

#339-16
44 Oakmont Road

CITY OF NEWTON
IN CITY COUNCIL

November 21, 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 number of stories to three, where 2.5 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 addition which further increases the nonconforming number of stories will not be substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood because:
 - a. Due to the sloped topography of lots in the surrounding neighborhood, similar to that of the subject property, there are other three story structures;
 - b. The proposed addition is to the rear of the existing structure which will preserve the existing streetscape; and
 - c. The property will remain compliant with all dimensional controls of the Single Residence 3 zone, including FAR, new lots setbacks, and building height.

(§1.5.4.D, §3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #339-16

PETITIONER: Matthew and Ana Volpi

LOCATION: 44 Oakmont Road, on land known as Section 65, Block 19,
Lot 77, containing approximately 7,840 square feet of land

OWNERS: Matthew and Ana Volpi

ADDRESS OF OWNER: 44 Oakmont Road
Newton, MA 02459

TO BE USED FOR: Single Family Dwelling

RECEIVED
NEWTON CITY CLERK
2016 NOV 23 PM 12:19
David A. Olson,
Newton, MA 02459

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §1.5.4.D, §3.1.3 and §7.8.2.C.2, to further increase the nonconforming number of stories

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, signed and stamped by Bruce Bradford, surveyor, dated 6/15/2016, revised 9/29/2016, 10/3/2016, and 10/4/2016
 - b. Architectural Plans and Elevations, unsigned and unstamped by Mayer + Associates, Architects, consisting of fourteen (14) sheets:
 - i. Existing Conditions, Basement Plan, A1-0, dated 10/3/2016
 - ii. Existing Conditions, First Floor Plan, A1-1, dated 10/3/2016
 - iii. Existing Conditions, Second Floor Plan, A1-2, dated 10/3/2016
 - iv. Existing Exterior Elevations, Front Elevation, A2-1, dated 10/3/2016
 - v. Existing Exterior Elevations, Side Elevation, A2-2, dated 10/3/2016
 - vi. Existing Exterior Elevations, Rear Elevation, A2-3, dated 10/3/2016
 - vii. Existing Exterior Elevations, Side Elevation, A2-4, dated 10/3/2016
 - viii. Proposed Additions, Basement Plan, A3-0, dated 10/3/2016
 - ix. Proposed Additions, First Floor Plan, A3-1, dated 10/3/2016
 - x. Proposed Additions, Second Floor Plan, A3-2, dated 10/3/2016
 - xi. Proposed Additions, Front Elevation, A4-1, dated 10/3/2016
 - xii. Proposed Additions, Side Elevation, A4-2, dated 10/3/2016
 - xiii. Proposed Additions, Rear Elevation, A4-3, dated 10/3/2016
 - xiv. Proposed Additions, Side Elevation, A4-4, dated 10/3/2016
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.

- e. Provided a landscape plan to the Director of Planning and Development detailing the number and types of plantings to be installed to restore the buffer along the western boundary after the construction of the widened driveway, and landscaping to be installed to preserve the vegetative screening at the rear of the property.
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.
 - d. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials and features.
 4. Notwithstanding the provisions of #3d above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to the installation of final landscaping provided that the petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site work to secure installation of such landscaping.

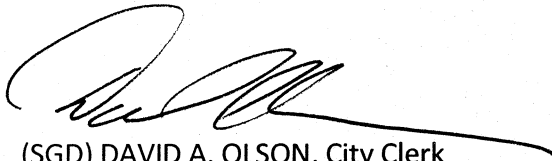
Under Suspension of Rules

Readings Waived and Approved

23 yeas 0 nays 1 absent (Councilor Sangiolo)

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 November 23, 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.

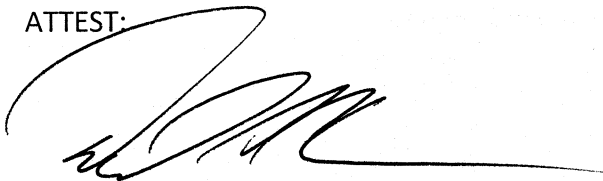
ATTEST:



(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 12/14 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

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ATTEST:



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