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#25-22

22-24 Milo Street

CITY CLERK
NEWTON, MA. 02459

CITY OF NEWTON

IN CITY COUNCIL

February 22, 2022

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 further extend the nonconforming two-family use by increasing the building height and constructing dormers to the attic level and increasing the nonconforming FAR as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed extension of the nonconforming two-family dwelling will not be substantially more detrimental than the existing nonconforming two-family dwelling is to the neighborhood because the neighborhood consists of nonconforming two-family uses. (§3.4.1 and §7.8.2.C.2)
2. The proposed increase in the nonconforming FAR from .50 to .55, 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 additional floor area is within the footprint of the structure. (§3.1.9 and §7.8.2.C.2)
3. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed dormers which increase the FAR meet the dormer requirements of the Newton Zoning Ordinance. (§3.1.9 and §7.8.2.C.2)

PETITION NUMBER:

#25-22

PETITIONER:

Jessica Dowling

LOCATION:

22-24 Milo Street on land known as Section 44, Block 4, Lot 4A, containing approximately 6,106 square feet of land

OWNER: Jessica Dowling

ADDRESS OF OWNER: 22 Milo Street
Newton, MA 02465

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9, §3.4.1, and §7.8.2.C.2, to further extend the nonconforming two-family use and to further increase the nonconforming FAR

ZONING: Single Residence 3

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, signed and stamped by Neil J. Murphy, Professional Land Surveyor, dated September 29, 2021
 - b. Architectural Floorplans, "Dowling Residence" prepared by Rebel Builders, unsigned and unstamped, dated November 1, 2021 consisting of the following four (4) sheets.
 - i. Proposed West Elevation, A201
 - ii. Proposed East Elevation, A202
 - iii. Proposed South Elevation, A203
 - iv. Proposed North Elevation, A204
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 and the Department of Planning and Development.
3. The dumpster and portable toilet used during construction shall be located in the back yard and shall be removed upon the completion of construction.
4. Construction workers shall use the rear entrance to the dwelling only and shall not use the front entrance in any manner.
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 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.
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 statements by a registered architect 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 professional land surveyor.

Under Suspension of Rules
Readings Waived and Approved
21 yeas 0 nays 3 absent (Councilors Grossman, Kalis and Noel)

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 February 24, 2022. 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) CAROL MOORE, City Clerk
Clerk of the City Council

I, Carol Moore, as the Clerk of the City Council and keeper of its records and as the 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 February 24, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

(SGD) CAROL MOORE, City Clerk
Clerk of the City Council