

DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON
Massachusetts

INTER-OFFICE CORRESPONDENCE

DATE: October 23, 2020

TO: All Members, City Council

FROM: Neil Cronin, Chief Planner for Current Planning

SUBJECT: Consistency Request
#80-11, 68 Day Street

The petitioner obtained a special permit on August 8, 2011 to exceed the floor area ratio in the form of a rear addition (**Attachment A**). Finding #1.c states, "In addition, the petitioner has voluntarily reduced the width of the by-right deck to 12 feet to minimize the impact on surrounding property owners." The deck was initially proposed at 15 feet wide by 20 feet long, the petitioner reduced the deck to 12 feet wide but the length remained at 20 feet.

The petitioner has submitted a consistency request to extend the deck southward by 16 feet, maintaining the 12-foot width to match the existing deck. In total, the deck would measure 36 feet long by 12 feet wide. The petitioner is also proposing to construct a three-foot wide by 12-foot long deck to the second story of the rear facade. Both the enlarged deck and the proposed deck would comply with setbacks and the lot would remain compliant with the open space dimensional standard. Lastly, the petitioner is proposing to replace the driveway and the front walkways with new material, this work is as of right.

Thank you.

cc: Planning Department Files
City Clerk Files

ATTACHMENTS

ATTACHMENT A: Council Order #80-11



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#80-11

CITY OF NEWTON
IN BOARD OF ALDERMEN

August 8, 2011

ORDERED:

55130 / 411

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CITY CLERK
NEWTON, MA. 02159

That the Board, 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 for an addition, increasing the floor area ratio from .4196 to .468, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. The proposed increase in FAR is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood for the following reasons:
 - a. The proposed addition is located over an existing foundation and is conforming with regard to lot coverage and open space.
 - b. The proposed addition, located on the rear of the residence, will have a minimal impact on the appearance of the dwelling as viewed from the public right-of-way and will not adversely affect the neighborhood.
 - c. The new bulk of the building is primarily visible from the rear of the property and the neighboring golf course beyond a mature wooded area. In addition, the petitioner has voluntarily reduced the width of the by-right deck to 12' to minimize the impact on the surrounding property owners.
 - d. The proposed addition is consistent with the *2007 Newton Comprehensive Plan* because it will allow the preservation and continued use of this classic 1920s Tudor home, while adapting it to meet the needs of today's families.

PETITION NUMBER:

#80-11

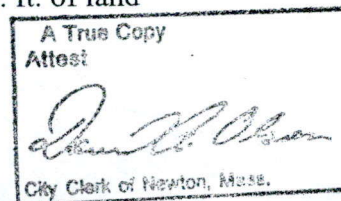
PETITIONER:

Errol Norwitz

LOCATION:

68 Day Street, Section 43, Block 45, Lot 14
containing approximately 8,030 sq. ft. of land

Ret. G. M. Pierie Esq.
60 Walnut St.
Wellesley, MA.



OWNER: Errol Norwitz and Ann Hess

ADDRESS OF OWNER: 68 Day Street, Newton, MA

TO BE USED FOR: Rear yard addition and raised deck.

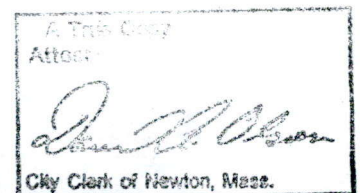
CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Section 30-15, Table 1, Footnote 5, to allow an increase in FAR and 30-24 for issuance of a special permit.

ZONING: Single Residence 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:
 1. "Slope Planting Plan at #68 Day Street in Newton, Mass.," dated May 31, 2011, and revised July 13, 2011, signed and stamped by Paul Maue, Registered Landscape Architect.
 2. "Proposed Addition Location at 68 Day Street, Newton, Mass.," dated February 11, 2011 and revised July 8, 2011, signed and stamped by Verne T. Porter, Professional Land Surveyor.
 3. Architectural drawings as follows "Norwitz Residence," all signed and stamped by Peter Sachs, Registered Architect and dated February 2, 2011, and revised July 13, 2011, including the following sheets:
 - "Proposed Garage Side Elevation"
 - "Proposed Rear Elevation"
 - "Proposed Side Elevation"
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 board 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 board 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 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 or engineer certifying compliance with Condition #1.
- b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.
- c. The Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to the installation of landscaping as shown in the site plan/landscape plan, provided that the petitioner shall first have filed with the Director of Planning and Development 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 work to secure installation of such landscaping.


Under Suspension of Rules

Readings Waived and Approved

20 yeas 0 nays 4 absent (Aldermen Baker, Freedman, Gentile, and Salvucci)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 August 10, 2011. 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.

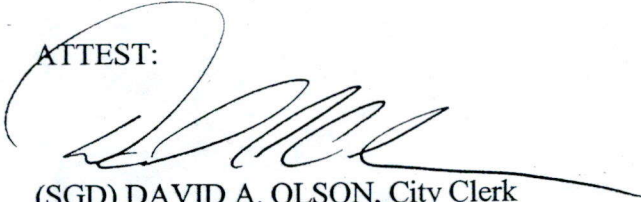
ATTEST:



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

I, David A. Olson, as the Clerk of the Board of Aldermen 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 Board of Aldermen in the Office of the City Clerk on Aug 10 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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

