



2015 00132363

Bk: 65882 Pg: 405 Doc: DECIS
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#61-15(2)

CITY OF NEWTON

IN BOARD OF ALDERMEN

July 13, 2015

ORDERED:

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 APPROVAL to construct an attached garage with one-car bay on to an existing attached garage and to legalize the existing noncompliant dwelling, the sum of which exceed the maximum allowable 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 Floor Area Ratio (FAR) of 0.38, where 0.35 is the maximum allowed by right and 0.37 exists, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. The existing structure is a noncompliant 2½-story single-family dwelling on a lot consisting of 12,556 square feet with a gross floor area of 4,543 square feet (0.37 FAR). The proposed attached garage will increase the gross floor area by approximately 252 square feet (5%) to 4795 square feet (.38 FAR), exceeding the allowable FAR by approximately 401 square feet. (§30-15 Table A and §30-15(u)(2))
2. The site is an appropriate location for the proposed attached garage which will add approximately 252 square feet to the existing attached garage, as the addition is setback from the front façade of the existing home. (§30-24(d)(1))
3. The proposed addition will not adversely affect the neighborhood. (§30-24(d)(2))

PETITION NUMBER: #61-15(2)

PETITIONER: Diomid Bashkinov - 49174-502

LOCATION: 228 Wiswall Road, on land known as Section 84, Block 26, Lot 12, containing approx.. 12,556 square feet of land

OWNER: Diomid Bashkinov Trust and Julia Realty Trust

ADDRESS OF OWNER: 228 Wiswall Road
Newton, MA 02459

TO BE USED FOR: Attached Garage Addition

RECEIVED
Newton City Clerk
2015 JUL 20 PM 2:35
David A. Olson, Clerk
Newton, MA 02459

RECEIVED
Newton City Clerk
2015 AUG 10 AM 11:26
David A. Olson, Clerk
Newton, MA 02459

A True Copy
Attest
David A. Olson
City Clerk of Newton, Mass.

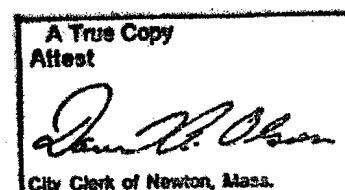
EXPLANATORY NOTES: §30-15 Table A and §30-15(u), to exceed the allowed FAR.

ZONING: Single Residence 2 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. Site plan titled "228 Wiswall Road, Newton, MA – Proposed Attached Garage", prepared, signed, and stamped by Peter Nolan, Professional Land Surveyor, dated April 25, 2015.
 - b. Architectural plan set titled, "228 Wiswall Rd., Newton, MA", prepared, signed, and stamped by Richard Volkin or RAV & Associates, Inc., May 17, 2015, containing the following eight (5) sheets:
 - i. Floor Plan, Sheet A101;
 - ii. Second Floor Plan, Sheet A102;
 - iii. Roof Plan, Sheet A103;
 - iv. Front Elevation, Sheet A104; and
 - v. Side Elevation, Sheet A105.
2. The proposed garage addition allowed by this Special Permit may not be used for commercial purposes unless this Board Order is amended by the Board of Alderman to allow such commercial use.
3. 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 Approval 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.
4. No Final Inspection/Occupancy Permit for 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 engineer certifying compliance with Condition #1.
 - b. Submitted to the Commissioner of Inspectional Services and City Engineer, and the Department of Planning and Development, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.

Under Suspension of Rules



Readings Waived and Approved
21 yeas 0 nays 3 absent (Aldermen Ciccone, Lipof, and Sangiolo)

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 July 20, 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 7/30 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

