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CITY OF NEWTON

IN CITY COUNCIL

April 19, 2022

#191-22
52 Oldham Road

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the nonconforming floor area ratio (FAR) (§3.1.3, §3.1.9, §7.8.2.C.2) as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The proposed expanded dwelling as designed with a floor area ratio of 0.52, where 0.36 is the maximum allowed by right, would not be substantially more detrimental than the existing nonconforming FAR of 0.43 is to the neighborhood given the downward sloped topography of the site and since the proposed additions would be located to the rear of the dwelling they would have limited if any visibility from the adjacent public ways and properties. (§3.1.3, §3.1.9, §7.8.2.C.2)

PETITION NUMBER: #191-22

PETITIONER: Atish and Roli Choudhury Kumar

LOCATION: 52 Oldham Road, Section 320, Block 24, Lot 43, containing approximately 11639 square feet of land

OWNER: Atish and Roli Choudhury Kumar

ADDRESS OF OWNER: 52 Oldham Road
Newton, MA

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to: further extend nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2)

ZONING: Single Residence 2 (SR2)

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 the following plans:
 - a. a site plan entitled "Topographical Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #52 Oldham Road (Sheet 1 of 1), dated February 10, 2022, prepared by VTP Associates, signed and stamped by Joseph R. Porter, Professional Land Surveyor
 - b. a set of architectural drawings entitled "Kumar-Choudhury Residence, 52 Oldham Rd, Newton, MA," prepared by Peter Sachs, Architect, dated March 9, 2022, signed and stamped by Peter Sachs, Registered Architect, consisting of the following sheets:
 - i. Title Sheet (A-1)
 - ii. Proposed 1st Flr (Basement) Plan (A-2)
 - iii. Proposed 2nd Flr (1st Flr) Plan (A-3)
 - iv. Proposed 3rd Flr (2nd Flr) Plan (A-4)
 - v. Proposed Attic Floor Plan (A-5)
 - vi. Proposed Front Elevation (A-6)
 - vii. Proposed Left Elevation (A-7)
 - viii. Proposed Back Elevation (A-8)
 - ix. Proposed Left (note: right) Elevation (A-9)
 - c. A document entitled "Floor Area Worksheet- 52 Oldham Road" indicating a proposed total gross floor area of 6,107 square feet and a proposed FAR of 0.52
2. 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 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. Provided a Final Site Plan for review and approval by the Department of Planning and Development and the Engineering Division of Public Works
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the Final Site Plan.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the buildings 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 a registered architect certifying compliance with Condition #1.

- b. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
- c. 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 licensed land surveyor.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Councilor Bowman)


The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on April 21, 2022. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:


(SGD) CAROL MOORE, City Clerk
Clerk of the City Council

I, Carol Moore, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on April 21, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:


(SGD) CAROL MOORE, City Clerk
Clerk of the City Council