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Page: 1 of 4 05/26/2015 09:32 AM

#41-15

CITY OF NEWTON ✓

IN BOARD OF ALDERMEN

March 16, 2015

RECEIVED  
NEWTON CITY CLERK  
2015 JUN - 1 2015 MAR 18 PM 2:28  
DAVID A. OLSON, CMC  
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 STRUCTURE in order to construct a second-story addition in the rear of an existing single-family dwelling, which will increase the Floor Area Ratio above the maximum allowed by right, 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 .53, where .41 is the maximum allowed by right and .49 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 nonconforming 2½-story single-family dwelling on a lot consisting of 9,100 square feet with a gross floor area of 4,490 square feet (.49FAR). The proposed second-story addition will increase the gross floor area by approximately 319 square feet (7%) to 4,809 square feet (.53 FAR). (§30-15 Table A and §30-15(u)(2))
2. The proposed addition will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood because it will be located in the rear of the existing structure and the proposed landscape planting will minimize the visible impact of the addition from the public way. (§30-21(b))
3. The site is an appropriate location for the proposed addition, as it will not expand the footprint of the existing structure. (§30-24(d)(1))

PETITION NUMBER: #41-15 ✓

PETITIONER: Juan and Kirstin Small ✓ 54698-1 ✓

LOCATION: 85 Erie Avenue, Section 52, Block 42, lot 19, containing approximately 9,100 square feet of land

OWNER: Juan and Kirstin Small ✓

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

ADDRESS OF OWNER: 85 Erie Avenue  
Newton, MA 02461

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood

EXPLANATORY NOTES: §30-15 Table A and §30-15(u)(2), to exceed the allowable FAR;  
and §30-21(b), to extend a nonconforming structure in regard to  
the maximum allowable FAR.

ZONING: Single Residence 2 District

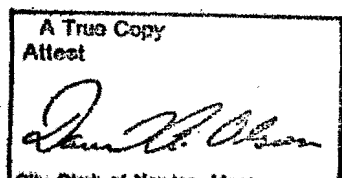
Approved subject to the following conditions:

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. Site Plan for 85 Erie Avenue, Newton MA, prepared, signed and stamped John R, Hamel, Professional Land Surveyor, dated February 10, 2015.
- b. Landscape Plan, prepared by Design Associates, Inc, dated March 2, 2015.
- c. Architectural Plan Set prepared by Design Associates, Inc, dated February 10, 2015.

Consisting of the following eighteen (18) sheets:

- i. Proposed Basement Plan, sheet A1.0;
- ii. Proposed First Floor Plan, sheet A1.1;
- iii. Proposed Second Floor Plan, sheet A1.2;
- iv. Proposed Third Floor Plan, sheet A1.3;
- v. Proposed Roof Plan, sheet A1.4;
- vi. Proposed South Elevation, sheet A2.1;
- vii. Proposed East Elevation, sheet A2.2;
- viii. Proposed North Elevation, sheet A2.3;
- ix. Proposed West Elevation, sheet A2.4;
- x. Existing Basement Plan, sheet AB1.0;
- xi. Existing First Floor Plan, sheet AB1.1;
- xii. Existing Second Floor Plan, sheet AB1.2;
- xiii. Existing Third Floor Plan, sheet AB1.3;
- xiv. Existing Roof Plan, sheet AB1.4;
- xv. Existing South Elevation, sheet AB2.1;
- xvi. Existing East Elevation, sheet AB2.2;
- xvii. Existing North Elevation, sheet AB2.3; and
- xviii. Existing West Elevation, sheet AB2.4.




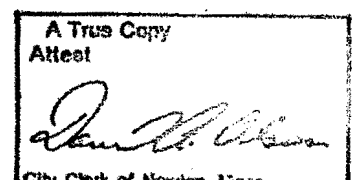
2. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - a. Recorded a certified copy of this board order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy 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.
  - c. Obtained a written statement from the Planning Department that confirms the project has been constructed consistent with the plans approved in Condition #1.
  - d. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features.
4. Notwithstanding the provisions of Condition #3d above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

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

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 March 18, 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

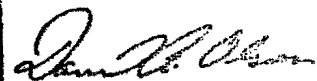


I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 3/5 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, Mass.