

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a detached one-and-a-half story, 21.1 foot high detached garage with a 700 square foot footprint and 462 square feet of livable space above the ground floor and two dormers with widths in excess of 50% of the wall planes below, further increasing the property's nonconforming floor area ratio (FAR) from 0.39 to 0.45 where 0.33 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 further extension of the property's nonconforming floor area ratio (FAR) from 0.39 to 0.45, where 0.33 is the maximum allowed, is not substantially more detrimental than the existing nonconforming structure to the neighborhood as the proposed accessory structure's location in the rear of the property will have limited visibility from public rights-of-way and will provide enclosed parking where none currently exists. (§3.1.3; §7.8.2.C.2)
- 2) The specific site in a Single Residence 2 (SR2) district is an appropriate location for the proposed 700 square foot detached garage, as designed with dormers in excess of 50% of the wall planes below, as the use is consistent with the residential nature of the surrounding area. (§7.3.3.C.1)
- 3) The proposed 700 square foot detached garage as designed with dormers in excess of 50% of the wall planes below will not adversely affect the neighborhood as its location in the rear of the property will have limited visibility from public rights-of-way and will provide enclosed parking where none currently exists. (§7.3.3.C.2)
- 4) There will be no 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: #261-21

PETITIONER: Jason Rhodes

ADDRESS OF PETITIONERS: 28 Hyde Avenue
Newton, MA 02458

LOCATION: 44 Putnam Street, on land known as Section 32, Block 7, Lot 16,
containing approximately 18,193 square feet of land

OWNERS: Jason Rhodes

ADDRESS OF OWNERS: 28 Hyde Avenue
Newton, MA 02458

TO BE USED FOR: Single Family Dwelling

EXPLANATORY NOTES: Special Permits per §7.3.3 to:

- further extend nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2)
- allow a dormer in excess of 50% of the wall plane below (§1.5.4.G.2.b)

ZONING: Single Residence 2 (SR2) 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 "Topographic Site Plan, Newton Massachusetts, Showing Proposed Conditions at #44 Putman Street," prepared by George C. Collins, P.L.S., dated June 3, 2021, signed and stamped by Joseph R. Porter, Professional Land Surveyor and Marc Besio, Registered Professional Engineer.
 - b. A set of architectural plans entitled "Rhodes Residence, 44 Putnam St, Newton, MA," prepared by Peter Sachs, dated August 6, 2021, consisting of the following sheets:
 - i. Title Sheet (A-1)
 - ii. Proposed Floor Plans (A-2)
 - iii. Proposed Building Elevations (A-3)
 - iv. Proposed Building Elevations (A-4)

- c. A document entitled "Floor Area Ratio Worksheet, 44 Putnam Street," indicating a proposed "Total gross floor area" of 8,163 square feet and a proposed "FAR" (floor area ratio) of 0.45.
 - d. A plan entitled "Landscaping Plan (A-00)," dated August 6, 2021
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 board 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 board 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 an architect certifying compliance with Condition #1.
 - 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 Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features and fencing consistent with the plans referenced in Condition #1.