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CITY CLERK
NEWTON, MA. 02459

#80-22
162 Middlesex Road

CITY OF NEWTON

IN CITY COUNCIL

February 22, 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 further increase nonconforming floor area ratio (FAR) (§3.1.3, §3.1.9, §7.8.2.C.2) and increase nonconforming lot coverage (§3.1.3, §7.8.2.C.2) as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The proposed increase of FAR is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as the neighborhood features similarly sized, as well as larger, residential structures. (§3.1.3, §3.1.9)
2. The proposed further increase of the nonconforming FAR will not be substantially more detrimental than the existing nonconforming use to the neighborhood because the small size of the proposed addition and its limited visual impact on adjoining properties and public ways. Additionally, any impact of additional floor area is lessened by the fact that the property includes an adjacent vacant parcel that is not included in the FAR calculation. (§3.1.3, §3.1.9, §7.8.2.C.2)
3. The proposed further increase of the existing nonconforming lot coverage will not be substantially more detrimental than the existing nonconforming use to the neighborhood given the increase of approximately 570 square feet on the 15,308 square foot lot. Additionally any impact of additional lot coverage is lessened by the fact that the property includes an adjacent vacant parcel that is not included in the lot coverage calculation. (§3.1.3, §7.8.2.C.2)

PETITION NUMBER: #80-22

PETITIONER: Alan Flint and Christine Greco

LOCATION: 162 Middlesex Road, Section 63, Block 33, Lot 10, containing approximately 15,308 square feet of land

OWNER: Alan Flint and Christine Greco

ADDRESS OF OWNER: 162 Middlesex Road
Newton, MA

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- further increase nonconforming floor area ratio (§3.1.3, §3.1.9, §7.8.2.C.2)
- further increase nonconforming lot coverage (§3.1.3, §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 "162 Middlesex Road, Proposed Plot Plan of Land in Chestnut Hill, MA (Brookline/Newton) (PP-1), dated July 16, 2021, as revised through December 8, 2021, prepared by Hancock Associates, signed and stamped by Joseph M. Small
 - b. a set of architectural drawings entitled "Greco Residence, 162 Middlesex Road, Chestnut Hill, Massachusetts, Zoning Petition Set- July 21, 2021," prepared by Duckham Architecture & Interiors, dated July 21, 2021, signed and stamped by Kenton L. Duckham, Registered Architect, consisting of the following sheets:
 - i. Cover Sheet
 - ii. FAR Calculations and Diagrams (A001)
 - iii. Demo Surface Area Calculations (indicating a proposed total floor area of 8,019 square feet) (A002)
 - iv. Foundation Plan (S100)
 - v. Existing Basement / Proposed Crawlspace Plan (A100)
 - vi. Proposed First Floor Plan (A101)
 - vii. Proposed Second Floor Plan (A102)
 - viii. Proposed Third Floor Level/Roof Plan (A103)
 - ix. Proposed Elevations & Building (A201)
 - x. Proposed Elevations (A202)

2. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - d. 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.
 - e. 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 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 as built FAR.
 - b. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
 - c. 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.


Under Suspension of Rules

Readings Waived and Approved

21 yeas 0 nays 3 absent (Councilors Grossman, Kalis and Noel)

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 24, 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, City Clerk
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 24, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

(SGD) CAROL MOORE, City Clerk
Clerk of the City Council