

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 further extend the nonconforming floor area ratio, to further reduce and extend a nonconforming side setback for an accessory structure, and to further reduce nonconforming separation between the accessory and principal buildings as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

- The site is an appropriate location for the proposed detached accessory structure as designed because it replaces an existing accessory structure in the same location. (§7.3.3.C.1)
- The proposed detached accessory structure will not adversely affect the neighborhood because it maintains the same location as the existing accessory structure. (§7.3.3.C.2)
- There will be no nuisance or serious hazard to vehicles or pedestrians because the accessory structure maintains the same driveway access from Bracebridge Road. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- The proposed increase in the nonconforming FAR from .42 to .44, where .37 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 FAR is divided between two structures. (§3.1.3; §3.1.9; §7.8.2.C.2)
- The proposed extension of the nonconforming side setback is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood because it is replacing a garage with an existing nonconforming side setback. (§7.8.2.C.2)

- The proposed extension of the nonconforming distance between the accessory and principal structures 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 it reflects an existing nonconformity. (§3.1.3; §3.1.9; §7.8.2.C.2)

PETITION NUMBER: #414-22

PETITIONER: Andrea Roman and Thomas Gloria

LOCATION: 35 Bracebridge Road, on land known as Section 64, Block 16, Lot 16, containing approximately 11,425 square feet of land

OWNER: Andrea Roman and Thomas Gloria

ADDRESS OF OWNER: 35 Bracebridge Road  
Newton, MA 02459

TO BE USED FOR: Detached garage

CONSTRUCTION: Wood frame, masonry

EXPLANATORY NOTES: Special permit to further extend the nonconforming floor area ratio, to further reduce and extend a nonconforming side setback for an accessory structure, and to further reduce nonconforming separation between the accessory and principal buildings (§3.1.3, §3.1.9, §3.4.3.A.1, §3.4.3.A.2, §7.3.3, §7.8.2.C.2)

ZONING: Single Residence 2

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 Addition Plan at 35 Bracebridge Road, signed and stamped by Dennis O'Brien, Professional Land Surveyor, dated March 23, 2022, revised July 15, 2022.
  - b. Architectural Plans, "Roman-Glora Residence" prepared by RBL Architects, unsigned and unstamped by Peter Sachs, dated July 18, 2022, consisting of three (3) sheets:
    - i. Proposed Elevations A-6
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 and Inspectional Services.
  3. No building permit, including foundation permit, shall be issued without approval from the Newton Historical Commission.
  4. 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 council 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.
  5. 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 a statement by a professional architect certifying compliance with Condition #1, including the as built FAR of the project.
    - 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 professional 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