

CITY OF NEWTON

IN CITY COUNCIL

February 7, 2022

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 extend a nonconforming front setback (§3.2.3, §7.8.2.C.2); further extend nonconforming floor area ratio (FAR)(§3.2.3, 3.2.11, §7.8.2.C.2); further increase nonconforming lot coverage (§3.2.3, §7.8.2.C.2); further decrease nonconforming open space (§3.2.3, §7.8.2.C.2); and allow an oversized dormer (§1.5.4.G.2.b), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The site, located in a Multi Residence 1 (MR1) zoning district, is an appropriate location for the proposed dwelling as designed, including an oversized dormer and increased floor area ratio (FAR), given the property's previous use as a single-family dwelling and the area's predominantly residential use. (§7.3.3.C.1)
2. The proposed dwelling as designed, including an oversized dormer and increased floor area ratio (FAR) will not adversely affect the neighborhood given the small increase in the footprint of the dwelling and required setbacks are not being reduced. (§7.3.3.C.2)
3. The proposed dwelling as designed, including an oversized dormer and increased floor area ratio (FAR) will not create a nuisance or serious hazard to vehicles or pedestrians as the parcel's two curb cuts are existing. (§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 project will not be substantially more detrimental than the existing nonconforming use to the neighborhood, given the reuse of the existing foundation and that the parcel is abutted on several sides by aqueduct corridor property. (§7.8.2.C.2)

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CITY CLERK
NEWTON, MASSACHUSETTS

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2022 FEB - 9 PM 2:50
CITY CLERK
NEWTON, MASSACHUSETTS 02459

PETITION NUMBER: #23-22

PETITIONER: Oscar Escobar/PropertyVelopment LLC

LOCATION: 961 Walnut Street, Section 52, Block 14, Lot 1, containing approximately 1,588 square feet of land

OWNER: PropertyVelopment LLC

ADDRESS OF OWNER: 432 America Boulevard
Ashland, MA 01721

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- extend a nonconforming front setback (§3.2.3, §7.8.2.C.2)
- further extend nonconforming floor area ratio (§3.2.3, 3.2.11, §7.8.2.C.2)
- further increase nonconforming lot coverage (§3.2.3, §7.8.2.C.2)
- further decrease nonconforming open space (§3.2.3, §7.8.2.C.2)
- allow an oversized dormer (§1.5.4.G.2.b)

ZONING: Multi Residence 1 (MR1)

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 the following plans:
 - a. a site plan entitled "Site Plan of Land in Newton, MA, 961 Walnut Street," dated June 4, 2021 as revised through January 26, 2022, prepared by Everett M. Brooks Co., signed and stamped by Bruce Bradford, Professional Land Surveyor, January 26, 2022
 - b. a set of architectural drawings entitled "961 Walnut Street, Newton Ma" prepared by Michael Huller Architects, dated August 23, 2021, signed and stamped by Michael Huller, Registered Architect, consisting of the following sheets:
 - i. First Floor Plan

- ii. Second Floor Plan
 - iii. Attic Floor Plan
 - iv. Front Elevation
 - v. Right Elevation
 - vi. Rear Elevation
 - vii. Left 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 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.
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 certifying compliance with Condition #1.
 - b. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this 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.

Under Suspension of Rules
Readings Waived and Approved
24 years 0 days

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 February 9, 2022. 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.

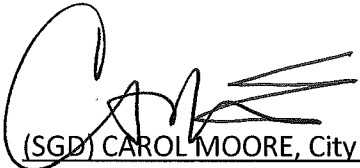
ATTEST:



(SGD) CAROL MOORE, City Clerk
Clerk of the City Council

I, Carol Moore, 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 February 9, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) CAROL MOORE, City Clerk
Clerk of the City Council