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CITY CLERK  
NEWTON MA. 02459

#333-23

27-29 Kilburn Road

CITY OF NEWTON

IN CITY COUNCIL

November 20, 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 the alteration and extension of the nonconforming two-family residential use as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed additions that will alter and extend the nonconforming two-family use will not be substantially more detrimental than the existing nonconforming two-family use is to the neighborhood because the work proposed will be limited to the existing footprint of the building. (§7.8.2.C.2)
2. The site is an appropriate location for the additions that will alter and extend the nonconforming two-family use because there are other nonconforming two-family dwellings in the neighborhood of comparable size and massing. (§7.3.3.C.1)
3. The proposed additions that will alter and extend the nonconforming two-family use will not adversely affect the neighborhood because the additional living space added is less than 200 square feet and will not be visible from the street. (§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians because all parking will be provided on site and the access to the site is not changing. (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

PETITION NUMBER: #333-23

PETITIONER: Linda Finguerra

LOCATION: 27-29 Kilburn Road, Ward 3, West Newton, on land known as Section 33 Block 32 Lot 24, containing approximately 8,551 sq. ft. of land

OWNER: Linda Finguerra

ADDRESS OF OWNER: 27 Kilburn Street  
Newton, MA 02456

TO BE USED FOR: Two family dwelling

RELIEF GRANTED: Special Permit per §3.4.1, §7.8.2.C.2 and §7.3.3 to alter and extend a nonconforming two-family dwelling use

ZONING: Single Residence 3

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. Site Plan, signed and stamped by Paul J. DiSimone, surveyor, dated July 27, 2005
  - b. A set of architectural drawings prepared by BlueCircle Studio, signed and stamped by Stanislav Berdichevsky, structural engineer, dated July 12, 2023:
    - i. "Proposed Partial Exterior Elevations" (Sheet A-4.0)
2. 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. 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.
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 for the portion of the project for which occupancy is requested and the Petitioner has:

- a. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1.
- 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 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 November 20, 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 November 20, 2023 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

A handwritten signature in black ink, appearing to be 'Carol Moore', with a stylized flourish at the end.

(SGD) CAROL MOORE

Clerk of the City Council