

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 allow a garage with more than 700 square feet of ground floor area and parking for more than three vehicles, and to exceed the floor area ratio ("FAR") from .26 to .29, where .27 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 specific site in the SR-1 zoning district is an appropriate location for the proposed garage addition with more than 700 square feet of ground floor area, parking for more than three vehicles, and which exceeds the FAR because the garage addition is replacing an existing attached garage. (§7.3.3.C.1)
2. The proposed garage addition with more than 700 square feet of ground floor area, parking for more than three vehicles, and which exceeds the FAR will not adversely affect the neighborhood because the garage will maintain its presence as a two-car garage from the street. (§7.3.3.C.2)
3. The proposed the proposed garage addition with more than 700 square feet of ground floor area, , parking for more than three vehicles, and which exceeds the FAR will not create a nuisance or serious hazard to vehicles or pedestrians because the driveway location is being maintained. (§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 increase in FAR from .26 to .29, where .27 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 the proposed garage maintains its presence as a two-car garage from the street. (§3.1.3, §3.1.9, and §7.3.3)

PETITION NUMBER: #332-21

PETITIONER: Steven G. Segal and Ellen Binstock

LOCATION: 50 Wachusett Road, on land known as Section 61, Block 18, Lot 3, containing approximately 22,412 square feet of land

OWNER: Steven G. Segal and Ellen Binstock

ADDRESS OF OWNER: 50 Wachusett Road
Newton, MA 02467

TO BE USED FOR: Single Family Dwelling with attached garage addition

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: To exceed the floor area ratio (§3.1.3, §3.1.9 and §7.3.3), and to allow a garage with ground floor area of more than 700 square feet and parking for more than three vehicles (§3.4.4.E.1, §3.4.4.H and §7.3.3)

ZONING: Single Residence 1 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. Site Plan showing proposed conditions at 50 Wachusett Road, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated May 10, 2020
 - b. Architectural Plans, "Segal Residence", prepared by D. Michael Collins, signed and stamped by David Michael Collins, Registered Architect, dated May 7, 2021 consisting of eight (8) sheets:
 - i. Proposed Basement Plan, A1
 - ii. Proposed First Floor Plan, A1.1
 - iii. Proposed Second Floor Plan, A1.2
 - iv. Proposed Attic/Third Floor Plan, A1.3
 - v. Proposed Roof Plan, A1.4
 - vi. Proposed Front Elevation, A2.1
 - vii. Proposed Rear Elevation, A2.2
 - viii. Proposed Right Side Elevation, A2.3

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 Planning and Development, Engineering Division of Public Works, and Fire Department.
3. The Petitioner shall do the following to remediate pest and rodent activity:
 - a. Prior to issuance of any demolition or building permit, the petitioner shall hire a licensed pest control operator (the "Operator") to assess the property for pest and rodent activity and develop and implement a pest remediation action plan (the "Plan") to eliminate the activity and prevent off-site migration. The Plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
 - b. A copy of the Plan shall be submitted to the Inspectional Services Department, and the Health and Human Services Department for review and approval prior to issuance of any demolition or building permit. A copy of such approvals shall be provided to the Department of Planning and Development.
 - c. The Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration. The Operator shall maintain a written record of all pest control measures performed within the subject property and shall provide progress reports to Inspectional Services Department and the Health and Human Services Department upon request.
 - d. Prior to issuance of the certificate of occupancy, the Operator shall file a final report with the Department of Planning and Development, Inspectional Services Department and the Health and Human Services Department summarizing the methods used, whether off-site migration occurred, the frequency and dates of service, and a post-construction site assessment.
4. 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 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.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect or land surveyor certifying compliance with Condition #1 as well as the as-built floor area ratio 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 professional land surveyor.