

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 exceed the FAR and allow the alteration and extension of nonconforming side and rear setbacks as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The site in SR-2 is an appropriate location for the addition that will cause the site to exceed FAR because the additional FAR is broken up between two buildings and the neighborhood consists of similarly sized buildings on similarly sized lots. (§7.3.3.C.1)
2. The proposed additions will not adversely affect the neighborhood as there is adequate screening between the accessory building and abutting properties and while the primary building will increase in size and floor area, the overall height and massing will remain comparable to other dwellings in the vicinity. (§7.3.3.C.2)
3. The proposed addition that will extend the nonconforming third-story will not create a nuisance or serious hazard to vehicles or pedestrians because there are no changes to the driveway location. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The proposed increase in the FAR from .39 to .48 where .41 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 massing is broken up between two buildings on the site. (§3.1.3; §3.1.9)
6. The proposed addition which will alter and extend the nonconforming side setback will not be substantially more detrimental than the existing nonconforming detached structure is to the neighborhood because the setback is being brought further into conformance. (§7.8.2.C.2)
7. The proposed detached structure which will alter and extend the nonconforming rear setback will not be substantially more detrimental than the existing nonconforming detached structure is to the neighborhood because the setback is being brought further into conformance. (§7.8.2.C.2)

PETITION NUMBER: #11-24

PETITIONER: John Arone

LOCATION: 887 Commonwealth Ave., on land known as Section 24 Block 43 Lot 05, containing approximately 8,310 sq. ft. of land

OWNER: Arone Bros. LLC

ADDRESS OF OWNER: 887 Commonwealth Avenue
Newton, MA 02459

TO BE USED FOR: Single family dwelling with detached garage

RELIEF GRANTED: Special Permit per §3.1.3 and §3.1.9 to exceed Floor Area Ratio and §3.4.3.A.1 and §7.8.2.C.2 to alter and vertically extend a nonconforming rear setback in a detached accessory building

ZONING: Single Residence 2

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. Plan of Land showing proposed additions and detached garage at 887 Commonwealth Avenue, signed and stamped by Robert Bibbo, professional land surveyor, dated November 13, 2023
 - b. A set of architectural drawings prepared by Costa Architects, signed and stamped by Albert Costa, registered architect, dated September 11, 2023, most recently revised on December 1, 2023:
 - i. Principal Building Front Façade Proposed
 - ii. Principal Building Side Façades Proposed
 - iii. Principal Building Rear Façade Proposed
 - iv. Accessory Building Front Façade Proposed
 - v. Accessory Building Side Façades Proposed
 - vi. Accessory Building Rear Façade Proposed

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.
 - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.