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CITY CLERK
NEWTON, MA. 02459

#221-22

244 Dudley Road

CITY OF NEWTON

IN CITY COUNCIL

April 19, 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 allow a private ten-vehicle garage with a footprint of approximately 5,396 square feet, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The site in a Single Residence 1 (SR1) zoning district is an appropriate location for the proposed garage as designed with provision for fifteen cars and exceeding 700 square feet given the property's large size and seclusion. (§7.3.3.C.1)
2. The proposed garage as designed with provision for fifteen cars and exceeding 700 square feet as developed and operated will not adversely affect the neighborhood as the topography and size of the site is such that there will be limited visibility of the garage from adjacent public ways and parkland. (§7.3.3.C.2)
3. There will be no 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)

Granting exceptions to literal compliance with the requirement that parking stalls have maneuvering space of five feet in depth and nine feet in width would be in the interest of protection of environmental features as it would reduce the footprint of the proposed garage. (§ 5.1.13)

PETITION NUMBER: #221-22

PETITIONER: Ruiha Gu

LOCATION: 244 Dudley Road, Section 82, Block 04, Lot 22, containing approximately 267,786 square feet of land

OWNER: Ruiha Gu

ADDRESS OF OWNER: 244 Dudley Road
Newton, MA

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Masonry

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- allow a garage accommodating more than three vehicles and with more than 700 square feet of ground floor area (§3.4.4.E.1, §3.4.4.H.1)
- waive end stall maneuvering space requirement (§5.1.8.B.5, §5.1.13)

ZONING: Single Residence 1 (SR1) 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 the following plans:
 - a. A plan entitled "Proposed Plot Plan 244 Dudley Road, Newton, Massachusetts," prepared by Peter Nolan & Associates, LLC and Spruhan Engineering, P.C., dated August 28, 2022, as revised through February 16, 2022.
 - b. A set of architectural plans entitled "244 Dudley Road, Newton, Massachusetts," prepared by Timothy Burke Architecture, signed and stamped by Timothy Burke, Registered Architect, consisting of the following sheets:
 - a. Site Plan (A0.1), dated August 24, 2021;
 - b. Garage Plans (A1.1);
 - c. Garage Plans (A1.2);
 - d. Garage Elevations (A3.1).
 - iii. A document entitled "FAR Worksheet- 244 Dudley Road, Newton, MA 02459," indicating a proposed total gross floor area of 19,363 square feet and a proposed FAR (floor area ratio) of 0.07, stamped and signed by Timothy Burke, Registered Architect
2. There shall be no commercial automotive use of any sort conducted on site.
3. 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.
4. 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 or engineer certifying compliance with Condition #1.
 - b. Filed with the Clerk of the Board, 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.

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
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:


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