

CITY OF NEWTON
IN CITY COUNCIL

April 19, 2016

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 increase the nonconforming Floor Area Ratio (FAR) from .58 to .61, where .48 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 proposed expanded residence, which will increase the nonconforming FAR by approximately 198 square feet to 0.61 where 0.48 is the maximum allowed by right and 0.58 is existing, is 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 nonconforming structure is to the surrounding neighborhood as the expansion will be minimally visible from the street and will not increase the footprint of the house. (§3.1.9 and §7.8.2.C.2)
2. The site is an appropriate location for the proposed addition. (§7.3.3.C.1)
3. The proposed addition will not adversely affect the neighborhood, as it is located at the rear of the structure and designed to be subordinate to the rest of the structure. (§7.3.3.C.2)

PETITION NUMBER: #98-16

PETITIONER: Christine Corona and Joseph Malarney

LOCATION: 99 Oxford Road, on land known as Section 62, Block 13, Lot 30, containing approximately 5,930 square feet of land

OWNER: Christine Corona and Joseph Malarney

ADDRESS OF OWNER: 99 Oxford Road

Newton, MA 02459

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.1 and §7.8.1.C.2, to extend a nonconforming structure with respect to FAR

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, dated 4/7/2016 prepared, stamped and signed by Joseph R. Porter, Professional Land Surveyor
 - b. Architectural Plans, prepared by Mark Sangiolo, architect, dated 2/10/2016
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 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/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 certifying compliance with Condition #1, including the as built FAR.