

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 further increase the nonconforming Floor Area Ratio (FAR) from .59 to .65, where .58 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 increase in the nonconforming FAR from .59 to .65, where .58 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 (§3.1.9 and §7.8.2.C.2) because the proposed garage will be in keeping with the neighborhood and setback from the street.
2. The proposed increase in the nonconforming structure will not be significantly more detrimental than the existing nonconforming structure is to the neighborhood because the immediate area and surrounding neighborhood is thickly settled on small lots and a carport has existed in this location for many years. (§7.8.2.C.2).

PETITION NUMBER:	#284-16
PETITIONER:	Carmen Fugazotto
LOCATION:	7-9 Arundel Terrace, on land known as Section 71, Block 01, Lot 25, containing approximately 5,100 square feet of land
OWNER:	Carmen Fugazotto
ADDRESS OF OWNER:	7 Arundel Terrace Newton, MA 02459
TO BE USED FOR:	Two-Family Dwelling
CONSTRUCTION:	Wood frame

EXPLANATORY NOTES: §3.2.11, §7.8.2.C.2, and §7.3.3 to further increase the non-conforming FAR

ZONING: Multi-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. Pre-Construction Plot Plan, 7-9 Arundel Terrace, signed and stamped by James E. McLoughlin IV, Professional Engineer, dated 3/15/2016 Revised 4/27/2016
2. 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
 - d. The petitioner shall obtain variances from the Board of Appeals for the rear and side setbacks, and lot coverage and open space dimensional requirements.
3. 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. 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.