

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 extend the nonconforming second story of a detached accessory building and to further extend 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 extension of the nonconforming second story of a detached accessory building is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the front setback of the building is greater than the required front setback, mitigating the impact to the surrounding neighborhood, and the height will increase by less than two feet. (§3.1.3 and §7.8.2.C.2)
2. The proposed increase in the nonconforming FAR from .66 to .70, where .58 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 additional FAR will be located within the existing footprint of the building and as designed the project will not add any impervious coverage. (§3.1.3, §3.1.9, §7.8.2.C.2)

PETITION NUMBER: #356-24

PETITIONER: Lisa Donfrancesco

LOCATION: 6 Lowell Avenue, Ward 2, Newtonville, on land known as Section 23 Block 12 Lot 11, containing approximately 6,921 sq. ft. of land

OWNER: Lisa Donfrancesco

ADDRESS OF OWNER: 224 Adams Avenue

West Newton, Massachusetts 02465

TO BE USED FOR: Two-family dwelling with a detached accessory apartment

RELIEF GRANTED: Special Permit to further extend the nonconforming second story of a detached accessory building (§3.4.3.A.3, §7.8.2.C.2) and to further extend nonconforming FAR (§3.1.3, §3.1.9)

ZONING: Multi-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. A plot plan signed by Edward J. Farrell, professional land surveyor, dated 8/22/2024
 - b. A set of architectural plans, signed and stamped by Gregg Spaulding, registered architect, dated 7/8/2024
 - i. Proposed elevations "Sheet A-201" (showing exterior front, rear, and sides of accessory building)
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 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.