



Land Use Committee Report

City of Newton In City Council

Tuesday, May 7, 2019

Present: Councilors Schwartz (Chair), Lipof, Laredo, Greenberg, Kelley, Markiewicz, Crossley, Downs

City Staff Present: Associate City Solicitor Jonah Temple, Chief Planner Jennifer Caira, Senior Planner Michael Gleba, Senior Planner Neil Cronin, Planning Associate Katie Whewell

All Special Permit Plans, Plan Memoranda and Application Materials can be found at http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp. Presentations for each project can be found at the end of this report.

Request for a Consistency Ruling relative to 360 Ward Street as it relates to Special Permit Council Order #99-16. Requesting an amendment to the site plan to allow modifications to the approved landscaping plan.

Note: Mr. Gleba showed the attached Special Permit plan that was approved in 2016. The approved plan included a landscaped buffer between the subject property and the abutter. The petitioner is now seeking a consistency ruling to eliminate the plantings shown in the final landscaping plan. Mr. Gleba noted that the abutter to the property has submitted a letter in support of eliminating the landscape buffer. Committee members questioned whether the landscaping was a condition of the special permit. Mr. Gleba noted that the condition of approval was submission of a final landscape plan for approval by the Planning and Development Department. The special permit did not include a condition requiring landscaping, however. Committee members requested no concerns relative to the request but asked that the Planning Department confirm that the abutting neighbor is comfortable with the change.

#88-19 **Petition to allow a rear-lot subdivision at 41 Washington Street**

JANE O'CONNOR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision to create two lots, abandon the two-family use in the existing structure and creating a second single-family on the rear lot, extending the existing non-conforming side setback at 41 Washington Street, Ward 1, Newton, on land known as Section 71 Block 29 Lot 07, containing approximately 25,964 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3, 7.4, 3.5, 3.1.10, 3.1.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Held 7-0**

Note: The petitioner notified the Clerk's office that they would not be available for the meeting. The Chair explained that the item would be held. The Public Hearing was Opened.

Harry Busted, 47 Washington Street, questioned where the entrance to the lot will be and noted that he does not have a lot of information relative to the proposed petition at this time.

Seeing no other member of the public who wished to speak, Councilor Greenberg motioned to hold the item which carried unanimously.

#125-19 Special Permit Petition to increase non-conforming FAR at 85 Gate House Road

HILARY GROVE petition for SPECIAL PERMIT/SITE PLAN APPROVAL to add five dormers to existing attic space, increasing the non-conforming FAR to .37 where .27 exists and .36 is allowed at 85 Gate House Road, Ward 7, Chestnut Hill, on land known as Section 63 Block 27 Lot 16, containing approximately 22,152 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0; Public Hearing Closed 05/07/2019

Note: The petitioner, Mr. Jeffrey Grove presented the request for a Special Permit petition to add five dormers to the existing attic space at the rear of the structure and add glass windows to enclose an existing veranda. The proposed changes exceed the allowable FAR at the site, requiring a Special Permit.

Senior Planner Neil Cronin presented an overview of the requested relief, criteria for consideration, land use, zoning and plans for the project as shown on the attached presentation. Mr. Cronin noted that the enclosed veranda will add 200 sq. ft. to the FAR calculations. He stated that if the petition is approved, the petitioner will be required submit the plans for review by the Chestnut Hill Historic District Commission. He explained that the Planning Department is not concerned about the proposed changes given that the footprint is not increasing, and the proposed dormers are minimally visible from the street.

The public hearing was opened. Councilor Laredo motioned to close the public hearing which carried unanimously. Councilor Laredo expressed support for the petition and moved approval. Committee members reviewed the draft findings and conditions as shown on the attached presentation. Committee members expressed no concerns relative to the petition and voted unanimously in favor of the motion to approve.

#397-18(2) Petition to amend Council Order #397-18 at 47 Rokeby Road

DARBY AND RANDI LEIGH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #397-18 to modify the approved site plan to allow for a paved driveway at 47 Rokeby Road, Ward 5, Waban, on land known as Section 55 Block 39 Lot 29, containing approximately 9,280 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref. 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 6-1-0 (Kelley opposed)

Note: Ms. Shannon Finley, Architect for the project, Tiny Desk Designs, Cambridge, MA, presented the request to amend Special Permit Council Order#397-18(2). Ms. Finley explained that the petitioners applied for and were granted a Special Permit for FAR relief in 2018. When approved, the

petition included a condition requiring the petitioner to use permeable pavers for the driveway. During a discussion with the City Engineer, the petitioner learned that they would have to treat the permeable pavers as paved surface. For better water management, the petitioner is now seeking to replace the permeable pavers with a paved surface and install a drainage system to collect the water on site.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use, zoning approved, and proposed site plans as shown on the attached presentation.

The Public Hearing was Opened. No member of the public wished to speak. Councilor Crossley motioned to close the public hearing which carried unanimously. A Committee member expressed concerns relative to the change from permeable pavers to a paved surface. Ms. Finley explained that the permeable pavers collect subsurface water which must be collected and drained. She noted that the proposed drainage system is more efficient at capturing and draining rainwater than the permeable pavers would be. It was noted that permeable pavers are counted towards impervious calculations because they often fill and do not always adequately drain. Councilor Crossley motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation. Committee members expressed no concerns relative to the draft order and voted 6-1-0 in favor of approval (Councilor Kelley opposed).

#123-19 Petition to establish accessory apartment at 35 Cherry Street

SWAATHI JOSEPH AND SUNEETH JOHN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ALLOW AN ACCESSORY APARTMENT in existing space in a dwelling constructed less than four years ago at 35 Cherry Street, Ward 3, West Newton, on land known as Section 34 Block 37 Lot 86, containing approximately 7,575 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 6.7.1.C.5 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0; Public Hearing Closed 05/07/2019

Note: Petitioners Ms. Swaathi Joseph and Suneeth John presented the request for a Special Permit Petition to establish an accessory apartment at 35 Cherry Street. Ms. Joseph stated that they were considering renovating their house, but renovations were cost prohibitive. They constructed the new house in 2018 and are now seeking to locate an accessory apartment in the existing finished space over the attached garage to house family members. Because the dwelling is less than four years old, a Special Permit is required.

Committee members questioned what the rationale behind limiting accessory apartments to structures older than 4 years old was when the accessory apartment ordinance was approved. Chief Planner Jennifer Caira explained that there were some concerns that allowing accessory apartments as a matter of right might incentivize tear downs to construct new buildings with accessory apartments. Ms. Caira noted that the Assessing Department has stated that there is no increased value by adding an accessory apartment. She confirmed that the accessory apartment ordinance has not been abused since it was passed. Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and plans as shown on the attached presentation. Ms. Whewell noted that no interior renovations are proposed. Committee members discussed whether the accessory apartment ordinance should be

amended. Councilors expressed support for the petition. The Public Hearing was Opened. Seeing no member of the public who wished to speak Councilor Kelley motioned to close the public hearing which carried unanimously. Committee members reviewed the draft findings and conditions as shown on the attached presentation. Committee members expressed no concerns relative to the petition and voted unanimously in favor of approval.

#124-19 Petition to extend non-conforming three-story structure at 150 Collins Road

SARAH AND ROBERT BUCKLEY petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to demolish a portion of the rear dwelling and construct a new rear addition and two-car attached garage, extending the non-conforming 3.5-story structure at 150 Collins Road, Ward 5, Waban, on land known as Section 55 Block 48 Lot 17, containing approximately 22,619 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4, 1.5.4.B, 1.5.4.C, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0; Public Hearing Closed 05/07/2019**

Note: Petitioner Sarah Buckley presented the request for a Special Permit petition to extend the non-conforming three-story structure at 150 Collins Road. Ms. Buckley explained that the proposed plans include demolishing a one car garage and an attached rear addition and the construction of a two-car garage and new rear addition. Architect for the project, Paul Fiore presented an overview of the project as shown on the attached presentation. Mr. Fiore noted that the proposed petition has received Historic Commission approval. Mr. Fiore explained that due to average grading at the lot, the basement level is exposed and is considered a story. He stated that the proposed addition and garage improves on the setbacks but extends the non-conformity at the rear of the structure. Mr. Fiore noted that in order to reduce the height of the addition; the ridge was shortened, and dormers are proposed to create additional height.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and the proposed plans as shown on the attached presentation. Ms. Whewell noted that the site is surrounded by mature landscaping. Ms. Whewell noted that the addition is visible from the street but is subordinate to the existing structure. The public hearing was opened. No member of the public wished to speak. Councilor Crossley motioned to close the public hearing which carried 7-0. Committee members questioned whether the petitioner has considered a stormwater mitigation plan. Mr. Fiore confirmed that the petitioners are working with Everett Brooks Civil Engineering to develop a water mitigation plan.

Councilor Crossley motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation. It was noted that the proposed addition is located on a large lot and is shielded by landscaping. Committee members expressed no concerns relative to the petition and voted unanimously in favor of approval.

#138-19 Petition to amend Special Permit to allow paved parking area at 206 Waltham Street

SCANDINAVIAN CHARITABLE SOCIETY OF GREATER BOSTON petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #61-91 to modify the site plan to allow paving of a parking area at the front of the site at 206 Waltham Street, Ward 3, West Newton, on land known as Section 31 Block 28 Lot 80, containing

approximately 125,512 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0; Public Hearing Closed 05/07/2019

Note: Samiotes Consulting Engineer Matt Zirolli presented the request for an amendment to Special Permit #61-91 at 206 Waltham Street. Mr. Zirolli explained that the site has pervious pavers that have failed and are filled with sand. He noted that pavers have become a safety hazard for visitors to the site. The petitioner proposes to repave the area with pavers with asphalt pavement. Mr. Zirolli noted that a portion of the site is subject to a preservation restriction and subject to Historic Commission review. It was noted that the Historic Commission has approved the parking location, plan and materials. Additionally, the petitioner proposes to install an infiltration system as well as landscaping at the southwest corner of the parking area to shield the parking from the street. Mr. Zirolli confirmed that the same number of parking spaces will be maintained in the parking area.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning, and plans as shown on the attached presentation. It was noted that the amendment to the Special Permit legitimizes the parking lot area which was constructed in 2008 without an amendment to the 1991 Special Permit. Committee members questioned why the preservation restriction was placed on the property. Ms. Whewell stated that the preservation restriction states that the key features to be preserved are the landscape and grassed open space (large front lawn), the semicircular driveway and circulation and access drives. The area with pavers is a portion of the front lawn.

The Public Hearing was Opened. Seeing no member of the public who wished to speak, Councilor Kelley motioned to close the public hearing which carried unanimously. Executive Director of the Scandinavian Charitable Society explained that a visitor fell when visiting the facility. The permeable pavers were installed to allow the grass to be maintained but create safer conditions. He indicated that they did not fully understand the preservation restriction. The Chair explained that if additional changes to the site are necessary, the petitioner should return to the amend the Special Permit.

Councilor Kelley motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation. Committee members asked that the language in Finding #2 be changed from “not in violation of the preservation restriction” to “the changes have been approved by the Historic Commission”. Councilors asked the Planning Department and Law Department determine whether the Orders can be consolidated for clarity and/or attach the previous board order as an exhibit. With that, Committee members voted unanimously in favor of approval.

#139-19 **Special Permit to extend nonconforming side and rear setbacks at 11 Avon Place**
RUI GUAN ZHANG petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct an addition to the front of the house and raise the roof to create 2.5 stories where 2 stories exist, vertically extending the nonconforming side and rear setbacks at 11 Avon Place, Ward 1, Newton, on land known as Section 12 Block 09 Lot 04, containing approximately 3,183 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.2.3, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

Action: Land Use Approved 7-0; Public Hearing Closed 05/07/2019

Note: Architect Doug Stefanov presented the request for a Special Permit to extend the non-conforming side and rear setbacks at 11 Avon Place by vertically extending the structure. The petitioner proposes to raise the roof to create 2.5 stories where 2 stories exist, extending the non-conformity for an additional half story. The increase in height at the rear and side does not affect the setback distance.

Planning Associate Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and the proposed plans as shown on the attached presentation. The Public Hearing was Opened. No member of the public wished to speak. Councilor Greenberg motioned to close the public hearing which carried unanimously. It was noted that the petitioner will be replacing a fence between the properties at 11 Avon Place and 15 Avon Place. Councilor Greenberg motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation. A Councilor asked that the draft Order be very specific regarding the proposed height increase. Committee members expressed no concerns relative to the petition and voted unanimously in favor of approval.

The Committee adjourned at 8:45 pm.

Respectfully Submitted,

Greg Schwartz, Chair

Department of Planning and Development



PETITION #125-19
85 GATE HOUSE ROAD

SPECIAL PERMIT/SITE PLAN
APPROVAL TO FURTHER EXTEND THE
NONCONFORMING FLOOR AREA
RATIO



MAY 7, 2019

1

Requested Relief



Special Permit per §7.8.2.C.2 of the Newton Zoning Ordinance to:

- To further increase the nonconforming floor area ratio from .36 to .37, where .27 is the maximum allowed as of right (§3.1.9).

2

Criteria to Consider

When reviewing this request, the Council should consider whether:

- The proposed increase in the nonconforming floor area ratio from .36 to .37, where .27 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 (§3.1.9 and §7.8.2.C.2).
- The proposed increase in the nonconforming floor area ratio from .36 to .37, where .27 is the maximum allowed by-right, is not substantially more detrimental than the existing nonconforming structure is to the neighborhood (§3.1.9 and §7.8.2.C.2).

3

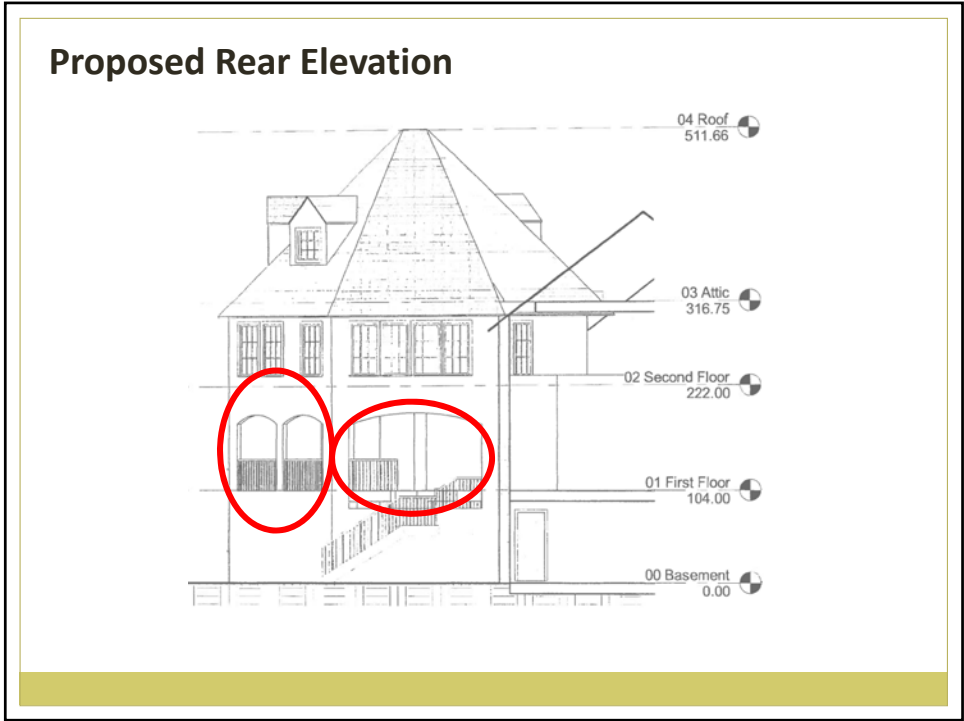
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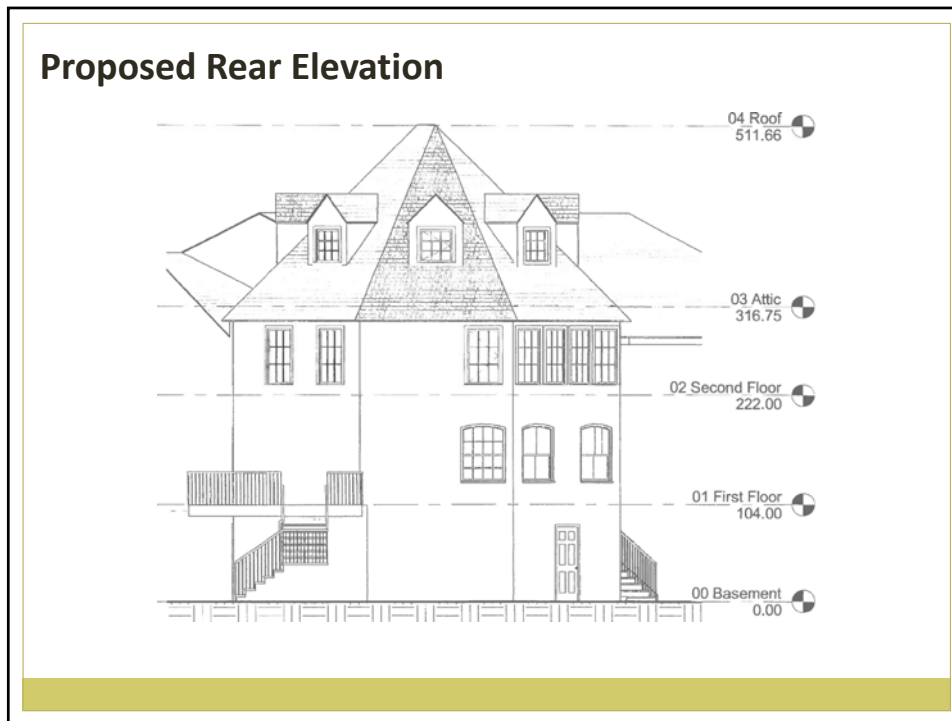
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Proposed Findings

1. The proposed increase in the nonconforming FAR from .36 to .37, where .27 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 additions will add 232 square feet to the rear of the dwelling. (§3.1.9 and §7.8.2.C.2)
2. The proposed increase in the nonconforming FAR from .36 to .37 where .27 is the maximum allowed by-right is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the additions are not increasing the footprint of the dwelling and will be minimally visible from the street. (§3.1.9 and §7.8.2.C.2)

8

Proposed Conditions

1. Plan Referencing Condition.
2. Prior to the issuance of any building permit to enclose the veranda, the petitioner shall receive approval from the Chestnut Hill Local Historic District Commission.
3. Standard CO Condition

Department of Planning and Development



PETITION #397-18(2)

47 ROKEBY ROAD

SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND SPECIAL
PERMIT COUNCIL ORDER
#397-18 TO MODIFY THE
APPROVED SITE PLAN TO
ALLOW FOR A PAVED
DRIVEWAY



MAY 5, 2019

1

Requested Relief



Special permit per §7.3.3 to:

- to amend Special Permit #397-18 to modify the approved site plan to allow for a paved driveway

2

Criteria to Consider



When reviewing the requested special permit the Council should consider whether:

- The specific site is an appropriate location for the proposed paved driveway (§7.3.3.C.1)
- The proposed paved driveway as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2);
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

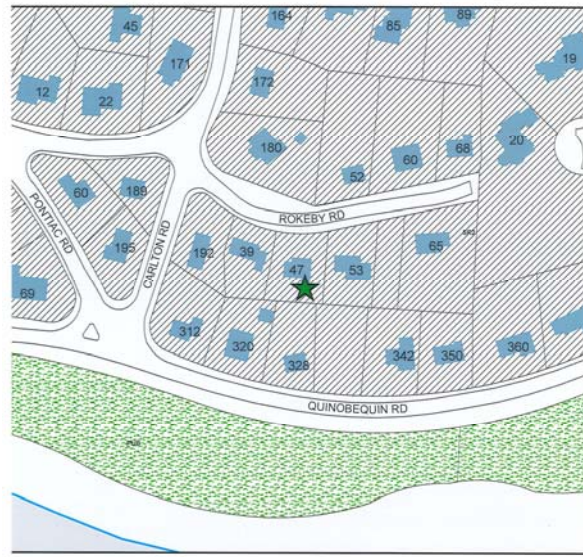
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AERIAL/GIS MAP



4

Zoning



ATTACHMENT B

Zoning

47 Rokeby Rd.
City of Newton,
Massachusetts

Legend

- Single Residence 2
- Public Use



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not be held liable for any information contained herein based solely on this map.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Richard Fuller
GIS Administrator - Douglas Greenfield

1 10 20 30 40 50 Feet

Map Date: July 27, 2018

5

Land Use



ATTACHMENT A

Land Use

47 Rokeby Rd.
City of Newton,
Massachusetts

Land Use

- Single Family Resident
- Mixed Use
- Open Space
- Vacant Land



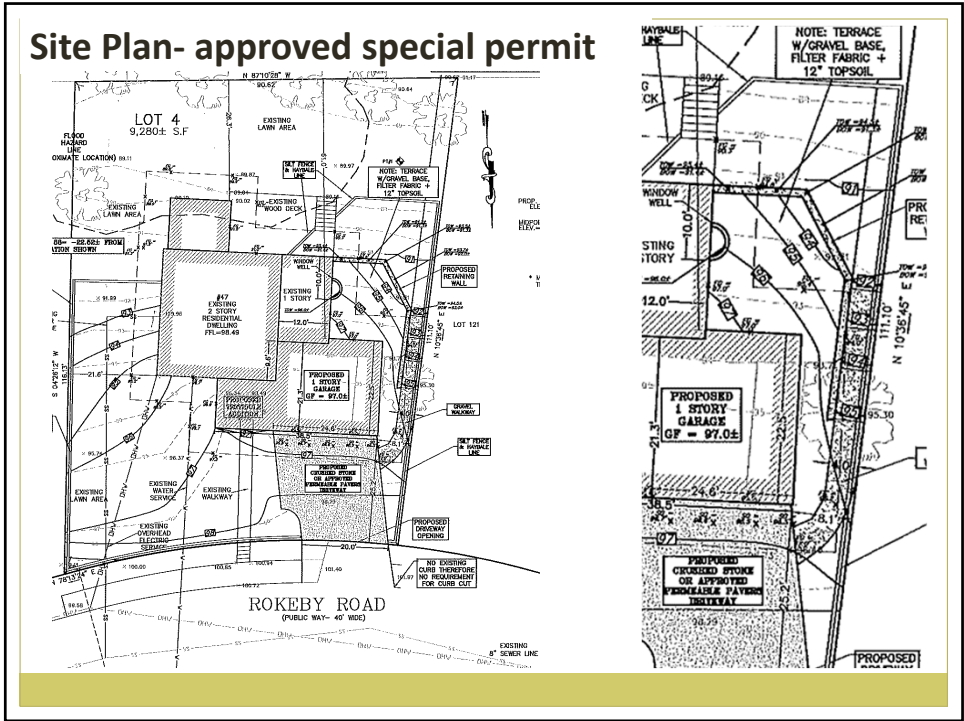
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Richard Fuller
GIS Administrator - Douglas Greenfield

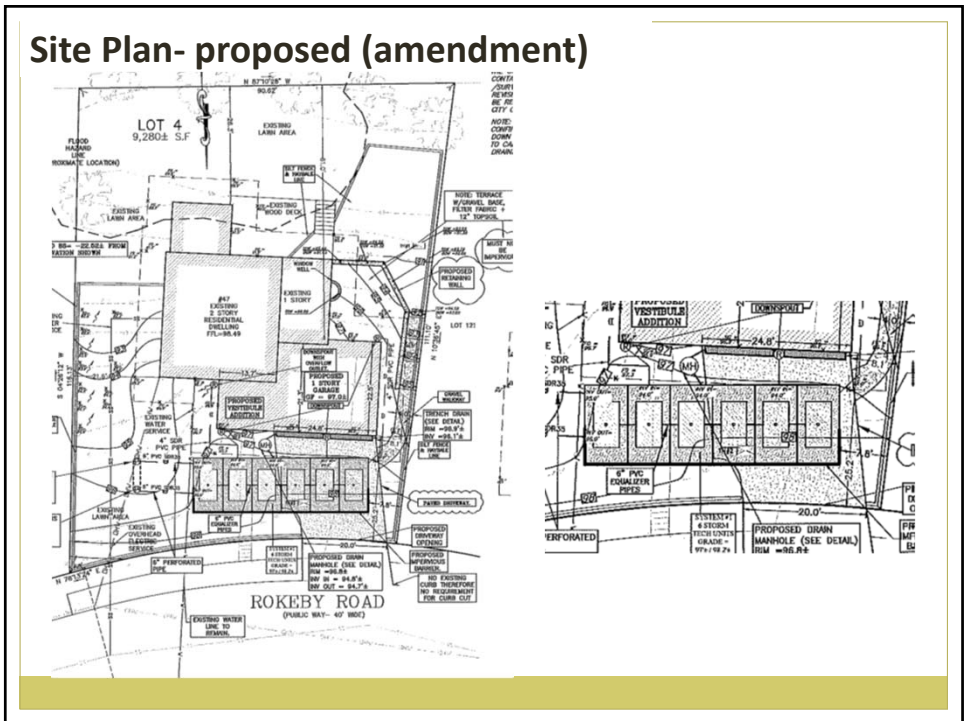
1 10 20 30 40 50 Feet

Map Date: July 27, 2018

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Photos



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Proposed Findings

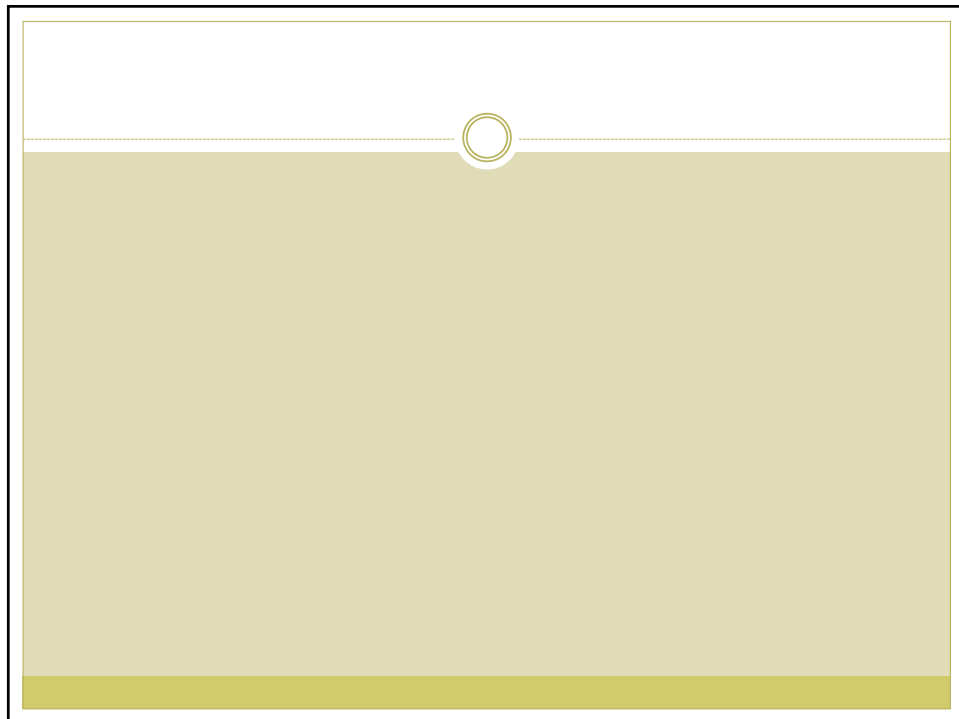
1. The specific site is an appropriate location for the proposed paved driveway (§7.3.3.C.1);
2. The proposed paved driveway as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2) as it will be installed in combination with an engineered stormwater management system;
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§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).

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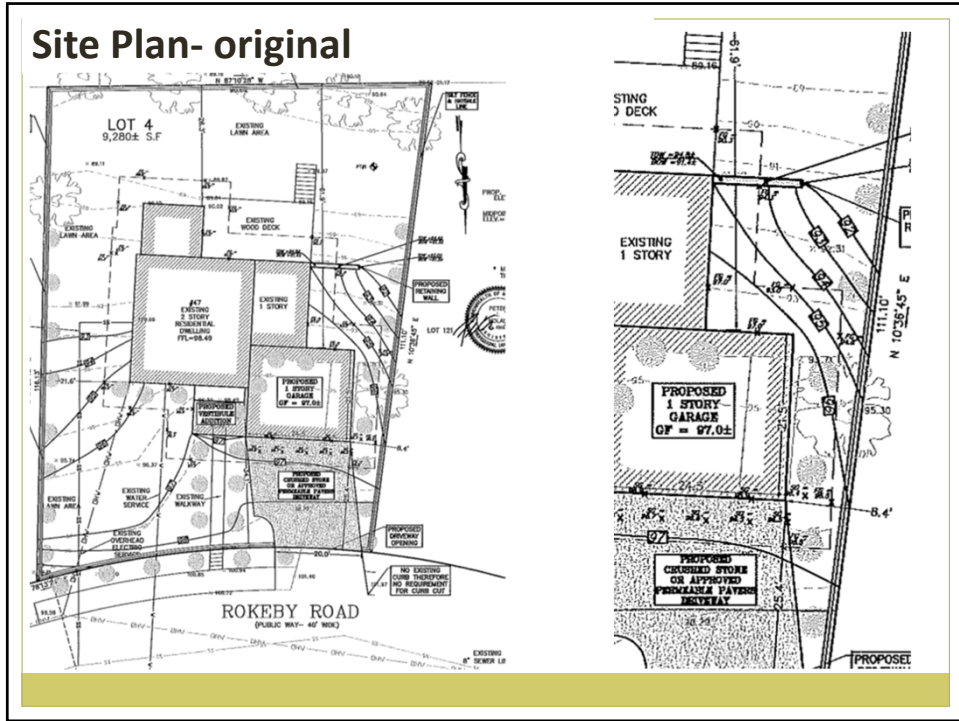
Proposed Conditions

1. Plan Referencing Condition (incl. site plan dated March 12, 2018, as revised through March 12, 2019)
2. Operations and Maintenance Plan (O&M) Condition
- ~~3. The driveway shall be constructed of crushed stone or permeable pavers and shall not be otherwise paved or surfaced except as specifically provided by an amendment to this special permit.~~
4. Standard Building Permit Condition.
5. Standard Final Inspection/Certificate of Occupancy Condition.

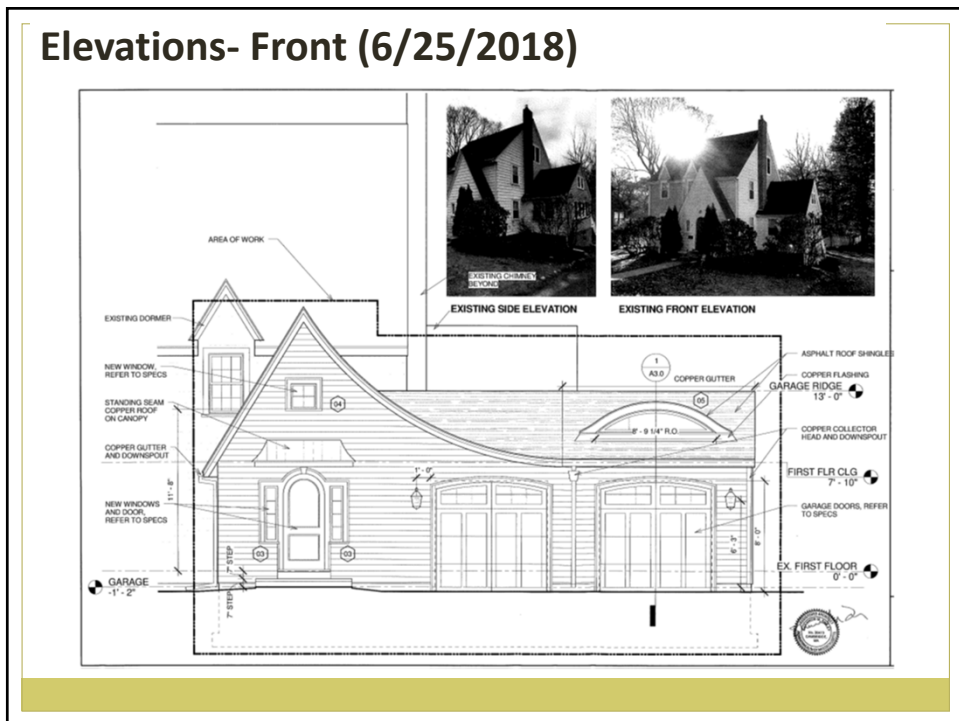
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13



14

Elevations- Right Side (6/25/2018)



15

Photos



16

Photos



17

Photos



18

Photos



19

Photos



20

Photos




21

Proposed Findings

1. The expanded structure that would result from the proposed increase in floor area ratio (FAR) from 0.39 to 0.41, where 0.39 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 neighborhood and conform to other relevant dimensional requirements (§3.1.9),
2. The proposed attached garage will provide off-street, enclosed space for the required parking stalls.


22

Proposed Conditions



1. Plan Referencing Condition
2. Operations and Maintenance Plan (O&M) Condition
3. The driveway shall be constructed of crushed stone or permeable pavers and shall not be otherwise paved or surfaced except as specifically provided by an amendment to this special permit.
4. Standard Building Permit Condition.
5. Standard Final Inspection/Certificate of Occupancy Condition.

23



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Department of Planning and Development



PETITION #123-19
35 CHERRY STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO ESTABLISH AN
ACCESSORY APARTMENT IN
A DWELLING CONSTRUCTED LESS
THAN FOUR YEARS AGO



MAY 7, 2019

1

Requested Relief



Special Permit per §7.3.3 of the NZO to:

- To allow an accessory apartment in a dwelling constructed less than four years ago (§ 6.7.1.C.5)

2

Criteria to Consider



When reviewing this request, the Council should consider whether:

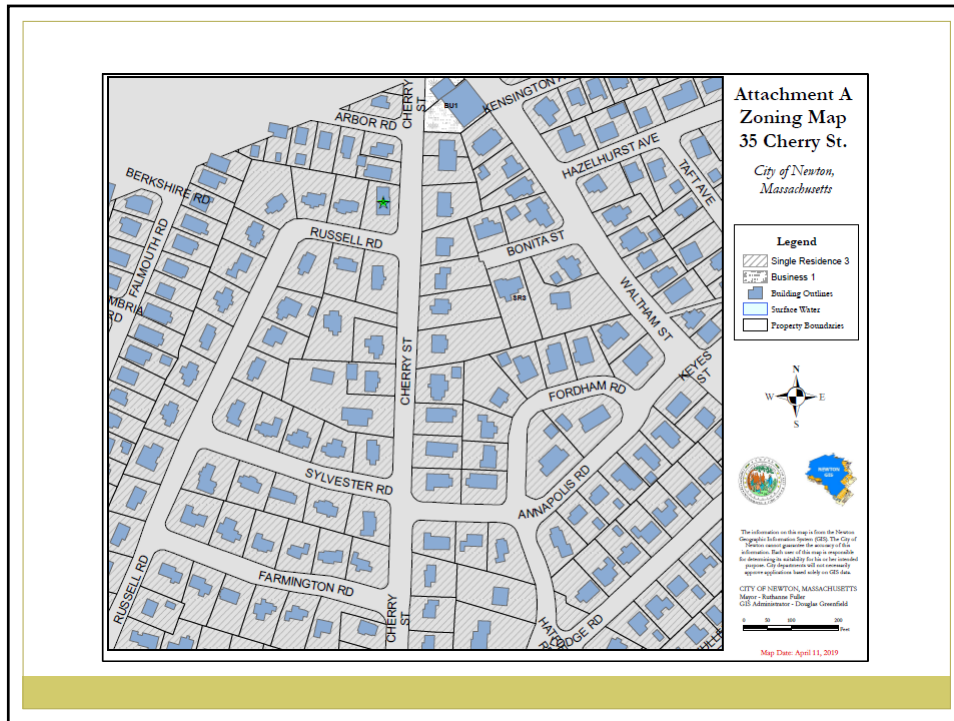
- The specific site is an appropriate location for the proposed internal accessory apartment. (§7.3.3.C.1)
- The proposed internal accessory apartment will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed internal accessory apartment will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

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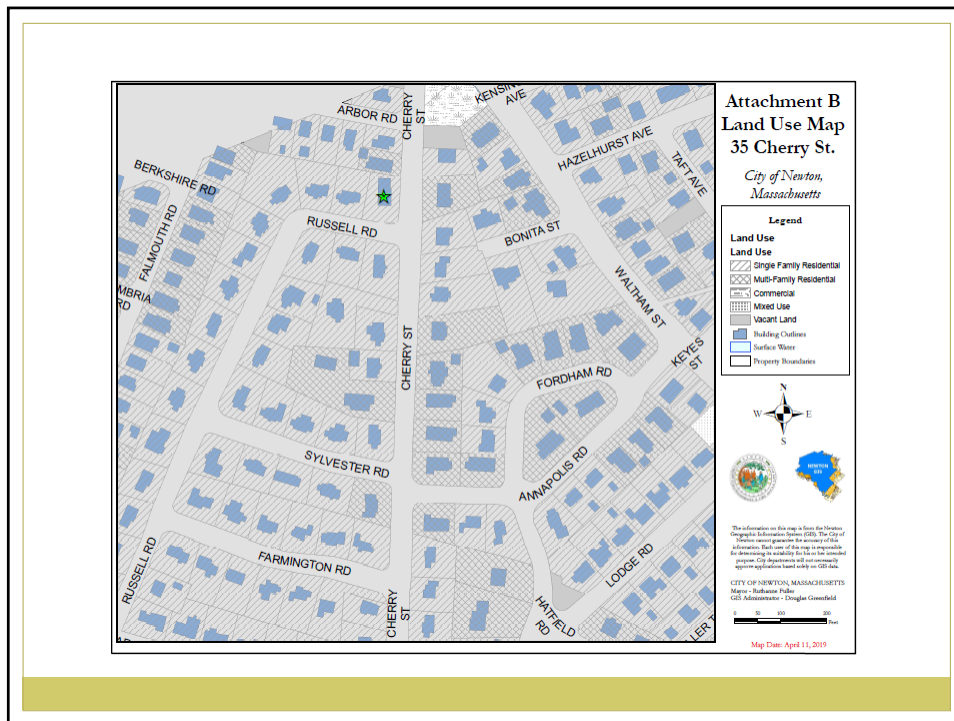
AERIAL/GIS MAP



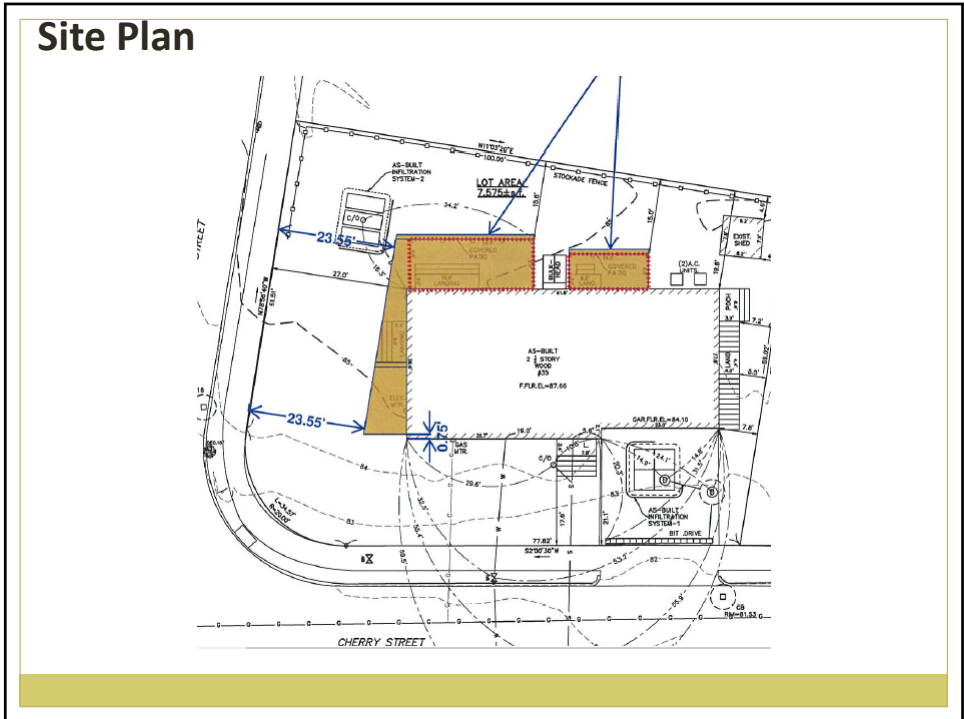
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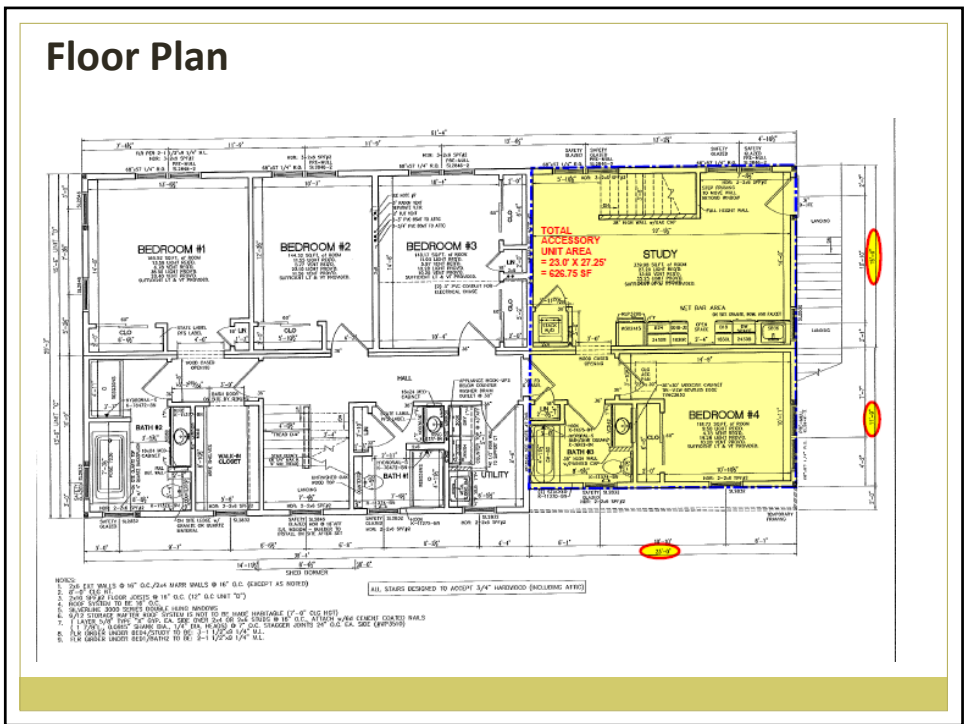
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Proposed Findings

- The site is an appropriate location for the proposed internal accessory apartment within a single-family dwelling in a Single Residence 3 (SR-3) district because the neighborhood is comprised of a mix of single family residential and multi-family residential uses and will contribute to a diversity of housing options. (§7.3.3.C.1)
- The accessory apartment will not adversely affect the neighborhood as it will be located in existing space within a single-family dwelling and meets all dimensional standards of the SR-3 zone. (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians, as the property's driveway on Cherry Street is able to accommodate the parking demand of the principal dwelling and accessory apartment. (§7.3.3.C.3)
- Access to the site is appropriate for the number of vehicles related to the residential use of the site. (§7.3.3.C.4)

9

Proposed Conditions

1. Plan Referencing Condition.
2. The accessory apartment must be held in common ownership with the principal dwelling unit.
3. The owner of the single-family dwelling shall occupy either the principal dwelling unit or the accessory apartment, and the owner shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year.
4. Standard Building Permit Condition.
5. Standard Final Inspection/Certificate of Occupancy Condition.

10

150 Collins Road

The Buckley Family Residence

May 2019

1

Considerations...

Actions Taken to Conform with Neighborhood:

- Goal is to restore and retain the character of the original 1920 colonial home while modernizing it for family of five
- Proposed addition is 1 foot further in from side property line and 3 feet further in from rear property line (vs current addition) to increase the setbacks from abutters
- Lowered the roof line for the addition, adding dormers to decrease the visual scale
- Added retaining walls and new vegetation to provide further screening and avoid rainwater run-off issues for neighbors
- Initiated contact with all immediate abutters to discuss project and mitigate concerns

2

View from street TODAY...



3

View from street PROPOSED... largely unchanged



4

View from driveway side – demonstrates grading of property...



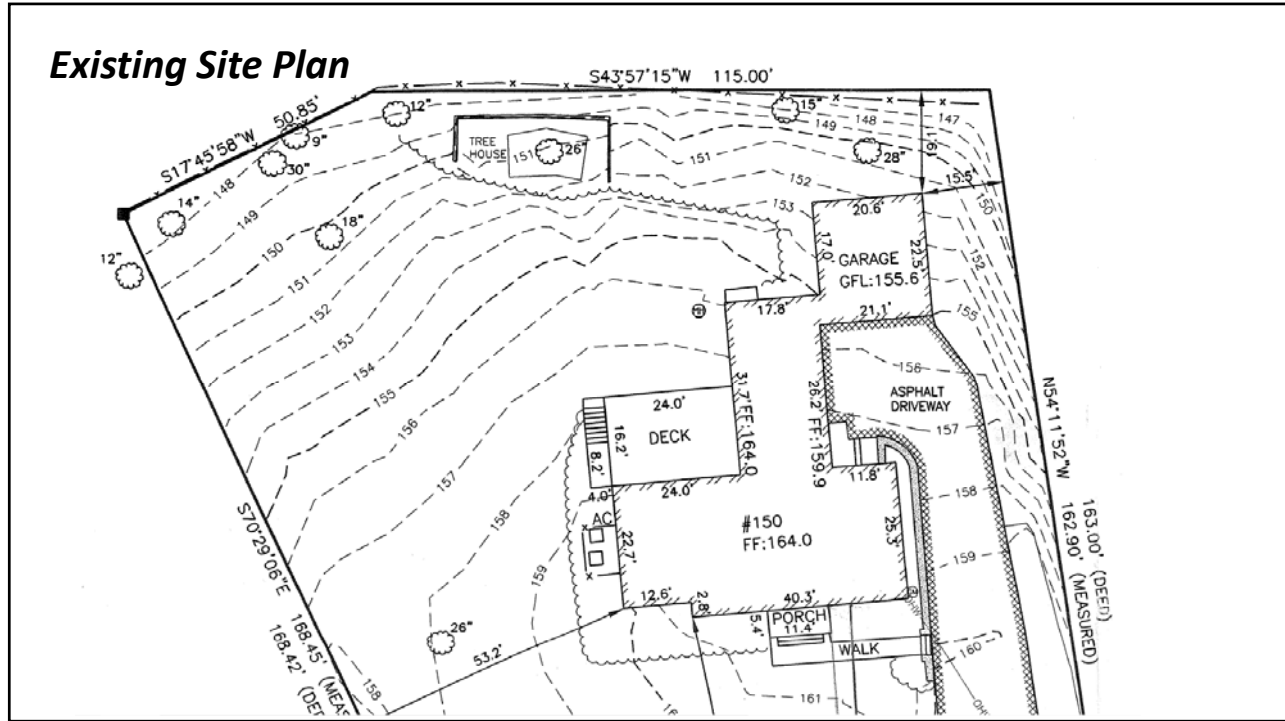
TURE
147.8002 BUCKLEY RESIDENCE

December 03, 2018
Proposed East Elevation $\frac{1}{8}'' = 1'-0''$

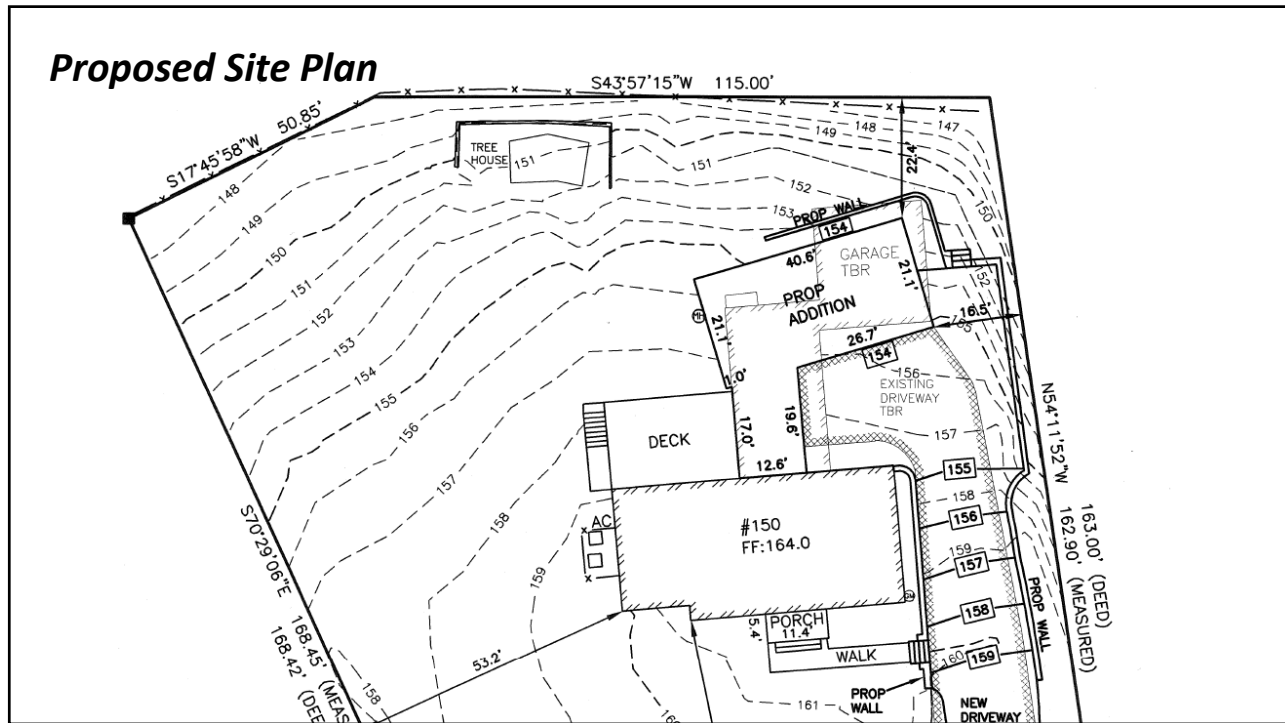
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APPENDIX

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Department of Planning and Development



**PETITION #124-19
150 COLLINS ROAD**

SPECIAL PERMIT/SITE PLAN
APPROVAL TO DEMOLISH A
PORTION OF THE REAR DWELLING
AND CONSTRUCT A NEW REAR
ADDITION AND TWO-CAR
ATTACHED GARAGE, EXTENDING
THE NON-CONFORMING 3.5 STORY
STRUCTURE



MAY 7, 2019

1

Requested Relief



Special Permit per §7.8.2.C.2 and §7.3.3 of the NZO to:

- Extend a non conforming 3.5 story structure (§3.1.3)

2

Criteria to Consider

When reviewing this request, the Council should consider whether:

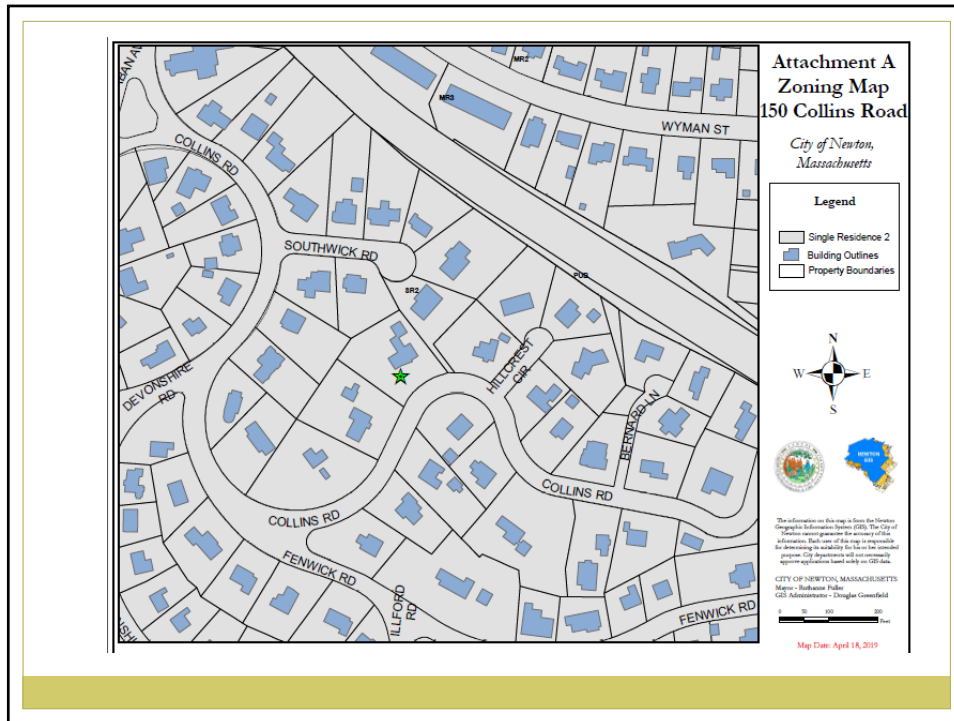
- The proposed addition that extends the nonconforming 3.5 story structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.3, and §7.8.2.C.2)
- The proposed addition that extends the nonconforming 3.5 story structure is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.3, and §7.8.2.C.2)

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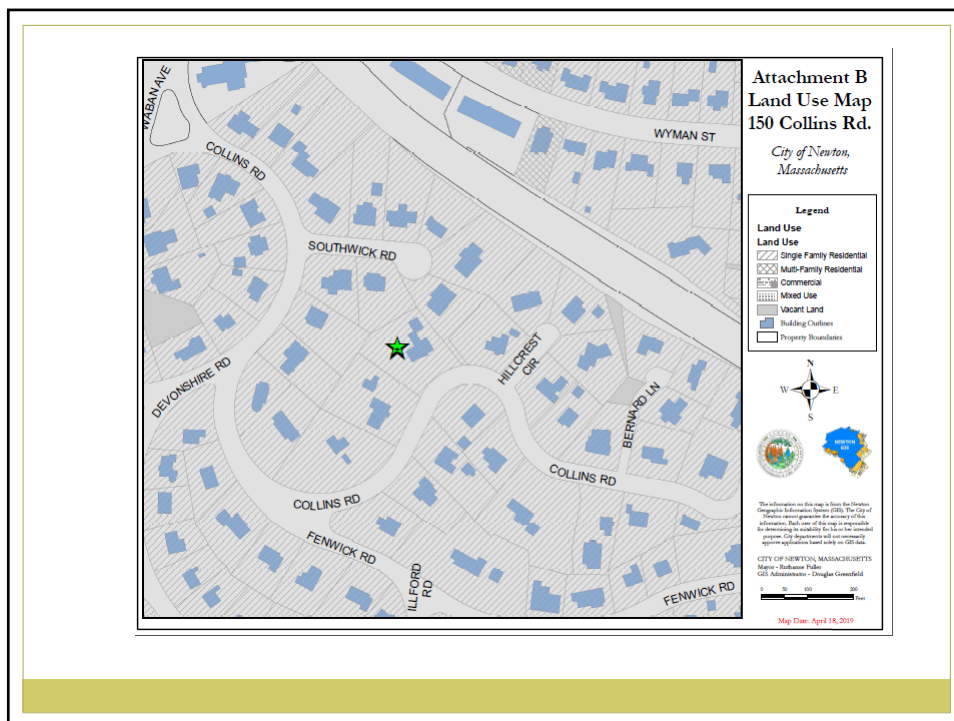
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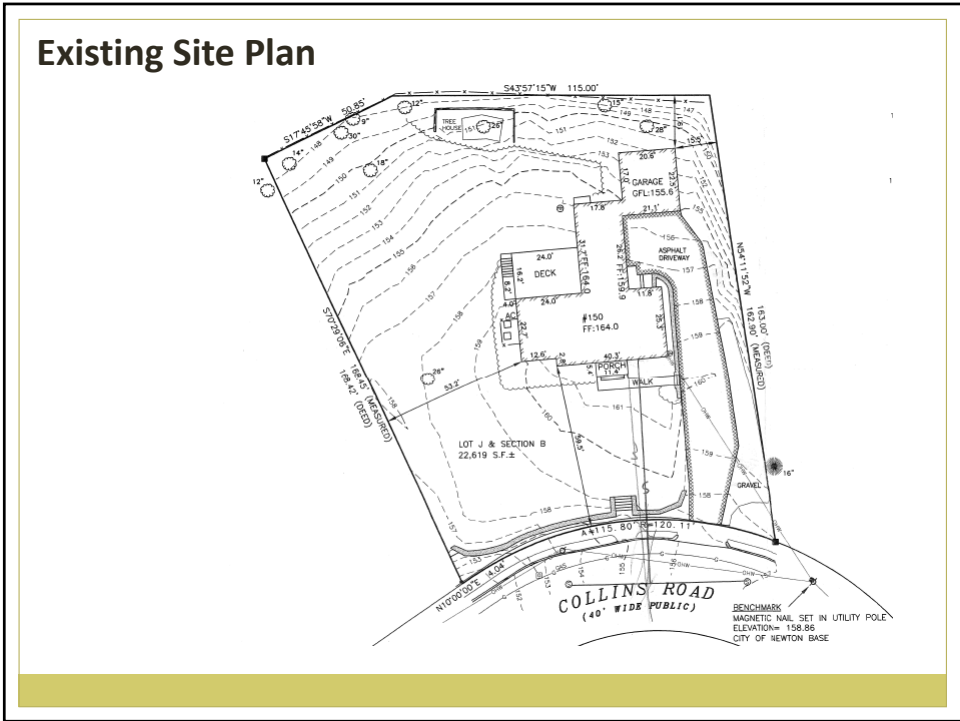
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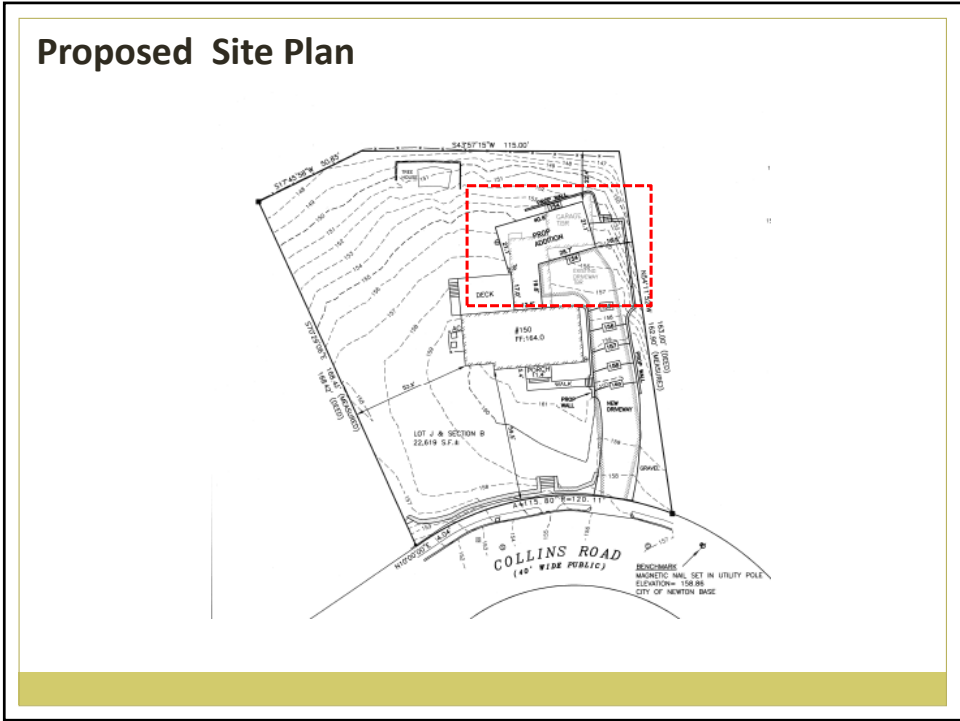
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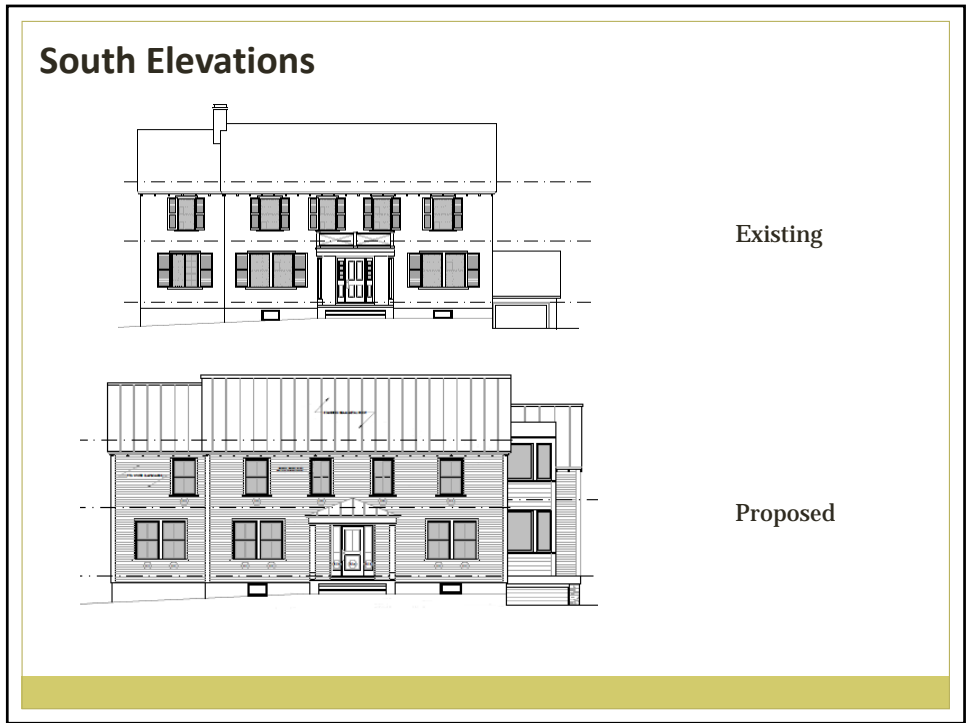
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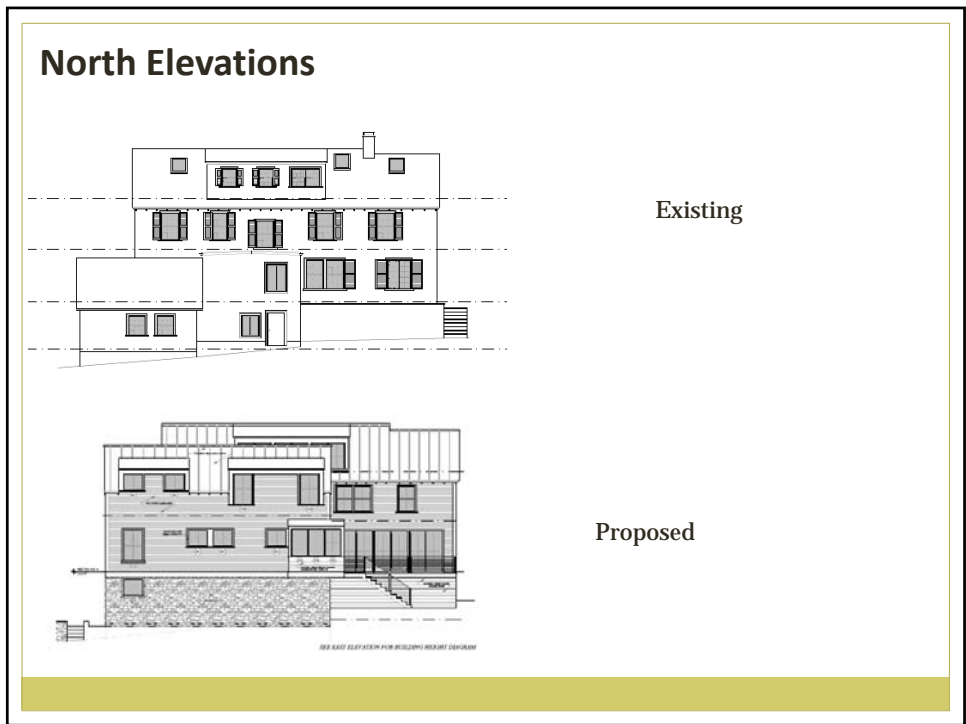
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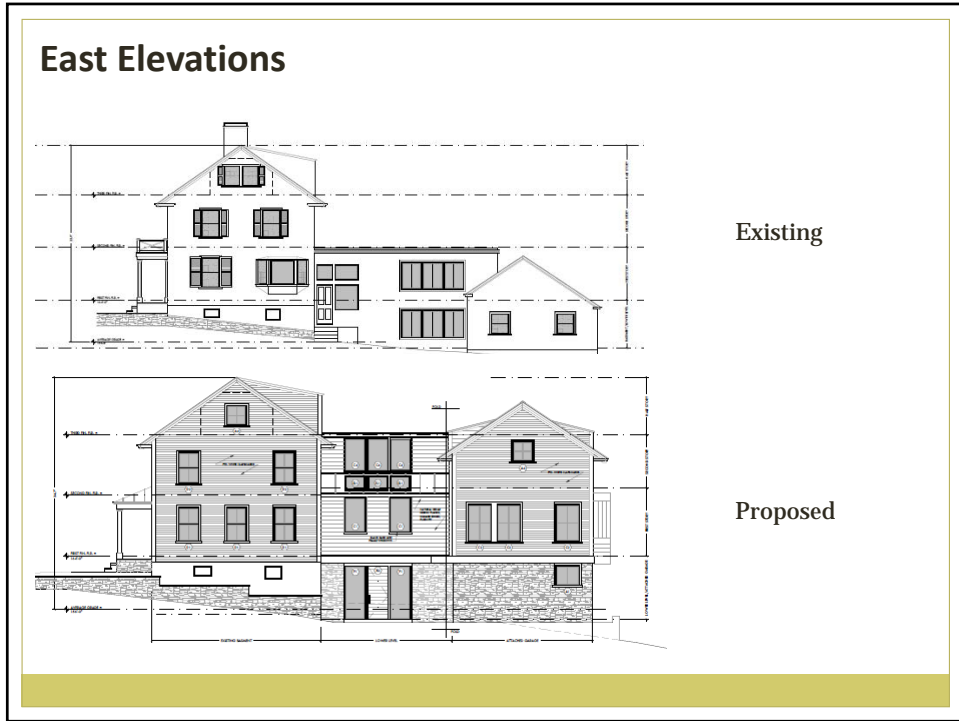
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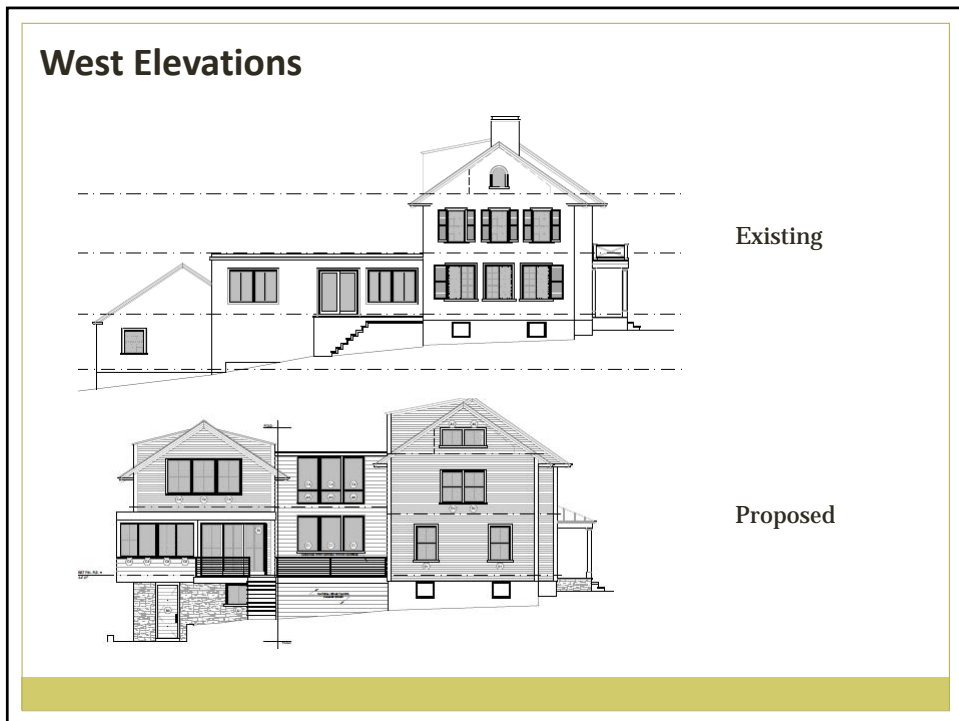
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10



11



12

Proposed Findings

- 1. The proposed addition that extends the nonconforming 3.5 story structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the proposed addition meets all setback requirements, the bulk is to the rear of the structure and is well screened by landscaping. (§3.1.3, and §7.8.2.C.2)
- 2. The proposed addition that extends the nonconforming 3.5 story structure is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the nonconforming 3.5 story structure is similar to other homes on the street in size and scale and is not changing the current number of floors. (§3.1.3 and §7.8.2.C.2)

13

Proposed Conditions

1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition

14

- LEGEND:**
- PROPOSED STORM DRAINAGE LINE
 - LIMIT OF WORK
 - PROPOSED CATCH-BASIN FILTER
 - PROPOSED RETRACTION CONTOUR
 - PROPOSED CHECK CONTOUR
 - PROPOSED SPOOT GRADE
 - EXISTING GRADE TO REMAIN (V.I.F.)
 - PROPOSED FIN ELEVATION (TO FINAL GRADE)
 - EXISTING GRADE BY FIELD TO BE SET
- NOTE:**
 EXISTING CONDITIONS AND ADJACENT PROPERTY SCOPE OF WORK IS TO BE MAINTAINED TO THE EXTENT POSSIBLE. THE CONTRACTOR SHALL PROVIDE ALL NECESSARY PROTECTION AND SAFETY MEASURES TO ALL STRUCTURES OUTSIDE OF LIMIT OF WORK.



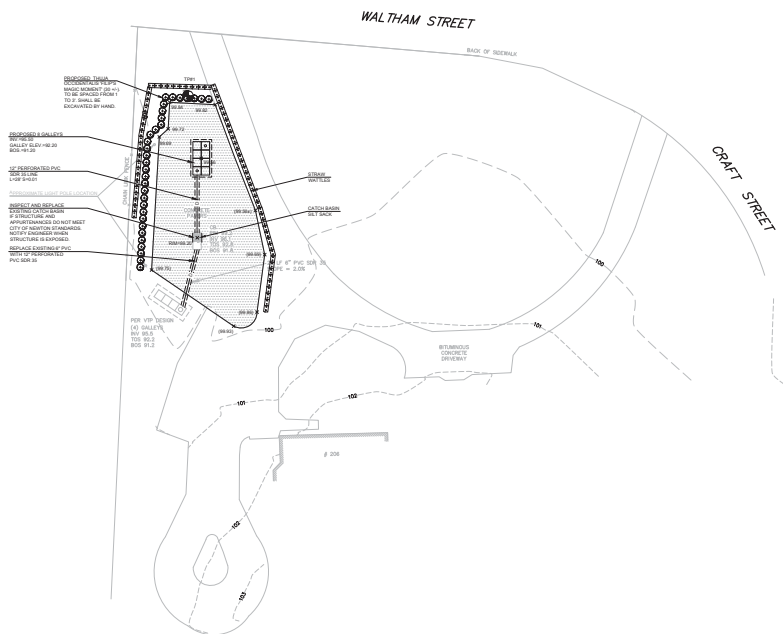
Samites Consultants Inc.
 23 A Street
 Framingham, MA 01701
 T 508.877.4488
 F 508.877.4488
 www.samites.com

PETITIONER:
 SAMIOTES
 CONSULTANTS, INC.
 SCANDINAVIAN LIVING
 CENTER, CARE OF
 JOSEPH CARELLA

**SCANDINAVIAN
 LIVING CENTER
 200 WALTHAM STREET
 NEWTON, MASSACHUSETTS**

CIVIL SITE PLAN

C-1.1



ZONING DATA

REQUIREMENT	MINIMUM	MAXIMUM	PROPOSED
MINIMUM LOT AREA IN SQ. FT.	7,000 SF	125,010 SF	
MINIMUM LOT FRONTAGE, FEET	70 FT.	MIN. FT.	
MINIMUM FRONT YARD SETBACK	25 FT.	10 FT.	
MINIMUM SIDE YARD SETBACK	15 FT.	25 FT.	
MINIMUM REAR YARD SETBACK	25 FT.	25 FT.	
MINIMUM LOT COVERAGE, PERCENT	30.0%	61.3%	
MINIMUM OPEN SPACE, PERCENT	50.0%	61.3%	

PROPOSED INFORMATION AND OPEN SPACE CALCULATED BASED ON SPECIAL PERMIT PLAN DATED 08/18/10, BY DEWOLF-ROCHELLE, INC. DATED FEBRUARY 10, 1987





Department of Planning and Development



PETITION #138-19
206 WALTHAM STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND
COUNCIL ORDER #61-98 TO
MODIFY THE SITE PLAN TO
ALLOW PAVED PARKING



MAY 7, 2019

1

Requested Relief



- Amend Council Order #61-98 to allow paving of a parking area

2

Criteria to Consider

When reviewing this request, the Council should consider whether:

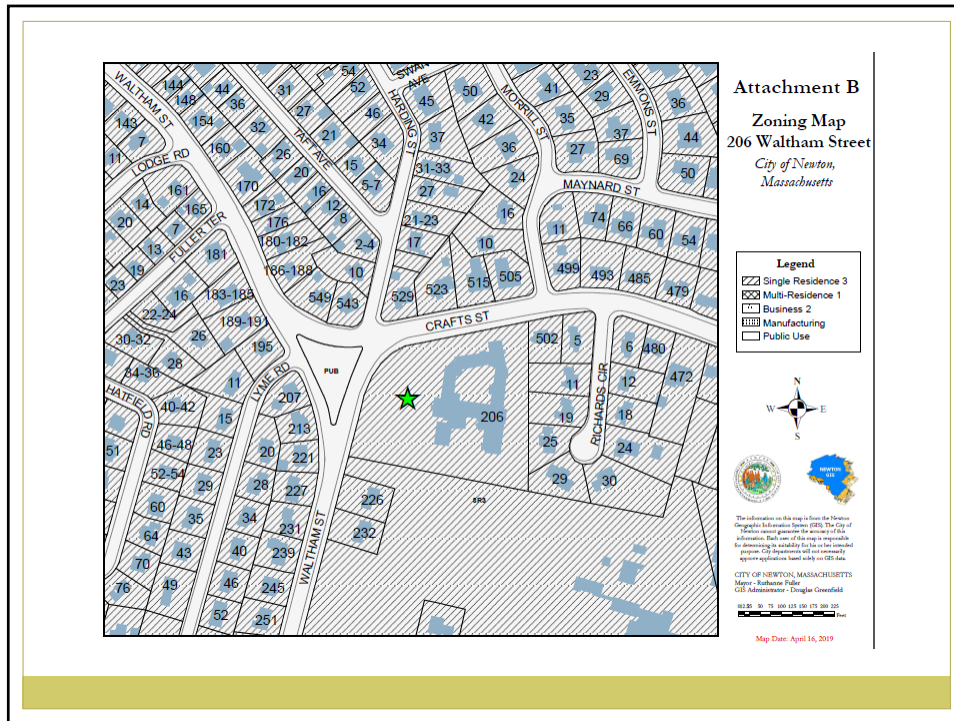
- The site is an appropriate location for the proposed amendment to Special Permit #61-98 that establishes the existing parking area (§7.3.3.C.1);
- The proposed amendment to Special Permit #61-98 that establishes the existing parking area will adversely affect the neighborhood (§7.3.3.C.2);
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

3

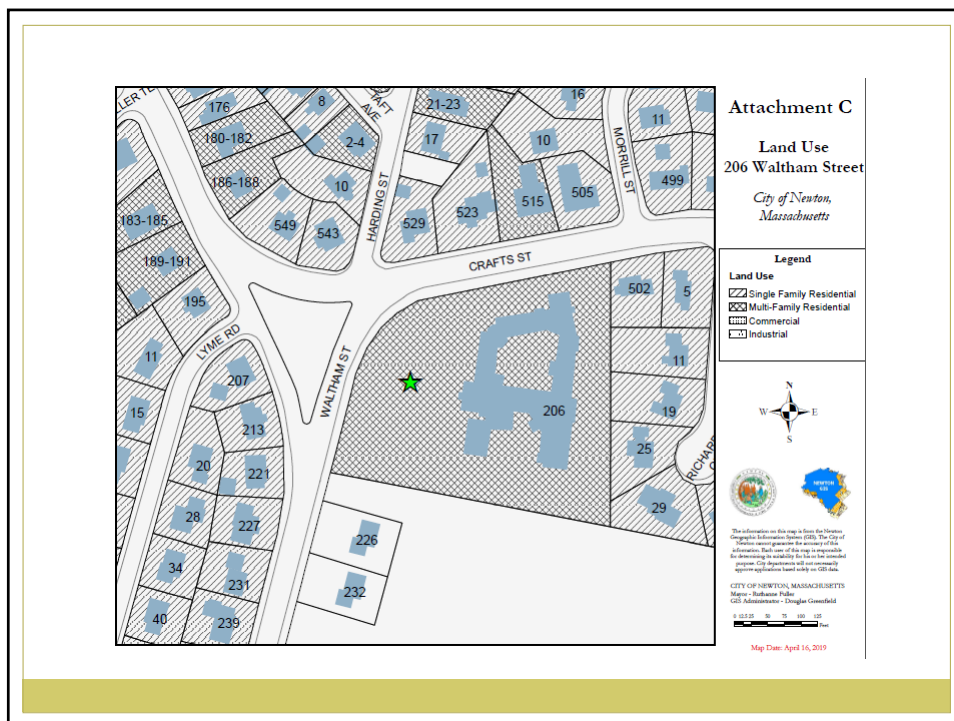
AERIAL/GIS MAP



4



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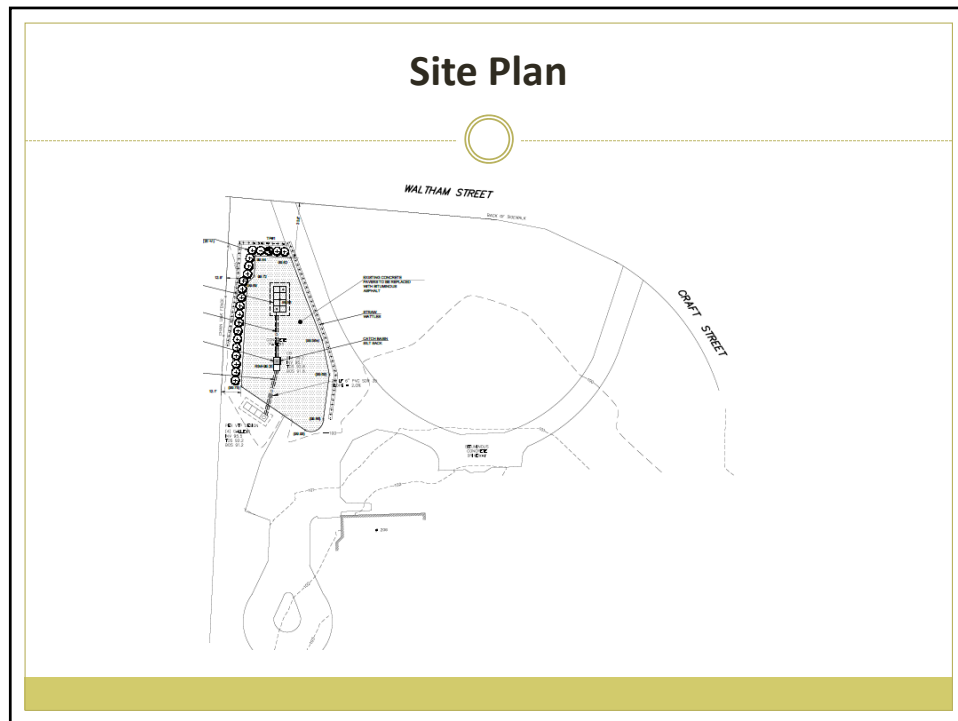
Photos



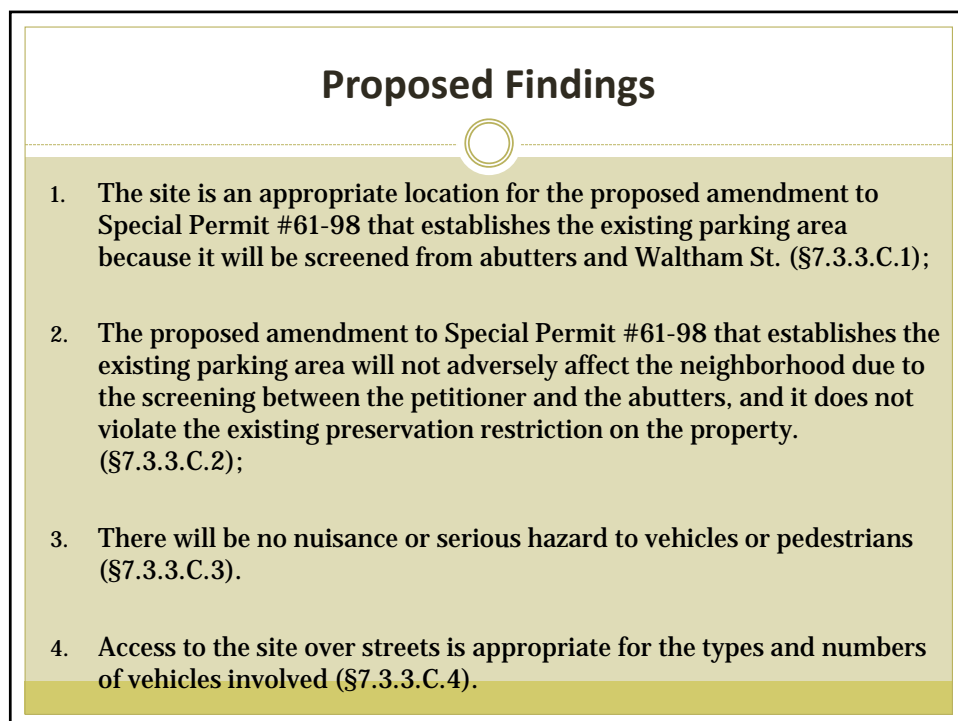
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10

Proposed Conditions

- Standard plan referencing condition
- Standard building permit condition
- Standard Certificate of Occupancy condition

Department of Planning and Development



PETITION #139-19
11 AVON PLACE

SPECIAL PERMIT/SITE PLAN
APPROVAL TO CONSTRUCT AN
ADDITION TO THE FRONT OF THE
HOUSE AND RAISE THE ROOF TO
CREATE 2.5 STORIES WHERE 2
STORIES EXIST, VERTICALLY
EXTENDING THE NONCONFORMING
SIDE AND REAR SETBACKS



MAY 7, 2019

1

Requested Relief



Special Permit per §7.8.2.C.2 and §7.3.3 of the NZO to:

- Vertically extend nonconforming side and rear setbacks (§3.2.3)

2

Criteria to Consider

When reviewing this request, the Council should consider whether:

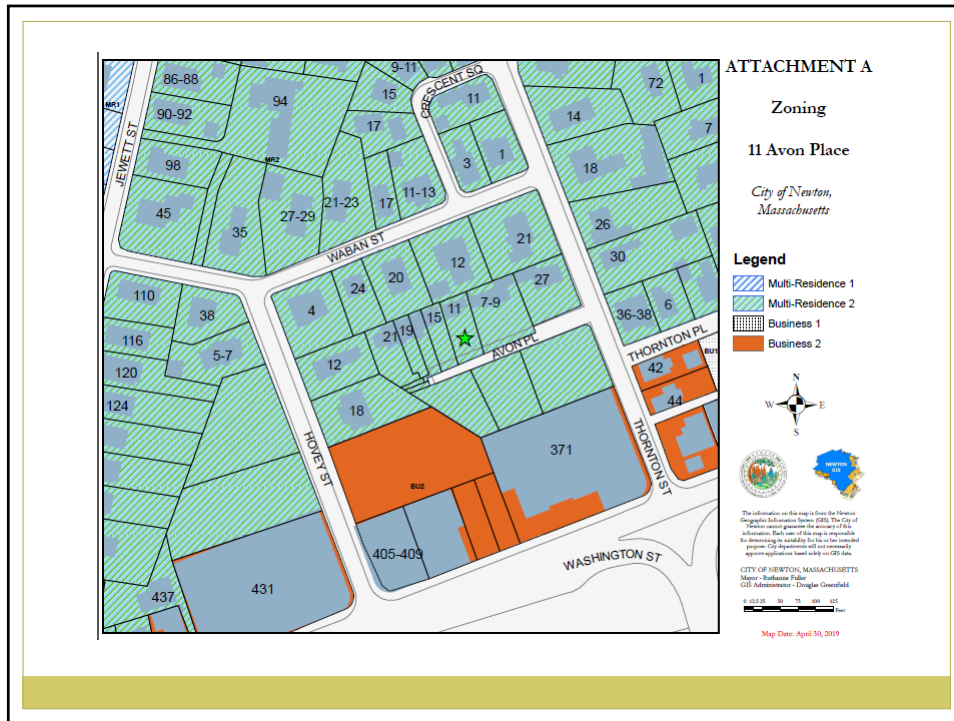
- The proposed addition that extends the nonconforming side and rear setbacks is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.2.3 and §7.8.2.C.2)
- The proposed addition that extends the nonconforming side and rear setbacks is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.2.3 and §7.8.2.C.2)

3

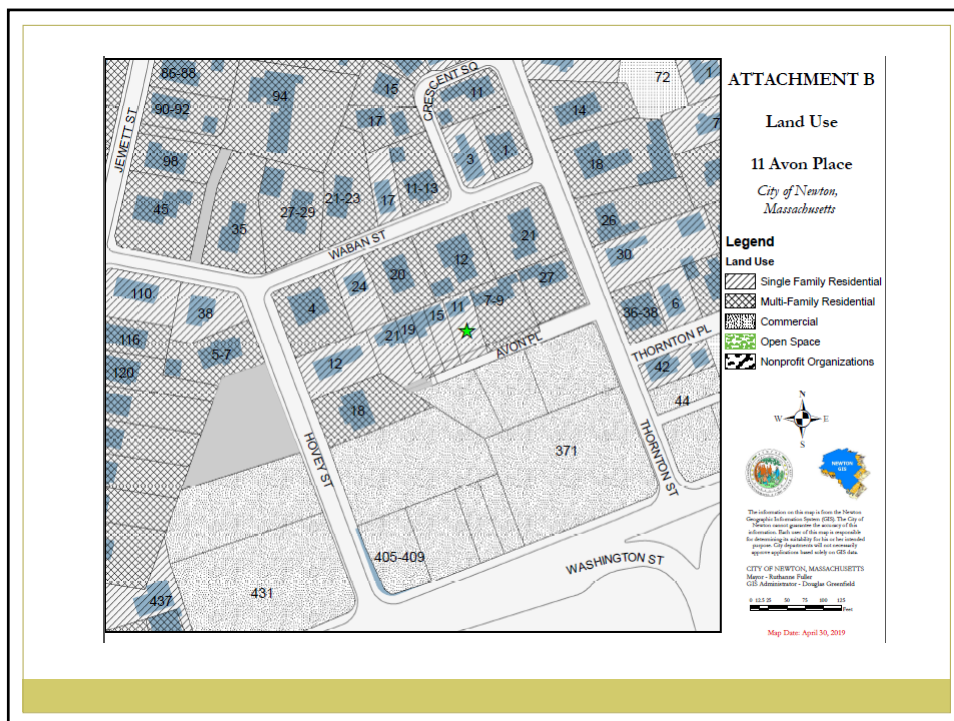
Aerial/GIS Map



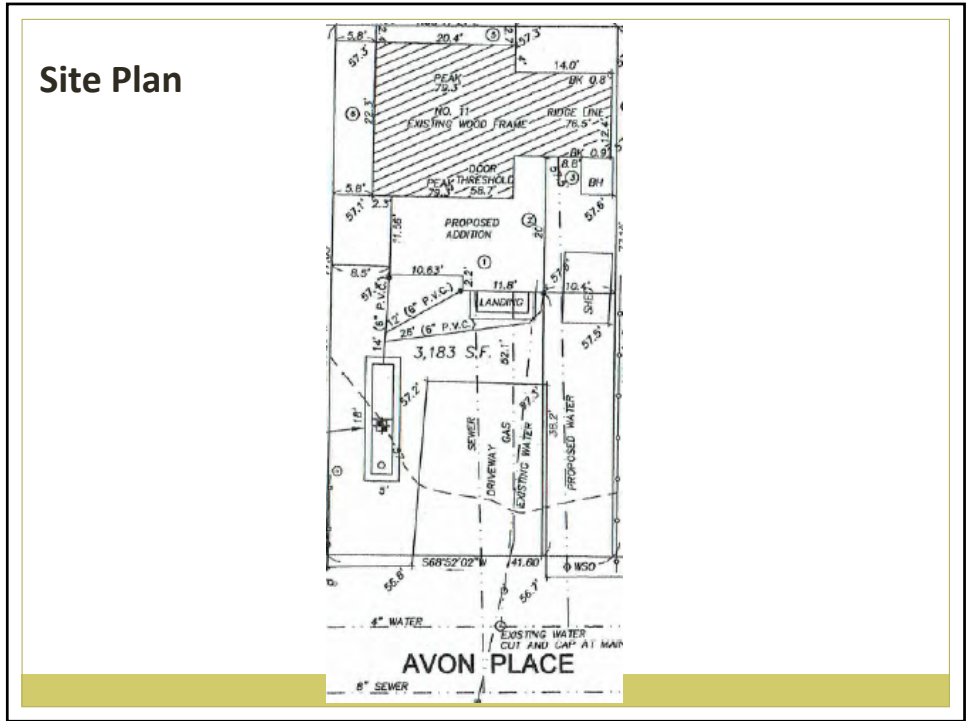
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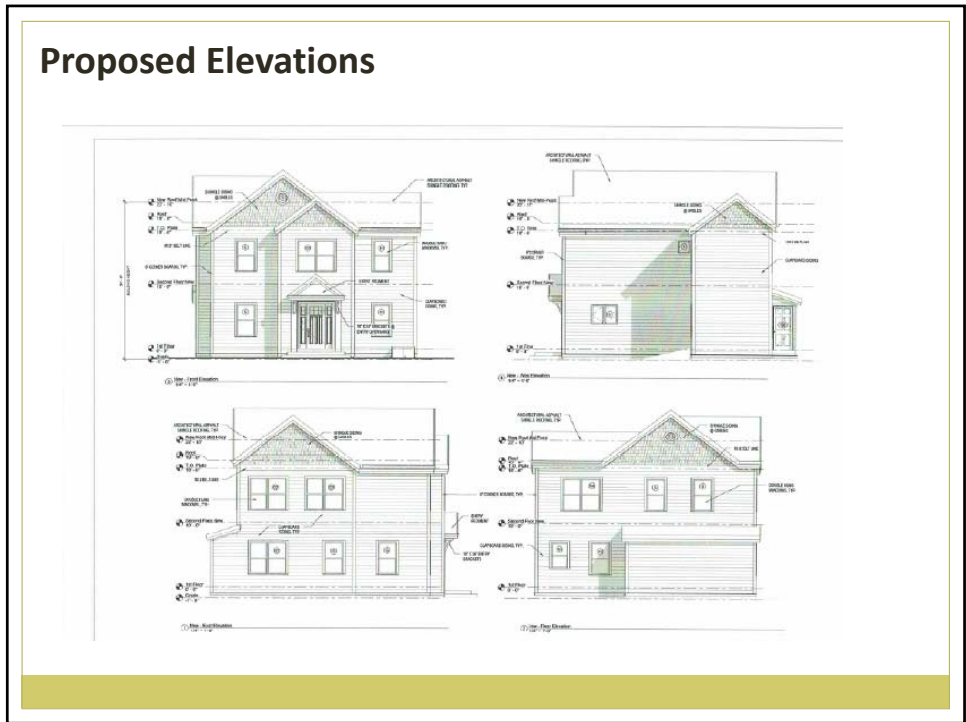
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6



7



8

Proposed Findings

- 1. The proposed addition that vertically extends the nonconforming side and rear setbacks is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the proposed addition meets all other dimensional standards for the MR2 zone and has been designed to reduce the impact of additional massing. (§3.2.3 and §7.8.2.C.2)
- 2. The proposed addition that vertically extends the nonconforming side and rear setbacks is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because other structures are set back to the rear of the parcel. (§3.2.3 and §7.8.2.C.2)

9

Proposed Conditions

1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition.
4. O&M Plan

10

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 a SPECIAL PERMIT/SITE PLAN APPROVAL to allow an internal accessory apartment in existing space in a dwelling constructed less than four years ago at 35 Cherry St., as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for the proposed internal accessory apartment within a single-family dwelling in a Single Residence 3 (SR-3) district because the neighborhood is comprised of a mix of single family residential and multi-family residential uses and will contribute to a diversity of housing options. (§7.3.3.C.1)
2. The accessory apartment will not adversely affect the neighborhood as it will be located in existing space within a single-family dwelling and meets all dimensional standards of the SR-3 zone. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians, as the property's driveway on Cherry Street is able to accommodate the parking demand of the principal dwelling and accessory apartment. (§7.3.3.C.3)
4. Access to the site is appropriate for the number of vehicles related to the residential use of the site. (§7.3.3.C.4)

PETITION NUMBER: #123-19

PETITIONER: Swaathi Joseph and Suneeth John

LOCATION: 35 Cherry St., on land known as Section 55, Block 48, Lot 17, containing approximately 7,575 square feet of land

OWNERS: Swaathi Joseph and Suneeth John

ADDRESS OF OWNER: 35 Cherry Street
Newton, MA 02465

TO BE USED FOR: Accessory apartment in a single-family dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §6.7.1.C.5 To allow an accessory apartment in a dwelling constructed less than four years ago

ZONING: Single Residence 3 (SR-3) 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 plan entitled "35 Cherry Street," dated July 9, 2018, revised July 12, 2018, prepared by VTP Associates stamped and signed by Joseph Porter, Registered Land Surveyor; and Suneeth P. John, Registered Landscape Architect
 - b. A floor plan entitled "Second Floor Floor Plan," dated October 16, 2017, prepared by Excel Homes, approved by PFS Corporation, Northeast region.
2. The accessory apartment must be held in common ownership with the principal dwelling unit.
3. The owner of the dwelling shall occupy either the principal unit or the accessory apartment and shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year.
4. When ownership of the property changes the new owner shall notify the Commissioner of the Inspectional Services Department at which time the Commissioner shall conduct a determination of compliance with this decision and all applicable codes.
5. 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 Order for the approved Special Permit/Site Plan Approval 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.
6. No Final Inspection and/or Occupancy Permit for the buildings 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 a statement by a registered land surveyor or engineer certifying compliance with Condition #1.
- b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
- c. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving the final site plan.

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 extend a nonconforming three and a half story structure as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed addition that extends the nonconforming 3.5 story structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the proposed addition meets all setback requirements, the bulk is to the rear of the structure and is well screened by landscaping. (§3.1.3, and §7.8.2.C.2)
2. The proposed addition that extends the nonconforming 3.5 story structure is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the nonconforming 3.5 story structure is similar to other homes on the street in size and scale and is not changing the current number of floors. (§3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #124-18

PETITIONER: Sarah and Robert Buckley

LOCATION: 150 Collins Rd., on land known as Section 55, Block 48, Lot 17, containing approximately 22,619 square feet of land

OWNER: Sarah and Robert Buckley

ADDRESS OF OWNER: 150 Collins Rd.
Newton, MA 02468

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION:	Wood frame
EXPLANATORY NOTES:	§7.8.2.C.2, §3.1.3 to further extend a nonconforming 3.5 story structure
ZONING:	Single Residence 2 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. Certified Plot Plan signed and stamped by Bruce Bradford, Land Surveyor, dated March 6, 2019.
 - b. "Buckley Residence" Architectural Plans, prepared by Foley Fiore Architecture, Architect, signed and stamped by Paul Fiore, consisting of the following four (6) sheets:
 - i. Proposed South Elevation, dated March 14, 2019
 - ii. Proposed South Elevation/Section, dated March 14, 2019
 - iii. Proposed West Elevation, dated March 14, 2019
 - iv. Proposed North Elevation, dated March 14, 2019
 - v. Proposed North Elevation/Section, dated March 14, 2019
 - vi. Proposed East Elevation, dated March 14, 2019
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this board 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 board 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.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect certifying compliance with Condition #1.

- b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed architect.

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 further increase the nonconforming Floor Area Ratio (FAR) from .36 to .37, where .27 is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed increase in the nonconforming FAR from .36 to .37, where .27 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 additions will add 232 square feet to the rear of the dwelling. (§3.1.9 and §7.8.2.C.2)
2. The proposed increase in the nonconforming FAR from .36 to .37 where .27 is the maximum allowed by-right is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the additions are not increasing the footprint of the dwelling and will be minimally visible from the street. (§3.1.9 and §7.8.2.C.2)

PETITION NUMBER: #129-19

PETITIONER: Hilary Grove

LOCATION: 85 Gate House Road, on land known as Section 63, Block 27, Lot 16, containing approximately 20,152 square feet of land

OWNER: Hilary Grove

ADDRESS OF OWNER: 85 Gate House Road
Chestnut Hill, MA 02467

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.8.2.C.2 to further increase the nonconforming FAR

ZONING: Single Residence 1 district

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #129-19 are null and void.

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, signed and stamped by James J. Abely, Professional Land Surveyor, undated
 - b. Architectural Plans and Elevations, signed and stamped by Alexander J. Knox, Registered Architect, dated February 11, 2019, consisting of seven (7) sheets.
2. Prior to the issuance of any building permit to enclose the veranda, the petitioner shall receive approval from the Chestnut Hill Local Historic District Commission.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this 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.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1, including the as built FAR of the dwelling.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and electronic format signed and stamped by a licensed land surveyor.

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 amend Council Order #61-98 to allow paving of a parking area, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

- The site is an appropriate location for the proposed amendment to Special Permit #61-98 that establishes the existing parking area because it will be screened from abutters and Waltham St. (§7.3.3.C.1)
- The proposed amendment to Special Permit #61-98 that establishes the existing parking area will not adversely affect the neighborhood due to the screening between the petitioner and the abutters, and because the proposed plans were approved by the Newton Historical Commission in accordance with the existing preservation restriction on the property. (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

PETITION NUMBER: #138-19

PETITIONER: Scandinavian Charitable Society of Greater Boston

LOCATION: 206 Waltham Street, Section 31, Block 28, Lot 80 containing approximately 125,512 square feet

OWNERS: Scandinavian Charitable Society of Greater Boston

ADDRESS OF OWNERS: 206 Waltham Street

Waltham, MA 02465

TO BE USED FOR: 40 units of housing for the elderly in a congregate living facility

CONSTRUCTION: Site Work Only

EXPLANATORY NOTES: To amend Council Order #61-98 to modify the site plan to allow paving of a parking area

ZONING: Single Residence 3

The prior special permit for this property is as follows: Council Order #61-98, which authorized the congregate living facility use, and is attached to this order as Exhibit A. The conditions set forth in Council Order #61-98 remain 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. Civil Site Plan for Scandinavian Living Center, C-1.1 dated April 5, 2019, signed and stamped by Stephen R. Garvin, Professional Engineer
2. Civil Site Plan shall be revised to show low landscaping screening the new parking area in lieu of arborvitae.
3. 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 Board Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
4. No Certificate of Occupancy/Final Inspection for the buildings and uses 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 a statement by a registered architect or surveyor certifying substantial compliance with Condition #1.

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 vertically extend the non-conforming side and rear setbacks as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed addition that vertically extends the nonconforming side and rear setbacks is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the proposed addition meets all other dimensional standards for the MR2 zone and has been designed to reduce the impact of additional massing. (§3.2.3 and §7.8.2.C.2)
2. The proposed addition that vertically extends the nonconforming side and rear setbacks is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the height of the structure that vertically extends the setbacks is only increasing by three feet, two inches and meets all other dimensional standards. (§3.2.3 and §7.8.2.C.2)

PETITION NUMBER: #139-19

PETITIONER: Rui Guan Zhang

LOCATION: 11 Avon Place., on land known as Section 12, Block 9, Lot 4, containing approximately 3,183 square feet of land

OWNER: Rui Guan Zhang

ADDRESS OF OWNER: 11 Avon Place
Newton, MA 02458

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.2.3 and §7.8.2.C.2 to vertically extend the nonconforming side and rear setback

ZONING: Multi Residence 2 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. Site plan for proposed addition at 11 Avon Place, signed and stamped by Stephen Desroche, Professional Land Surveyor, dated February 15, 2019.
 - b. Architectural Plans and Elevations - A2, New Elevations, signed and stamped by Douglas Stefanov, Registered Architect, dated February 11, 2019.
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. Prior to the issuance of a temporary certificate of occupancy for the Project, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioners at the Middlesex South District Registry of Deeds and implemented. A recorded copy of the O&M shall be submitted to the Engineering Division of Public Works.
4. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this board 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 board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
 - d. Submitted final engineering, utility, and drainage plans for review and approval by the City Engineer. A statement certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:

- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect certifying compliance with Condition #1.
- b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed architect.
- c. Received approval from the City Engineer for the Operation and Maintenance (O & M) plan for Stormwater Management from the City Engineer. Such plan shall be recorded by the petitioners at the Middlesex South District Registry of Deeds. A recorded copy of the O&M shall be submitted to the Engineering Division of Public Works and the Director of Planning and Development in accordance with Condition #3.
- d. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.

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 amend Special Permit Council Order #397-18 to modify the approved site plan to allow for a paved driveway, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the proposed paved driveway (§7.3.3.C.1);
2. The proposed paved driveway as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2) as it will be installed in combination with an engineered stormwater management system;
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§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).

PETITION NUMBER: #397-18(2)

PETITIONERS: Randi and Darby Leigh

LOCATION: 47 Rokeby Road, on land known as Section 55, Block 88, Lot 29, containing approximately 9,280 square feet of land

OWNERS: Randi and Darby Leigh

ADDRESS OF OWNER: 47 Rokeby Road
Newton, MA 02468

TO BE USED FOR: Single-family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3, to exceed the maximum floor area ratio (FAR) allowed by-right

ZONING: Single Residence 2 (SR2) district

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #397-18(2) are null and void.

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 plan entitled "47 Rokeby Road, Newton, Massachusetts- Civil Plan" (Sheet No. 1), prepared by Peter Nolan & Associates LLC, dated March 12, 2018, as revised through March 12, 2019, stamped and signed by Edmond T. Spruhan, Registered Professional Engineer, and Peter J. Nolan, Professional Land Surveyor;
 - b. A plan entitled "47 Rokeby Road, Newton, Massachusetts- Details" (Sheet No. 2), prepared by Peter Nolan & Associates LLC, dated March 12, 2018, as revised through March 12, 2019, stamped and signed by Edmond T. Spruhan, Registered Professional Engineer, and Peter J. Nolan, Professional Land Surveyor;
 - c. A set of architectural plans entitled "Leigh Residence-Garage, 47 Rokeby Road, Waban, Massachusetts 02468," prepared by Tiny Desk Designs, dated April 14, 2018, as revised through June 25, 2018, signed and stamped by Shannon M. Finley, Registered Architect:
 - i. Basement - Demolition Plan (A1.0),
 - ii. Basement - New Work Plan (A1.1),
 - iii. First Floor - Demolition Plan (A1.2),
 - iv. First Floor - New Work Plan (A1.3),
 - v. Second - Demolition Plan (A1.4),
 - vi. Second - New Work Plan (A1.5),
 - vii. Front Elevation (A2.0),
 - viii. Side Elevation (A2.1),
 - ix. Latitudinal Building Section (A3.0),
 - x. Longitudinal Building Section (A3.1),
 - xi. Interior Elevation (A5.0).

- d. A document entitled "Floor Area Ratio Worksheet, Property Address: 47 Rokeby Rd.," signed and stamped by Shannon M. Finley, Registered Architect.
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site Plan Approval 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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Newton Historical Commission approving the final plans.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1, including the floor area ratio (FAR) of the structure.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.