

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 allow additions that will further exceed the Floor Area Ratio (FAR) and further extend two nonconforming front setbacks for both the principal and accessory buildings for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site is an appropriate location for the additions that will further exceed the Floor Area Ratio as the additional massing is broken up between two structures and the lot is undersized for the zone. (§7.3.3.C.1)
2. The additions that will further exceed the FAR will not adversely affect the neighborhood as the additions are relatively minor in scale and the lot's size is nonconforming at 5,988 square feet, where 10,000 square feet is required. (§7.3.3.C.2; §3.1.3; §3.1.9)
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by the additions that will further exceed the Floor Area Ratio as no changes to site circulation or parking are proposed. (§7.3.3.C.3; §3.1.3; §3.1.9)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4; §3.1.3; §3.1.9)
5. The proposed increase in the FAR from .33 to .56, where .45 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 as the resulting structure will be of comparable or smaller size to most dwellings in the neighborhood. (§3.1.3; §3.1.9)
6. The proposed project, which vertically extends two nonconforming front setbacks for the principal dwelling and detached garage, is not substantially more detrimental than the existing nonconforming structure to the neighborhood as the additions are relatively minor in scale and few alternatives to seeking relief are available given the small size and irregular shape of the lot. (§7.8.2.C.2)

PETITION NUMBER: #330-24

PETITIONER: Peter Danis

LOCATION: 35 Hood Street

OWNER: Peter Danis

ADDRESS OF OWNER: 35 Hood Street
Newton, MA 02458

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §3.1.3, §3.1.9, §3.4.3.A.2, §7.3.3, and §7.8.2.C.2 to construct additions

ZONING: Single Residence 2

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 Bruce Bradford, Registered Land Surveyor, as revised July 2, 2024.
 - b. Architectural plans prepared by Ronald Jarek dated May 8, 2024 consisting of the following sheets:
 - i. Proposed elevations (showing front/north), A2.0
 - ii. Proposed elevations (showing right/west), A2.1
 - iii. Proposed elevations (showing left/east), A2.2
 - iv. Proposed elevations (showing rear/south), A2.3
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.