

CITY OF NEWTON  
IN CITY COUNCIL

August 8, 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 allow an addition increasing the height of the structure to 3 stories, where 2.5 stories is the maximum allowed by right, and to exceed the floor to area ratio (FAR) from .38 to .45, where .40 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 site is an appropriate location for the proposed addition (§7.3.3.C.1).
2. The use will not adversely affect the neighborhood (§7.3.3.C.2) because the addition is within the footprint and to the rear of the existing structure.
3. The proposed increase in FAR from .38 to .45, where .40 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 (§3.1.9.A.2 and §7.8.2.C.2) the topography of the lot is such that the basement is counted as a story and therefore the entire basement counts toward FAR.

PETITION NUMBER: #218-16

PETITIONER: Matthew and Wendy Feiner

LOCATION: 20 Ferncroft Road, on land known as Section 53, Block 08, Lot 09, containing approximately 9,793 square feet of land

OWNER: Matthew and Wendy Feiner

ADDRESS OF OWNER: 20 Ferncroft Road  
Newton, MA 02468

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

RECEIVED  
2016 AUG 10 AM 11:18  
DAVID A. GREGG  
CITY CLERK  
NEWTON, MASSACHUSETTS

EXPLANATORY NOTES: §1.5.4.D, §1.5.4.E, §1.5.4.F §3.1.3, to allow a dwelling with three stories; §3.1.9.A.2 to exceed the 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, Proposed Conditions, signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated 4/12/2016
  - b. Architectural Plans and Elevations, signed and stamped by Peter Sachs, Architect, dated 3/22/2016 Revised May 4, 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. 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.
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 or land surveyor certifying compliance with Condition #1, including the as built FAR 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 licensed 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.

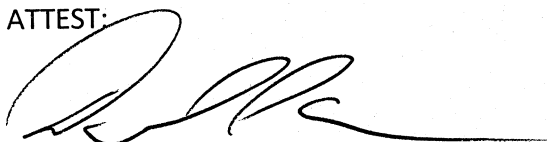
Under Suspension of Rules

Readings Waived and Approved

18 yeas 0 nays 6 absent (Councilors Baker, Blazar, Gentile, Harney, Hess-Mahan and Leary)

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 August 10, 2016. 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:

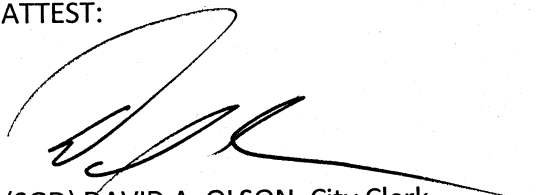


(SGD) DAVID A. OLSON, City Clerk

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 8/10 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