

CITY OF NEWTON

IN CITY COUNCIL

October 4, 2016

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to FURTHER INCREASE A NONCONFORMING SETBACK by constructing a front addition to a single-family dwelling which will decrease the nonconforming front setback of the dwelling from 18 feet to 14.73 feet where 25 feet is the minimum allowed, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The extension of the nonconforming structure so as to increase the existing front setback nonconformity by 3.27 feet, will not be substantially more detrimental than the existing nonconforming structure to the neighborhood as the proposed addition within the structure's secondary front setback, which will add 274 square feet of floor area to the dwelling, would be subordinate to the existing structure and have a minimal visual impact on abutting properties and public ways (§3.2.3. and 7.8.2.C.2.);
2. The site is an appropriate location for the proposed expanded structure as its use will continue to be a single family dwelling within a Multi Residence zoning district (§7.3.3.C.1);
3. There will be no 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).

PETITION NUMBER: #286-16

PETITIONER: John Mulligan

LOCATION: 115 Waban Street, Section 12, Block 4, Lot 32, containing approximately 7,072 square feet of land

OWNERS: John M. Mulligan and Karen K. Hite

ADDRESS OF OWNER: 115 Waban Street
Newton, MA 02458

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: §3.2.3 and 7.8.2.C.2, to further increase a nonconforming front setback

ZONING: Multi-Residence 1 (MR1) 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. A plan entitled "Certified Plot Plan of Land in Newton, MA, Owner John M. Mulligan & Karen K. Hite, 115 Waban Street, Newton, MA 02458," prepared by F.O. Waterman and Assoc., Inc., dated June 15, 2016; signed and stamped by Richard Clinton Nelson, Professional Land Surveyor;
 - b. A set of architectural plans and elevations entitled "Mulligan / Hite Residence, 115 Waban Street, Newton, MA," prepared by Peter Wright Studio, Architects, dated May 5, 2016 and signed and stamped by Peter D. Wright, Registered Architect:
 - i. Existing Basement Plan,
 - ii. Existing First Floor Plan,
 - iii. Existing Front Elevation (South),
 - iv. Existing Side Elevation (West),
 - v. Existing Rear Elevation (North).
 - c. A set of architectural plans and elevations entitled "Mulligan / Hite Residence, 115 Waban Street, Newton, MA," prepared by Peter Wright Studio, Architects, dated May 25, 2016 and signed and stamped by Peter D. Wright, Registered Architect:
 - i. Proposed Basement Plan,
 - ii. Proposed First Floor Plan,
 - iii. Proposed Front Elevation (South),
 - iv. Proposed Side Elevation (West),
 - v. Proposed Rear Elevation (North).
2. 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 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.
3. No Final Inspection and/or Occupancy Permit for the buildings 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 registered architect or engineer certifying compliance with Condition #1.
 - 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.