

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 to amend Special Permit #316-20 to grant relief for 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 site in a Single Residence 2 (SR-2) district is an appropriate location for the proposed additions that require relief for FAR because the additional massing is well screened from Dedham Street and will allow for an accessory dwelling unit. (§7.3.3.C.1)
2. The proposed additions that exceed the FAR will not adversely affect the neighborhood because the additions are set far back from Dedham Street and will be well-screened by trees and greenery. (§7.3.3.C.2)
3. The proposed additions will not create a nuisance or serious hazard to vehicles or pedestrians because the curb cut and driveway location will not change. (§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 increase in FAR is not substantially more detrimental than the existing structure is to the neighborhood because it will add one new unit of housing on the site. The flexibility to renovate a historic structure and add a modestly sized accessory unit supports the city's goals of increasing housing stock in a way that utilizes existing infrastructure and increases the variety of residential unit configurations. (§3.4.1 and §7.8.2.C.2)

PETITION NUMBER: #141-24

PETITIONER: David Geffen

LOCATION: 432 Dedham Street, Ward 8, Newton Centre, on land known as Section 81 Block 11 Lot 47, containing approximately

31,308 sq. ft. of land

OWNER: David Geffen

ADDRESS OF OWNER: 432 Dedham Street
Newton, MA 02459

TO BE USED FOR: Amend Special Permit Special Permit #316-20 to grant relief
for additions in excess of allowed FAR

RELIEF GRANTED: Special Permit to allow an amendment to Special Permit
#316-20 to exceed FAR (§3.1.5; §3.1.9)

ZONING: Single Residence 2 (SR-2) District

This special permit supersedes, consolidates, and restates provisions of prior special permit #316-20 for this location to the extent that those provisions are still in full force and effect.

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 Civil Plan prepared by Spruhan Engineering, stamped and signed by Christopher C. Charlton, professional land surveyor dated December 12, 2023
 - b. Set of plans prepared by Jeffrey Yates Architects LLC, stamped and signed by Jeffrey Yates, registered architect, and dated December 15, 2023:
 - “Front elevation sketch”
 - “Left elevation sketch”
 - “Rear elevation sketch”
 - “Right elevation sketch”
2. The petitioner shall comply with the City’s Accessory Apartment and Short Term Rental Ordinances - Chapter 30 §6.7.1. and Article IX Sec. 20-159
3. 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.

4. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit 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 (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.