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#90-23  
6 Ferncroft Road

CITY OF NEWTON

IN CITY COUNCIL

April 18, 2023



2023 00050937  
Bk: 81542 Pg: 510 Doc: DECIS  
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**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 extend a nonconforming floor area ratio (FAR) in a Single Residence 2 zone, 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 .39 to .44, where .36 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 additional square footage is spread across three additions and does not add significantly to the overall scale of the existing structure. (§3.1.3; §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 proposed additional are unobtrusive, minimally visible from the street, and complement the architecture of the existing structure. (§3.1.3; §7.8.2.C.2)

PETITION NUMBER:

#90-23

HC451-128

PETITIONER:

Kenneth Kraft & Regina Koziyevskaya ✓

LOCATION:

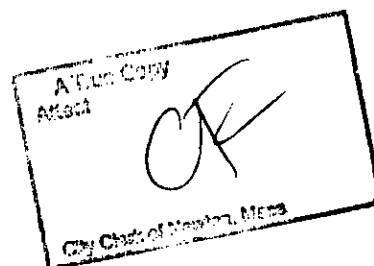
✓ 6 Ferncroft Road, on land known as Section 53, Block 7, Lot 13, containing approximately 11,808 square feet of land

OWNER:

Kenneth Kraft & Regina Koziyevskaya

ADDRESS OF OWNER:

6 Ferncroft Road  
Newton, MA 02468

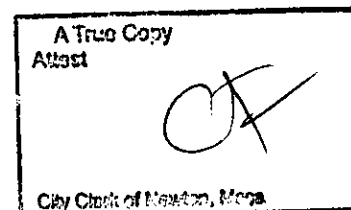


TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit to further extend nonconforming FAR (§3.1.3 and §7.8.2.C.2)

ZONING: Single Residence 2



Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. Proposed Plot Plan, 6 Ferncroft Road, prepared by Everett M. Brooks, Co., signed and stamped by Bruce Bradford, Professional Land Surveyor, dated December 7, 2022, revised December 9, 2022, January 25, 2023.
  - b. Architectural Plans and Elevations, prepared by LDA Architects, dated March 1, 2023, consisting of seventeen (17) sheets, including:
    - i. Front-facing Garage, East Elevation (page 4)
    - ii. Existing Site Plan (page 7)
    - iii. Proposed Site Plan (page 8)
    - iv. Proposed North Elevation (page 12)
    - v. Proposed South Elevation (page 13)
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Inspectional Services Department and Department of Planning and Development.
3. The Petitioner shall do the following to remediate pest and rodent activity:
  - a. Prior to issuance of any demolition or building permit, the petitioner, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
  - b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department and the Health and Human Services Department for review and approval prior to issuance of any demolition or building permit. Copies of such approvals shall be provided to the Department of Planning and Development.
  - c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration.
4. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until

the petitioner has:

- a. Recorded a certified copy of this council 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. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the applicant shall consult with the Engineering Division of Public Works to determine the implementation, if any, of stormwater improvement measures that the Engineering Division determines is necessary to mitigate the impacts of any stormwater runoff on abutting properties. The applicant shall provide evidence of such consultation and determination to Inspectional Services and the Planning Department. The petitioner shall comply with the Engineer Division's determination.
6. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
- 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.
  - 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.

Under Suspension of Rules

Readings Waived and Extension of Time Approved

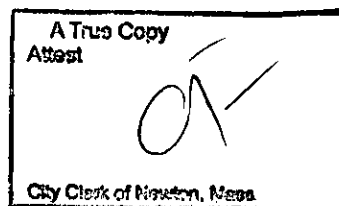
21 Yeas, 0 Nays, 3 Absent (Councilors Grossman, Humphrey, Oliver)

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:

*Cassie Moore*  
 (SGD) CAROL MOORE

Acting 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~~

Acting Clerk of the City Council

