

CITY OF NEWTON
IN CITY COUNCIL

May 7, 2018

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 amend Special Permit #129-16 to modify the design of the approved single-family dwelling as per the below referenced site and architectural plans and reduce its the Floor Area Ratio (FAR) to 0.59, from the 0.62 previously allowed by Special Permit #129-16 where 0.44 is the maximum allowed by right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The proposed FAR of 0.59, where 0.62 was previously approved by Special Permit #129-16 and 0.44 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 small corner lot with two frontages and the proposed structure meets the required setbacks, open space, and dimensional regulations.
 - b. The two-car garage will remove the view of vehicles from the street and abutting properties.
2. The proposed design changes reduce the dwelling's FAR and reallocates some bulk from the attic level (where it would contribute to a taller appearance for the dwelling), to lower floors while not significantly affecting its footprint.

PETITION NUMBER: #210-18

PETITIONER: Maria Santos

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

OWNER: Maria Santos

ADDRESS OF OWNER: 7 Harvey Street
Cambridge, MA 02140

RECEIVED
CITY OF NEWTON
2018 MAY -9 11:05 AM
DAVID A. ORSHAN
CITY CLERK
NEWTON, MA 02459

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

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #210-18 are null and void.

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 the following plans:
 - a. Proposed site plan, signed and stamped by Joseph R. Porter, surveyor, dated July 8, 2009, as revised through May 1, 2018:
 - i. Topographic Site Plans
 - ii. Detail Sheet
 - b. architectural plans entitled "Santos Residence, 23 Howe Rd, Newton, Ma," prepared by O'Sullivan Architects, Inc., signed and stamped by David H. O'Sullivan, Registered Architect, dated February 12, 2018:
 - i. Foundation Plans (1 of 4);
 - ii. First Floor Plans (2 of 4);
 - iii. Second Floor Plans (3 of 4);
 - iv. Attic Floor Plans (4 of 4);
 - v. Elevations (Front) (1 of 4);
 - vi. Elevations (Left) (2 of 4);
 - vii. Elevations (Right) (3 of 4);
 - viii. Elevations (Rear) (4 of 4).

NOTE: *The drawings labeled "Proposed" on each of the preceding sheets are the architectural plans approved pursuant to this special permit.*

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.

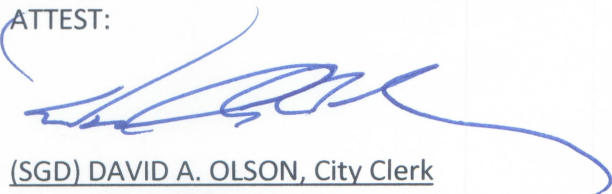
Under Suspension of Rules

Readings Waived and Approved

21 yeas 0 nays 3 absent (Councilors Baker, Ciccone, and Danberg)

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 May 9, 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:



(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 5/9/18 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