

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 oversized dormers, dormers within three feet of the vertical wall plane, and to increase the floor area ratio from .41 to .58, where .46 is the maximum allowed as of 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 additions and oversized dormers which exceed the maximum allowed floor area ratio because the increase in FAR can be attributed to an undersized lot, and most of the additional floor area is within the footprint of the structure. (§7.3.3.C.1)
2. The proposed additions and oversized dormers which exceed the maximum allowed floor area ratio will not adversely affect the neighborhood because there are similarly sized lots and dwellings in the neighborhood and most of the additional floor area is within the footprint of the structure. (§7.3.3.C.2)
3. The additions and oversized dormers which exceed the maximum allowed floor area ratio will not create a nuisance or serious hazard to vehicles or pedestrians. (§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 increase in the FAR from .41 to .58, where .46 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 most of the additional floor area is within the footprint of the structure. (§3.1.9)

PETITION NUMBER: #502-22

PETITIONER: Jeffrey and Stephanie McNeil

LOCATION: 270 Auburndale Avenue, on land known as Section 44, Block 29, Lot 13, containing approximately 5,722 square feet of land

OWNER: Jeffrey and Stephanie McNeil

ADDRESS OF OWNER: 270 Auburndale Avenue
Newton, MA 02466

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special Permit pursuant to §7.3.3 to exceed the FAR (§3.1.3, §3.1.9) and to allow a dormer in excess of 50% of the wall below (§1.5.4.G.2.b) and within three feet of the vertical wall plane (§1.5.4.G.2.c)

ZONING: Single Residence 3 district

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 "Proposed Plot Plan", signed and stamped by Todd P. Chapin, Professional Land Surveyor, dated September 2, 2022
 - b. Architectural Plans, "McNeil Residence", prepared by Silver Lake Architects, unsigned and unstamped, dated August 17, 2022 consisting of one (1) sheet:
 - i. Exterior Elevations A-2.0
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, Engineering Division of Public Works, and Fire Department.
3. 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 Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
 - b. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. 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 building permit record statements by a registered architect and a professional land surveyor certifying compliance with Condition #1, including the as built FAR.
- b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor.