



2020 00151275

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#265-20

351 Otis Street

CITY CLERK
NEWTON, MA 02459

2020 JUL 15 PM 3:25

RECEIVED

CITY OF NEWTON

IN CITY COUNCIL

July 13, 2020

67 922 / 475

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 exceed the floor area ratio (the "FAR") from .32 to .42, where .33 is the maximum allowed by-right, and to further increase the nonconforming height, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed increase in the FAR from .32 to .42, where .33 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 there are similar structures with garage additions and living space above in the neighborhood. (§3.1.3, §3.1.9, and §7.3.3)
2. The proposed increase in nonconforming building height is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the principal roof line is not increasing. (§3.1.9, §3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #265-20

PETITIONER: Massimiliano Menozzi

LOCATION: 351 Otis Street, on land known as Section 32, Block 3, Lot 15, containing approximately 18,681 square feet of land

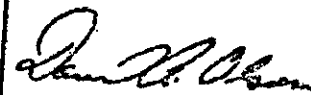
OWNER: Massimiliano Menozzi

ADDRESS OF OWNER: 351 Otis Street
Newton, MA 02465

TO BE USED FOR: Single Family Dwelling with side addition

M. Michael Pliva Esq.
60 Walnut Street Floor 4
Wellesley, MA 02481.

A True Copy
Attest



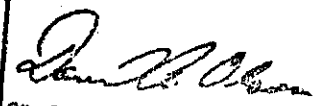
City Clerk of Newton, Mass.

EXPLANATORY NOTES: §3.1.3, §3.1.9 and §7.3.3 to exceed the floor area ratio; and §3.1.9 and §7.8.2.C.2 to further increase the nonconforming building height

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. Topographic Site Plans showing proposed conditions at 351 Otis Street, signed and stamped by Joseph Porter, Professional Land Surveyor, dated March 9, 2020
 - b. Architectural Plans, prepared by Peter Sachs, signed and stamped by Peter Sachs, Registered Architect, dated October 21, 2019, revised February 26, 2020 consisting of nine (8) sheets:
 - i. Proposed Basement Floor Plan, A2
 - ii. Proposed First Floor Plan, A3
 - iii. Proposed Second Floor Plan, A4
 - iv. Proposed Roof Plan, mistitled as Second Floor Plan, A5
 - v. Proposed Front Elevation, A6
 - vi. Proposed Right Elevation, A7
 - vii. Proposed Back Elevation, A8
 - viii. Proposed Section, A9
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 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. 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 petitioner has:

A True Copy
Attest

City Clerk of Newton, Mass.

- 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 as well as the as-built floor area ratio of the structure.
- 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 professional land surveyor.
- c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.

Under Suspension of Rules
Readings Waived and Approved
22 Yeas 0 Nays 2 Absent (Councilors Ciccone and Kalis)

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 July 15, 2020. 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 July 15, 2020 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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

