

CITY OF NEWTON

IN CITY COUNCIL

December 19, 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 construct an accessory structure with a ground floor area in excess of 700 square feet and a dormer wider than 50% of the exterior wall below containing a three-car garage with an accessory apartment above, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The site is an appropriate location for an accessory structure with a ground floor area of 864 square feet and a dormer wider than 50% of the exterior wall below containing an accessory apartment above a three car garage, and said accessory structure will not adversely affect the neighborhood as it will be located approximately 75 feet from the street and toward the rear of a large, downward sloping site which abuts the Angier School fields, limiting its visibility from abutting public ways and properties and it will provide off-street, enclosed space for the required parking stalls (§7.3.3.C.1) (§7.3.3.C.2).
2. The structure as proposed will not be a nuisance or create a serious hazard to vehicles or pedestrians (§7.3.3.C.3).
3. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).
4. The creation of an accessory apartment will help to diversify Newton's housing stock consistent with Newton's Comprehensive Plan.

PETITION NUMBER: #337-16

PETITIONER: Timothy Leary

LOCATION: 41 Dorset Road, Ward 5, Waban, on land known as Section 55, Block 28, Lot 17, containing approximately 24,936 square feet of land

OWNER: Timothy Leary

ADDRESS OF OWNER: 41 Dorset Road
Newton, MA

TO BE USED FOR: Accessory structure with a three car garage and an accessory apartment above

CONSTRUCTION: Wood-framed

EXPLANATORY NOTES: §6.7.1.D to allow the creation of an accessory apartment in a detached structure accessory to a single-family dwelling; §3.4.3.A.4.c, and §3.4.4.E.3 to allow an accessory structure with a ground floor area in excess of 700 square feet; §1.5.4.G.2, §1.5.4.G.2.b to allow a dormer wider than 50% of the exterior wall below

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. A site plan entitled "'41 Dorset Road Petitioner's Plan,' Land in Newton, Mass.," prepared by the Jillson Company, Inc., stamped by Todd P. Chapin, Registered Land Surveyor, dated September 30, 2016.
 - b. A set of architectural drawings, titled "41 Dorset Road Newton, MA," prepared by Concise Design Group, 7 Kent Street # 4, Brookline, Mass. 02118, undated:
 - i. Proposed Site Plan (A1.0);
 - ii. Proposed Floor Plans (A1.1);
 - iii. Elevations (A2.0);
 - iv. Sections (A2.2).
2. The accessory apartment may not be held in separate ownership from the principal structure/dwelling unit.
3. The owner of the principal structure/dwelling unit shall occupy either said principal structure/dwelling unit or the accessory apartment and shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year.
4. In the event ownership of the subject property changes, the new owner(s) shall notify the Commissioner of the Inspectional Services Department at which time the Commissioner shall conduct a determination of compliance with this decision and all applicable codes.

5. 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 Order for the approved Special Permit/Site Plan Approval 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, the Assessing Department 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.
6. 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 engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.