



2013 00187005

Bk: 62522 Pg: 86 Doc: DECIS  
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CITY OF NEWTON  
IN BOARD OF ALDERMEN

July 15, 2013

ORDERED:

#219-13  
2013 JUL 17 PM 2:52  
RECEIVED  
Newton City Clerk  
David A. Olson, CMC  
Newton, MA 02459

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 extend a nonconforming structure exceeding the maximum allowed Floor Area Ratio (FAR) as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. The proposed Floor Area Ratio of .47 where .43 is the maximum allowed by right and .46 is existing, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood.
2. The 22 square foot addition is on the rear of the house, will be minimally visible from the street, and will not be substantially more detrimental than the existing nonconforming structure to the neighborhood.
3. The site meets lot coverage and open space requirements.

BK 27855  
PG 302

PETITION NUMBER: #219-13

PETITIONER: Elinor Mody & David Lerner

LOCATION: 15 Rice Street, Ward 6, on land known as Section 61, Block 1, Lot 3, containing approximately 6,944 sq. ft. of land

OWNER: Elinor Mody & David Lerner

ADDRESS OF OWNER: 15 Rice Street  
Newton, MA 02459

TO BE USED FOR: A single-family dwelling

CONSTRUCTION: Wood frame

2013 AUG 26 PM 3:55  
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A True Copy  
Attest  
  
City Clerk of Newton, Mass.

EXPLANATORY NOTES: Section 30-21(b) to extend a nonconforming structure; Section 30-15(u), 30-15 Table A to increase Floor Area Ratio from .46 to .47 where .43 is the maximum allowed by right

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) Plot Plan, stamped by Thomas Bernardi, Surveyor, dated 5/20/13
  - b) Architectural Plans, prepared by Osborn Studio, Architects, submitted 8/12/09:
    - i. Basement plans
    - ii. First Floor Plan
    - iii. Second Floor Plan
    - iv. Third Floor Plan
  - c) Kitchen Plan, created by Prestige Kitchen & Bath, dated 3/11/13
  
2. 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 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 Occupancy Permit for the portion of the building covered by 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 Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.

Under Suspension of Rules

Readings Waived and Approved

19 yeas 0 nays 3 absent (Aldermen Danberg, Fischman, and Linsky) 1 recused (Alderman Laredo) 1 vacancy

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 17, 2013.

The undersigned  
 Attest



City Clerk of Newton, Mass.

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 7/12 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

