

CITY OF NEWTON
IN CITY COUNCIL

October 17, 2016

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CITY OF NEWTON
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DAVID A. OLSON
CITY 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 allow a further extension of the dwelling's already nonconforming floor area ratio (FAR) from 0.38 to 0.40 where 0.33 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 regrading of the lot so as to allow the construction of a two-car garage in the existing nonconforming dwelling's existing basement and an associated 45 foot long driveway and retaining walls, will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood and will provide enclosed, off-street parking. (§7.8.2.C.2)
2. The proposed increase in FAR from 0.38 to 0.40, where 0.33 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 as the increase would be the result of the proposed regrading of the lot and not of any increase in the existing size, footprint or height of the existing dwelling. (§3.1.9.A.2)

PETITION NUMBER: #289-16

PETITIONER: James Chiasson and James Beninati

LOCATION: 35 Lenox Street, on land known as Section 32, Block 47, Lot 06, containing approximately 9,969 square feet of land

OWNER: 35 Lenox Street LLC

ADDRESS OF OWNER: 73 Lexington Street
Newton, MA 02466

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9.A.2, §7.8.2.C.2, to further extend nonconforming floor area ratio (FAR)

ZONING: Single Residence 1 (SR1) 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. A plan entitled "Plan of Land – Newton, MA, Showing Proposed Driveway and Utilities # 35 Lenox Street," dated May 12, 2016, prepared by Bibbo Brothers and Associates, signed and stamped by Robert Bibbo, Professional Land Surveyor, and Tsung Ting Chiang, Registered Professional Engineer.
 - b. A set of plans and elevations entitled "Proposed Renovation By Inline Construction, 35 Lenox St. Newton, MA," signed and stamped by Andrew S. Bradshaw, Registered Professional Engineer:
 - i. front and left side elevations, dated February 23, 2016 (Page 1),
 - ii. rear and right side elevations, dated April 2, 2016 (page 2),
 - iii. Exist. Basement Plan & Proposed Basement Plan, dated April 2, 2016 (Page 3).
 - c. Landscape plan, signed and stamped by __, dated
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 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. 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.
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 or land surveyor certifying compliance with Condition #1, including the as built 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.

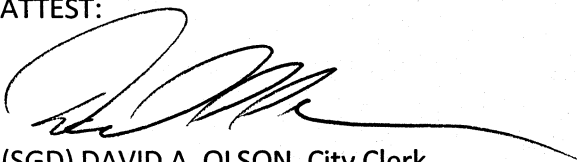
Under Suspension of Rules

Readings Waived and Approved

22 yeas 0 nays 2 absent (Councilors Gentile and Sangiolo)

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 October 19, 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:

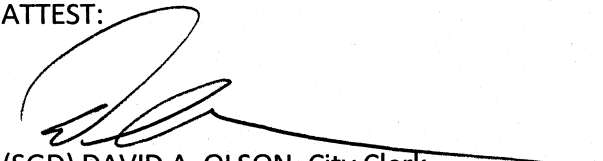


(SGD) DAVID A. OLSON, City Clerk

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 10/19 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