

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to exceed the maximum allowed floor area ratio (FAR), allow a dormer exceeding 50% of the wall plane next below, and allow a dormer closer than 3 feet to the end wall, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The proposed expanded structure with an increased FAR of 0.49, where 0.46 exists and 0.48 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. (§3.2.11.A.2)
2. The site in a MR1 zoning district is an appropriate location for the two proposed dormers as designed with lengths of 80% of the walls below them and no separation from the intersection of the roof and end wall. (§7.3.3.C.1)
3. The two proposed dormers, as designed with lengths of 80% of the wall below them and no separation from the intersection of the roof and end wall, will not adversely affect the neighborhood. (§7.3.3.C.2)
4. The two proposed dormers, as designed with lengths of 80% of the wall below them and no separation from the intersection of the roof and end wall, will not create a nuisance or serious hazard to vehicles or pedestrians. (§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)

PETITION NUMBER: #375-22

PETITIONER: Salwa Elarabi

LOCATION: 1198 A Chestnut Street, Section 51, Block 40 Lot 20, containing approximately 11,146 square feet of land

OWNER: Salwa Elarabi

ADDRESS OF OWNER: 1198 A Chestnut Street
Newton, MA 02464

TO BE USED FOR: Two-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to: allow a dormer exceeding 50% of the wall plane next below (§1.5.4.G.2.b); allow a dormer closer than 3 feet to the end wall (§1.5.4.G.2.c); and exceed maximum FAR (§3.2.3, §3.2.11)

ZONING: Multi Residence 1 (MR1)

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 the following plans:
 - a. a site plan entitled "Land of 1198 Chestnut St Condominium, 1198 Chestnut Street, Newton, MA 02464- Existing Plot Plan," dated February 4, 2022, prepared by Nativtec, stamped and signed by Scott M. Cerrato, Professional Land Surveyor
 - b. a set of drawings entitled "Elarabi Residence, 1198 Chestnut Street, Newton, MA 02464," prepared Process: Design, dated February 2, 2022, signed and stamped by Stanislav Berdichevsky, Registered Professional Engineer, consisting of the following sheets:
 - i. Roof Framing Plan- Details (S-1.20)
 - ii. Roof Plan, Cross Sections (A-1.25)
 - iii. Elevation- Proposed (A-1.30)
 - c. A document entitled "Floor Area Worksheet- 1198 A Chestnut Street," indicating a proposed total gross floor area of 5,435 square feet and a proposed FAR (floor area ratio) of 0.48
2. 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 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. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.

- d. 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.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the buildings 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 a registered architect or engineer certifying compliance with Condition #1.
 - b. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
 - c. 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.