

CITY OF NEWTON  
IN CITY COUNCIL

April 19, 2016

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 increase the nonconforming Floor Area Ratio (FAR) from .47 to .49, where .36 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 expanded garage, which will increase the nonconforming FAR by approximately 179 square feet to 0.49 where 0.36 is the maximum allowed by right and 0.47 is existing, is not in derogation of the size, scale and design of other structures in the neighborhood, and will not be substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood as the expansion will be minimally visible from the street and has been designed to be subordinate to the rest of the structure (§3.1.9 and §7.8.2.C.2)
2. The site is an appropriate location for the proposed addition. (§7.3.3.C.1)

PETITION NUMBER: #96-16

PETITIONER: Richard Levey, Architect

LOCATION: 1573 Beacon Street, on land known as Section 53, Block 32, Lot 4, containing approximately 13,604 square feet of land

OWNER: Eric Smith

ADDRESS OF OWNER: 1573 Beacon Street  
Newton, MA

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.1 and §7.8.1.C.2, to extend a nonconforming structure with respect to 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, dated 1/29/2016 and revised 2/2/16, prepared, stamped and signed by D. O'Brien, Professional Land Surveyor
  - b. Architectural Plans, prepared by Richard Levey, architect, dated 1/21/2016 and consisting of two sheets:
    - i. A3, Proposed first and second floor plans
    - ii. A4, Proposed elevations
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 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 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 as built FAR.
  - 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.