

#233-16
45-47 Noble Street

CITY OF NEWTON
IN CITY COUNCIL

August 8, 2016

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Newton City Clerk
2016 AUG 10 AM 10:44
David A. Olson, City
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 expand a non-conforming two-family use and to exceed the floor area ratio from .47 to .57, where .50 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 dormer addition to the third floor and the house will remain 2.5 stories (§7.3.3.C.1).
2. The proposed expansion of the non-conforming two-family residential use is not substantially more detrimental than the existing nonconforming use is to the neighborhood (§3.4.1 and §7.8.2.C.2) because the proposed addition is to the rear of the structure thereby preserving the traditional front façade and streetscape; and
3. The proposed increase in floor area ratio from .47 to .57, where .50 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.A.2 and §7.8.2.C.2) because the addition is within the existing footprint, maintaining the current new-lot setbacks.

PETITION NUMBER: #233-16

PETITIONER: Anna Rumshisky

LOCATION: 45-47 Noble Street, on land known as Section 44, Block 04,
Lot 13, containing approximately 6,278 square feet of land

OWNER: Anna Rumshisky

ADDRESS OF OWNER: 45-47 Noble Street
Newton, MA 02465

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.1, 3.1.9.A.2 and §7.8.2.C.2, to expand a non-conforming two-family use; §3.1.9.A.2 and §7.3 to exceed the floor to area ratio

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. Structural Drawings, signed and stamped by Alexander Dorfman, Professional Engineer, dated 4/26/2014, Sheets S1 and S2
 - b. Exterior Elevation, 45 Noble Street, dated 5/23/2016, sheet A-1
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. Provided a revised exterior elevation of the rear façade to the Director of Planning and Development for review and approval showing the proposed dormer to be in compliance with §1.5.4.G of the Newton Zoning Ordinance.
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.

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