



2023 00052011

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#91-23

12 Lake Terrace

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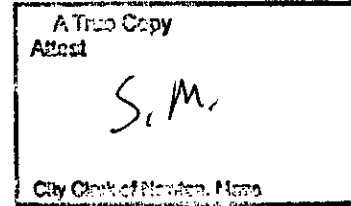
APR 20 AM 8:38

CLERK  
APR 19 2023

CITY OF NEWTON

IN CITY COUNCIL

April 18, 2023



**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 amend Special Permit #178-15, to further increase the nonconforming floor area ratio (FAR) to 0.49 where 0.33 is the maximum allowed by-right, and to allow for construction of dormers, 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 a floor area ratio of 0.49 where 0.33 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 as there are similarly scaled and designed dwellings throughout the neighborhood. (§3.1.9)
2. The proposed expanded structure with an increased floor area ratio of 0.49 where 0.33 is the maximum allowed by-right shall not be substantially more detrimental than the existing nonconforming structure is to the neighborhood as there are similarly scaled and designed dwellings throughout the neighborhood and the dwelling has limited visibility from nearby properties and public rights of way. (§7.8.2.C.2)
3. The specific site is an appropriate location for the proposed structure with an increased floor area ratio of 0.49 where 0.33 is the maximum allowed by-right as it has limited visibility from nearby properties and public rights of way. (§7.3.3.C.1)
4. The proposed structure with an increased floor area ratio of 0.49 where 0.33 is the maximum allowed by-right as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2)
5. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
6. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

PETITION NUMBER: #91-23

PETITIONER: Kelly and Joe Rodgers

80721-80

**LOCATION:** 12 Lake Terrace, Newton Centre, Ward 6, on land known as Section 62 Block 01 Lot 08, containing approximately 14,628 sq. ft. of land

**OWNER:** Kelly and Joe Rodgers

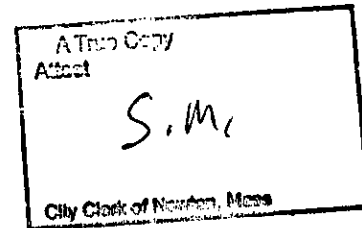
**ADDRESS OF OWNER:** 12 Lake Terrace  
Newton, MA

**TO BE USED FOR:** Single-family dwelling

**EXPLANATORY NOTES:** Special permit as per §7.3.3 to:

- amend Special Permit #178-15
- further exceed nonconforming floor area ratio (§3.1.3, §3.1.9, §7.8.2C.2)

**ZONING:** Single Residence 2 (SR2) district



The prior Special Permit/Site Plan Approval governing this property is #178-15. This Special Permit/Site Plan Approval supersedes #178-15. As such, #178-15 is null and void.

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. A site plan entitled "Site Plan of Land in Newton, MA, 12 Lake Terrace," prepared by Everett M. Brooks Co., dated July 27, 2022, signed and stamped by Michael S. Kosmo, Registered Professional Engineer on December 16, 2015, and Bruce Bradford, Professional Land Surveyor on December 16, 2015
  - b. A set of architectural plans entitled "12 Lake Terrace, Newton Centre, MA 02459" prepared by Chase Architecture," dated February 15, 2023, consisting of the following sheets:
    - i. Plan- Proposed Attic (A101)
    - ii. Plan- Proposed Roof (A102)
    - iii. Elevation- Proposed Rear (A200)
    - iv. Elevation- Proposed Side (A201)
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, 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.

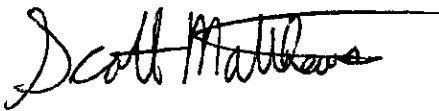
Under Suspension of Rules

Readings Waived and Extension of Time Approved

21 Yeas, 0 Nays, 3 Absent (Councilors Grossman, Humphrey, Oliver)

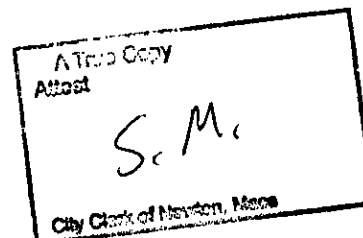
The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on April 20, 2023. The undersigned further certifies that 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:



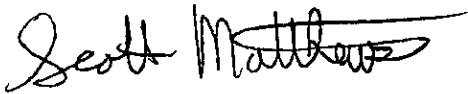
(SGD) CAROL MOORE

Assistant 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 April 20, 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

Assistant

