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#63-15

CITY OF NEWTON

IN BOARD OF ALDERMEN

May 18, 2015

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, 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 and EXTENSION OF A NONCONFORMING STRUCTURE to legalize and complete a three-story addition to an existing three-story single-family dwelling which exceeds the maximum allowable Floor Area Ratio (FAR), 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) will be .52, where .43 is the maximum FAR allowed by right and .32 is the existing FAR. The existing structure is a three-story single-family dwelling on a lot consisting of 6,970 square feet with a gross floor area of 2,223 square feet (.32 FAR). The proposed addition to the dwelling, which is nearly completed, will increase the gross floor area by approximately 1,390 square feet (63%) to 3,613 square feet (.52 FAR), thereby exceeding the allowable FAR by approximately 615 square feet. The main structure with the addition is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§30-15 Table A and §30-15(u)(2))
2. The proposed three-story addition is not substantially more detrimental than the existing nonconforming structure is to the neighborhood, as the addition is located at the rear of the site and is partially screened from abutting properties. Due to the significant increase in the grade on the subject property and the properties to the east, the structures to the east also appear as three stories from the rear. (§30-21(b))
3. The site is an appropriate location for the proposed addition, and the parcel will meet the requirements for open space and lot coverage. §30-24(d)(1))
4. The owner of the subject property owns a second lot across from the subject property that is separated by a right of way, which is used as the petitioner's driveway. The owner cannot include the second lot in the calculation of the maximum Floor FAR for the subject property even though the lot is too small to be developed in the future. If the second lot were to be included in the FAR calculation the proposed addition would not exceed the maximum allowable FAR.

RECEIVED  
NEWTON CITY  
2015 MAY 20 PM 5:18  
DAVID A. OLSON, CLERK  
NEWTON, MA 02459

RECEIVED  
NEWTON CITY  
2015 JUL 25 AM 11:58  
DAVID A. OLSON, CLERK  
NEWTON, MA 02459

A True Copy  
Attest  
*David A. Olson*  
City Clerk of Newton, Mass.

PETITION NUMBER: #63-15

PETITIONER: Jayant and Manjiri Bhawalkar

LOCATION: 15 Holman Road, Ward 4, on land known as SBL 43, 43, 5 containing approx. 6,970 sq. ft. of land

OWNER: Jayant and Manjiri Bhawalkar *deed: 49802-448*

ADDRESS OF OWNER: 15 Holman Road  
Newton, MA 02466

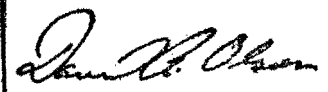
TO BE USED FOR: Single-family dwelling

EXPLANATORY NOTES: §30-21(b) and §30-15 Table 1, to extend the nonconforming three-story structure; §30-15 Table A and §30-15(u)(2), to exceed the maximum allowable Floor Area Ratio

ZONING: Single Residence 3

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, prepared, signed and stamped by Michael P. Clancy, Professional Land Surveyor, dated February 21, 2013, and revised on March 5, 2015.
  - b. Grading Plan, not dated, not signed
  - c. Landscaping Plan, not dated, not signed
  - d. Floor Plans and Elevations, prepared by Copper Beech Design, containing the following sheets:
    - i. Cover Sheet
    - ii. Sheet 1 – Site and Context, dated August 6, 2014
    - iii. Sheet 9 - Proposed Changes Lower Level, dated February 3, 2014 and revised on August 29, 2014 and October 15, 2014;
    - iv. Sheet 10 – Proposed Changes First Floor, dated February 3, 2014 and revised on August 29, 2014, October 15, 2014, and January 19, 2015;
    - v. Sheet 12 – Proposed Changes Right Elevation, dated February 4, 2014 and revised on August 29, 2014 and January 20, 2015;
    - vi. Sheet 13 – Proposed Changes Rear Elevation, dated February 4, 2014 and revised on August 29, 2014 and January 2015;
    - vii. Sheet 14 – Left Elevation, dated February 1, 2014.

A True Copy  
Attest  
  
City Clerk of Newton, Mass.

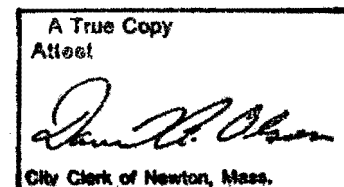
2. All landscaping shall be maintained in good condition and shall be replaced with similar materials as necessary.
3. The petitioner shall submit an engineered site plan showing the final grading and drainage system to the City's Engineering Division of the Department of Public Works for their review and approval.
4. 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 Approval 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. 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.
5. No Final Inspection/Occupancy Permit for 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 Commissioner of Inspectional Services and City Engineer, and the Department of Planning and Development, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
  - c. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.

Under Suspension of Rules

Readings Waived and Approved

20 yeas 0 nays 4 absent (Aldermen Albright, Blazar, Leary, and Sangiolo)

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 May 20, 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 7/26 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

