

**DEPARTMENT OF PLANNING AND DEVELOPMENT**  
**CITY OF NEWTON**  
**Massachusetts**

**INTER-OFFICE CORRESPONDENCE**

**DATE:** January 10, 2020

**TO:** Land Use Committee

**FROM:** Barney Heath, Director of Planning and Development  
Jennifer Caira, Deputy Director of Planning and Development  
Michael Gleba, Senior Planner

**SUBJECT:** 642 Centre St. – Special Permit #361-16  
Consistency Request

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Pursuant to a request to the Inspectional Services Department Commissioner, the petitioner is seeking a consistency ruling relative to proposed modifications to Special Permit #361-16 (**Attachment A**) which permitted the construction of a 1,087 square foot, two-story addition to the front of the existing dwelling.

Rather than remove the 203 square feet of existing driveway pavement at the back of the sidewalk on the right side of the property as indicated on the approved site plan (**Attachment B**), the petitioner would prefer to leave that pavement in place and instead remove 203 square feet from the brick patio to the right side of the dwelling.

The petitioner has stated that removal of the driveway pavement would “make it very difficult for us to turn our cars around and exit from our driveway with the front of the car always facing out as we use the driveway to turn our cars around for safety reasons. Because our street is so busy, we view this as a necessity.” The petitioner has also stated that, in the alternative, the asphalt to be removed could be replaced with permeable pavers.

The Planning Department notes that the required removal of the paving as indicated in the approved site plan allowed the net increase in the impervious area on the lot to be limited to 375 square feet as it offset some of the increase resulting from the construction of the permitted addition.

**ATTACHMENTS:**

**Attachment A:** Special Permit # 361-15  
**Attachment B:** Approved Site Plan

# ATTACHMENT A

84



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#361-16  
642 Centre Street

## 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 increase the Floor Area Ratio (FAR) from 0.38 to 0.50, where 0.39 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 expanded structure resulting from the increase in the dwelling's FAR from 0.38 to 0.50, where 0.39 is the maximum allowed by-right, would not be in derogation of the size, scale, and design of other structures in the neighborhood as the proposed addition would meet all other relevant dimensional regulations and be lower than, and constructed in an architectural style complementary to, the existing dwelling (§3.1.9 and §7.3).

*Deed reference*

58709-553

PETITION NUMBER: #361-16

PETITIONERS: Lisa and Josh Schwarzberg

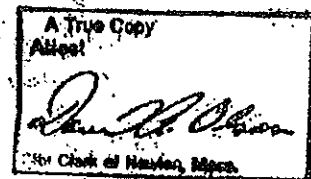
LOCATION: / 642 Centre Street, on land known as Section 72, Block 24, Lot 2, containing approximately 9,600 square feet of land

OWNERS: Lisa and Josh Schwarzberg /

ADDRESS OF OWNERS: 642 Centre Street  
Newton, MA 02458

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Brick

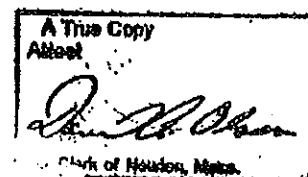


EXPLANATORY NOTES: §3.1.96 to exceed the maximum floor area ratio (FAR) allowed by-right

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 site plan entitled "Topographic Plan, 642 Centre Street, Newton, Massachusetts," showing the proposed addition, prepared by Essex Eng. & Survey, dated June 2, 2016, as revised through September 2, 2016, stamped and signed by Frank Iebba, Professional Land Surveyor.
  - b. A set of architectural plans entitled "Addition / Renovation for the Schwarzberg Residence, 642 Centre Street, Newton, MA," prepared by VW Builders Inc., dated April 8, 2016, as revised through August 11, 2016:
    - i. basement / foundation plan (A-0);
    - ii. proposed first floor plan (A-1);
    - iii. proposed second floor plan (A-2);
    - iv. proposed roof plan (A-3);
    - v. front elevation and right side elevation (A-4);
    - vi. existing first floor plan (D-1);
    - vii. existing second floor plan (D-2).
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have submitted to the Director of Planning and Development for review and approval a final site plan and architectural plans indicating a floor area ratio (FAR) consistent with the above referenced site plan.
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 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.

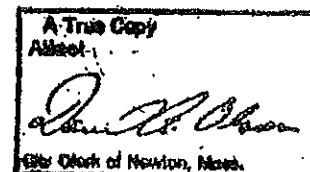


- d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Historic Commission staff approving the final plans.
  - e. Filed a Final Landscape Plan to the Director of Planning and Development for review and approval.
  - f. 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 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.
  - d. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials and landscape features.
5. Notwithstanding the provisions of Condition #4d above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

Under Suspension of Rules  
Readings Waived and Approved  
22 yeas 0 nays 2 absent (Councilors Gentile and Sangiolo)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on December 22, 2016. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:





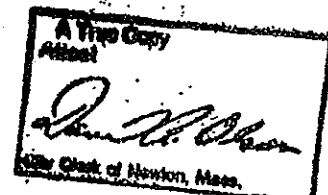
(SGD) DAVID A. OLSON, City Clerk  
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty Days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 12/22 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Council



# ATTACHMENT B

LOT COVER  
EXIST 21 %  
PROP 27 %  
OPEN SPACE  
EXIST 63.6 %  
PROP 59.7 %

FAR: BASEMENT 0 SF  
FIRST FLOOR 2595 SF  
FLOOR 2: 2218 SF  
ATTIC : 0 SF  
FAR =  $4813/9600 = .50$   
EXIST FAR =  $3654/9600 = .38$

TOPOGRAPHIC PLAN  
642 CENTRE STREET  
NEWTON, MA

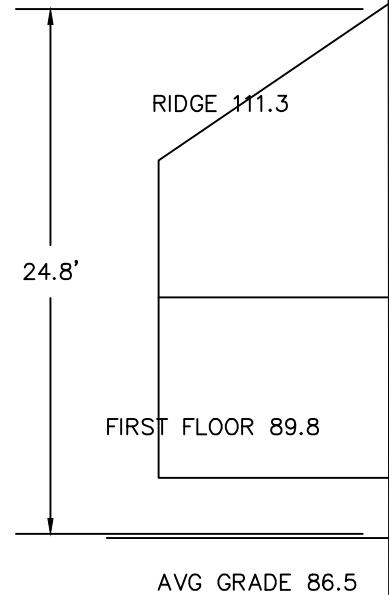
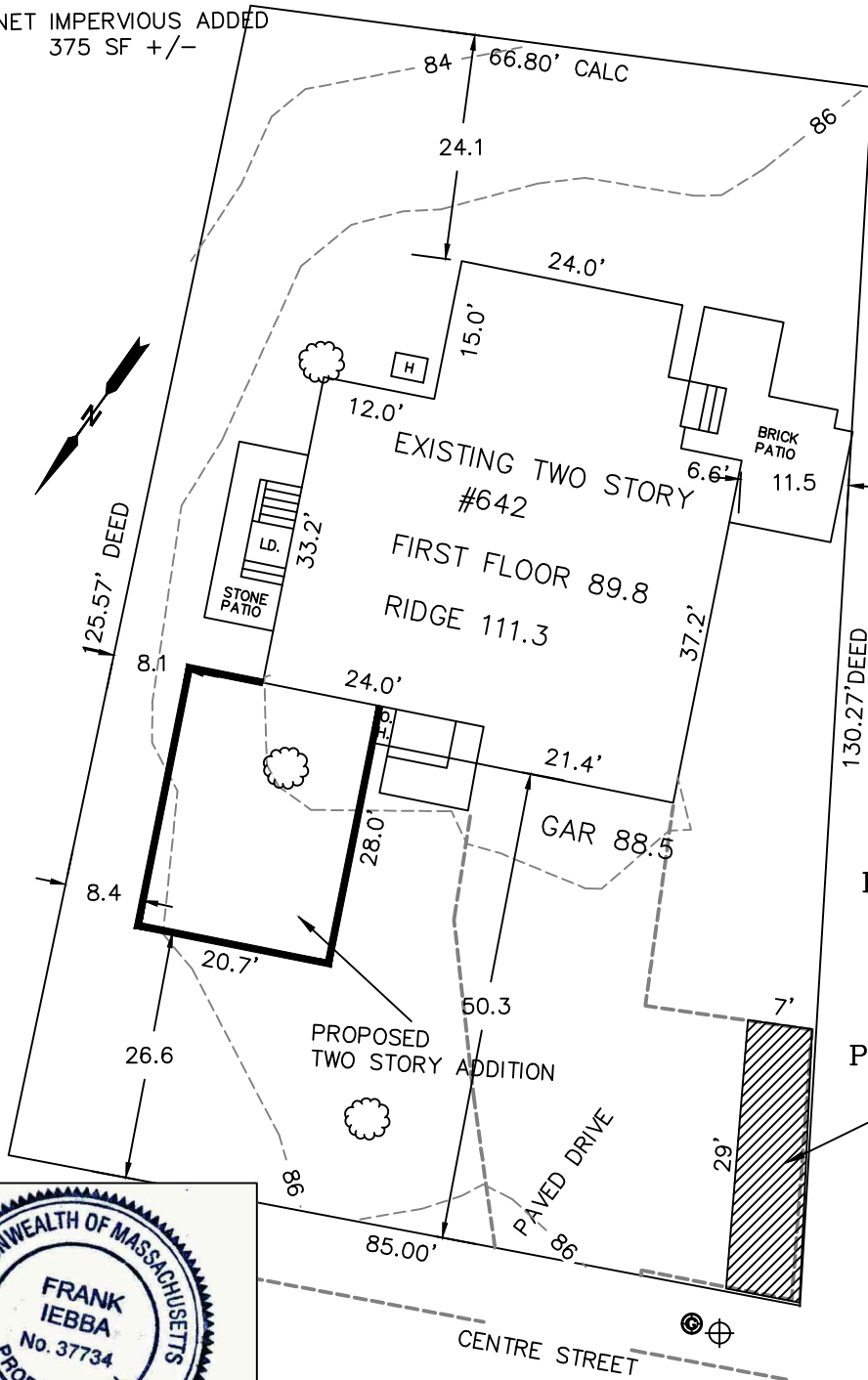
SCALE: 1 IN = 20 FT

JUNE 2, 2016

AUG 12, 2016

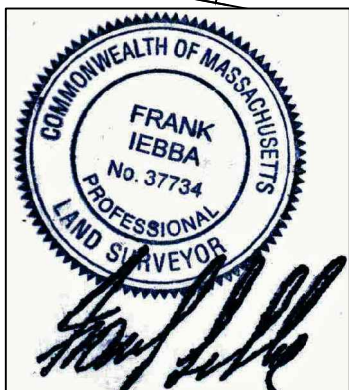
SEPT 2, 2016

NET IMPERVIOUS ADDED  
375 SF +/-



BOOK 58709 PAGE 553  
RECORD AREA: 9600 SF +/-

PAVEMENT TO BE REMOVED  
203 SF +/-



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