

CITY OF NEWTON

IN CITY COUNCIL

April 3, 2023

RECEIVED
ORDERED:
2023 APR -5 AM 10:31
CITY CLERK
NEWTON, MA 02459

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 alter and extend a nonconforming front setback of a detached accessory structure as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The proposed changes to the existing nonconforming front setback would be not substantially more detrimental than the existing nonconforming setback is to the neighborhood as said nonconformity would be reduced by approximately three feet and is in the same location as the previous detached accessory structure. (§7.8.2.C.2)

PETITION NUMBER: #61-23

PETITIONER: James C. Gross and Kiki Bogorad-Gross

LOCATION: 80 Highland Avenue, Ward 2, Newtonville, on land known as Section 24 Block 11 Lot 30, containing approximately 7,386 sq. ft. of land

OWNER: James C. Gross and Kiki Bogorad-Gross

ADDRESS OF OWNER: 80 Highland Avenue
Newton, MA

TO BE USED FOR: Single-family dwelling with detached garage

EXPLANATORY NOTES: Special permit to alter a nonconforming front setback pursuant to §3.4.3.A.1 and §7.8.2.C.2

ZONING: Multi-Residence 1 (MR1) 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. An engineering plan entitled "Topographic Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #80 Highland Avenue," prepared by VTP Associates, Inc., dated July 27, 2022, signed and stamped by Joseph R. Porter, Professional Land Surveyor
 - b. An architectural plan entitled "Garage Renovation, 80 Highland Avenue, Newton, MA- Floor Plans, Demolition" (Sheet A-1.10), prepared by Process Design, dated April 28, 2021, depicting: (1) Floor Plan- Existing; (2) Garage Floor Plan (3) Power and Lighting Plan, (3) (sic) Roof Plan; (4) Street Elevation, (5) Side Elevation, (6) Rear Elevation, (7) Side Elevation
 - c. A document entitled "Floor Area Ratio Worksheet- Highland Avenue Newtonville," indicating a proposed total gross floor area of 3,807 and a proposed FAR (floor area ratio) of 0.515
2. 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 for review and approval prior to issuance of any demolition or building permit. A copy of such approval shall be provided to the Department of Planning and Development.
 - c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration.
3. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.

- b. Received approval for the Pest Control inspection report and the remediation action plan and submitted a copy of such approval to the Director of Planning and Development in accordance with this Order.
 - c. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
2. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the petitioner has:
- a. Filed with the building permit record statements by a registered architect, professional land surveyor, or professional engineer, certifying compliance with Condition #1, including the as built FAR.
 - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.

Under Suspension of Rules

Readings Waived and Extension of Time Approved

24 Yeas, 0 Nays

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 23, 2023. 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 February 23, 2023 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