

Middlesex South Registry of Deeds
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David A. Olson, CMC
Newton, MA 02459

2015 JUN 17 PM 3:36

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Newton City Clerk

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.cambridgedeeds.com

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Newton City Clerk

2015 MAY 20 PM 4:48

David A. Olson, CMC
Newton, MA 02459

CITY OF NEWTON
IN BOARD OF ALDERMEN

May 18, 2015

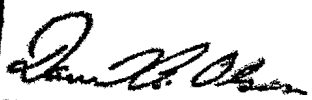
ORDERED:

That the Board, 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 and EXTENSION OF A NONCONFORMING STRUCTURE to demolish the existing detached garage, to construct a new two-car garage and an uncovered parking stall, and to enclose the existing porch and construct a new porch, which in total exceeds the maximum allowable Floor Area Ratio, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The proposed Floor Area Ratio (FAR) of .34, where .33 is the maximum allowed by right and .30 exists, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. The existing structure is a 2½ -story single-family dwelling with a detached garage on a lot consisting of 15,052 square feet with a gross floor area of 4,574 square feet (.30 FAR). The proposed replacement of the detached garage and the enclosure of the existing porch will increase the gross floor area by approximately 460 square feet (10%) to 5,034 square feet (.34 FAR), exceeding the allowable FAR by approximately 67 square feet. (§30-15 Table A and §30-15(u)(2))
2. The proposed garage and parking stall are not substantially more detrimental than the existing nonconforming garage is to the neighborhood. The new garage will have doors and a gable roof with dormers, which will be more aesthetically attractive than the existing structure. (§30-21(b))
3. Literal compliance with the parking design requirements of the Newton Zoning Ordinance is impracticable due to the grade of the lot. The location of parking within five feet of the street is appropriate for this site, and has been utilized by other property owners on Newtonville Avenue. (§30-19(m))
4. The site is an appropriate location for the proposed project due to the steep grade of the lot. The site as developed with the proposed project will exceed the minimum requirement for open space and will be below the maximum allowed for building lot coverage. §30-24(d)(1))
5. The proposed garage and parking stall will not adversely affect the neighborhood. (§30-24(d)(2))

Property Address:

A True Copy
Attest



City Clerk of Newton, Mass.

6. There will be no serious nuisance or hazard to vehicles or pedestrians because there is no change to the existing circulation. (§30-24(d)(3))

PETITION NUMBER: #90-15

PETITIONER: James P. Robertson Jr. and Claire Ryan-Robertson

LOCATION: 158 Newtonville Avenue, on land known as Section 12, Block 22, Lot 19, containing approx. 15,052 square feet of land

OWNER: James P. Robertson Jr. and Claire Ryan-Robertson

ADDRESS OF OWNER: 158 Newtonville Avenue
Newton, MA 02458

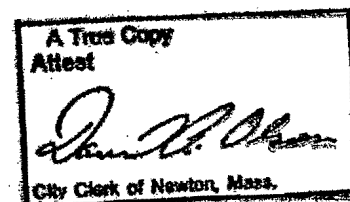
TO BE USED FOR: Single-family dwelling

EXPLANATORY NOTES: §30-21(b) and §30-15 Table 1, to extend the nonconforming accessory structure with regards to the front setback; §30-19(g) and §30-19(m), to locate a parking stall within five feet of the street; §30-5(b)(4), to locate a retaining wall in excess of four feet within the front setback; and §30-15(u)(2), to exceed maximum allowed 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. Proposed Site Plan, prepared by Greater Boston Surveying and Engineering, signed and stamped by Paul J. Tyrell, Professional Land Surveyor, dated February 4, 2015.
 - b. Floor Plans and Elevations, prepared by Choo & Company, stamped by Arthur K.F. Choo, dated September 21, 2012, containing the following six (6) sheets:
 - i. Sheet A-1.0 - Cover Sheet
 - ii. Sheet A-1.1 - Proposed Plans
 - iii. Sheet A-1.2 - Proposed Elevations
 - iv. Sheet A-1.3 - Details
 - v. Sheet A-1.4 - Elevation
 - vi. Sheet A-1.5 - Porch Framing Details



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 Board 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 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.
4. No Final Inspection/Occupancy Permit for 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. Submitted to the Commissioner of Inspectional Services and City Engineer, and the Department of Planning and Development, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.

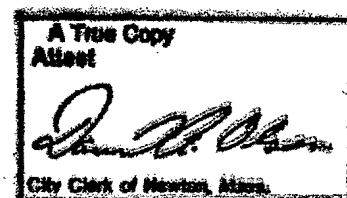
Under Suspension of Rules
Readings Waived and Approved
20 yeas 0 nays 4 absent (Aldermen Albright, Blazar, Leary, and Sangiolo)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 May 20, 2015. 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 Board of Aldermen



I, David A. Olson, as the Clerk of the Board of Aldermen 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 Board of Aldermen in the Office of the City Clerk on 5/30 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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

