

#129-16
23 Howe Road

CITY OF NEWTON
IN CITY COUNCIL

June 6, 2016

RECEIVED
NEWTON CITY OF
2016 JUN -8 AM 10:22
David A. Olson, 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 increase the Floor Area Ratio (FAR) to .62, where .44 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 FAR of 0.62, where .44 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.9 and §7.3) for the following reasons:
 - a. The site is a corner lot with two frontages and the proposed structure allows a setback in excess of the required side-yard setback. The proposed new residence meets all other dimensional regulations;
 - b. The FAR is due, in part, to a below-grade garage that is counted toward the FAR; and
 - c. The two-car garage will remove vehicles from view;

PETITION NUMBER: #129-16

PETITIONER: Richard Severini

LOCATION: 23 Howe Road, on land known as Section 81, Block 11A, Lot 37, containing approximately 6,591 square feet of land

OWNER: Richard Severini

ADDRESS OF OWNER: 7 Harvey Street
Cambridge, MA 02140

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3, to construct a single family dwelling with an FAR exceeding the maximum allowed by-right

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. Proposed Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 7/8/2009, Revised 8/25/2009 AND 8/26/2015 consisting of two sheets:
 - i. Topographic Site Plans
 - ii. Detail Sheet
 - b. Architectural Plans and Elevations, signed and stamped by Joseph J. Walsh, Architect, dated 9/25/2009 Revised 4/7/2006
 - c. ~~The plans referenced in subparagraphs 'a' and 'b' above shall be revised to show a reduction in the overall width of the house from 44' to 42' by reducing the width of both the garage and the main part of the house from 22' to 21' with a corresponding decrease in the width of the floors above in order to achieve at least a 10' side setback to the west.~~
 - d. The plans referenced in subparagraphs 'a' and 'b' above shall also be revised to show a reduction in the width of the shed dormer in the attic by 4.5'.
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. 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.
 - 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, including;
 - i. A statement from the Engineering Division certifying that the proposed infiltration system on-site has adequate capacity to handle all storm water runoff from the site, as well as the ability to dispose of any additional runoff generated by the proposed development up to and including the runoff from a one hundred (100) year storm.
 - 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 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 certifying compliance with Condition #1, including the as 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
22 yeas 0 nays 2 absent (Councilors Ciccone and Norton)

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 June 8, 2016. 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 6/5 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