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Newton City Clerk

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#111-23
77 Hartford Street

CITY OF NEWTON

IN CITY COUNCIL

May 1, 2023

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 allow an additional unit within the existing dwelling, to allow single-family attached dwellings; to reduce the required lot area per unit; to reduce the minimum front setback; to reduce the minimum side setback; to reduce the minimum rear setback; to exceed 36 feet in height; to allow three stories; to waive one parking stall; and to allow a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line at 77 Hartford Street as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site in the Multi Residence 1 (MR1) district is an appropriate location for four attached dwellings in two separate buildings that are 36 feet tall and three stories in height, with reduced lot area per unit, reduced front setback, reduced side setback, reduced rear setback, with one parking stall waived, and with a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line because there is a diverse mix of residential building sizes and configurations in the area. (§7.3.3.C.1)
2. The project as proposed will not adversely affect the neighborhood because the proposed changes are limited to the existing building envelopes and reflect the existing conditions of the site. (§7.3.3.C.2)
3. The proposed project will not create a nuisance or serious hazard to vehicles or pedestrians because all parking will be contained on the site and the curb cut will not be altered. (§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)

PETITION NUMBER: 111-23

PETITIONER: Adeline Elmeus

LOCATION: 77 Hartford Street, Newton, on land known as Section 52 Block 43 Lot 5A, containing approximately 15,950 sq. ft. of land

OWNER: Adeline Elmeus

ADDRESS OF OWNER: 77 Hartford Street
Newton, MA 02461

TO BE USED FOR: Four single-family attached dwellings in two buildings

CONSTRUCTION: Wood Frame

EXPLANATORY NOTE: Special Permit relief to allow an additional unit within the existing dwelling, to allow attached single-family dwellings; to reduce the required lot area per unit; to reduce the minimum front setback; to reduce the minimum side setback; to reduce the minimum rear setback; to exceed 36 feet in height; to allow three stories; to waive one parking stall and to allow a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line (§7.3. 7.3.3, 7.4, 3.4.1, 3.2.4, 3.4.2, 5.1.4, 5.1.13, 6.2.3.B.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. Proposed Conditions Site Plan, prepared by Rober Survey, signed and stamped by Scott C. Lynch, Professional Land Surveyor, dated November 1, 2022
 - b. A set of architectural drawings, unsigned and unstamped and not dated:
 - i. "Accessory Structure – 1st Level Floor Plan"
 - ii. "Accessory Structure – 2nd Level Floor Plan"
 - iii. "1st Level Floor Plan"
 - iv. "2nd Level Floor Plan"
 - v. "3rd Level Floor Plan"
2. No building permit (other than a demolition permit) 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. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - c. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
3. 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 application statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
 - b. Submitted final as-built survey plans in digital format, signed and stamped by a professional land surveyor.

Under Suspension of Rules
Readings Waived and Extension of Time Approved
22 yeas 0 nays 2 absent (Councilor Markiewicz and Norton)

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 May 3, 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

Acting 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 May 3, 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