

CITY OF NEWTON

IN CITY COUNCIL

October 4, 2021

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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 increase the nonconforming floor area ratio ("FAR") and to increase the nonconforming lot coverage, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed addition which increases the nonconforming lot coverage will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood because it will only increase the lot coverage by 300 square feet and lots in the neighborhood are uniformly sized. (§4.1.3, §4.4.1, §7.8.2.C.2)
2. The proposed addition which increases the nonconforming FAR from .51 to .65, where .48 is the maximum allowed as of right, is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition is designed to be subordinate to the existing house. (§4.1.3, §4.4.1, §7.8.2.C.2)
3. The proposed increase in the FAR from .51 to .65, 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 the neighborhood consists of similar two-story structures on uniformly sized lots. (§3.1.3, §3.1.9, and §7.3.3)

PETITION NUMBER: #298-21

PETITIONER: Rachel and Marko Rosenfeldt

LOCATION: 158 Parmenter Road, on land known as Section 34, Block 47, Lot 01, containing approximately 4,990 square feet of land

OWNER: Rachel and Marko Rosenfeldt

ADDRESS OF OWNER: 158 Parmenter Road
Newton, MA 02465

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

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to increase the nonconforming floor area ratio and increase the nonconforming lot coverage (§3.1.3, §3.1.9, §7.8.2.C.2)

ZONING: Single Residence 3 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 Addition Plan, signed and stamped by Verne T. Porter, Professional Land Surveyor, dated June 15, 2020
 - b. Architectural Plans, signed and stamped by Elizabeth Marcoulier, consisting of three (3) sheets:
 - i. Proposed Elevation, Falmouth Road, A-1
 - ii. Proposed Right and Left Elevations, A-3
 - iii. Proposed Rear Elevation, A-4
2. Prior to the issuance of any building permit, the petitioner shall obtain a variance from the Zoning Board of Appeals to reduce the side and rear yard setbacks.
3. 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.
4. 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.
5. 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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Provided a copy of the recorded variance from the Zoning Board of Appeals to the Commissioner of Inspectional Services and Director of Planning and Development in accordance with Condition #2 above.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
6. 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.
 - 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.

Under Suspension of Rules
Readings Waived and Approved
24 Yeas 0 Nays

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on October 6, 2021. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



(SGD) NADIA H KHAN
Acting City Clerk for the Council

I, Nadia Khan, as the Acting City Clerk of the City Council and keeper of its records and as the Acting City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on October 6, 2021 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) NADIA H KHAN
Acting City Clerk for the Council