

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 nonconforming floor area ratio (FAR) from .70 to .72, where .56 is the maximum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed increase in the nonconforming FAR from .70 to .72, where .56 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 because the increase of the FAR is within the footprint of the structure. (§3.2.3; §3.2.11; §7.3.3)
2. The proposed increase in nonconforming FAR is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the enclosed porch will look very similar to the existing porch. (§7.8.2.C.2).

PETITION NUMBER: #455-22

PETITIONER: Amy Surman

LOCATION: 168-170 Warren Street on land known as Section 61 Block 40 Lot 04, containing approximately 5,742 sq. ft. of land in a district zoned MULTI RESIDENCE 1

OWNER: Amy Surman

ADDRESS OF OWNER: 168-170 Warren Street
Newton, MA 02459

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special Permit pursuant to §3.2.3, §3.2.11, and §7.8.2.C.2 to increase the nonconforming FAR

ZONING: Multi Residence 1

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. Architectural Floorplans, prepared by Elpida Peristeropoulou, unsigned and unstamped, dated July 27, 2022 consisting of the following two (2) sheets.
 - i. Gross Area Calculations, A-1.00
 - ii. 1st Floor Porch Floor Plans, A-1.01
 - b. Topographic Site Plan, signed and stamped by Joseph Porter, Professional Land Surveyor, dated June 7, 2022.
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 Inspectional Services and the Department of Planning and Development.
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 council 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.
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 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 professional land surveyor.