

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 allow a reduced separation distance between the detached accessory apartment and the abutting dwelling; further extend a nonconforming two-story detached accessory building, and further increase the nonconforming floor area ratio (FAR), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The site in a MR1 zoning district is an appropriate location for the proposed detached accessory apartment with a reduced separation distance between it and an abutting dwelling as it will be located in an existing historic structure. (§7.3.3.C.1)
2. The proposed detached accessory apartment with a reduced separation distance between it and an abutting dwelling will not adversely affect the neighborhood as it will be located in an existing historic structure. (§7.3.3.C.2)
3. The proposed detached accessory apartment with a reduced separation distance between it and an abutting dwelling 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 further extension of the nonconforming two-story detached accessory building will not be substantially more detrimental than the existing nonconforming use to the neighborhood. (§3.4.3.A.3; §7.8.2.C.2)
6. The proposed structures that will increase the FAR are consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.2.3; §3.2.11)
7. Further increasing the nonconforming FAR will not be substantially more detrimental than the existing nonconforming use to the neighborhood. (§3.2.3; §7.8.2.C.2)

PETITION NUMBER: #374-22

PETITIONER: 199 Church Street, LLC

LOCATION: 199 Church Street, Section 12, Block 13 Lot 16, containing approximately 10,688 square feet of land

OWNER: 199 Church Street, LLC

ADDRESS OF OWNER: 28 Brooks Street
Boston, MA 02135

TO BE USED FOR: Two-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to: allow a reduced separation distance between the detached accessory apartment and the abutting dwelling (§6.7.1.E.7.b); further extend a nonconforming two-story detached accessory building (§3.4.3.A.3, §7.8.2.2); and further increase nonconforming floor area ratio (§3.2.3, §3.2.11, §7.8.2.C.2)

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 "199 Church Street, Newton, Massachusetts, Survey Plan," dated February 21, 2022, as revised through June 1, 2022, prepared by Spruhan Engineering, P.C. stamped and signed by Christopher C. Charlton, Professional Land Surveyor
 - b. a set of architectural drawings entitled "199 Church St., Newton, MA 02671," prepared Sangiolo Associates Architects, dated November 4, 2021, as revised through June 15, 2022, consisting of the following sheets:
 - i. South Elevation (08)
 - ii. North Elevation (09)
 - iii. East Elevation (10)
 - iv. West Elevation (11)
 - c. A document entitled "Floor Area Worksheet- 199 Church Street," prepared by Sangiolo Assoc. Architects, indicating a proposed total gross floor area of 6,108 square feet and a proposed FAR (floor area ratio) of 0.57

2. The petitioner shall comply with the City's Accessory Apartment regulations.
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 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.
4. 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 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.