

#132-16
45 Perkins St.

CITY OF NEWTON
IN CITY COUNCIL

May 16, 2016

RECEIVED
Newton City Clerk
2016 MAY 18 PM 2:14
David A. Olson, Clerk
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 increase the FAR to .48, where .40 is the maximum allowed by right and to further increase the nonconformity of the existing 3 stories, where 2.5 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 site is an appropriate location for the proposed addition. (§7.3.3.C.1)
2. The proposed increase in FAR to 0.48, 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 because (§3.1.9 and §7.8.2.C.2):
 - a. The proposed addition will preserve the existing dwelling and meet current side and rear yard lot setbacks;
 - b. The proposed addition is to the side of the existing dwelling which will mitigate its visual impact on the street and abutting properties; and
 - c. The proposed addition will be in keeping with the architectural style of the existing dwelling.
3. The proposed addition, which will increase the nonconformity of the existing 3 stories, where 2.5 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, and will not be substantially more detrimental than the existing non-conforming structure is to the surrounding neighborhood because (§1.5.4.D, §3.1.3 and §7.8.2.C.2):
 - a. The topography of the lot is such that the basement is counted as a story, therefore the mass of the entire basement counts toward the FAR; and
 - b. The proposed addition will allow for a two-car garage thereby removing vehicles from view.

PETITION NUMBER: #132-16

PETITIONER: Peter Sachs

LOCATION: 45 Perkins Street, on land known as Section 32, Block 12, Lot 35, containing approximately 9,988 square feet of land

OWNER: Richard W. and Janet M. Tormey Trust

ADDRESS OF OWNER: 45 Perkins Street
Newton, MA 02465

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 to increase the maximum FAR; §1.5.4.D, §3.1.3 and §7.8.2.C.2, to further increase non-conforming number of stories

ZONING: Single Residence 1 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. Topographic Site Plan, Existing Conditions, signed and stamped by Joseph R. Porter, surveyor, dated 3/1/2016
 - b. Topographic Site Plan, Proposed Conditions, signed and stamped by Joseph R. Porter, surveyor, dated 3/1/2016
 - c. Architectural Plans and Elevations, signed and stamped by Peter Sachs, Architect, consisting of eighteen (18) sheets:
 - i. Sheets A-O, A-Lot, A-2, A-3, A-5, and A-6 dated 2/25/2016
 - ii. Sheets A.1, A.2, A.3, and A.4, dated 2/26/2016
 - iii. Sheets A-1, A-2, A-3, A-4, A-5, A-6, and A-7 dated 11/17/2015
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 or land surveyor certifying compliance with Condition #1, including the as built FAR of the structure.
 - b. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton Engineering Department.
 - 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 a licensed land surveyor.

Under Suspension of Rules

Readings Waived and Approved

21 yeas 0 nays 3 absent (Councilors Albright, Baker, Lappin)

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 18, 2016. 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 5/18 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

A handwritten signature in black ink, appearing to read 'D. Olson', with a long horizontal flourish extending to the right.

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