

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 vertically extend the nonconforming rear setback (§3.1.3, §7.8.2.C.2), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- The proposed two-story addition that would vertically extend the nonconforming rear setback would not be substantially more detrimental than the existing nonconforming use to the neighborhood given its modest scale and as it will be in the location of an existing deck. (§7.8.2.C.2)

PETITION NUMBER: #389-22

PETITIONER: John Butts

LOCATION: 6 Rotherwood Road, Section 62, Block 16 Lot 50, containing approximately 8,990 square feet of land

OWNER: John Butts

ADDRESS OF OWNER: 6 Rotherwood Road
Newton, MA 02459

TO BE USED FOR: Single Family Residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to vertically extend the nonconforming rear setback (§3.1.3, §7.8.2.C.2)

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 the following plans:
 - a. a site plan entitled "Plot Plan, 6 Rotherwood Road, Newton Massachusetts," dated March 31, 2022, as revised through May 4, 2022, prepared by Cypress Design Inc., stamped and signed by Scott M. L'Italien, Professional Land Surveyor
 - b. a document entitled "Average Grade Calculation, 6 Rotherwood Road, Newton Massachusetts," dated July 9, 2022, prepared by Cypress Design Inc.
 - c. a set of drawings entitled "Weinman Butts Residence, 6 Rotherwood Rd., Newton, Ma," "1198 Chestnut Street, Newton, MA 02464," prepared Feinmann Inc., dated June 13, 2022, consisting of the following sheets:
 - i. Existing Floor Plan (A0.1)
 - ii. Proposed First Floor Plan
 - iii. Proposed Second Floor Plan
 - iv. Existing Right Side Elevation and Proposed Right Side Elevation
 - v. Existing Rear Elevation and Proposed Rear Elevation
 - vi. Existing Left Side Elevation and Proposed Left Side Elevation
 - vii. Proposed Addition (perspective)
 - viii. Proposed Addition (perspective)
 - d. a document entitled "Floor Area Worksheet- 6 Rotherwood Rd., Newton, MA," indicating a proposed total gross floor area of 3,195 square feet and a proposed FAR (floor area ratio) of 0.36
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.
 - a. 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