

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 exceed the allowed floor area ratio (FAR), increasing it from 0.27 to 0.56 where 0.42 is the maximum allowed by right, and further reduce the existing nonconforming front setback from 21.7 feet to 15.58 feet where 25 feet is required, and modify the dwelling's existing nonconforming rear setback, increasing it from 11 feet to 11.73 feet where 15 feet is required and extending it vertically, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed increase of the dwelling's nonconforming FAR from 0.27 to 0.56, where 0.42 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, especially given its location proximate to large civic buildings and similarly scaled dwellings. (§3.1.9.A.2)
2. The proposed further reduction of the dwelling's existing nonconforming front setback along Fenno Road from 21.7 feet to 16.89 feet, where 25 feet is required, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood as only approximately 25 square feet of the structure's footprint would be located within the affected front setback. (§7.8.2.C.2)
3. The proposed modification of the dwelling's existing nonconforming rear setback, increasing it from 11 feet to 11.73 feet where 15 feet is required, and extending it vertically, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood given its limited visibility from adjacent properties and public ways. (§7.8.2.C.2)

PETITION NUMBER: #439-20

PETITIONER(S): Mark and Kelly Anselmi

LOCATION: 728 Walnut Street, on land known as Section 64, Block 8, Lot 1, containing approximately 7,815 sq. ft. of land

OWNER(S): Mark and Kelly Anselmi

ADDRESS OF OWNER(S): 728 Walnut Street
Newton, MA

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit per §7.3.3 to:

- further increase nonconforming floor area ratio (FAR) (§3.1.3, §3.1.9)
- further extend a nonconforming front setback (§3.1.3, §7.8.2.C.2)
- extend a nonconforming rear setback (§3.1.3; §7.8.2.C.2)

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 “Proposed Addition Plan of Land, 728 Walnut Street, Newton, MA,” prepared by PFS Land Surveying, Inc., signed and stamped by Bryan G. Parmenter, Registered Professional Land Surveyor, dated July 8, 2020, as revised through February 4, 2021.
 - b. A set of plans entitled “Anselmi Residence, 728 Walnut Street, Newton, MA 02459-1418,” prepared by Lincoln Architects LLC. dated March 11, 2021, signed and stamped by Daniel R. Quaile, Registered Architect:
 - i. Basement Floor Plan (A1)(dated March 11, 2020)
 - ii. First Floor Plan (A2)
 - iii. Second Floor Plan (A3)
 - iv. Attic Plan (A4)(as revised through March 11, 2021)
 - v. Exterior Elevations (A6)
 - vi. Attic Sections (A7)
 - vii. Site Lighting Plan (L2)(note: also indicates proposed landscaping)

- c. A document entitled "Floor Area Ratio Worksheet, 728 Walnut Street," indicating a proposed "Total gross floor area" of 4,400 square feet and a proposed "FAR" (floor area ratio) of 0.560, signed and stamped by Daniel R. Quaille, 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 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 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.