

CB3



#213-18  
140 Windermere Road

CITY OF NEWTON  
IN CITY COUNCIL

May 21, 2018

RECEIVED  
Newton City Clerk  
2018 MAY 23 PM 2:58  
David A. Olson, CMO  
Newton, MA 02459

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 continue an existing nonconforming front setback of 16.76 feet where 25 feet is the minimum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Gregory Schwartz:

1. The proposed extension of the nonconforming front setback with the addition of a second floor deck over an existing first floor sunporch is not substantially more detrimental than the existing nonconforming front setback is to the neighborhood given that the proposed second floor deck would be subordinate in scale to the existing dwelling and will not extend further into the front setback. (§3.1.3 and §7.8.2.C.2).

PETITION NUMBER: #213-18

PETITIONER: John and Daniel Arone *Deed reference 70483-508*

LOCATION: 140 Windermere Road, on land known as Section 43, Block 08, Lot 19, containing approximately 12,445 square feet of land

OWNER: John and Daniel Arone

ADDRESS OF OWNER: 35 Fair Oaks Avenue  
Newton, MA 02466

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further continue a nonconforming front setback

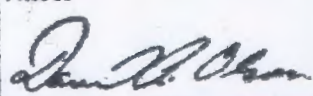
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2018 OCT 17 AM 10:37  
David A. Olson, CMO  
Newton, MA 02459

A True Copy  
Attest  
*David A. Olson*

ZONING: Single Residence 2 (SR2) 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 site plan entitled "Showing Proposed Addition #140 Windermere Road," prepared by Bibbo Brothers and Associates, unstamped, dated January 29, 2018
  - b. Architectural plans entitled "Arone Bros, LLC. 140 Windermere Road Newton, Mass Existing Single Family Complete Renovation and New Addition" prepared by Costa Architects, dated January 23, 2018, revised March 27, 2018, signed and stamped by Albert Costa, Registered Architect, consisting of the following sheets:
    - i. Existing Basement Floor and First Floor (A-1);
    - ii. Existing Second Floor and Roof Plan (A-2);
    - iii. Existing Basement Floor and First Floor Demo Plans (A-3);
    - iv. Existing Second Floor and Roof Demo Plans (A-4);
    - v. Existing/Proposed Basement Floor Plan (A-5);
    - vi. Existing/Proposed First Floor Plan (A-6);
    - vii. Existing/Proposed Second Floor Plan (A-7);
    - viii. Proposed Roof Plan (A-8);
    - ix. Existing Front and Right Side Elevations (A-9);
    - x. Existing Rear and Left Side Elevations (A-10);
    - xi. Proposed Front and Right Side Elevations (A-11);
    - xii. Proposed Rear and Left Side Elevations (A-12);
    - xiii. Typical Section Details 1,2 & 3 (A-13);
    - xiv. Proposed New Roof Framing Plan (A-14).
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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, as statement from the Auburndale Local Historic District Commission approving the final plans.
  - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.

A True Copy  
Attest  


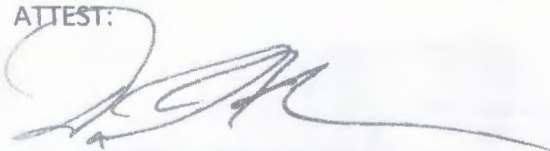


3. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect and land surveyor certifying compliance with Condition #1.
  - b. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by the Auburndale Local Historic District Commission certifying compliance with Condition #1.
  - c. 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 an architect and licensed land surveyor including the as built floor area ratio of the structure.

Under Suspension of Rules  
Readings Waived and Approved  
24 days 0 hours

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 May 23, 2018. 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:

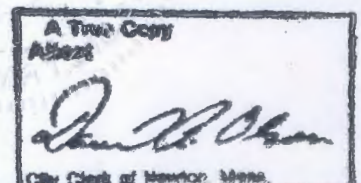


(SGD) DAVID A. OLSON, City Clerk  
Clerk of the City Council

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 5/23/18 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  
*acting* Clerk of the Council



OCT 16 2018

COMMONWEALTH OF MASSACHUSETTS.  
MIDDLESEX S.S. \_\_\_\_\_  
SOUTH DIST. REGISTRY OF DEEDS  
CAMBRIDGE, MA

I HEREBY CERTIFY THE FOREGOING  
IS A TRUE COPY OF A PAPER  
RECORDED IN BOOK 71752

PAGE 517

*Alvin C. Cristatore*  
REGISTER

