

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 establish an as of right accessory apartment within the carriage house and construct oversized dormers further increasing the nonconforming FAR and nonconforming height at 62 Lenox Street as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site is an appropriate location for the addition that will increase the nonconforming height and second story of a detached accessory building and that will increase Floor Area Ratio as the building was constructed prior to the Zoning Ordinance and now exceeds zoning standards which is common in the neighborhood. Additionally, the site is appropriate for the addition of a dormer exceeding 50% of the length of the wall below and an uninterrupted wall plane as this addition will occur towards the interior of the lot and be minimally visible to the public way (§7.3.3.C.1, §3.4.3.A.3).
2. The use as developed and operated will not adversely affect the neighborhood as the proposed addition of an oversized dormer will be to the rear of the accessory structure and minimally visible from the street while the other additions to the accessory structure will be single-story and largely screened from the street and abutters (§7.3.3.C.2, §3.4.3.A.3).
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by increase in the nonconforming height and second story of a detached accessory building, increase in Floor Area Ratio, and addition of a dormer exceeding 50% of the length of the wall below and an uninterrupted wall plane as the proposed addition exceeds all required setbacks for buildings and parking and the accessory building will provide parking in the accessory structure (§7.3.3.C.3, §3.4.3.A.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved in the increase the nonconforming height and second story of a detached accessory building, increase Floor Area Ratio, and add a dormer exceeding 50% of the

length of the wall below and an uninterrupted wall plane as there will remain adequate parking and parking setbacks (§7.3.3.C.4, §3.4.3.A.3).

5. The proposed increase in nonconforming height and FAR is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as the proposed additions are minor in scale and the surrounding neighborhood features many historic homes that predate and do not conform with the Zoning Ordinance (§3.1.3, §3.1.9).

PETITION NUMBER: #277-24

PETITIONER: Heather Egan

LOCATION: 62 Lenox Street, Ward 2, West Newton, on land known as Section 32 Block 49 Lot 09, containing approximately 28,131 sq. ft. of land.

OWNER: Heather Egan

ADDRESS OF OWNER: 62 Lenox Street  
Newton, MA 02465

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §7.3.3 to allow further increases to nonconforming detached accessory building height and stories, increases to nonconforming Floor Area Ratio, and construction of a dormer that exceeds 50% of the length of the wall below and an uninterrupted wall plane (§3.1.3, §3.1.9).

ZONING: Single Residence 1

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 prepared by VTK Associates, dated February 20, 2024 and revised May 28, 2024.
  - b. Architectural plans stamped and signed by Peter Sachs, Registered Architect, dated April 30, 2024 consisting of the following sheets:
    - i. Proposed elevations (showing front and right), A-5
    - ii. Proposed elevations (showing rear and left), A-6
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.