

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 floor area ratio (FAR) from .23 to .45, where .40 is the maximum allowed by right, and to alter and extend the nonconforming front setback, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The site is an appropriate location for the proposed addition which will increase the FAR because it maintains the allowed number of stories while placing additional floor area in the footprint of the existing dwelling. (§7.3.3.C.1)
2. The proposed additions that increase the FAR will not adversely affect the neighborhood because the bulk of the additional floor area is within the footprint of the dwelling. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the driveway will be maintained in the same location and provide adequate sightlines. (§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 addition that further alters and extends the nonconforming front setback will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood because the front setback is increasing by five feet. (§7.3.3.C.1)
6. The expanded structure that would result from the proposed increase in floor area ratio from .23 to .45, where .40 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 because the majority of the work proposed lies within the existing footprint of the dwelling on the lot. (§3.1.3; §3.1.9)

PETITION NUMBER: #253-24

PETITIONER: Daniel Rubin

LOCATION: 3 Valley Spring Road, Ward 7, Newton, on land known as Section 82 Block 14 Lot 09, containing approximately 8,980 sq. ft. of land

OWNER: Daniel Rubin

ADDRESS OF OWNER: 3 Valley Spring Road  
Newton, MA 02458

TO BE USED FOR: Single Family dwelling

RELIEF GRANTED: Special Permit exceed the maximum floor area ratio (§3.1.3; §3.1.9) and to alter and extend a nonconforming front setback (§7.8.2.C.2)

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. A site plan entitled "Proposed site plan", signed and stamped by Richard A. Salvo, surveyor, professional engineer, dated 6/11/2024.
  - b. A set of architectural plans entitled "3 Valley Spring Road" prepared by Bond Worthington Architecture, signed and stamped by Bond W. Worthington, Registered Architect, dated 6/11/2024. consisting of seven sheets.
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, including the as built FAR.
  - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.