

CITY OF NEWTON  
IN CITY COUNCIL

April 19, 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 Floor Area Ratio (FAR) from .47 to .51, where .31 is the maximum allowed by right, and to regrade the property, which will further increase the nonconforming height of the existing structure from 37.4' to 37.7', where 36' 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 additions. (§7.3.3.C.1)
2. The proposed increase in FAR from 0.47 to 0.51, where .31 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 and §7.8.2.C.2)
3. The proposed increase in height of 0.3 feet from 37.4' to 37.7', where 36' is the maximum allowed by right, is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§3.1.3 and §7.8.2.C.2)
4. Plans have been reviewed and approved by the Chestnut Hill Historic District Commission.

PETITION NUMBER: #93-16

PETITIONER: Diana M. Bailey

LOCATION: 413 Hammond Street, on land known as Section 63, Block 26, Lot 14, containing approximately 15,307 square feet of land

OWNER: Elisabeth M. Battinelli

ADDRESS OF OWNER: 22 Hudson St.  
Somerville, MA

TO BE USED FOR:	Single Family Dwelling
CONSTRUCTION:	Wood frame
EXPLANATORY NOTES:	§3.1.9 and §7.8.2.C.2, to extend a nonconforming structure with respect to FAR; §3.1.3 and §7.8.2.C.2, to further increase nonconforming height
ZONING:	Single 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. Proposed Site Plan, signed and stamped by Bruce Bradford, surveyor, dated 1/28/2016
  - b. Architectural Plans and Elevations, signed and stamped by Diana Bailey, Architect, dated 2/8/2016 consisting of three sheets:
    - i. A1.0 Proposed Basement Plans
    - ii. A1.1 Proposed First Floor Plans
    - iii. A3.0 Proposed Elevations
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. 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/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 certifying compliance with Condition #1, including the as built height and 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.
  - c. Received a final sign off on the project as built from the Chestnut Hill Historic District Commission.