

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 increase the nonconforming floor area ratio (FAR) as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The proposed increase in the nonconforming FAR from .48 to .52, where .44 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 lot is undersized and the increase in floor area is within the footprint of the structure. (§3.1.3, §3.1.9)
2. The proposed increase in the FAR from .48 to .52, where .44 is the maximum allowed by right, will be substantially more detrimental than the existing nonconforming structure is to the neighborhood because the increase in floor area is to the rear of the structure and is entirely within the footprint. (§7.8.2.C.2)

PETITION NUMBER: #13-24

PETITIONER: Martine Martell

LOCATION: 140 Dickerman Rd., on land known as Section 54 Block 38  
Lot 12, containing approximately 6,600 sq. ft. of land

OWNER: Martine Martell

ADDRESS OF OWNER: 140 Dickerman Rd.  
Newton, MA 02461

TO BE USED FOR: Single family dwelling

RELIEF GRANTED: Special Permit per §3.1.3, §3.1.9, and §7.8.2.C.2 to  
increase nonconforming Floor Area Ratio

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. Plot Plan for 140 Dickerman Road, signed and stamped by Michael Clancy, professional land surveyor, dated November 14, 2023.
  - b. A set of architectural drawings prepared by Makers' Guild, unsigned and unstamped, dated November 14, 2023:
    - i. Proposed South and East Elevations, A3.1
    - ii. Proposed West Elevation, A3.2
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.