

CITY OF NEWTON

IN CITY COUNCIL

January 16, 2018

RECEIVED  
Newton City Clerk  
2018 JAN 23 PM 12:12  
David A. Olson, Clerk  
Newton, MA 02459

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 increase the Floor Area Ratio (FAR) from 0.40 to 0.47 where 0.44 is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The expanded structure that would result from the proposed increase in floor area ratio (FAR) from 0.40 to 0.47, where 0.44 is the maximum allowed by-right, will be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as it will be similar in regard to those characteristics of other structures in the surrounding area and conform to other relevant dimensional requirements. (§3.1.9)

PETITION NUMBER: #21-18

PETITIONER: Douglas Whitaker and Michelle de Montigny

LOCATION: 43 Fisher Avenue, on land known as Section 52, Block 13, Lot 6, containing approximately 7,484 square feet of land

OWNER: Douglas Whitaker and Michelle de Montigny

ADDRESS OF OWNER: 43 Fisher Avenue  
Newton, MA

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3, to exceed the maximum floor area ratio (FAR) allowed by-right

ZONING: Single Residence 2 (SR2) 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. A plan showing #43 Fisher Avenue entitled "Proposed Plot Plan in Newton Massachusetts," prepared by Stamski and McNary, Inc., dated July 21, 2017, stamped and signed by Joseph March, Professional Land Surveyor, on July 28, 2017.
  - b. A set of architectural plans entitled "Whitaker Residence, 43 Fisher Avenue, Newton, MA," prepared by Jacob Lilley Architects, dated July 24, 2017:
    - i. Existing Basement Plan (EX1.0)
    - ii. Existing First Floor Plan (EX1.1);
    - iii. Existing Second Floor Plan (EX1.2);
    - iv. Existing Attic Plan (EX1.3);
    - v. Existing Roof Plan (EX1.4);
    - vi. Existing East Facing Elevation (EX3.1);
    - vii. Existing South Facing Elevation (EX3.2);
    - viii. Existing West Facing Elevation (EX3.3);
    - ix. Existing North Facing Elevation (EX3.4);
    - x. Basement Plan (A1.0);
    - xi. First Floor Plan (A1.1);
    - xii. Second Floor Plan (A1.2);
    - xiii. Attic Plan (A1.3);
    - xiv. Roof Plan (A1.4);
    - xv. East Facing Elevation (A3.1);
    - xvi. South Facing Elevation (A3.2);
    - xvii. West Facing Elevation (A3.3);
    - xviii. North Facing Elevation (A3.4).
  - c. A document entitled "Floor Area Ratio Worksheet, 43 Fisher Ave." dated September 30, 2017, signed and stamped by Jacob J. Lilley.
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 order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded 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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Newton Historical Commission approving the final plans.
  - e. 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 floor area ratio (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

22 yeas, 0 nays 2 absent (Councilors Baker and Ciccone)

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 January 23, 2018. 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

1/23/18 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

A handwritten signature in cursive script that reads "Shawna Sullivan".

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