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CITY CLERK  
NEWTON, MA, 02459

#365-23

286 Highland Avenue

CITY OF NEWTON

IN CITY COUNCIL

December 18, 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 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.


Under Suspension of Rules

Readings Waived and Extension of Time Approved

22 yeas 0 nays 2 absent (Councilors Downs and Ryan)

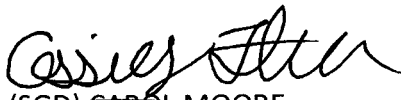
The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on December 20, 2023. The undersigned further certifies 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 December 20, 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