

#58-15

CITY OF NEWTON  
IN BOARD OF ALDERMEN

April 21, 2015

ORDERED:

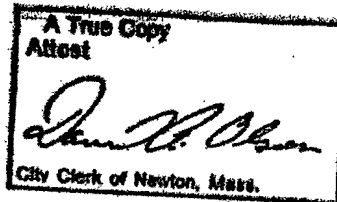
RECEIVED  
Newton City Clerk  
2015 APR 27 PM 2:19  
DAVID A. OLSON, CMC  
Newton, MA 02459

That the Board, 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 to EXTEND a NONCONFORMING USE to add six dormers to the attic, which will allow additional living space, in a two-family dwelling in a Single Residence 3 district and will increase the nonconforming floor area ratio, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Alderman Marc Laredo:

1. The proposed expansion of the nonconforming two-family use in a Single Residence 3 district will not be substantially more detrimental than the existing nonconforming use is to the neighborhood. (§30-21(b) and 30-24(d)(2))
2. The increased floor area ratio (FAR) of .67, where .61 exists and .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. The existing nonconforming structure is a two-family dwelling on a lot consisting of 5,315 square feet with a gross floor area of 3,242 square feet (.61 FAR). The proposed dormer additions to the attic, which will increase the already nonconforming gross floor area by approximately 319 square feet (10%) to 3,561 square feet (.67 FAR), will maintain the footprint of the existing building and will not be substantially more detrimental than the existing nonconforming FAR to the surrounding neighborhood. (§30-15 Table A, §30-15(u)(2), and §30-21(b))
3. The proposed dormer additions will help preserve this structure and its two modest sized units without significant change or the loss of open space for the neighborhood.

PETITION NUMBER: #58-15  
PETITIONER: Michael Vahey and Mok Jiang Pang  
LOCATION: 13-15 Alden Place, on land known as S 33, Block 34, Lot 47, containing approximately 5,315 square feet of land  
OWNER: Michael Vahey and Mok Jiang Pang  
ADDRESS OF OWNER: 33 Stanley Road,

64658-511



Newton, MA 02468

TO BE USED FOR: Two-family Dwelling

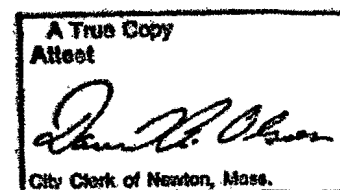
CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §30-21(b) to extend a nonconforming two-family use in a Single Residence 3 district; and §30-15(u)(2) and §30-21(b) to extend nonconforming FAR.

ZONING: Single Residence 3 district

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, 13-15 Alden Place, Newton, MA", signed and stamped by Michael Paul Antonino, Professional Land Surveyor, dated January 19, 2015.
  - b. Architectural Plan Set titled "13-15 Alden Place", prepared by Kurtz Design Studio, LLC, dated January 15, 2015, and consisting of the following ten (10) sheets:
    - i. Sheet A001, Symbols, Code Review, Legends, and Details;
    - ii. Sheet A101, Partition Floor Plan Layout;
    - iii. Sheet A102, Partition Floor Plan Layout;
    - iv. Sheet A111, Reflected Ceiling & Power Plans;
    - v. Sheet 112, Reflected Ceiling & Power Plans;
    - vi. Sheet A201, Proposed Exterior Elevations;
    - vii. Sheet A202, Proposed Exterior Elevations;
    - viii. Sheet D101, Demolition Floor Plan Layout;
    - ix. Sheet D102, Demolition Floor Plan Layout; and
    - x. Sheet D201, Demolition Exterior Elevations.
2. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - a. Recorded a certified copy of this board order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:



- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or registered engineer certifying compliance with Condition #1.
- b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
- c. Obtained a written statement from the Planning Department that confirms the project has been constructed consistent with the plans approved in Condition #1.


Under Suspension of Rules

Readings Waived and Approved

20 yeas 0 nays 4 absent (Aldermen Baker, Gentile, Hess-Mahan, and Laredo)

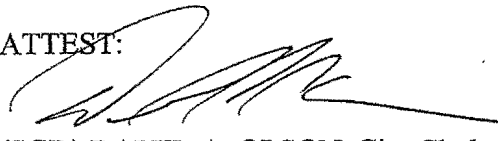
The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on April 27, 2015. The undersigned further certifies that 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) DAVID A. OLSON, City Clerk  
Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen 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 Board of Aldermen in the Office of the City Clerk on 4/27 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

  
(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Board of Aldermen

