



2014 00151422  
 Bk: 64321 Pg: 246 Doc: DECIS  
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#227-14

CITY OF NEWTON  
IN BOARD OF ALDERMEN

September 2, 2014

RECEIVED  
 NEWTON CITY CLERK  
 2014 SEP -5 PM 12:28  
 David A. O'Leary, Clerk  
 Newton, MA 02459

ORDERED:

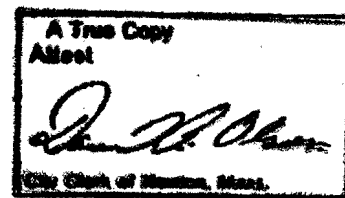
That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a nonconforming use in order to build out the third floor over the existing garage, thereby further exceeding the maximum allowed Floor Area Ratio, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The proposed Floor Area Ratio (FAR) of .59, where .44 is the maximum allowed by right and .53 exists, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. The existing structure is a three-story single-family dwelling on a lot consisting of 6,157 square feet with a gross floor area of 3,272 square feet (.53 FAR). The proposed addition to the third floor will increase the gross floor area by approximately 400 square feet (12%) to 3,671 square feet (.59 FAR) and is subjugated to the mass of the principal structure. (§30-15 Table A, §30-15(u))
2. The extension of the structure is not substantially more detrimental than the existing nonconforming structure is to the neighborhood as the addition will be constructed within the current footprint of the existing nonconforming structure. (§30-21(b))
3. The site is an appropriate location for the proposed addition, and the amount of open space exceeds the minimum required by the Newton Zoning Ordinance. (§30-24(d)(1))
4. The proposed addition will not adversely affect the neighborhood. (30-24(d)(2))

RECEIVED  
 NEWTON CITY CLERK  
 2014 SEP -3 PM 1:31  
 David A. O'Leary, Clerk  
 Newton, MA 02459

PETITION NUMBER: #227-14  
 PETITIONER: Gail Sillman  
 LOCATION: 64 Perkins Street on land known as SBL 32, 12, 42 containing a total of 6,157 square feet of land  
 OWNER: Gail Sillman

BK 59717 PG 129



ADDRESS OF OWNER: 64 Perkins Street  
Newton, MA 02465

TO BE USED FOR: Single-Family Residence

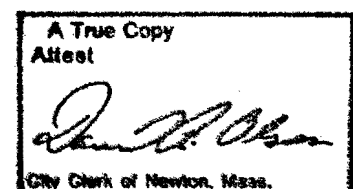
CONSTRUCTION: Wood

EXPLANATORY NOTES: §30-15(u) and §30-15 Table A to increase Floor Area Ratio from .53 to .59, where .42 is the maximum allowed by right. §30-15 Table A and §30-21(b), to extend the nonconforming structure with regard to number of stories.

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 - Existing, prepared by Everett M. Brooks Co., signed and stamped by Bruce Bradford, Professional Land Surveyor, dated March 13, 2014.
  - b. Plan of Land – Proposed, prepared by Everett M. Brooks Co., signed and stamped by Bruce Bradford, Professional Land Surveyor, dated March 22, 2014 and revised on July 15, 2014.
  - c. Architectural Plans, prepared by Spalding Tougias Architects, Inc., signed and stamped by George E. Tougias, Registered Architect, dated July 13, 2014, consisting of eight (8) sheets as follows:
    - i. Cover, Sheet Cover;
    - ii. Existing Plans, Sheet EX-1;
    - iii. Site Plan, Sheet SITE-1;
    - iv. Basement & First Floors Plans, Sheet A-1;
    - v. Second Floor & Roof Floors, Sheet A-2;
    - vi. Building Sections, Sheet A3;
    - vii. Exterior Elevations E&W, Sheet A4; and
    - viii. Exterior Elevations N&S, Sheet A5.
  - d. Shadow Study for 64 Perkins Street, prepared by Spalding Tougias Architects, Inc., undated, consisting of seven (7) sheets as follows:
    - i. Before March 21 at 3:28 p.m.;
    - ii. After March 21 at 3:28 p.m.;
    - iii. Before June 21 at 3:28 p.m.;
    - iv. After June 21 at 3:28 p.m.;
    - v. Before December 21 at 3:28 p.m.;



- vi. After December 21 at 3:28 p.m.; and
  - vii. Image of Side Property Line Vegetation.
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 Final Inspection and/or 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 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.

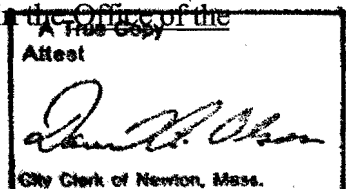
Under Suspension of Rules  
Readings Waived and Approved  
23 yeas 0 nays 1 vacancy

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 September 5, 2014. 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:

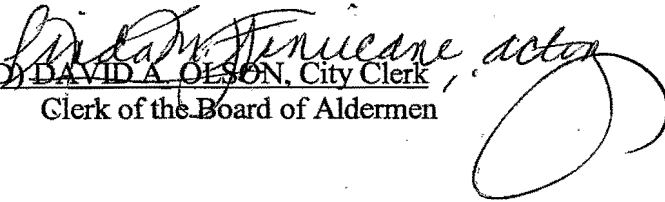
  
(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Board of Aldermen


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 9/5/14 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

A True Copy  
Attest  
  
CITY Clerk of Newton, Massachusetts