

CITY OF NEWTON

IN CITY COUNCIL

December 19, 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 two-family use, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The further increase of the nonconforming use will not be substantially more detrimental than the existing nonconforming use is to the neighborhood as the expanded structure will be in conformance with relevant dimensional requirements, including height, floor area ratio (FAR), open space and lot coverage regulations (§3.4.1 and 7.8.2.C.2).

PETITION NUMBER:	#391-16
PETITIONER:	John and Margaret Spence
LOCATION:	37-39 North Gate Park, on land known as Section 34, Block 28, Lot 8, containing approximately 8,020 square feet of land
OWNERS:	John and Margaret Spence
ADDRESS OF OWNER:	37-39 North Gate Park Newton, MA
TO BE USED FOR:	Two-Family Residence
CONSTRUCTION:	Wood Frame
EXPLANATORY NOTES:	§3.4.1 and §7.8.2.C.2, to further increase nonconforming two-family use.

ZONING: Single Residence 3 (SR-3) 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 "37-39 North Gate Park, Newton, Massachusetts, Existing Conditions Plan," prepared by Verne T. Porter Jr., PLS, dated October 28, 2016, stamped by Verne T. Porter, Registered Professional Land Surveyor.
 - b. A plan entitled "37-39 North Gate Park, Newton, Massachusetts, Proposed Addition Plan," prepared by Verne T. Porter Jr., PLS, dated October 28, 2016, signed and stamped by Verne T. Porter, Registered Professional Land Surveyor.
 - c. A set of architectural plans entitled "Spence Residence, 37-39 North Gate Park, Newton, MA," prepared by Peter Sachs Architect N.C.A.R.B.- A.I.A., dated September 22, 2016, as revised through September 26, 2016, signed and stamped by Peter Sachs, Registered Architect:
 - i) Title Sheet (A-0);
 - ii) Proposed Basement Plan (A-1);
 - iii) Proposed First Floor Plan (A-2);
 - iv) Proposed Second Floor Plan (A-3);
 - v) Proposed Front Elevation (A-6);
 - vi) Proposed Right Elevation (A-7);
 - vii) Proposed Rear Elevation (A-8);
 - viii) Proposed Left Elevation (A-9);
 - ix) 3D Images (A-11);
 - x) Existing Basement Plan (EX-1);
 - xi) Existing First Floor Plan (EX-2);
 - xii) Existing Second Floor Plan (EX-3);
 - xiii) Proposed Attic Floor Plan (EX-4);
 - xiv) Existing Roof Plan (EX-5);
 - xv) Existing Front Elevation (EX-6);
 - xvi) Existing Right Elevation (EX-7);
 - xvii) Existing Rear Elevation (A-EX);
 - xviii) Existing Left Elevation (EX-9);
 - xix) Existing Conditions Pictures (EX-10).
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.

3. 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. 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.
4. 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.