

84

#35-23
43 Prince Street

CITY OF NEWTON

IN CITY COUNCIL

February 21, 2023



Bk: 81374 Pg: 497 Doc: DECIS
Page: 1 of 4 03/30/2023 10:59 AM

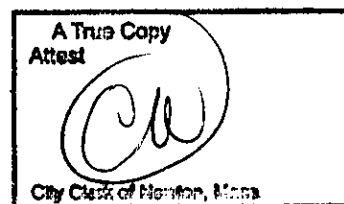
ORDERED:

72 974 - 214

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 amend Special Permit #263-20 to increase the allowed floor area ratio (FAR) from 0.32 to 0.35, where 0.26 is the maximum allowed by-right and to modify the site plan and architectural plans to allow the enclosure of a screened porch and the relocation and expansion of an approved shed, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site in a Single Residence 1 (SR1) district is an appropriate location for the modified dwelling with an enclosed porch and relocated and expanded shed as both modifications would have limited visibility from nearby public rights of way and properties. (§7.3.3.C.1)
2. The modified dwelling with an enclosed porch and relocated and expanded shed will not adversely affect the neighborhood as both modifications would have limited visibility from nearby public rights of way and properties. (§7.3.3.C.2)
3. The modified dwelling with an enclosed porch and relocated and expanded shed will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The proposed increase in FAR from 0.32 to 0.35, where 0.26 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 as it will be similar in regard to those characteristics of other structures in the surrounding area and conform to other relevant dimensional requirements; further, the changes will have limited visibility from nearby public rights of way and properties. (§3.1.9.A.2)

RETURN: G Michael Peirce, SS
60 Walnut St. Fl 4
Wellesley, MA 02481



PETITION NUMBER: #35-23

PETITIONER: John and Margaret Reichenbach

LOCATION: 43 Prince Street, on land known as Section 32, Block 10, Lot 6, containing approximately 27,800 square feet of land

OWNER: John and Margaret Reichenbach

ADDRESS OF OWNER: 43 Prince Street
Newton, MA 02465

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame


EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- amend Special Permit #263-20
- Special Permit per §7.3 to exceed FAR (§3.1.3, §3.1.9)

ZONING: Single Residence 1 (SR1) district

Approved subject to the following conditions:

1. All conditions set forth in Special Permit/Site Plan Approval #263-20 shall remain in full force and effect except as modified by the following:
 - a. "Zoning Plan Newton, Massachusetts, Showing Proposed Conditions at #43 Prince Street," prepared by VTP Associates, dated March 9, 2000, as revised through November 8, 2022
 - b. Architectural plans entitled "Reichenbach Residence, 43 Prince St., Newton, MA," prepared by Peter Sachs Architect, stamped and signed by Peter Sachs, Registered Architect, comprised of the following sheets:
 - i. Title Sheet (A-1) (dated October 6, 2022)
 - ii. Proposed Generator Shed (A-2) (dated October 6, 2022)
 - iii. Elevations (SP-1) (showing the dwelling's Prince Street and Left elevations as approved by Special Permit and proposed changes) dated January 13, 2023
 - c. a document entitled "Floor Area Worksheet- 43 Prince St." indicating a proposed total gross floor area of 9,518 square feet and a proposed FAR (floor area ratio) of 0.345

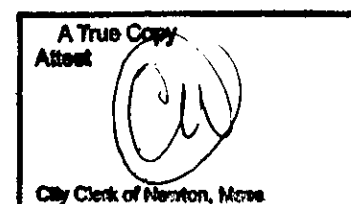
A True Copy
Attest

City Clerk of Newton, Mass

2. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and 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. 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.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Newton Historical Commission approving the final plans.
 - d. 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/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 a statement by a registered architect certifying compliance with Condition #1, including the floor area ratio (FAR) 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 licensed land surveyor.
 - c. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features and fencing.
 - d. 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.
4. Notwithstanding the provisions of Condition #3 above, the Commissioner of Inspectional Services may issue a certificate of temporary occupancy prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

Under Suspension of Rules

Readings Waived and Extension of Time Approved

19 Yeas, 0 Nays, 5 Absent (Councilors Krintzman, Leary, Noel, Gentile and Grossman)



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 February 23, 2023. 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

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 February 23, 2023 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) CAROL MOORE

Clerk of the City Council

