

RECEIVED

#262-23  
193 Lake Avenue

2023 OCT 18 PM 4: 57

CITY OF NEWTON

CITY CLERK  
NEWTON, MA. 02459

IN CITY COUNCIL

October 16, 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 allow a reduced separation distance between a detached accessory apartment and the abutting dwelling; to further increase the nonconforming height of an accessory building; further enlarge the nonconforming ground floor area of an accessory building; and to exceed the maximum floor area ratio (FAR) 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 specific site is an appropriate location for the proposed detached accessory apartment as designed with dimensional waivers relative to location and size of the structure, including an FAR of .37 where .35 is the maximum allowed as of right, as, given the topography and size of the parcel, it will have limited, if any visibility from nearby public ways and/or residences. (§7.3.3.1)
2. The proposed detached accessory apartment, as designed with dimensional waivers relative to location and size of the structure, including an FAR of .37 where .35 is the maximum allowed as of right, as developed and operated will not adversely affect the neighborhood given much of the granted zoning relief reflects the existing historic structure and the addition will have limited, if any, visibility from nearby public ways and/or residences. (§7.3.3.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.4)
5. The proposed expanded structure with an FAR of .37 where .35 is the maximum allowed as of right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.9)
6. The proposed expanded structure with an increased nonconforming 22.7 foot height and an increased nonconforming ground floor area of 1,623 square feet shall not be substantially more detrimental than the existing nonconforming use to the neighborhood

as, given the topography and size of the parcel, it will have limited if any visibility from nearby public ways and/or residences. (§7.8.2.C.2)

PETITION NUMBER: #262-23

PETITIONER: Robert and Laura Kay Hughes

LOCATION: 193 Lake Avenue, Ward 6, Newton Highlands, on land known as Section 52 Block 17 Lot 05, containing approximately 26,818 sq. ft. of land

OWNER: Robert and Laura Kay Hughes

ADDRESS OF OWNER: 193 Lake Avenue,  
Newton, MA

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special permit per §7.3.3 to allow a reduced separation distance between an detached accessory apartment and the abutting dwelling (§6.7.1.E.7.b); to further increase the nonconforming height of an accessory building (§3.4.3.A.3, §7.8.2.2); further enlarge the nonconforming ground floor area of an accessory building (§3.4.3.A.4, §7.8.2.C.2); and to exceed the maximum floor area ratio (FAR) allowed by right (§3.1.3, §3.1.9)

ZONING: Single Residence 1 (SR1)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 of Land in Newton, MA, 193 Lake Avenue, Proposed Additions," prepared by Everett M. Brooks, dated March 28, 2022, as revised through April 13, 2022, signed and stamped by Bruce Bradford, Professional Land Surveyor.
  - b. A set of architectural plans entitled "Proposed Renovations to the Hughes Residence, 193 Lake Avenue, Newton, MA," prepared by SV Design, dated June 17, 2022, consisting of the following sheets:
    - i. Carriage House- First Floor Plan (CH1.1)

- ii. Carriage House- Second Floor Plan (CH1.2)
  - iii. Carriage House- Proposed Elevations (CH2.1)
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 Approved

23 yeas 0 nays 1 absent (Councilor Krintzman)

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 October 18, 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.

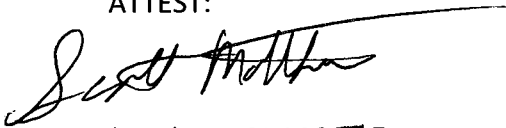
ATTEST:

  
(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 October 18, 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

*Assistant* Clerk of the City Council