



Ruthanne Fuller
Mayor

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#56-21

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: March 2, 2021
Land Use Action Date: May 11, 2021
City Council Action Date: May 17, 2021
90- Day Expiration Date: May 31, 2021

DATE: February 26, 2021

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Chief Planner
Michael Gleba, Senior Planner

SUBJECT: **Petition #56-21** for SPECIAL PERMIT/SITE PLAN APPROVAL to raze an existing detached garage and construct additions to the side and rear of the dwelling, to allow an oversized dormer, extension of the nonconforming setback, to exceed the allowable FAR and to amend Variances #38-57 and #139-98 which allowed extend maximum lot coverage at **266 Highland Avenue**, Ward 2, on land known as Section 32, Block 2, Lot 11, containing approximately 11,879 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: 7.3, 7.4, 3.1.3, 3.1.9, 7.8.2.C.2, 3.4.3.A.1 and 1.5.4.G.2 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



266 Highland Avenue

EXECUTIVE SUMMARY

The subject property at 266 Highland Avenue consists of an 11,879 square foot lot in a Single Residence 1 (SR1) district improved with a 3,735 square foot, 2 ½ story, single-family dwelling constructed circa 1900 and an approximately 476 square foot detached garage.

The petitioner proposes to construct additions to the sides and rear of the dwelling and replace a detached garage with a larger detached garage in the same general area. The proposed construction, which would add approximately 638 square feet of floor area space to the property, would require a special permit to allow several of its aspects. These include increasing its floor area ratio (FAR) from 0.31 to 0.37, where 0.32 is the maximum allowed (Secs. 3.1.3, 3.1.9); further decreasing the parcel's nonconforming open space to 67.38% (Secs. 3.1.3, 7.8.2.C.2); and allowing a proposed dormer on the rear of the dwelling at the attic-level half story that would measure 27.3 feet, wider than 50 percent of the 18.8 foot length of the exterior wall of the story next below (Sec. 1.5.4.G.2.b) and be one foot from the end wall, less the required three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer (Sec. 1.5.4.G.2.c).

Also, the replacement garage would need a special permit to further extend the existing garage's nonconforming right-side setback slightly forward, towards the front of the property (Sections 3.4.3.A.1 and 7.8.2.C.2).

Additionally, variances previously granted by the Zoning Board of Appeals would need to be amended separately via that body to amend the variance-approved site plan and allow the proposed additions and a new variance would be required to exceed the maximum allowed lot coverage.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The site in the Single Residence 1 (SR1) district is an appropriate location for the proposed attic level dormer on the rear of the dwelling wider than 50 percent of the width of the exterior wall of the story next below and less than the required three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer (§7.3.3.C.1)
- The proposed attic level dormer on the rear of the dwelling, which would be wider than 50 percent of the width of the exterior wall of the story next below and less than the required three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer, will adversely affect the neighborhood, (§7.3.3.C.2)
- The proposed attic level dormer on the rear of the dwelling, which would be wider than 50 percent of the width of the exterior wall of the story next below and less the required three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

- The proposed structures with a floor area ratio of 0.37 where 0.31 exists and 0.32 is the maximum allowed is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9)
- The further decrease of the property's nonconforming open space would be substantially more detrimental than the existing nonconforming open space to the neighborhood (§7.8.2.C.2)
- The extension of the accessory structure's nonconforming side setback would be substantially more detrimental than the existing nonconforming side setback to the neighborhood (§7.8.2.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the south side of Highland Avenue near its intersection with Forest Avenue (which features landscaped open space). The surrounding neighborhood is uniformly occupied by single-family dwellings (**Attachment A**). The site and surrounding area south of Highland Avenue are in a Single Residence 1 (SR1) district; the area north of Highland is within a Single Residence 2 (SR2) district (**Attachment B**).

B. Site

The subject property consists of an 11,879 square foot lot improved with a 3,735 square foot, 2 ½ story, single-family dwelling and an approximately 476 square foot garage in the rear right (southwest) corner of the lot. The garage is accessed via a curb cut and associated concrete driveway along the right (west) property line.

The lot, which slopes downward approx. eight feet from the front right to the rear left (northwest to southeast) of the lot, features mature landscaping and vegetation. There are trees in the areas along the right (east), rear (south) and front (north) boundary lines. There is also extensive lawn area including, notably, most of the left (west) half of the site.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site would remain a single-family residence.

B. Building and Site Design

The petitioners are proposing to construct additions to the side and rear of the dwelling.

An addition on the right rear of the dwelling would add approximately 200 square feet of floor space countable toward the FAR to each of the first and second floors. This addition would also have an attic level with a dormer, but, as the ceiling height of the attic level would be only 6'-11.5" it would not add any space countable toward the FAR. This addition would be located approximately 22 feet from the right side and rear property lines.

As designed, the proposed dormer would meet the gable roof of the rear ell and be oversized.

Since it measures 27.3 feet in width and the wall plane next below is only 18.8 feet wide, it would be wider than the 50% of the length of the exterior wall of the story next below allowed by right. As the dormer would be only one foot from the vertical plane of the intersection of the roof and the main building the end wall, it would also be closer than the three feet allowed by right.

A one-story, approximately 120 square foot addition to the left side of the first floor would be constructed, much of it within a portion of the area currently occupied by a deck (the deck would be rebuilt as part of this proposal). Given the generous size of the property's left side yard this addition would be located approximately 53 feet from the abutting property to that side.

Also, the existing detached garage in the rear of the lot would be replaced with a slightly larger garage. The existing 456 square foot garage has a nonconforming side setback of 1 foot and a nonconforming rear setback of 0.1 feet, where 5 feet is required for both. As designed, the proposed 512 square foot replacement garage would reduce the rear nonconformity by increasing the setback to 1 foot but will further extend the nonconforming side setback approximately one foot to the north (i.e., towards the front of the property). The proposed garage would be 11.5 feet high, approximately two feet taller than the existing garage.

In the aggregate, the proposed side and rear additions to the dwelling and the larger replacement garage would add approximately 638 square feet of floor area to the site, raising the currently conforming FAR from 0.31, where 0.32 is the maximum allowed, to 0.37. The proposed new additions and slightly larger garage would further decrease the property's existing nonconforming open space further from 69.82% to 67.38%, below the 70% required for a new lot.

The Planning Department notes that, as discussed in the attached zoning review memorandum, several existing aspects of the property were approved via variances that require amending and a new variance would be required to allow for the proposed work to increase the property's lot coverage from the its presently conforming 13.43% to 16.41%, above the maximum allowed 15%. This relief would need to be granted separately by the Zoning Board of Appeals.

C. Parking and Circulation

As discussed above, the existing garage would be replaced with a slightly larger new one. As it would be in the same location, it would be served by the existing paved driveway and associated curb cut on the right (east) boundary line.

D. Landscaping

A landscaping plan was not submitted with this petition.

III. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

➤ Special Permit per §7.3.3 to:

- further decrease nonconforming open space (§3.1.3, §7.8.2.C.2)
- exceed floor area ratio (FAR) (§3.1.3, §3.1.9)
- further extend a nonconforming side setback in an accessory structure (§3.4.3.A.1, §7.8.2.C.2)
- allow a dormer exceeding 50% of the wall plane next below (§1.5.4.G.2.b)
- allow a dormer within three feet of an end wall (§1.5.4.G.2.c)

The petitioner would also need to, per §7.6 and separately via the Zoning Board of Appeals, to amend Variance #8-98 to amend the site plan and allow for additions (§3.1.3) and be granted a new variance to exceed maximum lot coverage requirement (§1.5.2.D.2, §3.1.3)

B. Engineering Review

Review by the Engineering Division is not required.

C. Newton Historical Commission

On December 7, 2020 the Newton Historical Commission reviewed the proposed work to the dwelling and garage and approved the project, requiring only final review of construction plans prior to the issuance of a building permit.

IV. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Land Use Map
Attachment B: Zoning Map
Attachment C: Zoning Review Memorandum
Attachment D: DRAFT Order

ATTACHMENT A




Land Use

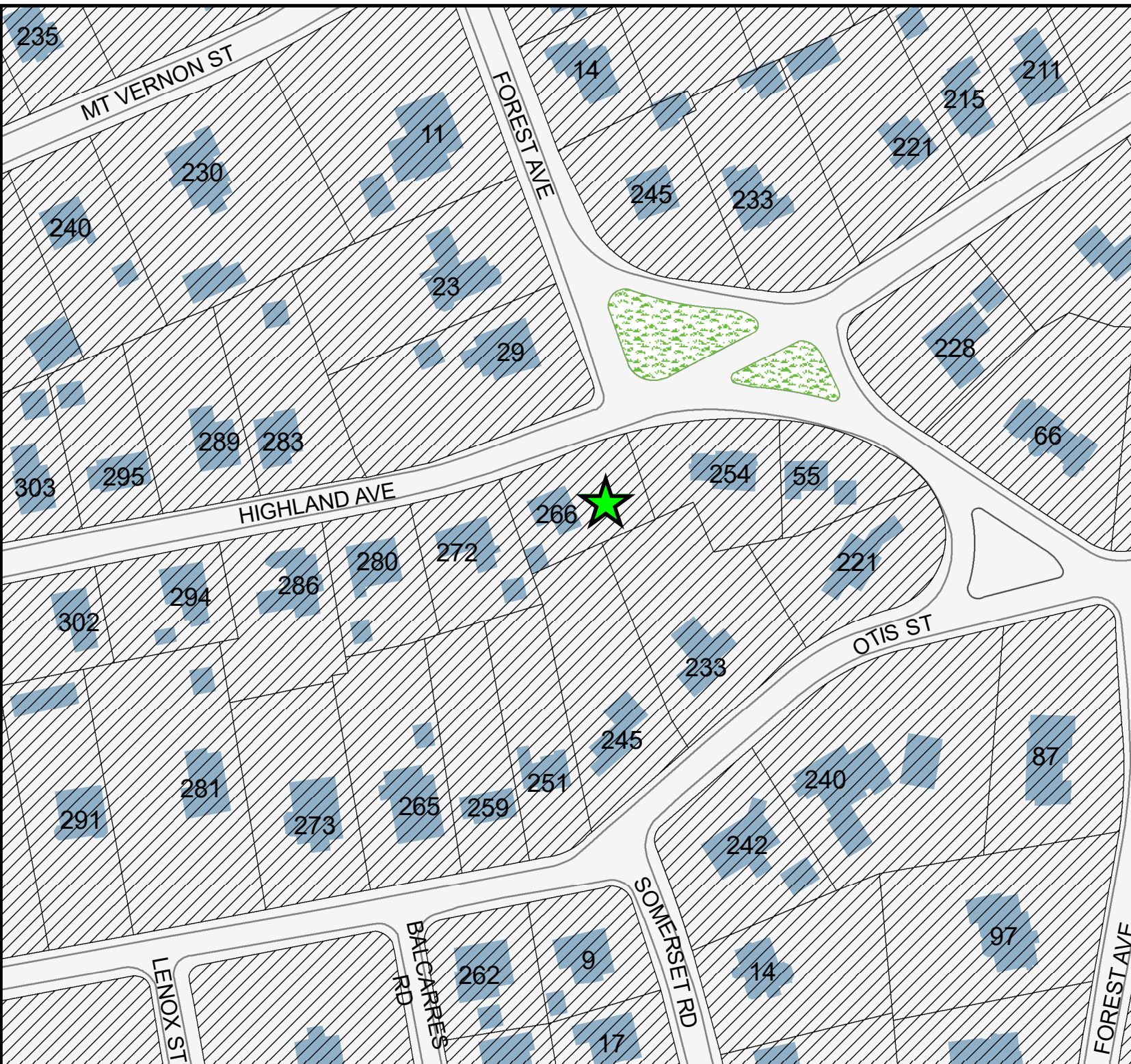
266 Highland Ave.

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Open Space
-  Vacant Land



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.525 50 75 100 125 150 175
Feet

Map Date: February 19, 2021



Ruthanne Fuller
Mayor

ATTACHMENT C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: February 4, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Benjamin Moll, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: **Request to exceed FAR, to allow an oversized dormer, to extend a nonconforming side setback, and to further reduce nonconforming open space, to amend Variances #38-57 and #139-98 and a variance to exceed maximum lot coverage**

Applicant: Benjamin Moll	
Site: 266 Highland Avenue	SBL: 32002 0011
Zoning: SR1	Lot Area: 11,879 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 266 Highland Avenue consists of an 11,879 square foot lot improved with a single-family dwelling constructed circa 1900. The petitioner proposes to construct additions to the side and rear of the dwelling, to raze a detached garage and to construct a larger detached garage. The proposed construction will exceed the floor area ratio, include an oversized dormer and further extend a nonconforming setback, requiring a special permit. Additionally, portions of the site were approved via variances that require amending and a new variance is required to exceed lot coverage.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared Benjamin Moll, applicant, dated 12/16/2020
- Variances #38-57, #40-77 and #139-98
- Existing Conditions Site Plan, signed and stamped by Verne T. Porter, surveyor, dated 12/7/2020
- Proposed Conditions Site Plan, signed and stamped by Verne T. Porter, surveyor, dated 12/7/2020
- Architectural Plans and Elevations, prepared by Slocum Hall Design Group, architects, dated 12/16/2020

ADMINISTRATIVE DETERMINATIONS:

1. The property received a variance in 1957 to reduce the lot area and frontage when the then owner sold a portion of the property to an abutter, resulting in an 11,879 square foot lot with 131.11 feet of frontage. A second variance was granted in 1977 to allow for the construction of a deck at the rear of the dwelling resulting in a 13-foot rear setback where 25 feet is required in the SR1 district per section 3.1.3. A subsequent variance was granted in 1998 (#8-98), further reducing the rear setback for an addition and deck to 10.7 feet. According to the existing conditions survey, the deck was constructed 10.4 feet from the rear lot line, which is not in compliance with the conditions of the variance. However, the proposed addition and deck will have an 11-foot setback, in accordance with the variance. While the proposed additions will be in accordance with the permissions granted by the 1998 variance, the plan associated with the variance will change, requiring an amendment.
2. Per section 1.5.2.D.2, the lot coverage requirements shall not apply to the construction of a garage accessory to a building in existence on December 27, 1922. The petitioner's existing lot coverage is 13.43%. The proposed additions result in a lot coverage of 16.41%, excluding the enlarged garage. Per section 3.1.3, the maximum lot coverage allowed is 15%, requiring a variance.
3. Section 3.1.3 requires 70% open space for a new lot. The existing open space is nonconforming at 69.82%. The proposed addition further decreases the nonconforming open space to 67.38%, requiring a special permit per sections 3.1.3 and 7.8.2.C.2
4. The petitioners propose to construct additions to the side and rear of the dwelling, as well as to construct a new garage, adding 638 square feet of floor area to the site. The proposed construction increases the FAR from .31 to .37, where .32 is the maximum allowed per sections 3.1.3 and 3.1.9, requiring a special permit.
5. The detached garage has a nonconforming side setback of 1 foot and a nonconforming rear setback of 0.1 feet, where 5 feet is required for both setbacks per section 3.4.3.A.1. The petitioner proposes to raze the garage and construct a larger garage which will reduce the rear nonconformity by increasing the setback to 1 foot but will further extend the nonconforming side setback towards the front of the property. A special permit to further extend a nonconforming side setback is required per sections 3.4.3.A.1 and 7.8.2.C.2.
6. There is a dormer on the rear of the dwelling which spans a portion of the wall plane of the second story through the attic-level half story. The petitioner proposes to demolish this dormer, extend the second level the entire length of the wall plane of the first story and construct a new dormer in the half story. Per section 1.5.4.G.2.b a dormer may be no wider than 50 percent of the length of the exterior wall of the story next below. The proposed dormer measures 27.3 feet wide to meet the gable roof of the rear ell, where the wall plane next below is only 18.8 feet wide, requiring a special permit.
7. Section 1.5.4.G.2.c requires that the vertical plane of the side wall of any dormer may not be closer than three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer. The proposed dormer is 1.0 foot from the end wall, requiring a special permit.

SR1 Zone	Required	Existing	Proposed
Lot Size	11,879 square feet*	11,879 square feet	No change
Frontage	131 feet*	131.89 feet	No change
Setbacks - Principal			
• Front	40 feet	29.4 feet	No change
• Side	20 feet	20.5 feet	No change
• Side	20 feet	68.3 feet	53.5 feet
• Rear	10.7 feet**	10.4 feet	11 feet
Setbacks - Accessory			
• Front	25 feet	>70.1 feet	70.1 feet
• Side	5 feet	1.0 feet	1.0 feet
• Side	5 feet	±108 feet	±107 feet
• Rear	5 feet	0.1 feet	1.0 feet
Height	36 feet	30.9 feet	No change
Stories	2.5	2.5	No change
FAR	.32	.31	.37
Max Lot Coverage	15%	13.43%	16.41%
Min. Open Space	70%	69.82%	67.38%

* Allowed by Variance #38-57

** Allowed by Variance #8-98

See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.3 §7.6	Amend Variance #8-98 to amend the site plan and allow for additions	§7.6
§1.5.2.D.2 §3.1.3 §7.6	Request to exceed maximum lot coverage requirement	§7.6
§3.1.3 §7.8.2..2	Request to further decrease nonconforming open space	S.P. per §7.3.3
§3.1.3 §3.1.9	Request to exceed FAR	S.P. per §7.3.3
§3.4.3.A.1 §7.8.2.C.2	Request to further extend a nonconforming side setback in an accessory structure	S.P. per §7.3.3
§1.5.4.G.2.b	Request to allow a dormer exceeding 50% of the wall plane next below	S.P. per §7.3.3
§1.5.4.G.2.c	Request to allow a dormer within three feet of an end wall	S.P. per §7.3.3

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

8. Two (2) copies of the completed Special Permit Application (signed by property owner)
9. Filing Fee (see Special Permit Application)
10. Two (2) copies of the Zoning Review Memorandum
11. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
12. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
13. One (1) copy of any previous special permits or variances on the property (as applicable)
14. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
15. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N

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 increasing the property's floor area ratio (FAR) from 0.31 to 0.37, where 0.32 is the maximum allowed by right (§3.1.3, §3.1.9); further decrease its nonconforming open space to 67.38% (§3.1.3, §7.8.2.C.2); further extend an accessory structure's nonconforming side setback (§3.4.3.A.1, §7.8.2.C.2); and allow a dormer that has a width exceeding 50% of the wall plane next below (§1.5.4.G.2.b) and is located within three feet of an end wall (§1.5.4.G.2.c), as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site in the Single Residence 1 (SR1) district is an appropriate location for the proposed attic level dormer on the rear of the dwelling wider than 50 percent of the width of the exterior wall of the story next below and less than the required three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer as it is located at the rear of the structure and has limited visibility from adjacent public ways and properties (§7.3.3.C.1)
2. The proposed attic level dormer on the rear of the dwelling, which would be wider than 50 percent of the width of the exterior wall of the story next below and less than the required three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer, will not adversely affect the neighborhood as it is located at the rear of the structure and has limited visibility from adjacent public ways and properties , (§7.3.3.C.2)
3. The proposed attic level dormer on the rear of the dwelling, which would be wider than 50 percent of the width of the exterior wall of the story next below and less the required three feet from the vertical plane of the intersection of the roof and the main building end wall nearest the dormer will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)

5. The proposed structures with a floor area ratio of 0.37 where 0.31 exists and 0.32 is the maximum allowed is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood as the immediate area is developed with other dwellings similar in those respects (§3.1.9)
6. The further decrease of the property's nonconforming open space would not be substantially more detrimental than the existing nonconforming open space to the neighborhood given the proposed additions' locations at the rear of the structure and facing the property's large eastern side yard (§7.8.2.C.2)
7. The extension of the accessory structure's nonconforming side setback would not be substantially more detrimental than the existing nonconforming side setback to the neighborhood given that the new accessory structure will in the same location as the existing one, albeit shifted approximately one foot toward the front of the property (§7.8.2.C.2)

PETITION NUMBER: #56-21

PETITIONER(S): 266 Highland Avenue Nominee Trust, Benjamin S. Moll, Trustee

LOCATION: 266 Highland Avenue , Ward 2, Newton, on land known as Section 32 Block 2 Lot 11, containing approximately 11,879 sq. ft. of land

OWNER(S): 266 Highland Avenue Nominee Trust, Benjamin S. Moll, Trustee

ADDRESS OF OWNER(S): 266 Highland Avenue,
Newton, MA 02465

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit per §7.3.3 to:

- further decrease nonconforming open space (§3.1.3, §7.8.2.C.2)
- exceed floor area ratio (FAR) (§3.1.3, §3.1.9)
- further extend a nonconforming side setback in an accessory structure (§3.4.3.A.1, §7.8.2.C.2)
- allow a dormer exceeding 50% of the wall plane next below (§1.5.4.G.2.b)

- allow a dormer within three feet of an end wall (§1.5.4.G.2.c)

ZONING: Single Residence 2 (SR2) 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 site plan entitled "266 Highland Avenue, Newton, Massachusetts, Proposed Garage and Addition Locations," prepared by Verne T. Porter Jr., PLS, signed and stamped by Verne T. Porter Jr., Professional Land Surveyor, dated December 7, 2020, as revised through February 3, 2021.
 - b. A set of plans entitled "Renovation – Addition, 266 Highland Ave, Newton, MA 02465," prepared by Slocum Hall Design Group, Inc., dated December 16, 2020:
 - i. Cover Sheet (A000)
 - ii. 2nd Floor Existing (Demo Plan) (D03)
 - iii. Existing FAR (A001)
 - iv. Proposed FAR (A002)
 - v. Existing Conditions 1st Floor & Bsmt Plans (AEX100)
 - vi. Existing Conditions 2nd Floor & Attic Plans (AEX101)
 - vii. Existing Conditions Exterior Elevations (AEX200)
 - viii. Existing Conditions Exterior Elevations (AEX201)
 - ix. Proposed First Floor Plan (A100)
 - x. Proposed 2nd Floor & Attic Plans (A101)
 - xi. Proposed Foundation Plan (A102)
 - xii. Proposed Exterior Elevations (A200)
 - xiii. Proposed Exterior Elevations (A201)
 - c. A document entitled "Floor Area Ratio Worksheet, 266 Highland Ave," indicating a proposed "Total gross floor area" of 4,374 square feet and a proposed "FAR" (floor area ratio) of 0.369, signed and stamped by Jane E. Grover, Registered Architect.
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 Newton Historic Commission approving the final plans.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, certified copies of any and all required variances granted by the Zoning Board of Appeals as recorded at the Registry of Deeds for the Southern District of Middlesex County.
 - e. 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 and certifying compliance with Condition #1, including the as built FAR.
 - 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.