

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 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

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 02459

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.