

CITY OF NEWTON

IN CITY COUNCIL

September 20, 2022

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 further increase nonconforming FAR, further extend a nonconforming side setback in a detached garage, and further extend and reduce a nonconforming rear setback in a detached garage, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- The proposed detached garage that would further increase the property's nonconforming floor area ratio (FAR) would be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. (§3.1.9)
- The proposed detached garage that would further increase the property's nonconforming floor area ratio (FAR) and its side and rear setback nonconformities, will not be substantially more detrimental than the existing nonconforming garage to the neighborhood given the modest scale of the increases and the garage's limited visibility from adjacent public ways. (§7.8.2.C.2)

PETITION NUMBER: #313-22

PETITIONER: Sean Zheng

LOCATION: 34 Westbourne Road, Section 73, Block 44 Lot 12,
containing approximately 7,640 square feet of land

OWNER: Sean Zheng

ADDRESS OF OWNER: 34 Westbourne Road
Newton, MA 02459

TO BE USED FOR: Single Family Residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to: further increase nonconforming FAR (§3.1.3, §3.1.9, §7.8.2.C.2); further extend a nonconforming side setback in a detached garage (§3.4.3.A.1, §7.8.2.C.2); further extend and reduce a nonconforming rear setback in a detached garage (§3.4.3.A.1, §7.8.2.C.2)

ZONING: Single Residence 3 (SR3)

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 "Plot Plan in Newton, MA, (indicated as 34 Westbourne Road)," dated May 31, 2022, prepared by Gloral Associates, stamped and signed by Andrew Crucoli, Professional Land Surveyor, on May 31, 2022
 - b. a plan entitled "Rebuild Exist Garage- One Family Dwelling, 34 Westbourne Rd Newton MA (A-1)," prepared by LDC, undated, signed and stamped by John Karavolas, Registered Professional Engineer
 - c. a document entitled "Floor Area Worksheet- 34 Westbourne Road- Proposed," indicating a proposed total gross floor area of 3,595.533 square feet and a proposed FAR (floor area ratio) of 0.47062, signed and stamped by Charles M. Navratil, Registered Architect
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. 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.

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.

Under Suspension of Rules
Readings Waived and Approved

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 August 10, 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
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 August 10, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

(SGD) CAROL MOORE
Clerk of the City Council