

CITY OF NEWTON

IN CITY COUNCIL

February 20, 2018

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Newton City Clerk
2018 FEB 22 PM 2:33
David A. Olson, City Clerk
Newton, MA 02459

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 0.44 to 0.47 where 0.43 is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Vice Chair, Councilor Richard A. Lipof:

1. The proposed increase in the nonconforming FAR will be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as the rear addition is adding 270 square feet to the structure and is subordinate to the existing structure. (§3.1.9 and §7.8.2.C.2)
2. The proposed increase in the nonconforming FAR will not be substantially more detrimental than the existing nonconforming FAR is to the neighborhood because the addition is to the rear of the structure and not visible from a public way. (§3.1.9 and §7.8.2.C.2)

PETITION NUMBER: #66-18

PETITIONER: David Metcalf

LOCATION: 48 Nathan Road, on land known as Section 13, Block 32, Lot 19, containing approximately 7,983 sq. ft. of land

OWNER: David Metcalf

ADDRESS OF OWNER: 48 Nathan Road
Newton, MA

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9, §7.4, §7.3.3, and §7.8.2.C.2, to further increase the nonconforming FAR

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 showing #48 Nathan Road entitled "Proposed Additions," prepared by Everett M. Brooks Co., dated July 10, 2017, stamped and signed by Bruce Bradford, Professional Land Surveyor.
 - b. A set of plans entitled "Metcalf Residence, 48 Nathan Road, Newton, MA," signed and stamped by Henry Finch, Professional Architect:
 - i. Existing First Floor Plan (EX-1) dated October 6, 2017;
 - ii. Existing Elevation Front, South (EX-2-1) dated October 6, 2017;
 - iii. Existing Elevation Side, East (EX-2-2) dated December 1, 2017;
 - iv. Existing Elevation Rear, North (EX-2-3) dated December 1, 2017;
 - v. Existing Elevation Side, West (EX-2-4) dated December 1, 2017;
 - vi. Existing Second Floor Plan (EX-4) dated October 6, 2017;
 - vii. Proposed Basement Floor Plan (A1-0) dated January 3, 2018;
 - viii. Proposed First Floor Plan (A1-1) dated January 3, 2018;
 - ix. Proposed Second Floor Plan (A1-2) dated January 3, 2018;
 - x. Proposed Roof Plan (A1-4) dated January 3, 2018;
 - xi. Proposed Front Elevation South (A2-1) dated December 1, 2017;
 - xii. Proposed Side Elevation East (A2-2) dated January 3, 2018;
 - xiii. Proposed Rear Elevation North (A2-3) dated January 3, 2018;
 - xiv. Proposed Side Elevation West (A2-4) dated January 3, 2018
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 Approval 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/Occupancy Permit for the use 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 certifying compliance with Condition #1, including the as built 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. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.

Under Suspension of Rules

Readings Waived and Approved

19 yeas 0 nays 5 absent (Councilors Baker, Brousal-Glaser, Ciccone, Kalis, and Schwartz)

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 February 22, 2018. 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:



acting (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 2/22/18 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



acting (SGD) ~~DAVID A. OLSON~~, City Clerk
Clerk of the Council