

CITY OF NEWTON  
IN CITY COUNCIL

October 4, 2016

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 expand a non-conforming two-family use and to further increase the already nonconforming floor area ratio (FAR) from .51 to .58, where .40 is the maximum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed expansion of the non-conforming two-family residential use is not substantially more detrimental than the existing nonconforming use is to the neighborhood (§3.4.1 and §7.8.2.C.2) because the proposed dwelling meets all dimensional regulations of the Newton Zoning Ordinance with the exception of the increase in FAR; lot size and number of stories are preexisting nonconformities.
2. The proposed increase in floor area ratio from .51 to .58, where .40 is the maximum allowed by right, will not be in derogation of the size, scale, and design of other residential structures in the neighborhood (§3.1.9.A.2 and §7.8.2.C.2) because the proposed additions adding mass to the lot are to the rear of the structure thereby mitigating their effect on the streetscape.
3. The by-right alternatives of a carport and screened porches rather than the proposed garage and enclosed sunrooms would be more detrimental to the neighborhood because the by-right alternatives would add the same mass to the existing two-family structure but would be less in keeping with the surrounding neighborhood.

PETITION NUMBER: #216-16

PETITIONER: Nancy Bolanis

LOCATION: 17-19 Pulsifer Street, on land known as Section 22, Block 18, Lot 03, containing approximately 7,694 square feet of land

OWNER: Nancy Bolanis

ADDRESS OF OWNER: 19 Pulsifer Street  
Newton, MA 02460

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.1, 3.1.9.A.2 and §7.8.2.C.2, to expand a non-conforming two-family use; §3.1.9.A.2 and §7.8.2.C.2 to further increase the already nonconforming floor to area ratio

ZONING: Single Residence 2 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, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated 12/23/2016 revised 4/26/2016, 9/13/2016, and 9/22/2016
  - b. Architectural Plans and Elevations, signed and stamped by Stephen P. Hamilton, architect, dated 12/4/2015 revised 12/20/2015, 1/7/2016, 2/5/2016, 9/20/2016 and 9/29/16 sheets A-1.2, A-1.3, A-2.1, A-2.2, A-2.3, A-2.4,
2. No exterior staircase to the second or third story of the existing two-family structure shall be added, and the only exterior staircase in the rear of the structure permitted is the staircase to the first story as shown in the plans approved in Condition #1.
3. No deck located on the third story of the existing two-family structure shall be built.
4. 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 board 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 board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final plans.

- d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
  - e. Filed an affidavit with the Commissioner of Inspectional Services stating that neither an exterior staircase to access any portion of the structure above the first story nor a deck accessed from the third story will be constructed.
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 a statement by a registered architect or land surveyor certifying compliance with Condition #1, including the as built FAR of the structure.
  - b. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton Engineering Department.
  - c. 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.