

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 waive certain dormer provisions and to further increase the nonconforming floor area ratio ("FAR") from .70 to .72, where .48 is the maximum allowed as of 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 is an appropriate location for the dormer, which exceeds 50 percent of the length of the exterior wall of the story next below, because the site is improved with a single-family dwelling which is an allowed use in the Single Residence 2 district. (§7.3.3.C.1)
2. The proposed dormer, which exceeds of 50 percent of the length of the exterior wall of the story next below, will not adversely impact the neighborhood because the dormer is to the rear of the structure. (§7.3.3.C.2)
3. The proposed dormer, which exceeds of 50 percent of the length of the exterior wall of the story next below, will not create a 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 increase in the nonconforming FAR from .70 to .72, 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 and the resulting structure will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood because the FAR increase is to the rear, not visible from abutting properties and the public way. (§3.1.3, and §7.8.2.C.2)

PETITION NUMBER: #382-21

PETITIONER: Elizabeth Richter

LOCATION: 9 Oak Terrace, on land known as Section 52, Block 01, Lot 02, containing approximately 4,633square feet of land

OWNER: Elizabeth Richter

ADDRESS OF OWNER: 9 Oak Terrace  
Newton, MA 02461

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: 1.5.4.G.2.b and §7.3.3 of Section 30, to allow a dormer exceeding 50% of the length of the exterior wall of the story next below; §3.1.3, §3.1.9 and §7.8.2.C.2 of Section 30, to further increase the nonconforming FAR

ZONING: Single Residence 2 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. Proposed Plot Plan, prepared by Peter Nolan and Associates, LLC, signed and stamped, by Peter J. Nolan, Professional Land Surveyor, dated October 27, 2021
  - b. Architectural Plans, prepared by BLOOM Architecture, signed and stamped by Derek Bloom, Registered Architect, dated August 26, 2021, consisting 17 sheets.
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. 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 Council 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.
4. 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 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 professional land surveyor.