

CITY OF NEWTON
IN CITY COUNCIL

June 20, 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 construct 256 square feet of additional space in the dwelling and a 624 square foot detached garage structure which will further increase the non-conforming Floor Area Ratio (FAR) from 0.39 to 0.48, where 0.34 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 proposed increase of the existing nonconforming structure's floor area ratio (FAR) from 0.39 to 0.48, where 0.34 is the maximum allowed by right, with additional dwelling space will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood as it will add only 256 square feet to the existing dwelling, will not increase the footprint of the dwelling and will be minimally visible from any public way. (§3.1.3; §7.8.2.C.2.)
2. The proposed increase of the existing nonconforming structure's floor area ratio (FAR) from 0.39 to 0.48, where 0.34 is the maximum allowed by right, with the addition of a 624 square foot detached garage will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood as it will not be used as additional living space, will provide the property with enclosed off-street parking, and will be adequately screened from abutting properties. (§3.1.3; §7.8.2.C.2.)
3. The site is an appropriate location for the proposed additional dwelling space and garage as they are consistent with the residential use of the property and surrounding neighborhood. (§7.3.3.C.1.)
4. The proposed additional dwelling space will not adversely affect the neighborhood as the additions will not increase the footprint of the structure and will be modest in size, located above existing living space and minimally visible from any public way. (§7.3.3.C.2.)
5. The proposed detached garage will not adversely affect the neighborhood as it will be set back from the street, located in the rear of the property and adequately screened from abutting properties; furthermore, it will provide the property with enclosed off-street parking. (§7.3.3.C.2.)
6. There will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3.)

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David A. Olson
Newton, MA 02459

7. Access to the site over streets is appropriate for the types and numbers of vehicles (§7.3.3.C.4.).

PETITION NUMBER: #178-16

PETITIONER: John B. Arone

LOCATION: 39 Hawthorne Avenue on land known as Section 43, Block 34, Lot 12, containing approximately 9,602 square feet of land

OWNER(S): Lawrence and Katherine P. Sloss

ADDRESS OF OWNER(S): 133 Hyslop Road
Brookline, MA

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9. and §7.8.2.C.2., to further increase a nonconforming structure with respect to floor area ratio (FAR).

ZONING: SR- 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. A plan entitled "Site Plan of 39 Hawthorne Avenue in Newton, MA" prepared by P.J.F. and Associates, dated May 1, 2016, as revised through June 15, 2016, stamped and signed by John D. Sullivan III, Registered Professional Engineer and Paul J. Finocchio, Professional Land Surveyor.
 - b. A set of architectural plans entitled "Proposed Renovations to Existing Historic House, Arone Bros, LLC, 39 Hawthorne Ave. Newton, Mass." prepared by Costa Architects, dated April 22, 2016, as revised through June 15, 2016:
 - i) Title sheet and general notes (T-1);
 - ii) Existing basement and first floor plans (A-1);
 - iii) Existing second & third floor plans (A-2);

- iv) Basement & first floor demo plans (A-3);
 - v) Second and third floor demo plans (A-4);
 - vi) Existing/proposed basement floor plans (A-5);
 - vii) Existing/proposed first floor plan (A-6);
 - viii) Existing/proposed second & third floor plans (A-7);
 - ix) Existing/proposed roof plan (A-8);
 - x) Existing elevations (A-9);
 - xi) Existing/proposed front and right elevations (A-10);
 - xii) Existing/proposed rear & left elevations (A-11);
 - xiii) Garage elevations and garage section (A-12);
 - xiv) Siteplan showing perimeter wall (A-13).
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 3. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 4. Prior to the issuance of any Building Permits, the petitioner shall provide a final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
 5. Prior to the issuance of any Building Permit, the petitioner shall submit a final Construction Management Plan (CMP) to the Commissioner of Inspectional Services, the Director of Urban Forestry, the Engineering Division of Public Works, the Director of the Department of Planning and Development, the Newton Fire Department and Newton Police Department, which plan should shall include at a minimum:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
 - c. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.

- d. A tree preservation plan to define the proposed method for protection of existing trees to remain on the site and on abutting properties during construction.
 - e. A plan for rodent control during construction.
 - f. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
6. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Received final approval from the Director of Planning and Development for the Construction Management Plan.
 - b. 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.
 - c. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - d. 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.
 - e. Filed a final Landscape Plan which depicts the screening of the site from abutting properties to the Director of Planning and Development for review and approval.
 - f. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
7. 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 and 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 (as necessary).
 - 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.
 - d. Submitted to the Director of Planning and Development a statement from the Auburndale Historic District Commission that the improvements authorized by this Board Order have been constructed in compliance with the relevant Certificate of Appropriateness.
8. Notwithstanding the provisions of Condition #7 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all

or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

9. The landscaping shown on the approved Landscape Plan shall be maintained in good condition. The plantings shall be inspected annually and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Councilor Lipof)

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 06/22/16. 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 6/22 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