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#309-23
93 Ruane Road

CITY CLERK
NEWTON, MA. 02459

CITY OF NEWTON

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 increase the floor area ratio (FAR) from .29 to .34, where .29 is the maximum 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 expanded structure that would result from the proposed increase in floor area ratio from .29 to .34, where .29 is the maximum allowed by right, will be consistent with and not in derogation of the size, scale and design of other structures in the much of the addition will not be visible from the street given that it will be located to the rear of, and not be higher than, the existing dwelling (§3.1.3; §3.1.9)
2. The site is an appropriate location for the proposed addition which increases the FAR from .29 to .34, where .29 is the maximum allowed by right, because it conforms to other relevant dimensional requirements for the district. (§7.3.3.C.1)
3. The addition which increases the FAR from .29 to .34, where .29 is the maximum allowed by right, will not adversely affect the neighborhood because it is subordinate to the principal roofline of the dwelling. (§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians because the curb cut will be maintained in its current state. (§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)

PETITION NUMBER:

#309-23

PETITIONER:

Ryan McAllister

LOCATION:

93 Ruane Road, Ward 3, West Newton, on land known as Section 32 Block 21 Lot 30, containing approximately

17,860 sq. ft. of land

OWNER: Ryan McAllister

ADDRESS OF OWNER: 93 Ruane Road
Newton, MA 02465

TO BE USED FOR: Single Family dwelling

RELIEF GRANTED: Special Permit per §3.1.3, §3.1.9, and §7.3.3 to exceed the maximum floor area ratio

ZONING: Single Residence 1 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:
 - a. A site plan entitled "93 Ruane Road" signed and stamped by Verne T. Porter, Jr., Professional Land Surveyor, and Paul J. Tyrell, Professional Engineer, dated July 17, 2023
 - b. A set of architectural plans entitled "McAllister-Garza Residence," prepared by Peter Sachs Architect, unsigned and unstamped, dated 8/24/23:
 - i. Proposed front elevation (A-6)
 - ii. Proposed right elevation (A-7)
 - iii. Proposed back elevation (A-8)
 - iv. Proposed left elevation (A-9)
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 for the portion of the project for which occupancy is requested and the Petitioner has:

- a. Filed with the building permit record statements by a registered architect (or professional engineer) and a 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

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 October 18, 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