

CITY OF NEWTON

IN CITY COUNCIL

March 20, 2017

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 approximately 83 square feet of additional space which will further increase the non-conforming Floor Area Ratio (FAR) from 0.34 to 0.35, where 0.33 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 alteration and extension of the existing nonconforming structure with additional dwelling space will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood as the addition will add only approximately 83 square feet to the dwelling, is only one story in height and will be minimally visible from any adjacent properties or public ways (§3.1.3; §7.8.2.C.2.);
2. The proposed increase of FAR from 0.34 to 0.35, where 0.33 is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.3; §3.1.9);
3. The site is an appropriate location for the proposed additional dwelling space as it is consistent with the residential use of the property and surrounding neighborhood (§7.3.3.C.1.);
4. The proposed additional dwelling space will not adversely affect the neighborhood as the addition will add only 83 square feet to the dwelling, is only one story in height and will be minimally visible from any public way (§7.3.3.C.2.);
5. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3.);
6. Access to the site over streets is appropriate for the types and numbers of vehicles (§7.3.3.C.4.).

PETITION NUMBER: #20-17

PETITIONER: Christopher Duval

LOCATION: 26 Sterling Street on land known as Section 32, Block 11, Lot 16, containing approximately 10,663 square feet of land

OWNER(S): Christopher Duval

ADDRESS OF OWNER(S): 26 Sterling Street
Newton, MA 02465

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9. and §7.8.2.C.2., to further increase a nonconforming structure with respect to floor area ratio (FAR).

ZONING: SR1 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 "26 Sterling Street, Newton, Massachusetts, Proposed Site Plan," prepared by Peter Nolan & Associates LLC, dated November 10, 2016, stamped and signed by Peter J. Nolan, Registered Professional Land Surveyor.
 - b. A set of architectural plans entitled "Duval/Lyons Residence, 26 Sterling St., Newton, MA," prepared by Richard B. Levey Architects, dated January 5, 2017, signed and stamped by Richard B. Levey, Registered Architect:
 - i) Existing Floor Plans with Demo Notes (A1);
 - ii) Existing Elevations with Demo Notes (A2);
 - iii) Proposed Floor Plans (Proposed First Floor Plan) (A3);
 - iv) Proposed Elevations with Demo Notes (A4)
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 petitioners have:
 - 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. 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 and 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 Order have been constructed to the standards of the City of Newton Engineering Department (as necessary).
 - 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.