

K3



Bk: 66164 Pg: 498 Doc: DECIS
Page: 1 of 3 10/01/2015 11:15 AM

CITY OF NEWTON

IN BOARD OF ALDERMEN

September 8, 2015

RECEIVED
Newtown City Clerk
2015 SEP 10 PM 2:07
DAVID A. OBERT, CLERK
Newton, MA 02459

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 a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE in order to construct a one-story four season porch addition, which will increase the existing nonconforming 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 0.40, where 0.36 is the maximum allowed by right and 0.38 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 nonconforming 2½-story single-family dwelling on a lot consisting of 13,723 square feet with a gross floor area of 5,264 square feet (0.38 FAR). The proposed addition will increase the gross floor area by approximately 230 square feet (4%) to 5,494 square feet (0.40 FAR). (§30-15(u)(2), §30-15 Table A, and §30-21(b))
2. The site is an appropriate location for the proposed one-story four season porch, as the surrounding homes are comparable in size, scale, and design. The proposed addition will replace an existing deck and hot tub. (§30-24(d)(1))
3. The proposed addition to the single-family dwelling will not adversely affect the neighborhood, as the site is adequately screened with an existing sight-obscuring fence and vegetation, and the addition as designed is consistent with the character of homes in the immediate area. (§30-24(d)(2))

RECEIVED
Newtown City Clerk
2015 SEP 16 PM 3:34
DAVID A. OBERT, CLERK
Newton, MA 02459

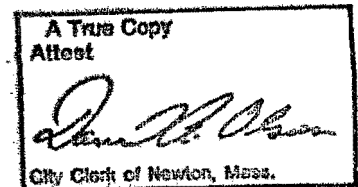
PETITION NUMBER: #164-15

PETITIONER: Leabman Real Estate Services, LLC
Duncan & Elizabeth Richardson

LOCATION: 55 Mossfield Road, Section 55, Block 21, Lot 5, containing approximately 13,723 square feet of land

OWNER: Duncan & Elizabeth Richardson
ADDRESS OF OWNER: 55 Mossfield Road

Bk. 32912 p. 512



Newton, MA 02468

TO BE USED FOR: Single-Family Residence

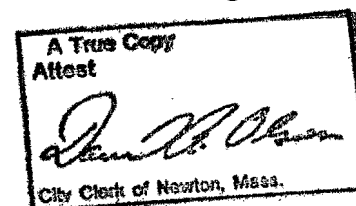
CONSTRUCTION: Wood

EXPLANATORY NOTES: §30-15(u)(2), §30-15(u) Table A, and §30-21(b) to exceed the maximum allowable 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. Plot Plan titled "Proposed Conditions Plot Plan, 55 Mossfield Road, Newton, MA", prepared, stamped, and signed by Verne T. Porter, Jr., Professional Land Surveyor, and dated May 4, 2015.
 - b. Architectural Plan Set, prepared by Leabman Real Estate Services, LLC, unstamped, unsigned, and dated May 11, 2015. Consisting of the following seven (7) sheets:
 - i. Sheet A-1 – Floor Plan;
 - ii. Sheet A-2 – Roof Plan;
 - iii. Sheet A-3 – Side Elevation;
 - iv. Sheet A-4 – Rear Elevation;
 - v. Sheet S-1 – Building Section;
 - vi. Sheet S-2 – Foundations & 1st Floor Plan; and
 - vii. Sheet S-3 – Roof Framing Plan.
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 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 and/or Occupancy Permit for the portion of the building 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.

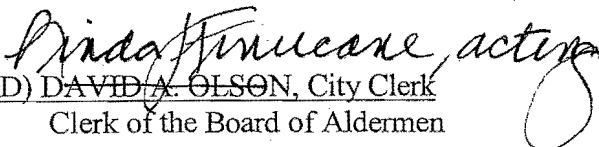


- b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
- c. Obtained a written statement from the Planning Department that confirms the project has been constructed consistent with the plans approved in Condition #1.

Under Suspension of Rules
Readings Waived and Approved
24 years 0 days

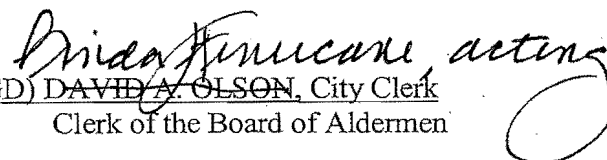
The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on September 10, 2015. The undersigned further certifies 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 9/10/15 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

