

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 construct a two-story rear addition exceeding the maximum Floor Area Ratio 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 exceed maximum Floor Area Ratio (FAR) as undersized lots and larger, nonconforming dwellings are common in the neighborhood. (§7.3.3.C.1)
2. The additions that will exceed maximum FAR as developed and operated will not adversely affect the neighborhood as the addition is entirely to the rear and will not result in a change to the front elevation. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by the additions that will exceed maximum FAR as the changes to site parking created by the removal of the garage are limited and will not significantly impact the neighborhood. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved with the additions that will exceed maximum FAR as no change to the site's vehicular access is proposed. (§7.3.3.C.4)
5. The proposed addition that will exceed maximum FAR is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as dwellings that exceed maximum FAR appear to be common in the neighborhood given most lots are undersized and many dwellings were constructed prior to the Zoning Ordinance. (§3.1.3; §3.1.9)

PETITION NUMBER: #420-24

PETITIONER: Josh and Katie Rissmiller

LOCATION: 16 Chaske Avenue

OWNER: Catherine Sullivan and Josh Rissmiller

ADDRESS OF OWNER: 16 Chaske Avenue
Newton, MA 02466

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §7.3.3 to allow a second parking stall in the front setback and to extend the nonconforming parking within five feet of the street (§3.1.3; §3.1.9)

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 and stamped by Norman Hill, Professional Engineer, dated July 17, 2024 and as revised August 21, 2024.
 - b. Architectural Plans prepared by Masters' Touch Design and Build, dated July 2, 2024, including the following:
 - i. Sheet A-8, showing front, sides, and rear elevations.
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 professional land surveyor (or professional engineer) and architect 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.