

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 two-family use and increase the nonconforming FAR by constructing dormers to the attic level as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed extension of the nonconforming two-family dwelling will not be substantially more detrimental than the existing nonconforming two-family dwelling is to the neighborhood because many of the homes on Noble Street are nonconforming two-family uses with attic level dormers. (§3.4.1, §7.8.2.C.2)
2. The proposed increase in the nonconforming FAR from .57 to .58 ,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 many of the homes on Noble Street have similar dormers such as the ones proposed. (§3.1.9; §7.8.2.C.2)
3. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the FAR is only increasing by 84 square feet. (§3.1.9; §7.8.2.C.2).

PETITION NUMBER: #122- 21

PETITIONER: John Caruso

LOCATION: 9-11 Noble Street on land known as Section 44, Block 4, Lot 19, containing approximately 6,258 square feet of land

OWNER: John Caruso

ADDRESS OF OWNER: 9-11 Noble Street  
Newton, MA 02465

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: To further extend the nonconforming two-family use and increase the nonconforming FAR (§3.1.9, §3.4.1, and §7.8.2.C.2)

ZONING: Single Residence 3

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, signed and stamped by Frank Iebba, Professional Land Surveyor, most recently revised June 8, 2021.
  - b. Architectural Floorplans, prepared by JFF Design, signed and stamped by Joseph F. Fournier, dated June 22, 2020, revised February 19, 2021 consisting of the following two (2) sheets.
    - i. Attic Floor/Roof Plan, A1.01
    - ii. Elevations, A2.01
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 and the Department of Planning and Development.
3. 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 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.
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 certifying compliance with Condition #1, including the as built FAR of the structure.