



2014 00081989

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CITY OF NEWTON

David A. Olson, CMC
Newton, MA 02459
IN BOARD OF ALDERMEN

May 19, 2014

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Newton City Clerk
#129-14
MAY 21 PM 1:15
David A. Olson, CMC
Newton, MA 02459

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 a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE to demolish the existing approximately 378 square foot garage, and to construct a new approximately 698 square foot garage, thereby exceeding the maximum allowed Floor Area Ratio, 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 of .37, where .29 is the maximum allowed by right and .36 is existing, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. The existing structure is a 2½-story single-family dwelling and detached two-car garage on a lot consisting of 19,071 square feet with a gross floor area of 6,846 square feet (.36 FAR). The demolition of the existing garage of approximately 378 square feet, and the construction of the proposed garage of approximately 698 square feet, will increase the gross floor area by 320 square feet (5%) to 7,166 square feet (.37 FAR). (§30-15 Table A, §30-15(u))
2. The replacement of the existing garage with the proposed 698 square foot garage is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§30-21(b))
3. The site is an appropriate location for the proposed garage. (§30-24(d)(1))
4. The proposed garage will not adversely affect the neighborhood, as it will be mostly screened from the public way and abutting properties. (30-24(d)(2))
5. There will be no nuisance or serious hazard to vehicles or pedestrians resulting from the proposed garage. (30-24(d)(3))

PETITION NUMBER: #129-14

PETITIONER: Michael and Martha Gangemi, trustees

C/o Michael A. Gangemi
1992 Trust

BL 4375 Pg 44

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

LOCATION: 96 Lenox Street on land known as SBL 32, 49, 7 containing a total of 19,071 square feet of land

OWNER: Michael and Martha Gangemi

ADDRESS OF OWNER: 96 Lenox Street
Newton, MA 02465

TO BE USED FOR: Single-Family Residence

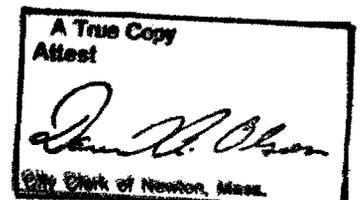
CONSTRUCTION: Wood

EXPLANATORY NOTES: §30-15(u) and 30-15 Table A to increase Floor Area Ratio from .36 to .37, where .29 is the maximum allowed by right; 30-15 Table A, 30-21(b), to extend the nonconforming structure with regard to Floor Area Ratio

ZONING: Single Residence 1 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 Addition Plot Plan, prepared, signed and stamped by John S. Keefe Professional Land Surveyor, dated March 5, 2014.
 - b. Architectural Plan, prepared by Pamela Woodworth, Woodworth Architects, Registered Architect, dated February 18, 2014 and revised on March 19, 2014, consisting of three (3) sheets as follows:
 - i. Front Elevation;
 - ii. South and North Elevation; and
 - iii. Rear Elevation.
2. 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.
3. No Final Inspection and/or Occupancy Permit for the portion of the building covered by 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 Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.

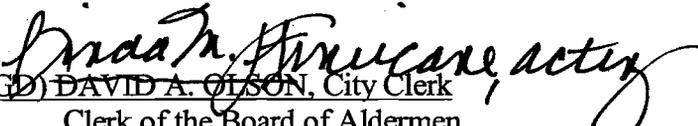
Under Suspension of Rules

Readings Waived and Approved

21 yeas 0 nays 2 absent (Aldermen Albright and Baker 1 vacancy)

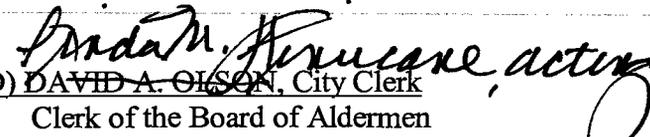
The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on May 21, 2014. The undersigned further certifies that 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
LINDA M. FILUCANE

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 _____ 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

