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1766-1768 Commonwealth Avenue

CITY OF NEWTON

IN CITY COUNCIL

September 19, 2022



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CITY CLERK
NEWTON MA 02459

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 extend a nonconforming two-family dwelling use in a Single Residence 2 zone and to exceed the FAR as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the addition to the two-family dwelling which increases the FAR because the addition meets the required setbacks and dimensional standards prescribed for the SR-2 zoning district. (§7.3.3.C.1; §3.1.3; §3.1.9)
2. The proposed addition which increases the FAR will not adversely affect the neighborhood because the project maintains a 90 foot front setback from Washington Street, preserving the site's open space. (§7.3.3.C.2; §3.1.3; §3.1.9)
3. There will not be a nuisance or serious hazard to vehicles or pedestrians because the driveway location is being maintained from Commonwealth Avenue. (§7.3.3.C.3; §3.1.3; §3.1.9).
4. Access to the sites over streets is appropriate for the types and number of vehicles involved because the driveway width is twelve feet wide, preserving the site's open space. (§7.3.3.C.4; §3.1.3; §3.1.9)
5. The proposed increase in FAR from .24 to .43, where .35 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 project complies with the lot coverage and open space dimensional standards for the SR-2 zoning district. (§3.1.3; §3.1.9; §7.3.3)
6. The proposed extension of the nonconforming two-family dwelling use will not be substantially more detrimental than the existing nonconforming residential use is to the neighborhood because the addition which extends the nonconformity complies with the lot coverage standard and remains above the 50% required open space for the SR-2 zoning district. (§3.1.3; §3.1.9; §7.8.2.C.2)

*Boston 5 Star Contractors
165 Middlesex Avenue
Somerville, MA 02145*



PETITION NUMBER: #376-22

PETITIONER: New Color Properties 005 LLC

LOCATION: 1766-1768 Commonwealth Avenue, on land known as Section 43, Block 8, Lot 4, containing approximately 12,880 square feet of land

OWNER: New Color Properties 005 LLC 79385-485

ADDRESS OF OWNER: 191 Broadway
Somerville, MA 02145

TO BE USED FOR: Two Unit Dwelling

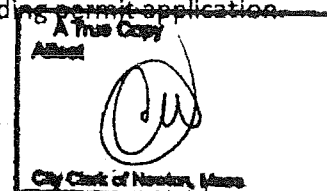
CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit further extend the nonconforming residential use pursuant to §4.4.1 and §7.8.2.C.2 to exceed the FAR pursuant to §3.13, 3.1.9, and 7.3.3

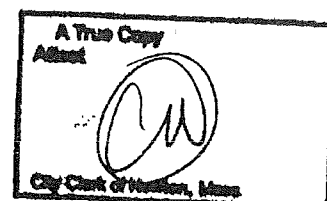
ZONING: Single Residence 2

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 Plot Plan, 1766-1768 Commonwealth Avenue, prepared by Scott Cerrato, signed and stamped by Scott Cerrato, Professional Land Surveyor, dated August 17, 2022.
 - b. Architectural Plans and Elevations, prepared by Flow Design Inc., signed and stamped by Darguin Fortuna, dated May 20, 2022, consisting of two (2) sheets.
 - i. Proposed Exterior Elevations, showing Front and Left Side, A-200, revised August 16, 2022.
 - ii. Proposed Exterior Elevations, showing Rear and Right Side, A-201
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, and the Engineering Division of Public Works.
3. Prior to the issuance of any building permit for the Project, the petitioner shall provide an Approval Not Required ("ANR") plan combining the two lots into one lot to the City Engineer for review and approval. Once approved, the ANR plan must be recorded at the Middlesex South Registry of Deeds. A recorded copy of the ANR plan shall be submitted to the Engineering Division of Public Works and submitted with the building permit application.



4. The Petitioner shall do the following to remediate pest and rodent activity:
 - a. Prior to issuance of any demolition or building permit, the petitioner, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
 - b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department and the Health and Human Services Department for review and approval prior to issuance of any demolition or building permit. Copies of such approvals shall be provided to the Department of Planning and Development.
5. Prior to the issuance of any temporary occupancy certificates for the Project, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management, should such a system be required, to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioner at the Middlesex South District Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
6. 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 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 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.
7. No Final Inspection/Occupancy Permit for the use 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 statements by a registered architect and professional land surveyor 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 licensed land surveyor.
 - c. Provided a recorded copy of the O&M Plan in accordance with Condition #5 above, should a system be required.

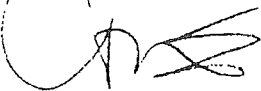


- d. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.

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

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

ATTEST:



(SGD) CAROL MOORE
Clerk of the City Council

