

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 increase the Floor Area Ratio (FAR) from 0.38 to 0.50, where 0.39 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 expanded structure resulting from the increase in the dwelling's FAR from 0.38 to 0.50, where 0.39 is the maximum allowed by-right, would not be in derogation of the size, scale, and design of other structures in the neighborhood as the proposed addition would meet all other relevant dimensional regulations and be lower than, and constructed in an architectural style complementary to, the existing dwelling (§3.1.9 and §7.3).

PETITION NUMBER:	#361-16
PETITIONERS:	Lisa and Josh Schwarzberg
LOCATION:	642 Centre Street, on land known as Section 72, Block 24, Lot 2, containing approximately 9,600 square feet of land
OWNERS:	Lisa and Josh Schwarzberg
ADDRESS OF OWNERS:	642 Centre Street Newton, MA 02458
TO BE USED FOR:	Single Family Dwelling
CONSTRUCTION:	Brick

EXPLANATORY NOTES: §3.1.96 to exceed the maximum floor area ratio (FAR) allowed by-right

ZONING: Single Residence 2 (SR2) 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 site plan entitled "Topographic Plan, 642 Centre Street, Newton, Massachusetts," showing the proposed addition, prepared by Essex Eng. & Survey, dated June 2, 2016, as revised through September 2, 2016, stamped and signed by Frank Iebba, Professional Land Surveyor.
 - b. A set of architectural plans entitled "Addition / Renovation for the Schwarzberg Residence, 642 Centre Street, Newton, MA," prepared by VW Builders Inc., dated April 8, 2016, as revised through August 11, 2016:
 - i. basement / foundation plan (A-0);
 - ii. proposed first floor plan (A-1);
 - iii. proposed second floor plan (A-2);
 - iv. proposed roof plan (A-3);
 - v. front elevation and right side elevation (A-4);
 - vi. existing first floor plan (D-1);
 - vii. existing second floor plan (D-2).
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have submitted to the Director of Planning and Development for review and approval a final site plan and architectural plans indicating a floor area ratio (FAR) consistent with the above referenced site plan.
3. 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, 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 site plan.

- d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Historic Commission staff approving the final plans.
 - e. Filed a Final Landscape Plan to the Director of Planning and Development for review and approval.
 - f. 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 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 certifying compliance with Condition #1, including the floor area ratio (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.
 - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
 - d. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials and landscape features.
- 5. Notwithstanding the provisions of Condition #4d above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.