

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 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 structure with an increased nonconforming FAR of 0.37, where 0.35 exists and 0.30 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 neighborhood features similar dwellings throughout. (§3.1.9)
2. The proposed expanded structure with an increased nonconforming FAR of 0.37, where 0.35 exists and 0.30 is the maximum allowed by-right, would not be substantially more detrimental than the existing nonconforming structure is to the neighborhood given its size, construction, and limited visibility from nearby properties and/or public rights-of-way. (§7.8.2.C.2)

PETITION NUMBER: #194-23

PETITIONER: Amir and Naama Yacoby

LOCATION: 76 Drumlin Road, Ward 8, Newton Centre, on land known as Section 82 Block 25 Lot 30, containing approximately 16,000 sq. ft. of land

OWNER: Amir and Naama Yacoby

ADDRESS OF OWNER: 76 Drumlin Road
Newton, MA 02459

TO BE USED FOR: Single-family dwelling

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

ZONING: Single Residence 1 (SR1)

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 "Plot Plan of Land, MA.," (*note*: No. 76 Drumlin Road depicted), dated March 5, 2023, prepared by David Philip Terenzoni, Professional Land Surveyor, signed and stamped by David Philip Terenzoni, Professional Land Surveyor on March 5, 2023,
 - b. Architectural drawings entitled "Four Seasons Sunrooms, 59 Fuller Rd (*sic*)" prepared by Peter Lavenson, dated October 29, 2022, consisting of the following sheets:
 - i. Elevations, roof (including dimensions) and a perspective (page 1)
 - ii. Roof and Elevation 1 (page 2)
 - iii. 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.