

CITY OF NEWTON

IN CITY COUNCIL

February 21, 2023



2023 00026607  
Bk: 81337 Pg: 340 Doc: DECIS  
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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 further a nonconforming two-family dwelling use, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- As designed, the extended nonconforming two-family dwelling will not be substantially more detrimental than the existing nonconforming dwelling to the neighborhood given the modest scale of the additions. (§7.8.2.C.2)
- As designed, the extended nonconforming two-family dwelling in a Single Residence 2 (SR2) with a floor area ratio (FAR) of 0.42, where 0.38 is the maximum allowed by right, will be consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§3.1.9)

PETITION NUMBER: #37-23 78240-534

PETITIONER: 336 Cabot Street LLC

LOCATION: 336 Cabot Street, Section 22, Block 19 Lot 9, containing approximately 9,817 square feet of land

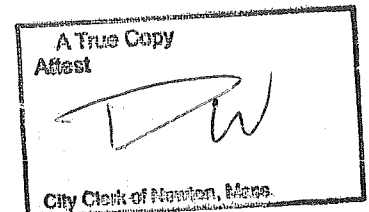
OWNER: 336 Cabot Street LLC

ADDRESS OF OWNER: 470 West Broadway  
Boston, MA 02127

TO BE USED FOR: Two-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

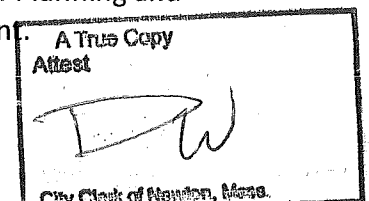


- extend a nonconforming two-family dwelling use (§3.4.1, §7.8.2.C.2)
- amend Special Permit #360-22
- exceed FAR (§3.1.3, §3.1.9)

ZONING: Single Residence 2 (SR2)

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 site plan entitled "336 Cabot Street, Newton, Massachusetts, Proposed Plot Plan," dated February 2, 2022, as revised through April 5, 2022, prepared by Peter Nolan & Associates LLC, stamped and signed by Peter J. Nolan, Professional Land Surveyor
  - b. a set of architectural drawings entitled "336 Cabot Street, Newton, Massachusetts," prepared by Context, dated October 28, 2021, as revised through March 30, 2022, signed and stamped by Eric Zachrisson, Registered Architect, consisting of the following sheets:
    - i. Analysis, Dwg List, Notes (A-01)
    - ii. Proposed Plans (A-10)
    - iii. Proposed Plans (A-11)
    - iv. Proposed Plans (A-12)
    - v. FAR Diagram (A-20)
    - vi. FAR Diagram (A-21)
    - vii. Proposed Elevations (A-30)
    - viii. Proposed Elevations (A-31)
    - ix. Proposed Elevations (A-32)
    - x. Proposed Elevations (A-33)
    - xi. Proposed Section and Details (A-40)
  - c. A document entitled "Floor Area Worksheet- 336 Cabot Street, Newton MA," indicating a proposed total gross floor area of 4,151 square feet and a proposed FAR (floor area ratio) of 0.42
2. 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. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.



- d. 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.
  - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. 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 certifying compliance with Condition #1.
  - b. Filed with the Clerk of the Council, 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.
  - c. 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 Extension of Time Approved

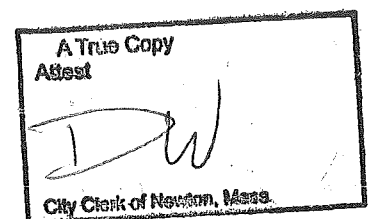
City Council Approved: 19 Yeas, 0 Nays, 5 Absent (Councilors Kritzman, Leary, Noel, Gentile and Grossman)

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:

  
(S&D) CAROL MOORE

ASSISTANT 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

ASSISTANT Clerk of the City Council

A True Copy  
Attest  
  
City Clerk of Newton, Mass.