

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 increase the FAR from .42 to .46, where .38 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 proposed increase in FAR from .42 to 0.46, where .38 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 (§3.1.9 and §7.8.2.C.2) because
 - a. The proposed addition will provide shelter and remove the vehicles from view; and
 - b. The proposed addition will be in keeping with the architectural style of the existing dwelling.
3. The proposed increase in the nonconforming structure will not be significantly more detrimental than the existing nonconforming structure is to the neighborhood because the garage will replace an existing sun porch and comply with dimensional regulations, with the exceptions of FAR and rear yard setback (§7.8.2.C.2).

PETITION NUMBER: #132-16

PETITIONER: Louisa Sylvia

LOCATION: 21 Orient Avenue, on land known as Section 64, Block 22, Lot 01, containing approximately 10,018 square feet of land

OWNER: Louisa Sylvia

RECEIVED
Newton City Clerk
2016 AUG 10 AM 10:44
David A. Olson
Newton, MA 02459

ADDRESS OF OWNER: 21 Orient Avenue
Newton, MA 02465

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.8.2.C.2 to increase a nonconforming structure and further increase the non-conforming 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. Topographic Site Plan, 21 Orient Avenue, signed and stamped by Michael S. Kosmo, Civil Engineer and Bruce Bradford, Professional Land Surveyor, dated 6/1/2016
 - b. Architectural Plans and Elevations, consisting of five (5) sheets:
 - i. Garage and Mudroom Addition Plan, dated 5/19/2016
 - ii. Additional Roof Plan, dated 5/19/2016
 - iii. Front Elevation, dated 5/19/2016
 - iv. Garage Side Elevation, dated 5/19/2016
 - v. Portico Elevations, dated 5/19/2016
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. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton Engineering Department.
- c. 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.

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