

CITY OF NEWTON

IN CITY COUNCIL

May 15, 2017

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 allow the extension of an existing nonconforming two-family use and the further increase of the structure's nonconforming floor area ratio (FAR), from 0.61 to 0.62 where 0.48 is allowed, with the construction of a 49 square foot, second-story rear addition, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The site in a Single Residence 2 (SR2) district is an appropriate location for the proposed expanded two-family dwelling (§7.3.3.C.1);
2. The proposed expanded two-family dwelling will not adversely affect the neighborhood (§7.3.3.C.2);
3. The proposed expanded two-family dwelling will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4);
5. The proposed increase of the dwelling's floor area ratio (FAR) from 0.61 to 0.62 where 0.48 is allowed is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.9);
6. The proposed extension of the existing nonconforming use with the enlargement of the existing nonconforming two-family dwelling with approximately 49 square feet of floor area will not be substantially more detrimental than the existing nonconforming use is to the neighborhood, given its size and location above existing living space (§7.8.2.C.2).

PETITION NUMBER: #99-17

PETITIONER: Peter Sachs

LOCATION: 49-51 Clinton Place, on land known as Section 13, Block 24, Lot 37, containing approximately 4,050 square feet of land

OWNERS: Ralph A. Kohl

ADDRESS OF OWNER: 49-51 Clinton Place  
Newton, MA

TO BE USED FOR: Two-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: §3.4.1, §7.8.2.C.2, to extend the existing nonconforming two-family use;  
§3.1.3, §3.1.9, §7.8.2.C.2, to further increase nonconforming FAR

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 plan entitled "Site Plan, 49-51 Clinton Place, Newton, Massachusetts," prepared by Snelling & Hamel Associates, Inc., dated January 5, 2017, signed and stamped by John R. Hamel, Professional Land Surveyor;
  - b. A set of architectural plans and elevations entitled "Kohl Residence, 49-51 Clinton Place, Newton, MA," prepared by Peter Sachs Architect, dated September 26, 2016 and signed and stamped by Peter Sachs, Registered Architect:
    - i. Title Sheet (A-0),
    - ii. Proposed Basement Floor Plan (A-1),
    - iii. Proposed First Floor Plan (A-2),
    - iv. Proposed Second Floor Plan (A-3),
    - v. Proposed Attic Floor Plan (A-4),
    - vi. Proposed Roof Floor Plan (A-5),
    - vii. Proposed Right Elevation (A-6),
    - viii. Proposed Back Elevation (A-7),
    - ix. Proposed Rear Elevation (A-8),
    - x. Existing Basement Plan (EX-1),
    - xi. Existing First Floor Plan (EX-2),
    - xii. Existing Second Floor Plan (EX-3),
    - xiii. Existing Attic Plan (EX-4),

- xiv. Existing Attic Plan (EX-5),
  - xv. Existing Right Elevation (EX-6),
  - xvi. Existing Rear Elevation (EX-7),
  - xvii. Existing Section (EX-8),
  - xviii. Existing Photos (EX-9).
2. 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. 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.