

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 exceed the floor area ratio (FAR) from .30 to .36, where .34 is the maximum allowed by right, and to allow a retaining wall exceeding four feet in height within the side setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific is an appropriate location for the proposed addition which exceeds the FAR because there are similarly sized homes in the neighborhood with front facing, two car garages.
2. The specific site is an appropriate location for the reconstructed retaining wall greater than four feet in height within the side setback because it is replacing an existing wall. (§7.3.3.C.1)
3. The proposed addition which increases the FAR and the retaining wall greater than four feet in height within the side setback will not adversely affect the neighborhood because there are similarly sized homes in the neighborhood and the proposed retaining wall replaces an existing wall. (§7.3.3.C.2)
4. There will not be a nuisance or serious hazard to vehicles or pedestrians because the driveway location is being maintained. (§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)
6. The increase in FAR from .30 to .36, where .34 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 proposed addition is in keeping with the architectural integrity of the dwelling. (§3.1.3, §3.1.9)

PETITION NUMBER: #379-21

PETITIONER: Alyssa D. Bickoff and Daniel S. Elfman

LOCATION: 111 Gordon Road, on land known as Section 53, Block 9, Lot 0015, containing approximately 14,500 square feet of land

OWNER: Alyssa D. Bickoff and Daniel S. Elfman

ADDRESS OF OWNER: 111 Gordon Road
Newton, MA 02468

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit 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 side setback (§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, "Proposed Addition 111 Gordon Road" prepared by DeCelle Burke Sala, signed and stamped by James W. Burke, Professional Land Surveyor, dated April 21, 2021.
 - b. Architectural Floorplans, prepared by Spalding Tougias Architects, Inc., unsigned and unstamped, dated April 1, 2021, consisting of the following seven (7) sheets.
 - i. Demolition Plans, D100
 - ii. Basement Proposed Garage, A100
 - iii. Proposed First and Second Floor Floorplan, A101
 - iv. Roof Plan and Reflected Ceiling Plans, A102
 - v. Building Elevations A201
 - vi. Building Sections, A301
 - vii. Wall Types and Window Details, A401
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, 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.
4. 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.