

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 nonconforming floor area ratio (FAR) from 0.32 to 0.36 where 0.30 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 structure, with a floor area ratio of 0.36, where 0.32 exists and 0.30 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 both the parcel and the area, and as other nearby dwellings are similarly scaled and sited on sloping parcels. (§3.1.9.2)
2. The proposed expanded structure as designed will not be substantially more detrimental than the existing nonconforming use is to the neighborhood because the proposed additions will each have only one story, the height of the dwelling will not be increased, and the additions will be located at the rear of the structure with limited visibility from adjacent properties and public ways. (§7.8.2.C.2)

PETITION NUMBER: #210-21

PETITIONER(S): Vyacheslav Fos

LOCATION: 290 Hartman Road, on land known as Section 2, Block 25, Lot 17, containing approximately 16,906 sq. ft. of land

OWNER(S): Vyacheslav Fos

ADDRESS OF OWNER(S): 290 Hartman Road  
Newton, MA 02459

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)

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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 "Proposed Addition, 290 Hartman Road, Newton, MA," prepared by Essex Eng. & Survey, dated February 22, 2021 and February 27, 2021, signed and stamped by Frank Iebba, Professional Land Surveyor, and Frank Iebba, Registered Professional Engineer.
  - b. A set of architectural plans entitled "Fos Residence, 290 Hartman Rd, Newton, MA," prepared by Richard B. Levey Architects, dated March 25, 2021, signed and stamped by Richard B. Levey, Registered Architect, consisting of the following sheets:
    - i. Proposed First Floor Plan (A5)
    - ii. Proposed Second Floor and Partial Basement Plan (A6)
    - iii. Proposed Elevations (Left Side and Front) (A7)
    - iv. Proposed Elevations (Right Side and Rear) (A8)
  - c. A document entitled "Floor Area Ratio Worksheet, 290 Hartman Rd. ," indicating a proposed "Total gross floor area" of 6,164 square feet and a proposed "FAR" (floor area ratio) of 0.36 signed and stamped by Richard B. Levey, Registered Architect.
2. 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 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.