

CITY OF NEWTON  
IN CITY COUNCIL

September 6, 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 increase the Floor Area Ratio (FAR) from .36 to .43, where .40 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 FAR from .36 to .43, where .40 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 (§3.1.9.A.2 and §7.3) because:
  - a. The site is a smaller than average lot for the neighborhood and the proposed structure allows a rear setback in excess of the required rear-yard setback; the proposed new structure meets all other dimensional regulations; and
  - b. The additions are to the rear of the structure thereby maintaining the traditional streetscape of the lot.

PETITION NUMBER: #129-16

PETITIONER: Edward Olhava

LOCATION: 11 Scarsdale Road, on land known as Section 24, Block 29, Lot 15, containing approximately 8,480 square feet of land

OWNER: Edward Olhava

ADDRESS OF OWNER: 11 Scarsdale Road  
Newton, MA 02460

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9.A.2 and §7.3.3, to construct additions exceeding the maximum allowed by-right 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. Plan of Land in Newton, 11 Scarsdale Road, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated June 30, 2016; and
  - b. Architectural Plans and Elevations, signed and stamped by Alan Mayer, Architect, dated July 1, 2016
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 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.
  - 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 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 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.