

Middlesex South Registry of Deeds
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Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com

RECEIVED
DEC 21 AM 9:14
CITY CLERK
1077 WABAN PARK
NEWTON, MA 02459

#541-22
96 Waban Park

CITY OF NEWTON

IN CITY COUNCIL

December 19, 2022

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 exceed allowed floor area ratio and further extend the nonconforming front setback, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. Increasing the floor area ratio (FAR) from 0.33 to 0.67, where 0.57 is the maximum allowed by right, would be consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood, especially given its location proximate to similarly scaled dwellings and large institutional buildings. (§3.1.9)
2. The proposed enlarged one-story sun porch with additions above that would result in the dwelling having 2.5 stories, further reduce the nonconforming front setback from 17.5 feet to 14.8 feet, where 25 feet is the minimum required by right, and extend that nonconformity vertically would not be substantially more detrimental than the existing nonconforming structure to the neighborhood, especially given its location proximate to similarly scaled dwellings and large institutional buildings. (§7.8.2.C.2)

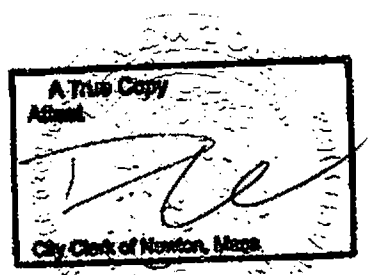
PETITION NUMBER: #541-22

PETITIONER: Michael and Inna Zaretsky

LOCATION: 96 Waban Park, on land known as Section 12 Block 05 Lot 02 containing approximately 5,445 sq. ft. of land

OWNER: Michael and Inna Zaretsky

ADDRESS OF OWNER: 96 Waban Park
Newton, MA 02446



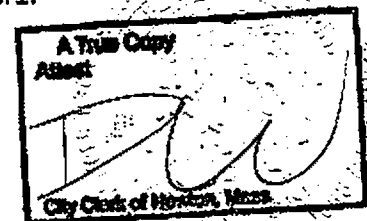
TO BE USED FOR: Single Family Residence
CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to: exceed allowed floor area ratio (§3.1.3, §3.1.9) and further extend the nonconforming front setback (§3.2.3, §7.8.2.C.2)

ZONING: Multi Residence 1 (MR1)

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 "Proposed Addition, 96 Waban Park, Newton, MA.," dated January 14, 2022, as revised through August 10, 2022, prepared by Essex Eng. & Survey, stamped and signed by Frank Iebba, Professional Land Surveyor
 - b. a set of plans entitled "96 Waban Park, Newton, Massachusetts," prepared by RAV & Assoc., Inc., comprised of the following sheets:
 - i. Proposed Plans (showing proposed basement, second floor, first floor, and attic floor plans) dated September 7, 2021, as revised through September 16, 2022, stamped and signed by Richard A. Volkin, Registered Professional Engineer, (A3)
 - ii. Proposed Elevations (showing proposed front and right side elevations, dated September 7, 2021 (A4)
 - iii. Proposed Elevations (showing proposed rear and left side elevations, dated September 7, 2021 (A5)
 - c. a document entitled "Floor Area Worksheet- 96 Waban Park," indicating a proposed total gross floor area of 3,658.81 square feet and a proposed FAR (floor area ratio) of 0.672, signed and stamped by Richard A. Volkin, Registered Professional Engineer
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 Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
 - b. Provided a Final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
 - c. 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 building permit record statements by a registered architect, professional land surveyor, and/or professional engineer, certifying compliance with Condition #1, including the as-built FAR.
 - b. Submitted final as-built survey plans signed and stamped by a licensed land surveyor in digital format.

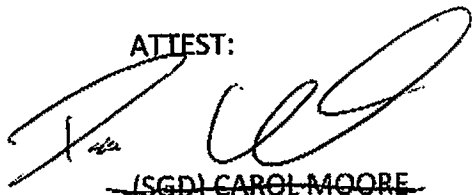
Under Suspension of Rules

Readings Waived and Extension of Time Approved

24 Yeas, 0 Nays

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 December 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:

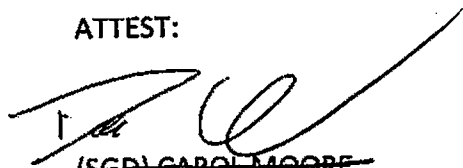


~~(SGD) CAROL MOORE~~

ASSISTANT 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 December 21, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



~~(SGD) CAROL MOORE~~

ASSISTANT Clerk of the City Council

