

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 increase the floor area ratio (FAR) of the existing single-family dwelling from 0.32 to 0.41, where 0.31 is the maximum allowed by right, and to increase the dwelling's number of stories from two to three stories, where two ½ stories is the maximum allowed, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed expanded structure as designed with a FAR of 0.41, where 0.32 exists and 0.31 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 given the topography of the parcel and the neighborhood, and because the expanded structure will be similar in size and scale to other structures in the area. (§3.1.9.2)
2. The proposed expanded structure as designed with a FAR of 0.41, where 0.32 exists and 0.31 is the maximum allowed by right, is not substantially more detrimental than the existing nonconforming use to the neighborhood because the addition will have limited visible impact given the topography of the parcel and the neighborhood., (§7.8.2.C.2)
3. The site in a Single Residence 1 zoning district is an appropriate location for the proposed dwelling as designed with three stories, where 2 ½ stories is the maximum allowed by right, as the parcel's slope will reduce the apparent bulk of the proposed third floor. (§7.3.3.C.1)
4. The proposed expanded dwelling as designed with three stories, where 2 ½ stories is the maximum allowed by right, will not adversely affect the neighborhood as the visual impact of the proposed third floor is limited by the slope of the parcel which will allow the dwelling to appear as a two story structure from nearby properties and public ways. (§7.3.3.C.2)
5. The proposed expanded dwelling as designed with three stories, where 2 ½ stories is the maximum allowed by right, will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)

6. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

PETITION NUMBER: #177-21

PETITIONER(S): Shiva Karimi

LOCATION: 540 Dudley Road, on land known as Section 87, Block 27, Lot 2, containing approximately 14,971 sq. ft. of land

OWNER(S): Shiva Karimi

ADDRESS OF OWNER(S): 540 Dudley Road
Newton, MA

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit to further extend nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.2) and to allow a three-story structure (§3.1.3)

ZONING: Single Residence 1 (SR1) 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 "Plot of Land in Newton, MA, 540 Dudley Road, Proposed Additions," prepared by Everett M. Brooks Co., dated April 20, 2021, signed and stamped by Bruce Bradford, Professional Land Surveyor on April 20, 2021.
 - b. A set of architectural plans entitled "Renovation Phase 2, 540 Dudley Rd, Newton MA," prepared by I-Kanda Architects, LLC, as revised through April 1, 2021, signed and stamped by Isamu Kanda, Registered Architect, consisting of the following sheets:
 - i. Title Page (A0.00) (*note: see 1(c) below for FAR information*)
 - ii. Schedule Window + Door (A0.01)
 - iii. Site Plan Existing (1.00)
 - iv. Existing Plan Basement (A2.00)
 - v. Existing Plan 1st Floor (A2.01)

- vi. Existing Plan Roof (A2.02)
 - vii. Proposed Plan Basement (A3.00)
 - viii. Proposed Plan 1st Floor (A3.01)
 - ix. Proposed Plan 2nd Floor (A3.02)
 - x. Proposed Plan Roof (A3.03)
 - xi. Extr. Elev. Existing (A4.00)
 - xii. Extr. Elev. New (A4.01)
- c. A document entitled "Floor Area Ratio Worksheet" indicating a proposed "Total gross floor area" of 6,198 square feet and a proposed "FAR" (floor area ratio) of 0.41 signed and stamped by Isamu Kanda, 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. 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.