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#289-15
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DAVID A. OLSON, CHIEF
NEWTON, MA 02459

CITY OF NEWTON
IN BOARD OF ALDERMEN

December 8, 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 EXTEND a NONCONFORMING STRUCTURE and USE to allow construction of two dormers, one of which is 60 percent of the wall plane below, and to further exceed the maximum allowable floor are ratio, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Alderman Marc Laredo:

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216 JUL 5 PM 5:02
DAVID A. OLSON, CHIEF
NEWTON, MA 02459

1. The proposed dormers, which increase the nonconforming nature of an existing 3½-story structure by enlarging the attic level by approximately 524 square feet, will not be substantially more detrimental than the existing nonconforming structure to the surrounding neighborhood as the footprint of the structure is not changing. (§30-15, Table 1, §30-21(b); §3.1.3, §7.8.2.C.2)
2. The proposed FAR of 0.71, where 0.45 is the maximum allowed by right and 0.62 is existing, is consistent with and 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 basement which is exposed due to the topography is included in the calculation of the existing FAR. (§30-15, Table A, §30-15(u)(2); §3.1.9, §7.8.2.C.2)
3. The expansion of the legal nonconforming two-family use, by constructing the proposed additions, will not be substantially more detrimental than the existing nonconforming use is to the surrounding neighborhood. (§30-8(a), §30-21(b); §3.4.1, §7.8.2.C.2)
4. The proposed dormer on the north side of the structure, which exceeds 50 percent of the wall plane below by approximately three feet, is appropriate and not in derogation of the surrounding residential neighborhood. (§30-15(t)(1), §30-24(d)(1); §1.5.4.G, §7.3.3.C.1)
5. The proposed addition is appropriate for the existing structure and the surrounding residential neighborhood, as it is located at the rear of the dwelling and the footprint of the structure is not changing. (§30-24(d)(1); §7.3.3.C.1)

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

- 6. The proposed dormer located on the rear and side elevation of the house will not adversely affect the neighborhood, as it is not visible from the Street. (§30-24(d)(2); §7.3.3.C.2)

PETITION NUMBER: #289-15

PETITIONER: Simon and Leanne Taylor

LOCATION: 136-138 Eastbourne Road, on land known as Section 73, Block 43, Lot 5, containing approximately 5,952 square feet of land

OWNER: Simon and Leanne Taylor

ADDRESS OF OWNER: 136 Eastbourne Road
Newton, MA 02459 *65629-561*

TO BE USED FOR: Two-Family Dwelling

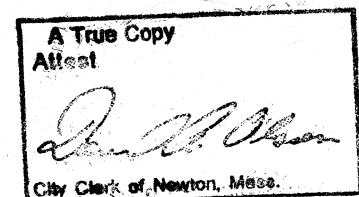
CONSTRUCTION: Dormer Additions

EXPLANATORY NOTES: The references to the Zoning Ordinance above and those that follow, include both the sections in effect at the time the petition was filed and the sections as renumbered in the November 1, 2015 issue of the Zoning Ordinance. §30-15, Table 1, §30-21(b)/§3.1.3, §7.8.2.C.2, to extend a nonconforming 3½-story structure; §30-15, Table A, §30-15(u)(2)/§3.1.9, §7.8.2.C.2, to exceed the maximum allowable FAR; §30-8(a), §30-21(b)/§3.4.1, §7.8.2.C.2, to extend the nonconforming nature of an existing two-family use; and §30-15(t)(1), §30-24(d)(1)/§1.5.4.G, §7.3.3.C.1, to allow the construction of a dormer exceeding 50 percent of the wall plane below.

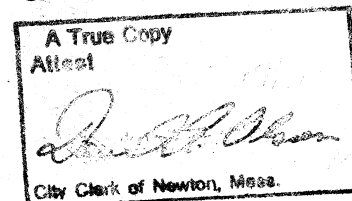
ZONING: Single Residence 2 district

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. Architectural and Civil Plan Set titled "Attic Renovation, 136-138 Eastbourne Road, MA", prepared by Christopher Edward Brown, dated September 11, 2015, and including the following twenty-three (23) sheets:
 - i. Cover Page / Legend;
 - ii. Existing Conditions Photos, sheet G1;



- iii. Aerial Photos, sheet G2;
 - iv. Neighborhood Contextual Photos, sheet G3;
 - v. Zoning Summary, sheet Z1;
 - vi. Site Plan – Survey, prepared, stamped and signed by Michael Clancy, dated July 26, 2015, sheet Z2;
 - vii. Site Plan – Average Grade Plane, prepared by C & G Survey Company, dated July 26, 2015, sheet Z3;
 - viii. Site Plan – Open Space, prepared by C & G Survey Company, dated July 26, 2015, sheet Z4;
 - ix. Existing Elevations, sheet X0;
 - x. Existing Plans – Basement and Condo 1, sheet X1;
 - xi. Existing Plans – Condo 2 and Area Above, sheet X2;
 - xii. Existing Section, sheet X3;
 - xiii. Roof Plan Perspective, sheet A0;
 - xiv. Perspective Views:
 1. Scheme A – View from Street, sheet A1;
 2. Scheme A – View from Sidewalk, sheet A1a;
 3. Scheme A – View from Street, sheet A2;
 4. Scheme A – View from the North, sheet A3
 5. Scheme A – View from Rear, sheet A4; and
 6. Scheme A – View from Rear, sheet A5;
 - xv. Longitudinal Section (Perspective), sheet A6;
 - xvi. Transverse Section (Perspective), sheet A7;
 - xvii. Floor Plan Rendering, sheet A8; and
 - xviii. Roof / Floor Plan, sheet A9.
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 and registered engineer certifying compliance with Condition #1.



- b. Obtained a written statement from the Planning Department that confirms the addition has been constructed consistent with plans approved in Condition #1.

Under Suspension of Rules
Readings Waived and Approved
23 years 0 nays 1 absent (Alderman Yates)

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 December 10, 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.

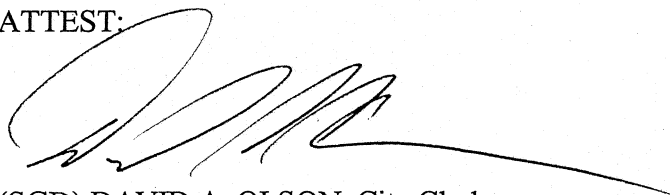
ATTEST:



(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 12/10 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

