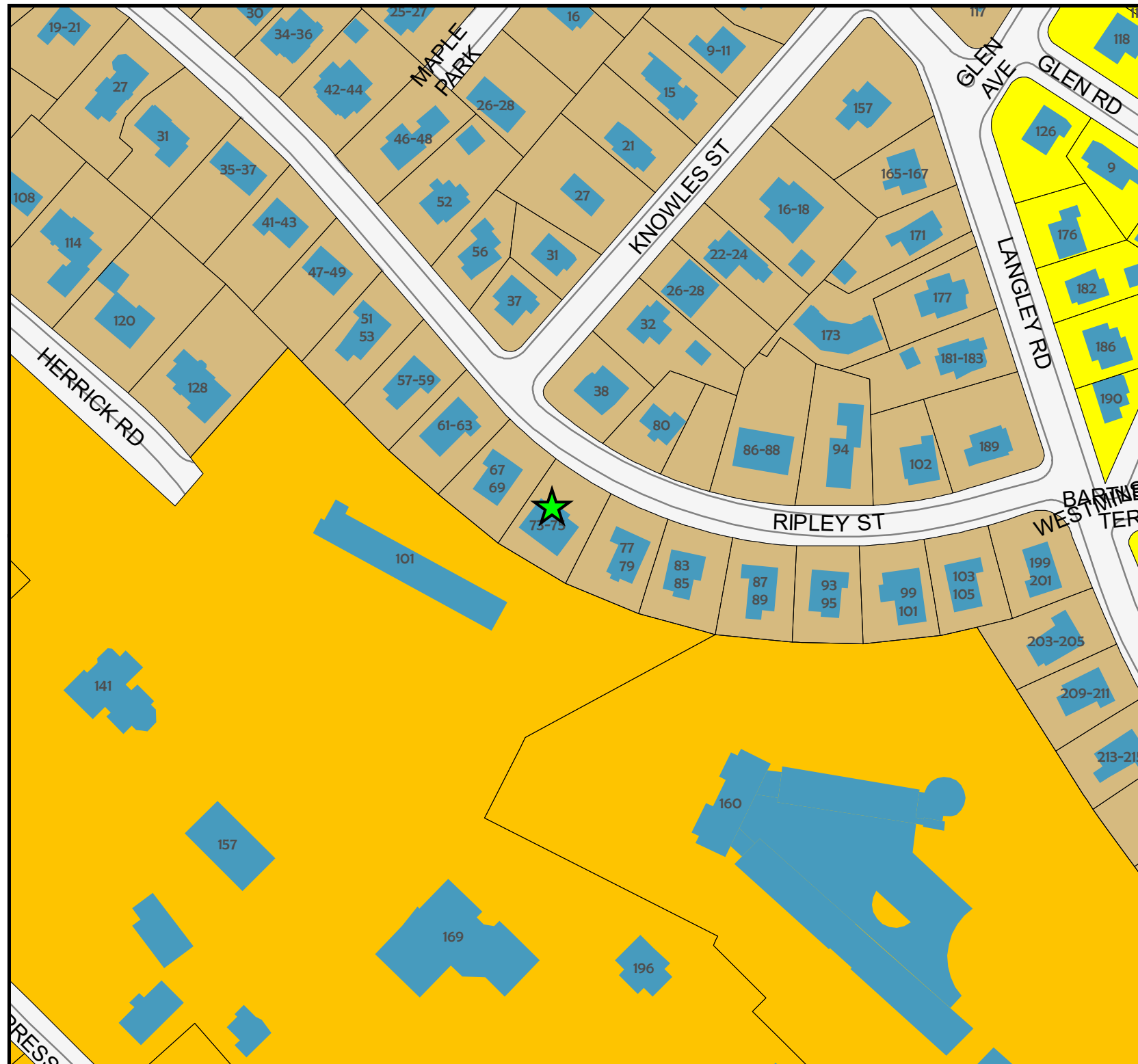


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 150 175 Feet

Map Date: June 03, 2022



ATTACHMENT B





Land Use

73-75 Ripley Street

*City of Newton,
Massachusetts*

Land Use

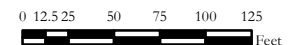
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Private Educational
-  Vacant Land

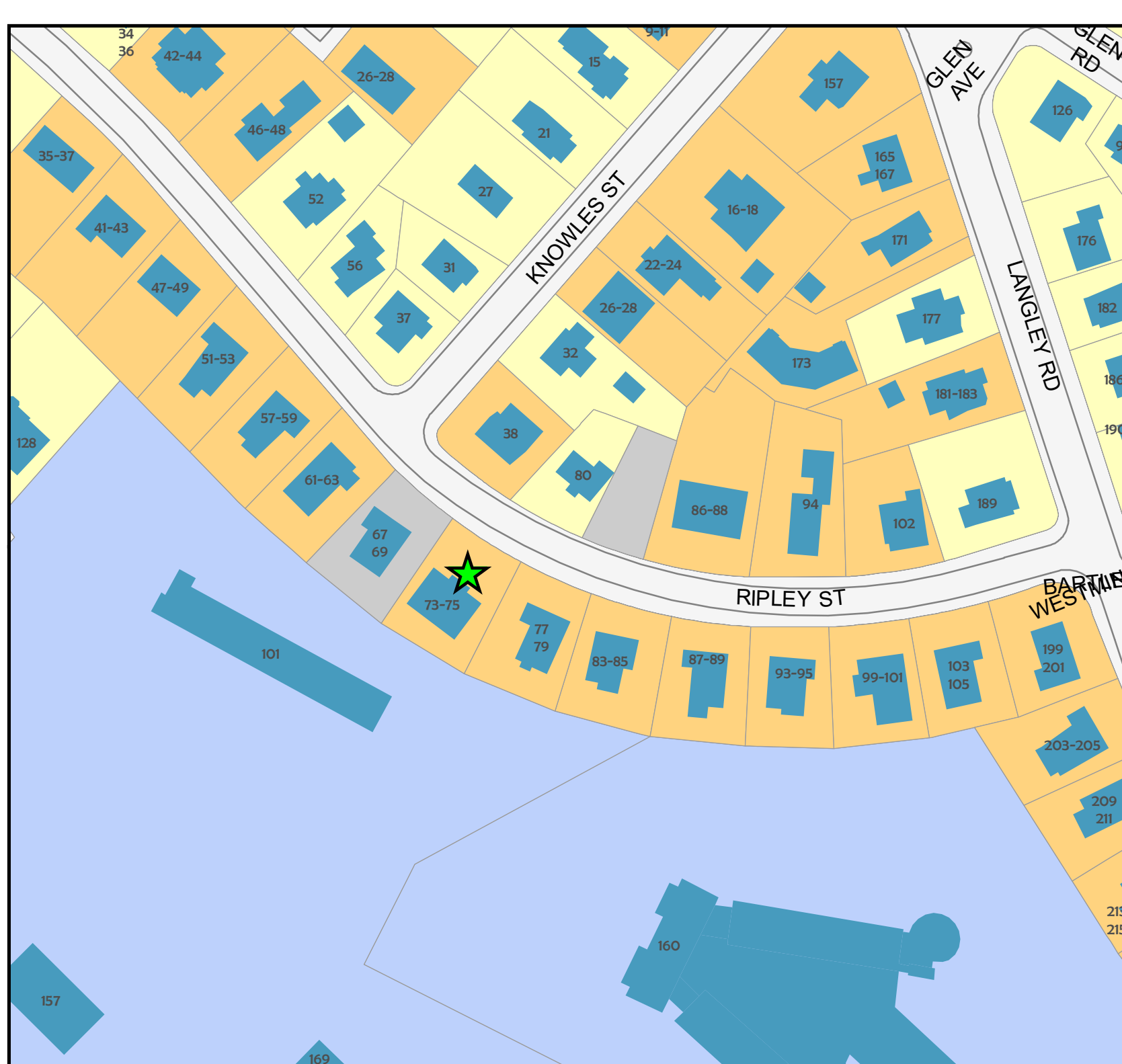


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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Map Date: June 03, 2022





Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 5, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Stacey Oliva, SO Design Collective LLC
Mark & Heidi Ingerman, Applicants
Berkay & Marieta Baykal
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to further extend nonconforming FAR

Applicant: Mark & Heidi Ingerman and Berkay & Marieta Baykal

Site: 73-75 Ripley Street	SBL: 65019 0029
Zoning: MR1	Lot Area: 7,200 square feet
Current use: Two-family dwelling	Proposed use: No change

BACKGROUND:

The property at 73-75 Ripley Street consists of a 7,200 square foot lot improved with a two-family dwelling constructed in 2002. The petitioners propose to reconstruct the roof and add four dormers in the attic which will further extend the nonconforming FAR, requiring a special permit.

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

- Zoning Review Application, prepared SO Design Collective LLC, submitted 3/25/2022
- Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 12/17/2001
- Average Grade Plane Plan, signed and stamped by William E. Tirrell, surveyor, dated 2/18/2022
- Floor Plans and Elevations, signed and stamped by Jason Kurtz, architect, dated 3/22/2022
- FAR calculations, signed and stamped by Jason Kurtz, architect, submitted 3/25/2022

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to rebuild the roof of the existing dwelling to a gambrel style and add two dormers on the front elevation and two dormers on the rear elevation. The proposed additions further increase the nonconforming FAR from .56 to .71, where .53 is the maximum allowed per sections 3.1.3 and 3.1.9. A special permit per section 7.8.2.C.2 is required to further extend the nonconforming FAR.

MR1 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	7,200 square feet	No change
Frontage	70 feet	65 feet	No change
Setbacks			
• Front	25 feet	40.6 feet	No change
• Side	7.5 feet	11.3 feet	No change
• Side	7.5 feet	10.4 feet	No change
• Rear	15 feet	15.5 feet	No change
Height	36 feet	NA	30.3 feet
Stories	2.5	2.5	No change
FAR	.53	.56	.71*

*Requires relief

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<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

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 reconstruct the roof with dormers to the front and rear elevations, increasing the nonconforming FAR from .56 to .71, where .53 is the maximum allowed by right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed increase in the nonconforming FAR from .56 to .71 where .53 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the additional floor area is within the footprint of the dwelling (§3.1.9, and §7.8.2.C.2).
2. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition is within the existing footprint (§3.1.9, and §7.8.2.C.2).

PETITION NUMBER: #312-22

PETITIONER: Mark and Heidi Ingerman (73 Ripley Street)
Berkay and Marieta Baykal (75 Ripley Street)

LOCATION: 73-75 Ripley Street, on land known as Section 64, Block 13,
Lot 14, containing approximately 8,130 square feet of land

OWNER: Mark and Heidi Ingerman (73 Ripley Street)
Berkay and Marieta Baykal (75 Ripley Street)

ADDRESS OF OWNER: 73-75 Ripley Street
Newton, MA 02459

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9, §3.1.3 and §7.8.2.C.2 to increase the nonconforming FAR

ZONING: Multi 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. Average Grade Plane Plan, signed and stamped by William E. Tirrell, Professional Land Surveyor, dated February 18, 2022
 - b. Site Plan of 73-75 Ripley Street Condominium, signed and stamped by Bruce Bradford, dated December 17, 2001
 - c. Architectural Plans and Elevations, "Ingerman/Baykal Residence" prepared by Design Collective, signed and stamped by Jason Kurtz Navratil, dated March 22, 2022 consisting of the following four (4) sheets:
 - i. Front Elevation
 - ii. Rear Elevation
 - iii. Left (#75) side elevation
 - iv. Right (#73) side elevation
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect and professional land surveyor certifying compliance with Condition #1, including the as built FAR of the structure.