



#393-22

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

Ruthanne Fuller
Mayor

Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: September 20, 2022
Land Use Action Date: December 13, 2022
City Council Action Date: December 19, 2022
90- Day Expiration Date: December 19, 2022

DATE: September 16, 2022

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Cat Kemmett, Senior Planner

SUBJECT: **Petition #393-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow additions to the basement, first and second stories of the existing dwelling, further extending the nonconforming height at 1 Ridge Road, Ward 5, on land known as Section 55 Block 36 Lot 01, containing approximately 15,000 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 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 conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



1 Ridge Road

EXECUTIVE SUMMARY

The property located at 1 Ridge Road consists of a 14,984 square foot corner lot in the Single Residence 2 (SR-2) zone in Waban. The lot is improved with a nonconforming 2.5-story, single-family residence constructed circa 1983. The petitioners are seeking to make additions to the basement as well as the first and second stories. As proposed, the additions will alter the average grade surrounding the dwelling and further increase the nonconforming height, which requires a special permit.

Though this petition requires relief for the height of the structure, the increase in height for the rear additions comes from altering the average grade of the property and not increasing the height of the building itself. The addition as proposed would not extend beyond the existing ridgeline of the building. The addition meets all other dimensional standards including lot coverage, open space, and FAR.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed addition that further increases the nonconforming height. (§7.3.3.C.1)
- The proposed addition that further increases the nonconforming height will not adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed addition that further increases the nonconforming height will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- The proposed increase in height is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3, and §7.8.2.C.2)
- The proposed increase in nonconforming height is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.3 and §7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

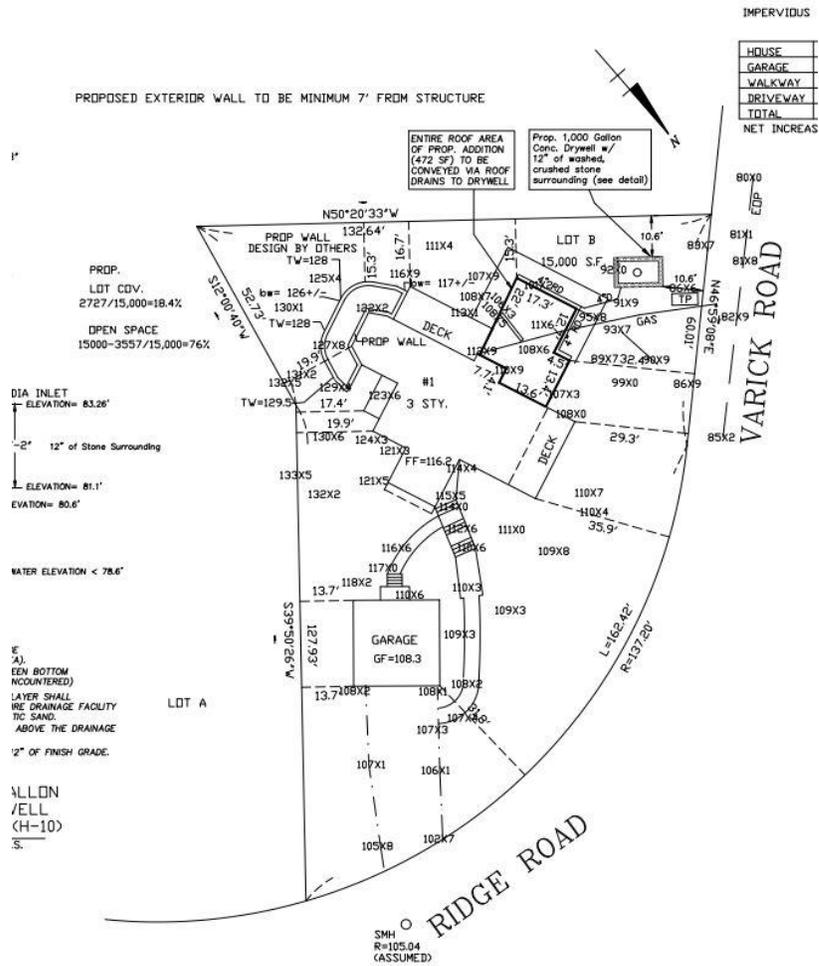
A. Neighborhood and Zoning

The subject property is located at the intersection of Varick Road and Ridge Road in Waban. The SR-2 zone encompasses all abutting properties (**Attachment A**). The surrounding land use of the neighborhood is single family residential (**Attachment B**).

B. Site

The site consists of 14,984 square feet of land on a corner lot and is improved with a nonconforming 2.5-story single-family dwelling and detached garage. The lot is served by one curb cut providing access to an existing asphalt driveway that leads up to a detached garage. The dwelling has a nonconforming front setback of 29.3 feet, where 30 feet is required.

Existing Conditions



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site is and will remain single-family.

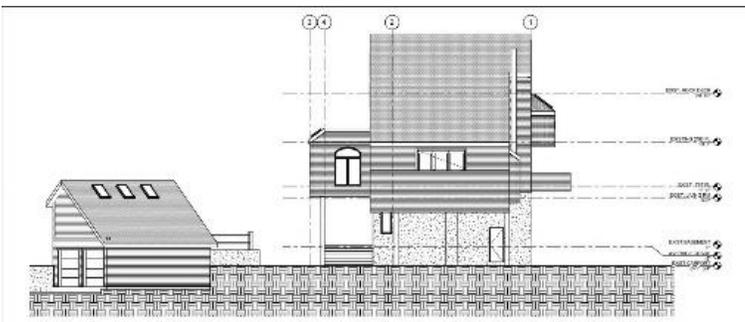
B. Building and Site Design

The petitioners are seeking to construct additions to the single-family dwelling which span the basement, first story and second story and are located on the left and right sides of the dwelling. The proposed additions add approximately 792 square feet of floor area, resulting in a structure that would contain 3,512 square feet of floor area. The addition increases the FAR from .24 to .29, remaining below the .33 maximum allowed as of right.

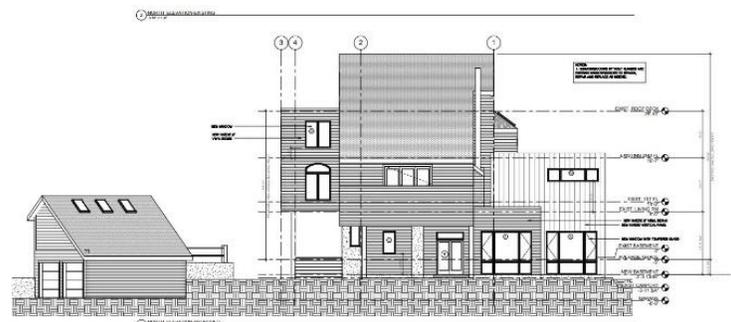
The proposed addition alters the average grade of the property thus resulting in a technical increase in height of the single-family home. If approved, the height of the single-family home would change from 40.9 feet to 42.3 feet.

Front Elevations

Existing



Proposed



The Planning Department is unconcerned with the addition because the additional height does not extend past the existing ridgeline. The City calculates the height measurement from the average grade to the peak of the roof and the addition alters the average grade of the site. The addition also maintains the nonconforming front setback and meets all other dimensional requirements of the Ordinance.

C. Parking and Circulation

The petitioners are not proposing any changes to either the 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 provides an analysis of the proposal regarding zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §7.8.2.C.2	Request to further extend nonconforming height	S.P. per §7.3.3

In the Zoning Review Memorandum, the project was identified as a 3.5 story structure. Upon closer review of the plans, the project appears to be maintaining its status as a 2.5 story structure. Staff will confer with the Chief Zoning Code Official and provide an update at the hearing.

B. Engineering Review

This petition will be reviewed by Engineering at the building permit stage.

C. Historic Preservation Review

This project is not subject to historic review.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** DRAFT Council Order

Zoning

1 Ridge Road

City of Newton,
Massachusetts

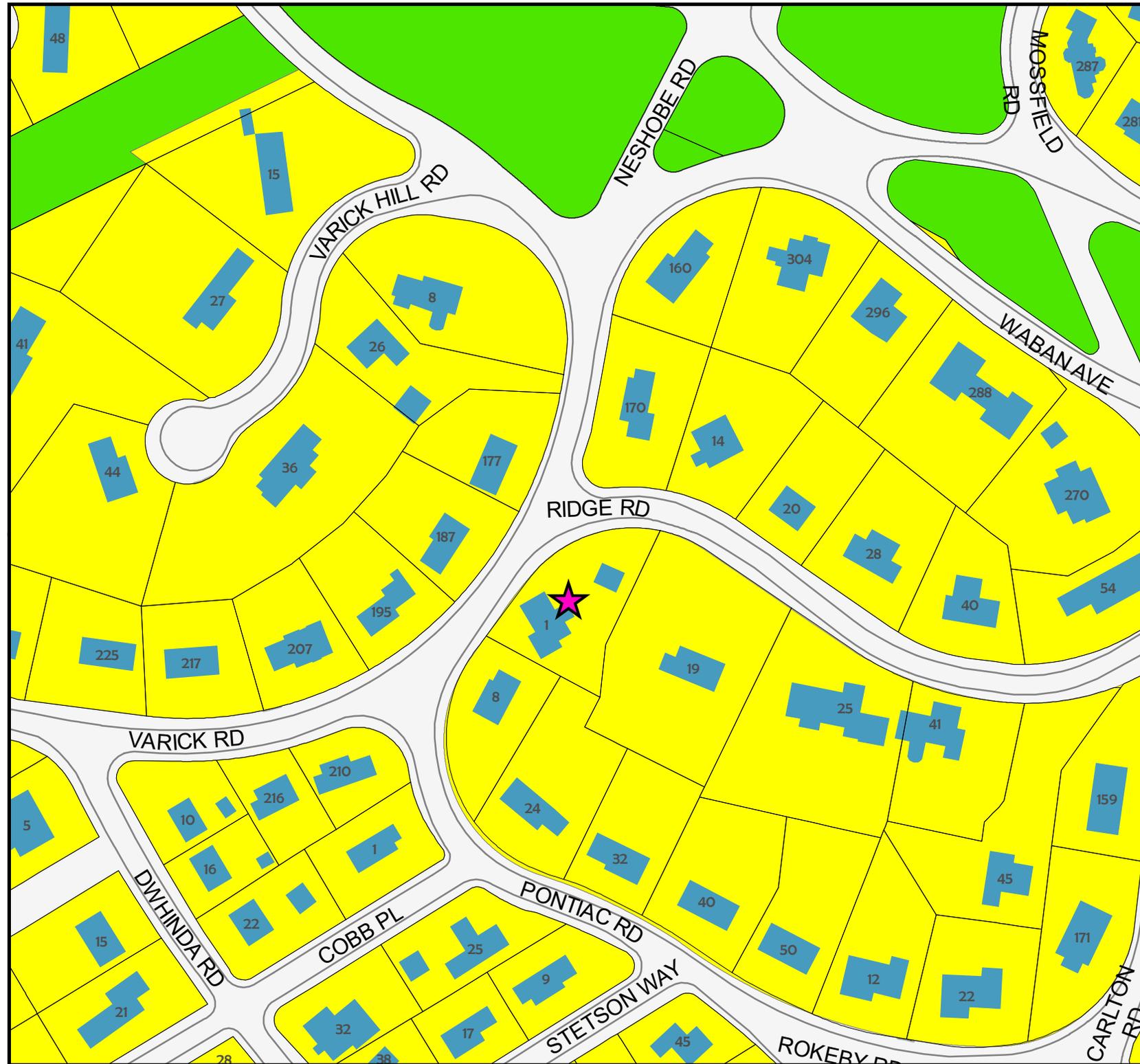
Zoning

- Single Residence 2
- Public Use



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



ATTACHMENT B

Land Use

1 Ridge Road

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Mixed Use
-  Open Space
-  Vacant Land

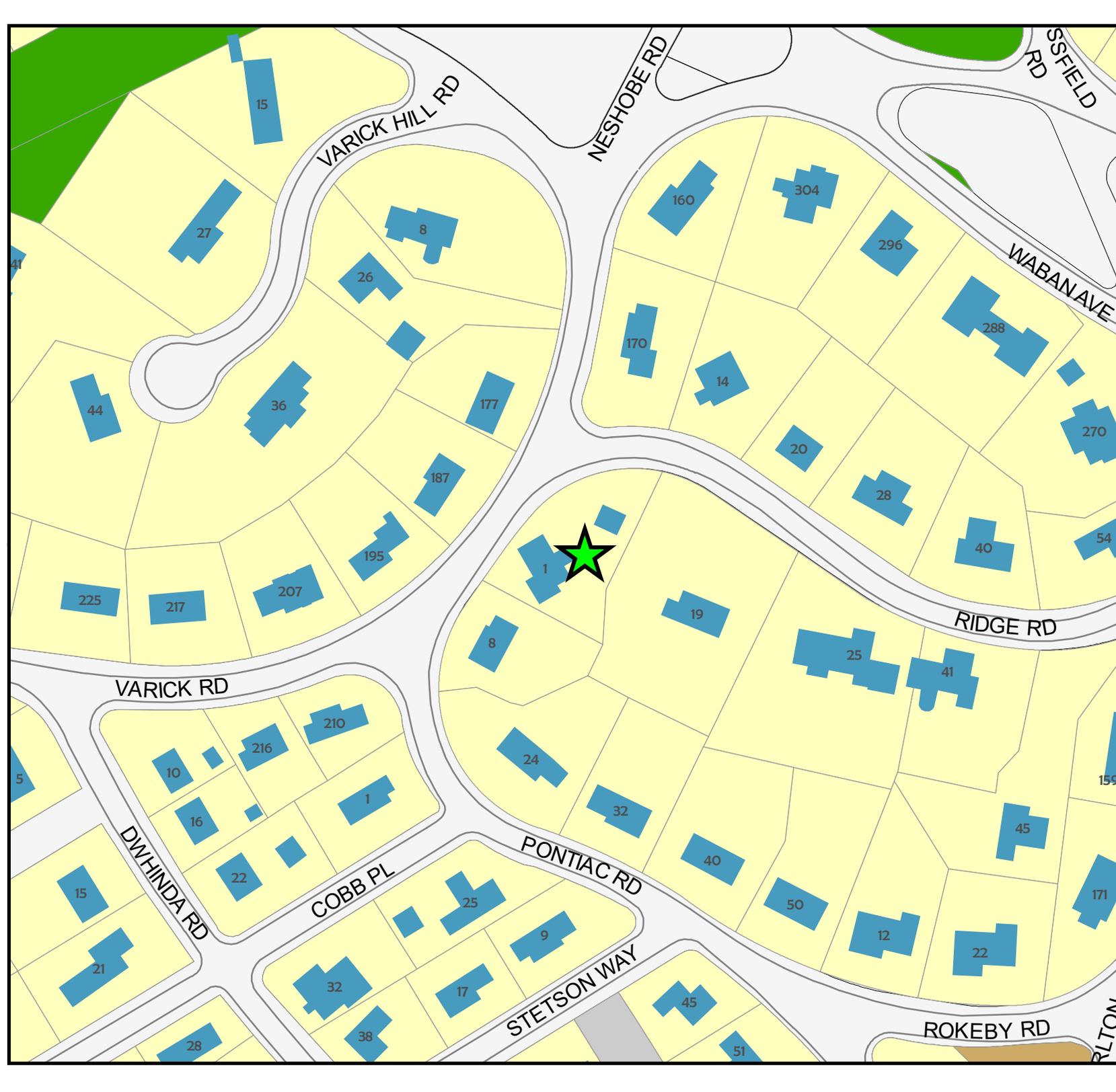


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: September 09, 2022





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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 19, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Yan Yan, Applicant
Jing Zhang, Pheonix Construction
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request for a special permit to further extend nonconforming height

Applicant: Yan Yan	
Site: 1 Ridge Road	SBL: 55036 0001
Zoning: SR2	Lot Area: 15,000 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 1 Ridge Road consists of a 15,000 square foot corner lot improved with a single-family dwelling constructed in 1983. The petitioners seek to make additions to the basement, first and second stories. The proposed additions alter the average grade surrounding the dwelling, further increasing the nonconforming height, requiring a special permit.

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

- Zoning Review Application, prepared by Jing Zhang, Pheonix Construction, submitted 3/1/2022
- Plan of Land, signed and stamped by Paul Finocchio, surveyor and John D. Sullivan, engineer dated 1/18/202, revised 1/24/2020, 5/26/2021, 9/7/2021, 11/3/2021, 1/10/2022, 2/25/2022, 7/6/2022, 7/15/2022
- FAR worksheet, submitted 3/1/2022, revised 7/15/2022
- Floor plans and elevations, signed and stamped by Xiaoying Chen, architect, dated 3/15/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner intends to construct a rear addition to the basement and first story as well as an addition of a second story bedroom. The dwelling has an existing nonconforming height of 40.9 feet where 36 feet is the maximum allowed per section 3.1.3. The proposed additions alter the average grade thereby increasing the overall nonconforming height of the building to 42.3 feet, requiring a special permit per section 7.8.2.C.2. The proposed additions do not extend beyond the existing ridgeline of the building.

SR3 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	15,000 square feet	No change
Frontage	100 feet	222 feet	No change
Setbacks <ul style="list-style-type: none"> • Front (Varick Rd) • Side • Rear 	30 feet 15 feet 15 feet	29.3 feet 17.4 feet 16.7 feet	No change No change 15.3 feet
Max Number of Stories	2.5	2.5	3.5*
Height	36 feet	40.9 feet	42.3 feet*
FAR	.33	.24	.29
Max Lot Coverage	20%	NA	18.4%
Min. Open Space	65%	NA	76%

*Requires relief

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §7.8.2.C.2	Request to further extend nonconforming height	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 increase the nonconforming building height, 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 nonconforming building height is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the principal roof line is not increasing. (§3.1.9, §3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #393-22

PETITIONER: Jing Zhang

LOCATION: 1 Ridge Road, Section 55, Block 36, Lot 1, containing approximately 15,000 square feet

OWNERS: Yan Yan

ADDRESS OF OWNERS: 1 Ridge Road
Newton, MA 02468

TO BE USED FOR: Residential

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §7.8.2.C.2, §3.1.3 to further increase the nonconforming building height

ZONING: SR-2

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. Floor plans and elevations, signed and stamped by Xiaoying Chen, architect, dated 3/15/2020
 - i. Proposed Roof Deck Plan, A-104
 - ii. North Exterior Elevation, A-201
 - iii. South Exterior Elevation, A-202
 - iv. East Exterior Elevation, A-203
 - v. West Exterior Elevation, A-204
 - b. Plot Plan of Land, signed and stamped by Paul Finocchio, Professional Land Surveyor and John D. Sullivan, Professional Engineer, dated 1/18/2020, revised 1/24/2020, 5/26/2021, 9/7/2021, 11/3/2021, 1/10/2022, 2/25/2022, 7/6/2022, 7/15/2022
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, Engineering Division of Public Works.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this board 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 board 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.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect or land surveyor certifying compliance with Condition #1 as well as the as-built floor area ratio of the structure.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a professional land surveyor.
 - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer

certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.

DRAFT