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#256-24  
124 Hunnewell Avenue

CITY CLERK  
NEWTON, MA. 02459

CITY OF NEWTON

IN CITY COUNCIL

July 8, 2024

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), as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The proposed increase in the nonconforming FAR from .57 to .58, where .48 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 given the small lot size and similar scale to other dwellings on the street. (§3.1.3; §3.1.9)
2. The proposed addition, which will further the nonconforming FAR, is not substantially more detrimental than the existing nonconforming use to the neighborhood, as the additional floor area is located to the rear and side, limited to the first floor. Further, the addition will only result in an increase of 58 square feet in area and .01 in FAR. (§7.8.2.C.2)

PETITION NUMBER: #256-24

PETITIONER: Kate Barton

LOCATION: 124 Hunnewell Avenue, Newton, on land known as Section 71 Block 31 Lot 05, containing approximately 6,820 sq. ft. of land

OWNER: Kate Barton

ADDRESS OF OWNER: 124 Hunnewell Ave.  
Newton, MA 02458

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit to extend the nonconforming FAR (§3.1.3; §3.1.9; §7.8.2.C.2)

ZONING: Single Residence 3

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, stamped, and dated by Bruce Bradford, Professional Land Surveyor, dated March 11, 2024.
  - b. Architectural plans prepared by Bee Howes, Registered Architect submitted May 13, 2024 consisting of the following sheets:
    - i. Proposed elevations (showing front and left), A2.1
    - ii. Proposed elevations (showing rear and right), A2.2
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.

Under Suspension of Rules  
Readings Waived and Approved  
22 yeas 0 nays 2 absent (Councilors Downs and Wright)

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 July 10, 2024. 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 July 10, 2024 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

  
(SGD) CAROL MOORE  
Clerk of the City Council

Acting