

KW



2017 00180355

Bk: 70191 Pg: 441 Doc: DECIS  
Page: 1 of 4 11/06/2017 10:17 AM

CITY OF NEWTON  
IN CITY COUNCIL

September 5, 2017

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 exceed the Floor Area Ratio (FAR) from .19 to .28, where .27 is the maximum allowed by-right and allow a private garage of 1,500 square feet accommodating six vehicles, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed increase of FAR from .19 to .28, where .27 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 additions are set back more than twice the required distance from the street and the additions match the architecture of the historic dwelling (§3.1.9 and §7.3.3).
2. The specific site is an appropriate location for a private garage of 1,500 square feet accommodating six vehicles because the garage will appear to be a two-car garage with a 600 square feet footprint from the street. The additional 900 square feet of garage space and four vehicles will be underground and not visible from the street (§3.4.2.C.1 and §7.3.3.C.1).
3. The proposed residence and attached garage will not adversely affect the neighborhood because the additional garage space and vehicles will be located underground and there is sufficient turning space on site so that the cars are not required to back out into Highland Avenue (§7.3.3.C.2).
4. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

#130-17  
164 Highland Avenue  
David A. Olson, CMC  
Newton, MA 02459  
RECEIVED  
Newton City Clerk  
2017 SEP -7 PM 4:08

PETITION NUMBER: #130-17  
 PETITIONER: Robert Laughrea

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

LOCATION: 164 Highland Avenue, on land known as Section 24, Block 12, Lot 20, containing approximately 22,230 square feet of land

OWNER: Robert Laughrea ✓

ADDRESS OF OWNER: 164 Highland Avenue  
Newton, MA 02465  
**51406-332** ✓

TO BE USED FOR: Single-Family dwelling with attached six car garage

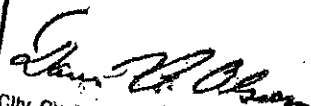
CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3.3, to construct a single family dwelling with an FAR exceeding the maximum allowed by-right; §3.4.2.C.1 and §7.3.3 to allow a private garage of 1,500 square feet accommodating six vehicles

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 Site Plan, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated April 21, 2017.
  - b. Architectural Plans and Elevations, signed and stamped by Alan J. Mayer, Registered Architect, dated April 12, 2017 consisting of seventeen (17) sheets:
    - i. A1-0 Existing Conditions, Basement Plan;
    - ii. A1-1 Existing Conditions, First Floor Plan;
    - iii. A1-2 Existing Conditions, Second Floor Plan;
    - iv. A1-2 Existing Conditions, Third Floor Plan;
    - v. A2-1 Existing Conditions, Existing Front Elevation;
    - vi. A2-2 Existing Conditions, Existing Side Elevation;
    - vii. A2-3 Existing Conditions, Existing Rear Elevation;
    - viii. A2-4 Existing Conditions, Existing Side Elevation;
    - ix. A3-0 Proposed Additions, Basement Plan;
    - x. A3-1 Proposed Additions, First Floor Plan;
    - xi. A3-2 Proposed Additions, Second Floor Plan;
    - xii. A3-3 Proposed Additions, Third Floor Plan;
    - xiii. A4-1 Proposed Additions, Proposed Front Elevation;
    - xiv. A4-2 Proposed Additions, Proposed Side Elevation;

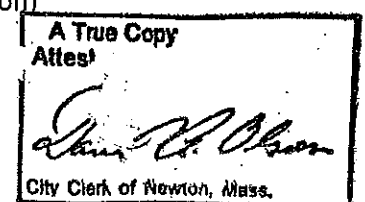
A True Copy  
Attest  
  
City Clerk of Newton, Mass.

- xv. A4-3 Proposed Additions, Proposed Rear Elevation; and
  - xvi. A4-4 Proposed Additions, Proposed Side Elevation.
- 
2. There shall be no commercial automotive use of any sort conducted on site.
  3. There shall be no rental of any of the 6 parking spaces in the garage, and there shall be no second hand motor vehicle dealer license registered to this site, which license would be required if any person residing at the site sells more than three (3) motor vehicles in any calendar year.
  4. The petitioner shall comply with the Noise Ordinance.
  5. When either of the two lifts in the garage is in operation, the garage doors shall be closed.
  6. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
  7. 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.
    - d. 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 and professional 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

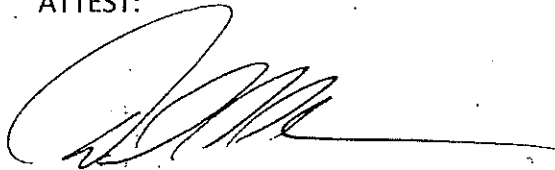
Readings Waived and Approved

21 yeas 2 nays (Councilors Brousal-Glaser and Gentile) 1 absent (Councilor Lennon)



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 September 7, 2017. 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:



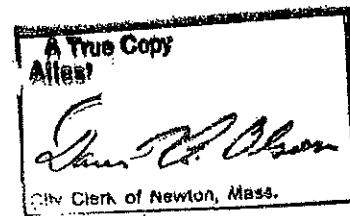
(SGD) DAVID A. OLSON, City Clerk  
Clerk of the City Council

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 9/7/17 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  
*acting* Clerk of the Council



*fr*



#130-17(2)

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Page: 1 of 2 03/28/2019 01:45 PM

CITY OF NEWTON

CITY COUNCIL

March 4, 2019

RECORDED - 5 M 2

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action 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, hereby grants a TWO (2) YEAR EXTENSION OF TIME IN WHICH TO EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL #130-17 granted on August 14, 2017 to August 14, 2020.

PETITION NUMBER: #130-17

*70191-441*

PETITIONER: Robert Laughrea

LOCATION: 164 Highland Avenue, on land known as Section 24, Block 12, Lot 20, containing approximately 22,230 square feet of land

OWNER: Robert Laughrea

ADDRESS OF OWNER: 164 Highland Avenue  
Newton, MA 02465 *Deed reference 51406-332*

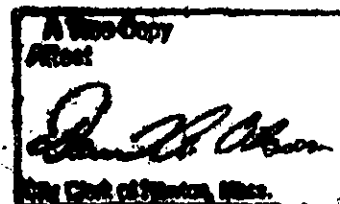
TO BE USED FOR: Single-Family dwelling with attached six car garage

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3.3, to construct a single family dwelling with an FAR exceeding the maximum allowed by-right; §3.4.2.C.1 and §7.3.3 to allow a private garage of 1,500 square feet accommodating six vehicles

ZONING: Single Residence 1 district

1. No building permit shall be issued in pursuance of Special Permit/Site Plan Approval #130-17 until:



The Petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Council Order granting this two-year extension of time until:

- a. with the appropriate reference to the book and page of the Petitioner's title deed or notice of lease endorsed thereon.
- b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

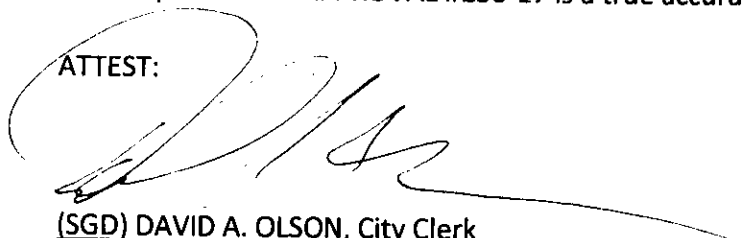
Under Suspension of Rules

Readings Waived and One-year Extension of Time Approved

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

The undersigned hereby certifies that the foregoing copy of the decision of the City Council granting a TWO-YEAR EXTENSION OF TIME to August 14, 2020 IN WHICH TO EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL #130-17 is a true accurate copy of said decision.

ATTEST:

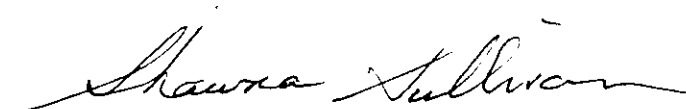


(SGD) DAVID A. OLSON, City Clerk

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 March 6, 2019 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

*acting* Clerk of the Council

