

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 further extend a nonconforming three story structure and to increase the Floor Area Ratio (FAR) from 0.26 to 0.36, where 0.35 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 additions would not render the dwelling substantially more detrimental to the neighborhood since its front elevation would continue to present two stories, the addition visible from the street is modest in scale and set back approximately 35 feet from the public way, and the rear addition would have limited if any visibility from the street as it would be located to the rear of the existing dwelling on a downward sloping site (§1.5.4.D-F, §3.1.3 and §7.8.2.C.2).
2. The proposed increase in the dwelling's FAR from 0.26 to 0.36, where 0.35 is the maximum allowed by-right, as the proposed structure is consistent with and not in derogation of the size, scale, and design of other structures in this neighborhood, especially those located on similarly sloped sites (§3.1.9).

PETITION NUMBER:	#390-16
PETITIONER:	Candace Weissman and Jason Strauss
LOCATION:	7 Manet Circle, on land known as Section 63, Block 4, Lot 31, containing approximately 12,706 square feet of land
OWNERS:	Candace Weissman and Jason Strauss
ADDRESS OF OWNER:	7 Manet Circle Newton, MA 02467

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §1.5.4.D-F, §3.1.3, §7.8.2.C.2 to further extend a nonconforming three story structure;
§3.1.9.A.2 to exceed the maximum floor area ratio (FAR) allowed

ZONING: Single Residence 2 (SR-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. A plan entitled "7 Manet Circle, Newton, Massachusetts- Existing Conditions Plan," prepared by Verne T. Porter Jr., PLS, dated April 12, 2016;
 - b. A plan entitled "7 Manet Circle, Newton, Massachusetts- Proposed Addition Plan," prepared by Verne T. Porter Jr., PLS, dated September 27, 2016, stamped and signed by Verne T. Porter Jr., Registered Professional Land Surveyor;
 - c. A plan entitled "Alterations to Residence, 7 Manet Circle, Newton, MA- Enlarged Site Plan," prepared by David P. Morton, Architect, dated October 25, 2016;
 - d. A set of architectural drawings plans entitled "Scheme D- 7 Manet Circle, Newton, MA, prepared by David P. Morton, Architect, dated June 22, 2016:
 - i. 3D Views;
 - ii. Basement Plan;
 - iii. First Floor Plan;
 - iv. Second Floor Plan.
2. The rear façade elevation may be modified to reduce the amount of glass but shall otherwise stay unchanged.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners submit elevation drawings consistent with the submitted perspective drawings (referred to as "3D Views" above) to the Director of Planning and Development for review and approval. The Board finds that the proposed rear elevation may change with respect to the amount and size of the windows and believes any changes will be consistent with the plans referenced above in paragraph "1.d".
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 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
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 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.