

CITY OF NEWTON

IN CITY COUNCIL

September 20, 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 exceed the FAR by constructing an addition and detached garage, to allow dormers which exceed 50% of the wall plane below, and to further reduce the nonconforming open space as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

- The specific site is an appropriate location for the addition to the single family dwelling and detached garage which increases the FAR because the addition is subordinate to the existing structure and the garage eliminates existing nonconforming setbacks. (§7.3.3.C.1; §3.1.3; §3.1.9)
- The specific site is an appropriate location for the dormers which exceed 50% of the wall plane below because the dormers which need relief replace existing similarly sized dormers. (§7.3.3.C.1; §1.5.4.G.2.b)
- The proposed addition to the single-family dwelling and detached garage which increases the FAR and oversized dormers will not adversely affect the neighborhood because the addition is subordinate to the structure and the proposed garage is in the same location as an existing garage to be removed. (§7.3.3.C.2; §3.1.3; §3.1.9)
- There will not be a nuisance or serious hazard to vehicles or pedestrians because the driveway location is being maintained. (§7.3.3.C.3; §3.1.3; §3.1.9)
- Access to the sites over streets is appropriate for the types and number of vehicles involved. (§7.3.3.C.4; §3.1.3; §3.1.9)
- The proposed increase in FAR from .32 to .42, where .33 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 divided between two structures, a two and a half story addition to the single family dwelling and a detached garage. (§3.1.3; §3.1.9; §7.3.3)
- The proposed reduction of the nonconforming open space will not be substantially more detrimental than the existing nonconforming open space is to the neighborhood because the additional building area that further reduces the open

space is divided between two structures, and the expanded driveway will align with the detached garage that eliminates a nonconforming setback. (§3.1.3; §7.8.2.C.2)

PETITION NUMBER: #390-22

PETITIONER: Sarah & Patrick Cammarata

LOCATION: 58 Valentine Park, on land known as Section 32, Block 40, Lot 4, containing approximately 12,025 square feet of land

OWNER: Sarah & Patrick Cammarata

ADDRESS OF OWNER: 58 Valentine Park
Newton, MA 02465

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit pursuant to §3.13, 3.1.9, and 7.3.3 to exceed the FAR, to allow dormers which exceed 50% of the wall plane below §1.5.4.G.2.b, and §7.8.2.C.2 to further reduce the nonconforming open space

ZONING: Single Residence 1

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. Proposed Plot Plan, 58 Valentine Street , signed and stamped by Joseph M. Small, Professional Land Surveyor, dated May 9, 2022, revised May 13, 2022
 - b. Zoning Permit Architectural Plans and Elevations, prepared by Noury Ello Architects, unsigned and unstamped, dated May 13, 2022 consisting of three (3) sheets.
 - i. Proposed Exterior Elevations, showing Front and Rear elevations, Z1.3
 - ii. Proposed Exterior Elevations, showing North and South elevations, Z1.4
 - iii. Proposed Garage Elevations, Z1.5
 - c. Landscape Plan, prepared by Leblanc Jones Landscape Architects, Inc. dated July 7, 2022
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 Planning and Development, Department of Inspectional Services, and the Engineering Division of Public Works.

3. The Petitioner shall do the following to remediate pest and rodent activity:
 - a. Prior to issuance of any demolition or building permit, the petitioner, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
 - b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department and the Health and Human Services Department for review and approval prior to issuance of any demolition or building permit. Copies of such approvals shall be provided to the Department of Planning and Development.
 - c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration.
4. Prior to the issuance of any occupancy certificates for the Project, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management, should such a system be required, to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioner at the Middlesex South District Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
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 and professional land surveyor certifying compliance with Condition #1, including the as built FAR.
 - 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 licensed land surveyor.
 - c. Provided a recorded copy of the O&M Plan in accordance with Condition #4 above, should a system be required.

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