

CITY OF NEWTON
IN CITY COUNCIL

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 allow a three story structure which exceeds the floor area ratio (FAR) from .31 to .36, where .33 is the maximum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed three-story structure which exceeds the maximum allowed FAR as of right because the topography of the site is such that the basement counts as the first story, and towards the FAR. (§7.3.3.C.1)
2. The proposed three-story structure which exceeds the maximum allowed FAR as of right will not adversely affect the neighborhood because other structures in the neighborhood have exposed basements and similar topographies. (§7.3.3.C.2)
3. The proposed three-story structure which exceeds the maximum allowed FAR as of right will not create a nuisance or serious hazard to vehicles or pedestrians because the driveway location is being maintained. (§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 FAR of .36, 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 screening and setbacks will mitigate the impact of the additions on Neshobe Road. (§3.1.3, and §7.8.2.C.2)

PETITION NUMBER: #418-22

PETITIONER: Ronald and Caryn Harding

LOCATION: 53 Neshobe Road, on land known as Section 42, Block 7, Lot 6, containing approximately 17,173 square feet of land

OWNER: Ronald and Caryn Harding

ADDRESS OF OWNER: 53 Neshobe Road
Newton, MA 02468

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: To allow a three-story structure and to exceed the FAR (§3.1.9, §3.1.3 and §7.3.3)

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. Site Plan, prepared by VTB Associates, signed and stamped by Joseph Porter, Professional Land Surveyor, dated March 31, 2020
 - b. Plans and elevations, prepared by drm, Design Build, Inc, dated 4/18/2022
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 Inspectional Services, Engineering Division of Public Works, and the Department of Planning and Development.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - 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.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - 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 of the structure.
 - 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