

RECEIVED

2022 APR 21 PM 12:59

CITY CLERK
NEWTON, MA. 02459

#219-22
88 High Street

CITY OF NEWTON

IN CITY COUNCIL

April 19, 2022

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 allow a detached accessory apartment (§6.7.1.E.1) and allow a detached accessory apartment that does not meet principal setbacks (§6.7.1.E.5; §3.2.3), as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipoff:

1. The site in a Multi Residential 1 (MR1) zoning district is an appropriate location for the proposed detached accessory apartment within an accessory structure as the accessory structure is currently used for living, storage, and work space. (§7.3.3.C.1)
2. The proposed detached accessory apartment within an accessory structure with reduced front and setbacks will not adversely affect the neighborhood as the accessory structure is currently used for living, storage, and work space. (§7.3.3.C.2)
3. The proposed detached accessory apartment within an accessory structure with reduced front and setbacks will not create a nuisance or serious hazard to vehicles or pedestrians. (§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 accessory apartment within an existing accessory structure is in keeping with the architectural integrity of the principal dwelling and character of the neighborhood as the accessory structure will only be slightly modified and any proposed changes will require approval by the Newton Upper Falls Local Historic District. (§6.7.1.E.3)
6. The proposed accessory apartment will help to diversify Newton's housing stock consistent with Newton's Comprehensive Plan.

PETITION NUMBER: #219-22

PETITIONER: Cheng Bin Zhang

LOCATION: 88 High Street, Ward 5, on land known as Section 51, Block 5, Lot 5, containing approximately 5,053 square feet of land

OWNER: Cheng Bin Zhang

ADDRESS OF OWNER: 88 High Street
Newton, MA

TO BE USED FOR: Detached accessory structure with an accessory apartment

CONSTRUCTION: Wood-framed

EXPLANATORY NOTES: Special permit per §7.3 to allow:

- a detached accessory apartment (§6.7.1.E.1.)
- a detached accessory apartment that does not meet principal setbacks (§6.7.1.E.5, §3.2.3)

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:
 - i. A site plan entitled "Existing House, 88 High Street, Newton, MA," prepared by Essex Eng. & Survey, signed and stamped by Frank Iebba, Professional Land Surveyor, dated November 2, 2021.
 - ii. A set of plans entitled "88 Street, Newton, MA, Renovation of Building at Rear Yard," prepared by Up Design & Build, LLC, dated February 28, 2022, comprised of the following sheets:
 - iii. A document entitled "FAR Worksheet- 88 High Street," indicating a proposed total gross floor area of 3,568.9 square feet and a proposed FAR (floor area ratio) of 0.71, stamped and signed by Kui Xue
2. The accessory apartment shall be accessory to the principal unit within the existing two-family structure known as "Unit 1" which is located on the first floor and basement of that structure and contains includes 1,791.5 square feet of habitable area.
3. The accessory apartment may not be held in separate ownership from the principal structure/dwelling unit.
4. The owner of the principal structure/dwelling unit shall occupy either said principal structure/dwelling unit or the accessory apartment and shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year.

5. In the event ownership of the subject property changes, the new owner(s) shall notify the Commissioner of the Inspectional Services Department at which time the Commissioner shall conduct a determination of compliance with this decision and all applicable codes.
6. 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, the Assessing Department and the Department of Planning and Development.
 - c. Obtained a written statement from the Newton Upper Falls Local Historic District approving any exterior changes.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
7. 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 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. Obtained a written statement from the Newton Upper Falls Local Historic District approving any exterior changes.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Councilor Bowman)

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 April 21, 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 April 21, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

A handwritten signature in black ink, appearing to read 'Carol Moore', written over a faint horizontal line.

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