

CITY OF NEWTON

IN BOARD OF ALDERMEN

April 17, 2012

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 the following SPECIAL PERMIT/SITE PLAN to allow an extension of a nonconforming structure with regard to the number of stories and FAR, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. The proposed extension of a nonconforming structure will not be substantially more detrimental to the neighborhood than the existing structure for the following reasons:
  - a. The proposed addition will increase the already nonconforming FAR from .54 to .66 (where .41 is allowed by right).
  - b. The structure is nonconforming with regard to the number of stories as the basement qualifies as a story.
  - c. The proposed addition is located on the rear of the house and will be minimally visible to abutters or from the street, and the property complies with dimensional standards for lot coverage and open space.
  - d. The proposed addition has been designed in keeping with the architecture and roofline of the existing house and complies with all setback requirements.
  - e. Construction of the addition without a retaining wall, which would have allowed the addition by right, is preferable to minimize disturbance to the natural grade and drainage patterns.
  - f. With the removal of a significant portion of the driveway, the petitioners are decreasing the overall amount of impervious surface on the lot as a result of this project.
2. The project is consistent with the Newton Comprehensive Plan as it will help to preserve and update the existing structure while meeting the needs of today's families.

PETITION NUMBER: #62-12

PETITIONER: Charlotte N. Duhamel & Gregory P. Licholai

LOCATION: 43 Hillside Road, Section 52, Block 10, Lot 4 containing approximately 8,365 sq. ft. of land

OWNER: Charlotte N. Duhamel & Gregory P. Licholai

ADDRESS OF OWNER: 43 Hillside Road, Newton, MA 02461

TO BE USED FOR: Addition to rear of existing house

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §30-15, Table 1 and §30-21(b) to extend a structure which is nonconforming with regard to the number of stories; Ordinance Z-77, Section 30-15(u)(2) and §30-21(b) to extend a structure which is nonconforming with regard to FAR (from .54 to .66 where .41 is allowed); §30-23 for site plan approval; and §30-24(d) for special permit approval

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:
  - Topographic Site Plan Showing Proposed Conditions at #43 Hillside Road, prepared by VTP Associates, signed and stamped by Joseph R. Porter, Surveyor, dated 11/1/11
  - Architectural plans, signed and stamped by Michael Huller, Architect, dated 8/20/11 and Revised 12/2/11
    - A4: Exterior Elevations (North)
    - A5: Exterior Elevations (West)
    - A6: Exterior Elevations (East)
    - Left Elevation Amended 3/8/12
2. The petitioner has the option to construct a full foundation under the addition as this will not change the approved FAR. Plans should be reviewed and approved by the Commissioner of Inspectional Services and the Director of Planning and Development for consistency with the above referenced plans.
3. 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.
4. No 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 Land Surveyor certifying that the building and site have been constructed in compliance with plans approved in Condition #1.
  - b. submitted to the Department of Inspectional Services, and the Department of Planning and Development each, a final as-built survey plan in paper and digital format.