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Petition #202-23
25 Breamore Road

JUL 22 PM 2:20

CITY OF NEWTON JUL 20 PM 1:30

IN CITY COUNCIL

June 20, 2023

CITY CLERK
NEWTON, MA 02458



Bk: 81792 Pg: 383 Doc: DECIS
Page: 1 of 3 07/20/2023 12:25 PM

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 to further increase the dwelling's nonconforming height and further extend the nonconforming floor area ratio (FAR), 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 with an increased FAR of 0.73 where 0.58 exists and 0.48 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 given the addition's modest height subordinate to the existing portions of the dwelling, and limited visibility from nearby properties and/or public rights-of-way. (§3.1.9)
2. The proposed expanded single family dwelling as designed which increases both the nonconforming height and nonconforming FAR would not be substantially more detrimental than the existing nonconforming dwelling is to the neighborhood given the addition's modest height subordinate to the existing portions of the dwelling, and limited visibility from nearby properties and/or public rights-of-way. (§7.8.2.C.2)
3. Granting the requested special permit relief is a reasonable accommodation under the provisions of Title II of the Americans with Disabilities Act (ADA) so as to provide flexibility in the application of land use and zoning regulations necessary to eliminate barriers to housing opportunities individuals with disabilities.

PETITION NUMBER: #202-23

PETITIONER: Linda Blacksmith

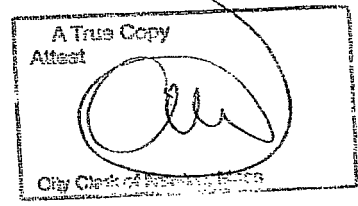
deed: 38136-300

LOCATION: 25 Breamore Road, Ward 1, Newton, on land known as Section 71 Block 19 Lot 2, containing approximately 5,239 sq. ft. of land

OWNER: Linda Blacksmith

ADDRESS OF OWNER: 25 Breamore Road
Newton, MA 02458

*Linda Blacksmith
25 Breamore Road
Newton, MA 02458*



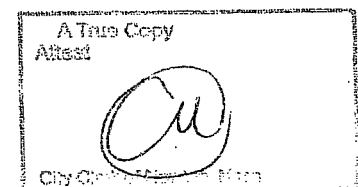
TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special permit as per §7.3.3 to further increase nonconforming height and further extend nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2)

ZONING: Single Residence 3 (SR3)

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 & Ramp, 25 Breamore Road Newton, MA, Middlesex County", dated March 5, 2023, prepared by D. O'Brien Land Surveying, dated February 1, 2023, signed and stamped by Dennis B. O'Brien, Professional Land Surveyor
 - b. Architectural drawings entitled "Blacksmith Residence, 25 Breamore Road, Newton, MA, prepared by Duckham Architecture and Interiors, January 25, 2023, signed and stamped by Kenton L. Duckham, Registered Architect, consisting of the following sheets:
 - i. Zoning Legend (as revised through February 22, 2023)(A001-a)
 - ii. Area Calcs (A001)
 - iii. Proposed Site Plan (A002)
 - iv. Proposed Basement Plan (A100)
 - v. Proposed First Floor (A101)
 - vi. Proposed Roof Plan (A102)
 - vii. Proposed Exterior Elevations (A201)
 - viii. Proposed Exterior Elevations (A202)
 - ix. Elevation 2 and Elevation 3 (page 3)
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. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
3. No certificate of occupancy (temporary or final) 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. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1, including the as built FAR.
- b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.

Under Suspension of Rules

Readings Waived and Extension of Time Approved

22 yeas 0 nays 2 absent (Councilor Bowman and Laredo)

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 June 22, 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

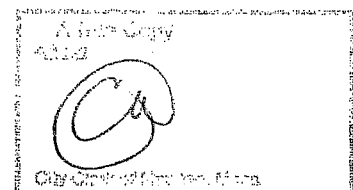
Acting Clerk of the City Council

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 June 22, 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



JUL 20 2023

COMMONWEALTH OF MASSACHUSETTS.

MIDDLESEX S.S. _____

SOUTH DIST. REGISTRY OF DEEDS

CAMBRIDGE, MA

I HEREBY CERTIFY THE FOREGOING

IS A TRUE COPY OF A PAPER 81792

RECORDED IN BOOK _____

383

PAGE _____



REGISTER