

CITY OF NEWTON

IN CITY COUNCIL

September 6, 2016

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DAVID A. OLSON, CHM
NEWTON, MA 02459

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 by constructing two rear additions to a single family dwelling, one of which will decrease the nonconforming rear setback of the dwelling from 7.9 feet to 7.1 feet where 15 feet is the minimum allowed, 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 structure so as to increase the existing rear setback nonconformity by 0.8 feet (approx. 9.6 inches), will not be substantially more detrimental than the existing nonconforming structure to the neighborhood as the proposed additions, which taken together will add 308 square feet of floor area to the dwelling, would be subordinate to the existing structure and minimally visible from any public way or neighboring properties due to their locations and because they are screened by mature vegetation (§3.2.3. and 7.8.2.C.2.);
2. The site is an appropriate location for the proposed expanded structure as its use will continue to be a single family dwelling within a Single Residence 2 zoning district (§7.3.3.C.1);
3. The expanded structure will not adversely affect the neighborhood as the proposed additions, which will increase the existing rear setback nonconformity by 0.8 feet (approx. 9.6 inches) will add 308 square feet of floor area to the dwelling, would be subordinate to the existing structure and minimally visible from any public way or neighboring properties due to their location and because they are screened by mature vegetation (§7.3.3.C.2);
4. There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3);
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

PETITION NUMBER: #260-16

PETITIONER: Alan Mayer

LOCATION: 6 Glastonbury Oval, Section 53, Block 15, Lot 14, containing approximately 7,017 square feet of land

OWNERS: Lisa and Andrew Silverman

ADDRESS OF OWNER: 6 Glastonbury Oval
Newton, MA 02468

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: §3.1.4 and 7.8.2.C.2, to further increase a nonconforming rear setback

ZONING: Single Residence 2 (SR2) 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. A plan entitled "Plan of Land in Newton, 6 Glastonbury Oval, Existing Conditions," prepared by Everett M. Brooks Co., dated August 4, 2015;
 - b. A plan entitled "Plan of Land in Newton, 6 Glastonbury Oval, Proposed Additions," prepared by Everett M. Brooks Co., dated August 3, 2016; signed and stamped by Bruce Bradford; Professional Land Surveyor,
 - c. A set of architectural plans and elevations entitled "Silverman Residence, 6 Glastonbury Oval, Waban, MA 02446," prepared by Mayer + Associates, , dated July 1, 2016:
 - i. Existing Conditions- Basement Plan (A1-0),
 - ii. Existing Conditions- First Floor Plan (A1-1),
 - iii. Existing Conditions- Second Floor Plan (A1-2),
 - iv. Existing Conditions- Third Floor Plan (A1-3),
 - v. Existing Conditions- Roof Plan (A1-4),
 - vi. Existing Conditions- Exterior Elevations (A2-1),
 - vii. Existing Conditions- Exterior Elevations (A2-2),
 - viii. Existing Conditions- Exterior Elevations (A2-3),

- ix. Proposed Additions- Basement Plan (A3-0),
 - x. Proposed Additions- First Floor Plan (A3-1),
 - xi. Proposed Additions- Second Floor Plan (A3-2),
 - xii. Proposed Additions- Third Floor Plan (A3-3),
 - xiii. Proposed Additions- Roof Plan (A3-4),
 - xiv. Proposed Additions- Exterior Elevations (A4-1),
 - xv. Proposed Additions- Exterior Elevations (A4-2),
 - xvi. Proposed Additions- Exterior Elevations (A4-3).
2. 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.
3. 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.

Under Suspension of Rules


Readings Waived and Approved

21 yeas 0 nays 3 absent (Councilors Ciccone, Norton and 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 September 8, 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 9/8 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