

CITY OF NEWTON

IN CITY COUNCIL

February 20, 2018

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 a SPECIAL PERMIT/SITE PLAN APPROVAL for the creation of an internal accessory apartment exceeding 1,000 square feet, to further extend the non-conforming three and one half story structure, and to amend the previously approved site plan, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for an accessory apartment within a single-family dwelling as the existing structure can accommodate the accessory apartment without substantial changes thereby preserving the historic character of the single-family structure. (§6.7.1.D.1 and §7.3.3.C.1)
2. The accessory apartment will not adversely affect the neighborhood as it will be located in existing space within a single-family dwelling. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The proposed exterior alterations are in keeping with the architectural integrity of the structure and the look, character and scale of the surrounding neighborhood as viewed from the street as they are designed to be complementary to the existing structure. (§6.7.1.D.3)
6. The proposed extension of the non-conforming three and one half story structure will not be substantially more detrimental than the existing structure is to the neighborhood as it will not be visible from a public way. (§3.1.3 and §7.8.2.C.2)
7. The creation of an accessory apartment will help to diversify Newton's housing stock consistent with Newton's *Comprehensive Plan*, by providing an additional unit of housing that allows for flexibility for a changing population (one that is aging, has increasing numbers of non-traditional families, and is characterized by smaller households) without

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Newton City Clerk
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David A. Olson, Clerk
Newton, MA 02459

the expense, environmental impact, and increased massing associated with new construction.

PETITION NUMBER: #70-18

PETITIONER: Laurel Farnsworth

LOCATION: 73 Perkins Street, on land known as Section 32, Block 12, Lot 40, containing approximately 18,477 square feet of land

OWNERS: Laurel Farnsworth

ADDRESS OF OWNER: 73 Perkins Street
Newton, MA 02465

TO BE USED FOR: Accessory apartment in a single-family dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Creation of an accessory apartment in a single-family dwelling exceeding 1,000 square feet (§6.7.1.D.2); extend the nonconforming three and one half story structure (§3.1.3 and §7.8.2.C.2); and amend Board Order #535-91

ZONING: Single Residence 2 (SR-2) district

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #70-18 are null and void.

Approved subject to the following conditions:

Conditions associated with this Special Permit/Site Plan Approval, Order 70-18:

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 plan entitled "Plan of Land in Newton, MA, 73 Perkins Street," prepared by Everett M. Brooks Co., dated January 8, 2018, stamped and signed by Bruce Bradford, Professional Land Surveyor
 - b. A set of architectural plans, dated August 30, 2017, unsigned and unstamped:
 - i. Third and Fourth Level Floor Plans (A1).
 - ii. Elevations, Stair Plans (A2)
 - iii. Enclosed Stair Section (A3)

- iv. Rear and South Elevation and Stair Plan (A4)
2. The accessory apartment must be held in common ownership with the principal dwelling unit.
3. The owner of the dwelling shall occupy either the principal unit or the accessory apartment and shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year.
4. When ownership of the property changes the new owner shall notify the Commissioner of the Inspectional Services Department at which time the Commissioner shall conduct a determination of compliance with this decision and all applicable codes.
5. 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 Order for the approved Special Permit/Site Plan Approval 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. Submitted to the Director of the Department of Planning and Development the proposed exterior alteration's exterior finish material for review and approval.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
6. No Final Inspection and/or Occupancy Permit for the buildings 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 land surveyor or engineer certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving the final site plan.

Conditions incorporated from Board Order #535-91:

7. That all buildings, parking areas, driveways, walkways, landscaping and other site features be located and constructed consistent with plans entitled "Proposed Additions Downey/Farnsworth Residence Newton MA" (2 sheets) dated 12.16.91 and "Renovations to the Downey/Farnsworth Res. 73 Perkins St. Newton, MA 02165" (1 sheet) by Thomas R. Huth, Architect.

Under Suspension of Rules

Readings Waived and Approved

18 yeas 0 nays 5 absent (Councilors Baker, Brousal-Glaser, Ciccone, Kalis, and Schwartz) 1
recused (Councilor Crossley)

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 February 22, 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:



acting (~~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 2/22/18 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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