

CITY OF NEWTON
IN CITY COUNCIL

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 further extend the nonconforming two-family use, and to increase the nonconforming floor area ratio (FAR) from .92 to .94, where .48 is the maximum allowed by right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed extension of the nonconforming two-family dwelling will not be substantially more detrimental than the existing nonconforming two-family dwelling is to the neighborhood because the increase of the FAR is within the footprint of the structure. (§3.4.1, §7.8.2.C.2)
2. The proposed increase in the nonconforming FAR from .92 to .94 where .48 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 because the increase of the FAR is within the footprint of the structure. (§3.1.9, and §7.8.2.C.2)
3. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the front façade, where the porch is located remains the same visually. (§3.1.9, and §7.8.2.C.2)

PETITION NUMBER: #31-21

PETITIONER: Francisco Gagliardi

LOCATION: 66-68 Warwick Road, on land known as Section 31, Block 27, Lot 35, containing approximately 5,673 square feet of land

OWNER: Francisco Gagliardi

ADDRESS OF OWNER: 66-68 Warwick Road
Newton, MA 02465

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.1, and §7.8.2.C.2, to further extend the nonconforming two-family use and §3.1.9, §3.1.3 and §7.8.2.C.2 to increase the nonconforming FAR

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. Site Plan, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated April 23, 2020.
 - b. Architectural Floorplans, prepared by C.D. Calhoun, unsigned and unstamped, dated June 22, 2020, revised November 9, 2020 consisting of the following two (2) sheets.
 - i. Second Floor Plan, A-5
 - ii. New Attic Floor Plan, A-6
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Inspectional Services and the Department of Planning and Development.
3. 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 council 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. 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 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 statements by a registered architect

certifying compliance with Condition #1, including the as built FAR of the structure.