

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 extend the nonconforming three story structure to exceed the floor area ratio (FAR) from .31 to .42, where .37 is the maximum allowed by right, and to allow a retaining wall exceeding four feet in height within the setbacks as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site in a Single Residence 2 district is an appropriate location for the proposed addition that exceeds the FAR and the proposed retaining wall greater than four feet in height within the side and rear setbacks because the addition meets all other dimensional standards for the zone and neither the wall nor the addition alter the front elevation as viewed from Beaumont Avenue. (§7.3.3.C.1)
2. The proposed addition that exceeds the FAR and the proposed retaining wall greater than four feet in height within the side and rear setbacks will not adversely affect the neighborhood because the proposed addition and wall are to the rear of the structure and will not be visible from the street. (§7.3.3.C.2)
3. There will be no 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 extension of the three-story structure is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the house will still present as a 2.5 story structure from the street. (§1.5.4.B; §3.1.3; §7.8.2.C.2)
6. The increase in the floor area ratio (FAR) from .31 to .42, where .37 is allowed by right, is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because the bulk and massing of the addition is to the rear of the structure and not visible from the street. (§3.1.3; §3.1.9)

PETITION NUMBER: #263-21

PETITIONER: Jacques and Nicole Goupil

LOCATION: 15 Beaumont Ave, on land known as Section 24, Block 28, Lot 0002, containing approximately 10,685 square feet of land

OWNER: Jacques and Nicole Goupil

ADDRESS OF OWNER: 15 Beaumont Ave
Newton, MA 02460

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: To further extend the nonconforming three-story structure (§3.1.3 and §7.8.2.C.2), to exceed the FAR (§3.1.9, §3.1.3 and §7.3.3) and to allow a retaining wall exceeding four feet in height with the setbacks (§5.4.2.B, §7.3.3)

ZONING: Single Residence 2

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. Site Plan, prepared by VTP Associates, signed and stamped by Joseph R. Porter Professional Land Surveyor, dated May 6, 2021.
 - b. Architectural Floorplans, prepared by Peter Sachs, unsigned and unstamped, dated June 23, 2021, consisting of the following six (6) sheets.
 - i. Proposed First Floorplan, A-2
 - ii. Proposed Second Floorplan, A-3
 - iii. Proposed Third Floorplan, A-4
 - iv. Proposed Roof Plan, A-5
 - v. Proposed Front Elevation, A-6
 - vi. Proposed Right Elevation, A-7
 - vii. Proposed Rear Elevation, mislabeled as proposed right elevation, A-8
 - viii. Proposed Left Elevation, A-9
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 Inspectional Services, Engineering Division of Public Works, Fire Department, and the Department of Planning and Development.

3. 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 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 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.
 - d. The petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management, should such a system be required, 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.

5. 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 statements by a registered architect and professional land surveyor certifying compliance with Condition #1, including the as built FAR 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 licensed 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.