

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 amend Special Permit 368-20 to exceed the floor area ratio (the "FAR") from .45 to .59, 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 increase in FAR from .45 to .59, 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 in FAR is due to atria space and the previously approved addition and garage are not being altered. (§3.1.3, and §7.8.2.C.2)
2. The specific site is an appropriate location for the proposed increase in FAR because the previously approved addition and detached garage are not being altered. (§7.3.3.C.1)
3. The proposed increase in FAR will not adversely affect the neighborhood because the addition is subordinate to the existing structure and is similar in scale with structures on similarly sized and smaller lots in the neighborhood. (§7.3.3.C.2)
4. The proposed addition and detached garage which exceed the FAR will not create a 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)

PETITION NUMBER: #368-20 (2)

PETITIONER: Hollis Realty LLC

LOCATION: 14 Hollis Street, on land known as Section 72, Block 60, Lot 21, containing approximately 9,811 square feet of land

OWNER: Hollis Realty

ADDRESS OF OWNER: 504 Centre Street
Newton, MA 02458

TO BE USED FOR: Two Family Dwelling with rear addition and detached garage

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3, §3.1.9 and §7.3.3 to exceed the floor area ratio; and §3.1.9 and §7.8.2.C.2 to further increase the nonconforming building height

ZONING: Multi Residence 1 district

The prior special permit for this property is Special Permit #386-20 which approved the addition and detached garage. This special permit consolidates and incorporates herein those conditions and provisions from such prior special permits that remain applicable, are still in full force and effect, and are set forth in this special permit. Any conditions in such prior special permits not set forth in this special permit are null and void.

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. Topographic Site Plans showing proposed conditions at 14 Hollis Street, signed and stamped by Verne Porter, Professional Land Surveyor, dated November 25, 2020
 - b. Architectural Plans, prepared by Winslow Architects, signed and stamped by John A. Winslow, Registered Architect, most recently revised March 2, 2021, consisting of nine (9) sheets:
 - i. Site Plan, C101
 - ii. Existing and Selective Removal Plans, AD-101
 - iii. Basement and First Floor Plan, A-101
 - iv. Second and Third Floor Plan, A-102
 - v. Roof Plan, A-103
 - vi. Garage Floor Plans and Elevations, A-104
 - vii. Elevations, A-201, showing north, east, and south elevations
 - viii. Elevations, A-202

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 Planning and Development, Engineering Division of Public Works, and Fire Department.
3. Prior to the issuance of any temporary occupancy certificates for the Project, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management, to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioner at the Middlesex South District Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
4. 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 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 Council 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 petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect or land surveyor certifying compliance with Condition #1 as well as the as-built floor area ratio 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 professional 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.