

#311-16
235 Woodcliff Road

CITY OF NEWTON

IN CITY COUNCIL

November 7, 2016

RECEIVED
NEWTON CITY CLERK
2016 NOV -9 PM 3:56
David A. Olson, Clerk
Newton, MA 02449

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 increase the Floor Area Ratio (FAR) from 0.47 to 0.60, where 0.49 is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed increase in the dwelling's FAR from 0.47 to 0.60, where 0.49 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 proposed addition, which meets all other relevant dimensional regulations, would have limited visibility from the street since it would be lower than the existing structure and be located to the rear of the existing dwelling, approximately 50 feet from the street, on a downward sloping site. (§3.1.9 and §7.3)

PETITION NUMBER: #311-16

PETITIONER: Cary and Suzanne Robins

LOCATION: 235 Woodcliff Road, on land known as Section 81, Block 21, Lot 4, containing approximately 7,500 square feet of land

OWNER: Cary and Suzanne Robins

ADDRESS OF OWNER: 235 Woodcliff Road
Newton, MA

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3, to exceed the maximum floor area ratio (FAR) allowed by-right

ZONING: Single Residence 3 (SR3) 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. A plan entitled "Plot Plan, 235 Woodcliff Road, Newton, Massachusetts," showing the proposed addition and driveway, prepared by Framingham Survey Consultants Inc., dated December 25, 2015 as revised through October 19, 2016, stamped and signed by Stephen P. DesRoche, Professional Land Surveyor, on October 21, 2016.
 - b. A plan entitled "Robins Residence, 235 Woodcliff Road, Newton, MA- Civil Site Plan Existing & Proposed," dated October 25, 2016, prepared by SLR Architecture, stamped and signed by Fergel D. Brennock, Registered Professional Engineer on October 25, 2016.
 - c. A set of architectural plans entitled "Robins Residence, 235 Woodcliff Road, Newton, MA, Permit Documents," dated September 1, 2016," prepared by SLR Architecture, stamped and signed by Steven L. Reilly, Registered Architect:
 - i. Dwg list, Symbols, Gen Notes & Code Information (A0.1);
 - ii. Schedules (A0.2);
 - iii. Demolition Plans (D1.0);
 - iv. Construction Plans (A1.0);
 - v. Reflected Ceiling Plans (A2.0);
 - vi. Building Sections (A3.0);
 - vii. Exterior Elevations (A4.0);
 - viii. Perspective Views (A6.0).
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan. The Department of Planning and

Development's review shall be done in consultation with the Conservation Commission.

- d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No work shall be performed within the southwest corner of the site subject to Conservation Commission jurisdiction.
4. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
5. Petitioner shall give written notice to abutters and abutters to abutters at least two days prior to work related to the removal or reduction of on-site ledge and/or rock outcropping(s).
6. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have removed the existing curb cut and such removal is shown on the final as-built plans.
7. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1, including the floor area ratio (FAR) of the structure.
 - b. 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.
 - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.

Under Suspension of Rules

Readings Waived and Approved

22 yeas 0 nays 2 absent (Councilors Hess-Mahan and Sangiolo)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council 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 November 9, 2016. 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 City Council

I, David A. Olson, as the Clerk of the City Council 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 Newton City Council in the Office of the City Clerk on 11/9 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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