

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 construct a single story addition, increasing the nonconforming FAR from .34 to .35, where .31 is the maximum allowed by right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed increase in the nonconforming FAR from .34 to .35, where .31 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 because the addition only adds 89 square feet to the dwelling. (§3.1.9; §7.8.2.C.2)
2. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition does not further encroach on the nonconforming 3.4 foot side setback. (§3.1.9; §7.8.2.C.2)

PETITION NUMBER: #258-22

PETITIONER: Eyal Leib

LOCATION: 109 Prince Street, on land known as Section 32, Block 30, Lot 10, containing approximately 15,000 square feet of land

OWNER: Eyal Leib

ADDRESS OF OWNER: 109 Prince Street  
Newton, MA 02465

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9, §3.1.3 and §7.8.2.C.2 to increase the nonconforming FAR

ZONING: Single Residence 1

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:
  - a. Proposed Plot Plan, signed and stamped by Christopher C. Charlton, Professional Land Surveyor, dated November 22, 2021, revised February 3, 2022
  - b. Architectural Plans and Elevations, prepared by I.S. Hernandez Design Services, Inc., unsigned and unstamped, most recently revised January 29, 2022 consisting of the following three (3) sheets
    - i. Cover Sheet A-1
    - ii. Existing Demo Plans A2
    - iii. Existing Left and Rear Elevations A3
    - iv. Basement and First Floor Plan A4
    - v. Proposed Left and Right Elevations A5
    - vi. Proposed Rear Elevations A6
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development.
3. 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. 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 statements by a registered architect and professional land surveyor certifying compliance with Condition #1, including the as built 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.