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RECEIVED

2022 OCT 19 AM 8:30

#419-22

2022 OCT 20 11:30 148 Auburndale Avenue

CITY CLERK  
BARTOLUCCI, ROSE

CITY OF NEWTON

IN CITY COUNCIL

October 17, 2022



Bk: 81066 Pg: 438 Doc: DECIS  
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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 further extend the nonconforming front setback from Auburndale Avenue and reduce the nonconforming setback from Fernwood Road as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed addition that would further extend the nonconforming front setback on Auburndale Avenue is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the setback is being maintained at 20 feet. (§3.1.3 and §7.8.2.C.2)
2. The proposed addition that would vertically extend and reduce the nonconforming front setback on Fernwood Road is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition expands the footprint by less than five feet and the additional massing that extends the setback is located within the footprint of the structure. (§3.1.3 and §7.8.2.C.2)

44275-425

PETITION NUMBER: #419-22

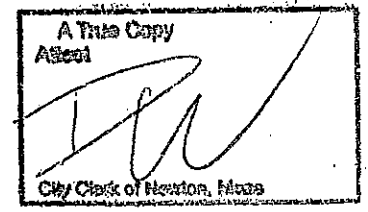
PETITIONER: Daniel J. Raih

LOCATION: 148 Auburndale Avenue, on land known as Section 33, Block 1, Lot 3, containing approximately 6,616 square feet

OWNER: Christopher Rutan

ADDRESS OF OWNER: 148 Auburndale Avenue

*Christopher Rutan  
148 Auburndale Avenue  
West Newton, MA 02465*



Newton, MA 02465

TO BE USED FOR: Single-Family Dwelling

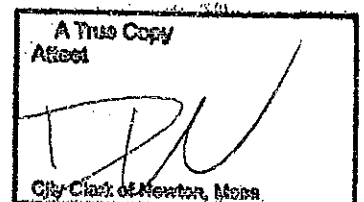
CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further extend the nonconforming front setbacks

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:
  - a. Proposed Addition Plan, signed and stamped by Stephen Davis, Professional Land Surveyor, dated August 24, 2021 and revised 6/28/2022 and 8/5/2022
  - b. Proposed Site Plan, submitted August 5, 2022
  - c. Proposed Elevations, submitted August 5, 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 Planning and Development, Department of Inspectional Services and the Engineering Division of Public Works.
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 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.
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 a statement by professional land surveyor and registered architect certifying compliance with Condition #1.

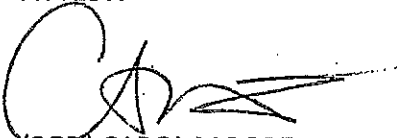


- b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a professional land surveyor.

Under Suspension of Rules  
Readings Waived and Approved  
22 Yeas, 0 Nays, 2 Absent (Councilors Baker and Marklewicz)

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 October 19, 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.

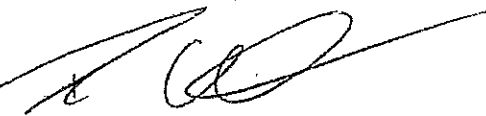
ATTEST:



(SGD) CAROL MOORE  
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 October 19, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



~~ASST. (SGD) CAROL MOORE~~  
Clerk of the City Council

