

RECEIVED

#228-23
35 Oak Cliff Road

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CITY OF NEWTON

CITY CLERK
NEWTON, MA. 02459

IN CITY COUNCIL

August 14, 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 further extend the nonconforming 3½ -story dwelling by adding a dormer, and exceeding the 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 structure with a dormer on the 3 ½ story dwelling will not be substantially more detrimental than the existing nonconforming structure to the neighborhood given the dormer's relatively modest size and, since it would be located on the rear of the structure, it would have limited or no visibility from adjacent public rights-of-way and/or residential properties. (§7.8.2.C.2)
2. The specific site is an appropriate location for the proposed expanded structure with a dormer on the 3 ½ story dwelling and increased FAR given that there are similarly scaled and designed dwellings in the neighborhood, and the proposed modifications will be located at the rear of the dwelling and would have limited or no visibility from adjacent public rights-of-way and/or residential properties. (§7.3.3.C.1)
3. The proposed expanded structure as designed with a dormer on the 3 ½ story dwelling and increased FAR will not adversely affect the neighborhood as the proposed modifications will be located at the rear of the dwelling and would have limited no or visibility from adjacent public rights-of-way and/or residential properties. (§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
6. The proposed expanded structure as designed with a floor area ratio (FAR) of 0.44 where 0.43 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. (§3.1.9)

PETITION NUMBER: #228-23

PETITIONER: Nelson and Sally Dupere

LOCATION: 35 Oak Cliff Road, Ward 2, Newtonville, on land known as Section 24 Block 26 Lot 11, containing approximately 6,859 sq. ft. of land

OWNER: Nelson and Sally Dupere

ADDRESS OF OWNER: 35 Oak Cliff Road
Newton, MA 02460

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special permit per §7.3.3 to extend a nonconforming 3.5-story single-family dwelling (§3.1.3; §7.8.2.C.2) and exceed FAR (§3.1.3; §3.1.9)

ZONING: Single Residence 2 (SR2) district

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 "Plan Showing Existing Conditions 35 Oak Cliff Road, Newton, MA, Middlesex County," prepared by D. O'Brien Land Surveying, dated August 4, 2022, as revised through May 3, 2023, signed and stamped by Dennis O'Brien, Professional Land Surveyor.
 - b. A set of architectural plans entitled "Nelson & Sally Dupere, 35 Oak Cliff Rd., Newton, MA 02460," prepared by GMT Home Designs, Inc., as revised through February 20, 2023, , consisting of the following sheets:
 - i. Title Page (A0.0)
 - ii. General Notes (A0.1)
 - iii. Existing & Proposed Plot Plans (A0.2)
 - iv. Proposed Attic Calculations (A0.3)
 - v. Proposed Second Floor Plan (A1.5)
 - vi. Proposed Third Floor Plan (A1.6)
 - vii. Proposed Roof Plan (A1.7)
 - viii. Existing & Proposed Left Elevation (A2.2)

- ix. Existing & Proposed Rear Elevation (A2.3)
 - x. Existing & Proposed Right Elevation (A2.4)
 - xi. Exterior Renderings & Interior Overviews (R1)
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
23 yeas 0 nays 1 absent (Councilor Bowman)

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 August 16, 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

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 August 16, 2023 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

A handwritten signature in black ink, appearing to read 'Carol Moore', with a long horizontal flourish extending to the right.

(SGD) CAROL MOORE

Clerk of the City Council