

CITY OF NEWTON
IN CITY COUNCIL

April 17, 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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to further extend a nonconforming side setback to 6.3 feet, where 7.5 feet is the minimum allowed by right, and to exceed the floor area ratio from .38 to .50, where .48 is the maximum by right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed extension of the nonconforming side setback is not substantially more detrimental than the existing setback is to the neighborhood because the addition will not encroach any farther into the setback and is consistent with the architecture of the existing structure. (§3.1.3 and §7.8.2.C.2).
2. The proposed increase in floor area ratio from .38 to .50, where .48 is the maximum allowed by right is consistent with and not in derogation of the size, scale, or design of other structures in the neighborhood because the addition will balance out the front façade improving the structure's appearance from the street (§3.1.9 and §7.3.3).

PETITION NUMBER: #179-18

PETITIONER: Seth DeAvila and Talya Salant

LOCATION: 110 Parker Avenue, on land known as Section 81, Block 26, Lot 03, containing approximately 6, 160 square feet of land

OWNER: Seth DeAvila and Talya Salant

ADDRESS OF OWNER: 110 Parker Avenue
Newton, MA 02461

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further extend a nonconforming side setback; §3.1.9 and §7.3.3 to exceed the floor area ratio

ZONING: Single Residence 3 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, signed and stamped by John Abagis, Professional Land Surveyor, dated October 24, 2012
 - b. Architectural Plans, prepared by Architects 2., unsigned and unstamped, consisting of the following ten (10) sheets:
 - i. Proposed Second Floor Plan, dated October 22, 2017
 - ii. Proposed Attic Plan, dated October 11, 2017 revised October 22, 2017
 - iii. Proposed Front Elevation, dated October 11, 2017 revised October 22, 2017
 - iv. Proposed Left Elevation, dated October 11, 2017 revised October 22, 2017, and October 31, 2017
 - v. Proposed Rear Elevation, dated October 11, 2017 revised October 22, 2017
 - vi. Proposed Right Elevation, dated October 11, 2017 revised October 22, 2017
 - vii. Existing Basement
 - viii. Existing First Floor
 - ix. Existing Second Floor
 - x. Existing Attic
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. 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. 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.
- 4. 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 an architect or land surveyor certifying compliance with Condition #1, including the as built floor area ratio of the dwelling.
 - b. 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.