#398-20

10-12 Sumner Street

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 three and a half story structure, to allow dormers that exceed 50% of the wall plane below, and to increase the nonconforming FAR from .67 to .76, where .54 is the maximum allowed by right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for proposed oversized dormers that increase the nonconforming FAR and extend the nonconforming three and a half story structure because the additional floor area is within the footprint of the existing two-family structure. (§7.3.3.C.1; §3.4.1)
2. The proposed oversized dormers that increase the nonconforming FAR and extend the nonconforming three and a half story structure will not adversely affect the neighborhood because there are structures with similar scale and style of dormers in the neighborhood. (§7.3.3.C.2; §3.4.1)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the petitioner is not proposing any changes to the parking or circulation. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and number of vehicles involved. (§7.3.3.C.4)
5. The proposed extension of the nonconforming three and a half story structure will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood because there are similar style of dormers in the neighborhood and the increase in building height is under the maximum allowed by right. (§3.1.3; §7.8.2.C.2)
6. The proposed increase in the nonconforming FAR from .67 to .76 where .54 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 there are similar style of dormers in the neighborhood and the slope of the site is such that the basement counts towards the FAR. (§3.1.9; §7.8.2.C.2)
7. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the increase in floor area is within the footprint of the existing structure and does not negatively impact setbacks, lot coverage, or open space. (§3.1.9; §7.8.2.C.2)

PETITION NUMBER: #398-20

PETITIONER: Andrew P. Salzman

LOCATION: 10-12 Sumner Street, on land known as Section 73, Block 48, Lot 24, containing approximately 6,434 square feet of land

OWNER: Andrew P. Salzman

ADDRESS OF OWNER: 12 Sumner Street

Newton, MA 02459

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3, and §7.8.2.C.2 to extend the nonconforming three and a half story dwelling, §3.1.9, §3.1.3 and §7.8.2.C.2 to increase the nonconforming FAR and §1.5.4.G.2.b and §7.3.3 to allow dormers that exceed more than 50% of the length of the wall below

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:
   1. Existing Conditions Site Plan, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated April 3, 2020
   2. Proposed Dormers, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated September 15, 2020
   3. Architectural Plans and Elevations, prepared by Michael Huller Architects, signed and stamped by Michael J. Huller, Registered Architect, dated September 14, 2020 consisting of the following six (6) sheets.
      1. Second Floor Plan
      2. Attic Floor Plan
      3. Proposed Front Elevation
      4. Proposed Right Elevation
      5. Proposed Rear Elevation
      6. Proposed Left Elevation
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development and Fire Department.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
   1. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
   2. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
   3. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
   1. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect and professional land surveyor certifying compliance with Condition #1, including the as built FAR of the structure.
   2. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.