

CITY OF NEWTON

IN CITY COUNCIL

March 21, 2016

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to remove an existing sunroom and replace it with a larger room with finished space above and additional basement space in an existing 3½-story nonconforming single-family dwelling with a nonconforming front setback, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The extension of the nonconforming 3½-story structure will not be substantially more detrimental than the existing nonconforming 3½-story structure as the addition has been subordinated to the rest of the structure, and blends well with the surrounding residential context of the area. (§3.2.3. and 7.8.2.C.2.)
2. The extension of the nonconforming front setback will not be substantially more detrimental than the existing nonconforming 3½-story structure. The existing front setback is 19.3 feet where 25 feet is required. The proposed addition encroaches in to the front setback but is set back 20.7 feet. (§3.2.3. and 7.8.2.C.2.)
3. The site is an appropriate location for the proposed expanded structure. (§7.3.3.C.1.)
4. The expanded structure will not adversely affect the neighborhood. (§7.3.3.C.2.)

PETITION NUMBER: #31-16

PETITIONER: Becky Sears and Sean McNally

LOCATION: 147 Newtonville Avenue, Section 12, Block 17, Lot 19, containing approximately 16,748 square feet of land

OWNER: Becky Sears and Sean McNally

ADDRESS OF OWNER: 147 Newtonville Avenue  
Newton, MA 02458

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: §3.2.3. and 7.8.2.C.2., to extend a nonconforming 3.5-story structure; §3.2.3. and 7.8.2.C.2., to extend a nonconforming front setback.

ZONING: Multi Residence 1 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, stamped by Paul J. Tyrell, surveyor, dated 11/9/15, and signed 12/1/2015
  - b. Existing and Proposed Plans, signed and stamped by David Whitney, architect, dated 12/2/2015 and consisting of the following six (6) sheets:
    - i. A1.0 Basement Plan
    - ii. A1.1 First Floor Plan
    - iii. A1.2 Second Floor Plan
    - iv. A2.1 South Elevation
    - v. A2.2 East Elevation
    - vi. A2.3 North Elevation
2. Prior to the issuance of a building permit the petitioner shall submit final Engineering Plans to the City Engineer for review and approval.
3. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - a. Recorded a certified copy of this 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 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.

4. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
  - 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 engineer certifying compliance with Condition #1.
  - 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.