

**DEPARTMENT OF PLANNING AND DEVELOPMENT**

**CITY OF NEWTON  
Massachusetts**

**INTER-OFFICE CORRESPONDENCE**

**DATE:** November 3, 2017

**TO:** All Members, City Council

**FROM:** Neil Cronin, Senior Planner

**SUBJECT:** Special Permit #261-17, 14 Pond Avenue

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At the October 24, 2017 meeting of the Land Use Committee, the Committee approved the above-referenced special permit petition to exceed the floor area ratio. The petition will include an additional driveway to access a below grade parking stall created in the basement of the dwelling. At the hearing, the petitioner agreed to the Planning Department's suggestion to construct the proposed driveway out of alternative materials to reduce the amount of asphalt on site. The petitioner has since requested to construct the proposed driveway out of asphalt, but remove the existing asphalt driveway, and replace it with one dimensionally compliant surface parking stall constructed out of pavers.

The Planning Department is not concerned with the current request because both driveways are of similar square footage. The Council Order is attached and has been revised with language to reflect this change. If you have any questions, please contact myself or the Chair of the Land Use Committee.

Thank you.

cc: Planning Department Files  
City Clerk Files

CITY OF NEWTON  
IN CITY COUNCIL

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 .44 to .67, where .58 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:

The proposed increase of FAR from .44 to .67, where .58 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 as the addition is to the rear of the structure and is in keeping with the architecture of the historic dwelling. (§3.2.11 and §7.3.3)

PETITION NUMBER:	#261-17
PETITIONER:	Kevin Fahey
LOCATION:	14 Pond Avenue, on land known as Section 11, Block 20, Lot 14, containing approximately 4,530 square feet of land
OWNER:	Kevin Fahey
ADDRESS OF OWNER:	14 Pond Avenue Newton, MA 02458
TO BE USED FOR:	Single Family Dwelling
CONSTRUCTION:	Wood frame
EXPLANATORY NOTES:	§3.2.11 and §7.3.3, to construct a single family dwelling with an FAR exceeding the maximum allowed by-right
ZONING:	Multi Residence 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. Proposed Site Plan, signed and stamped by Frank Iebba, Professional Engineer, dated 9/20/17 revised 8/11/15, 7/12/17, 8/2/17, 10/16/17, and 10/19/17, which shall be revised to show the removal of the existing asphalt driveway and replace it with a reduced parking area consisting of pavers and compliant with the dimensional and setback standards contained in the zoning ordinance.
  - b. Architectural Plans and Elevations, signed and stamped by David J. Cann, Registered Architect, consisting of nine (9) sheets:
    - i. A1 Preliminary First Floor Plan, dated 2/20/17 revised 5/27/17
    - ii. A2 Preliminary Second Floor Plan, dated 2/20/17 revised 5/27/17
    - iii. A3 Preliminary Basement Plan, dated 2/20/17 revised 5/21/17 and 10/15/17
    - iv. A4 Preliminary East Elevation, dated 8/15/17
    - v. A5 Preliminary West Elevation, dated 8/15/17
    - vi. A6 Preliminary North and South Elevations, dated 8/15/17 revised 10/15/17
  - c. The plans referenced above in Condition #1.b.vi shall be consistent with the plans approved by the Newton Historic Commission requiring the petitioner to install a carriage style, wood garage door with windows and construct the below-grade retaining walls out of fieldstone. The exposed foundation shall also be treated with a fieldstone veneer to frame the garage door.
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 statements by a registered architect and professional engineer certifying compliance with Condition #1, including the as built 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.