

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 extend the nonconforming 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 increase in the nonconforming FAR from .36 to .37, where .30 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. The additional square footage created by the two dormers is within the existing footprint of the house 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 additions are unobtrusive, not visible from the street, and complement the architecture of the existing structure. (§3.1.3; §7.8.2.C.2)

PETITION NUMBER: #365-23

PETITIONER: Seth and Julia Burr

LOCATION: 286 Highland Avenue, on land known as Section 32 Block 02, Lot 08, containing approximately 15,890 square feet of land

OWNER: Seth and Julia Burr

ADDRESS OF OWNER: 286 Highland Avenue
Newton, MA 02465

TO BE USED FOR: Single Family Dwelling

EXPLANATORY NOTES: Special Permit per §3.1.3 and §7.8.2.C.2 to further extend the nonconforming FAR

ZONING: Single Residence 1

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. Existing Condition, 286 Highland Avenue Foundation As Built, prepared by Everett M. Brooks, Co., signed and stamped by Bruce Bradford, Professional Land Surveyor, dated September 9, 2004.
 - b. Architectural Plans and Elevations, prepared by Chace Architecture, dated September 27, 2023, consisting of fourteen (14) sheets, including:
 - i. Elevation, Rear (page A200)
 - ii. Elevation, Side (page A201)
 - iii. Elevation, Side (page A202)
2. 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.
3. 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 certifying compliance with Condition #1.