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CITY CLERK  
NEWTON, MA. 02461

#202-24

21 Oakland Street

CITY OF NEWTON

IN CITY COUNCIL

May 6, 2024

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 a series of retaining walls exceeding four feet in height in the side and rear setbacks as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The site is an appropriate location for the proposed reconstruction of a series of retaining walls exceeding four feet in the rear and side setback, given the walls are placed where there is an approximately ten-foot drop in elevation over about five feet in distance to the rear left of the dwelling. The site is also narrow and with a 12.5-foot side setback from the corner of the dwelling, retaining walls create some level space to access the rear of the dwelling. (§7.3.3.C.1)
2. The proposed reconstruction of a series of retaining walls as developed and operated will not adversely affect the neighborhood, given the topography of the properties on Oakland Street and the surrounding neighborhood is steep making retaining walls common. Additionally, the petitioner is replacing the prior walls in kind. (§7.3.3.C.2)
3. The proposed reconstruction of a series of retaining walls will be no nuisance or serious hazard to vehicles or pedestrians as they do not affect site parking or circulation. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved for the proposed reconstruction of a series of retaining walls as the scope of work under this Special Permit is limited to the reconstruction of the retaining walls. (§7.3.3.C.4)

PETITION NUMBER: #202-24

PETITIONER: Neel Joshi

LOCATION: 21 Oakland Street, Unit 2, Ward 1, Newton, on land known as Section 12 Block 17 Lot 3A, containing approximately 9,489 sq. ft. of land

OWNER: Neel Joshi

ADDRESS OF OWNER: 21 Oakland Street, Unit 2  
Newton Corner, MA 02458

TO BE USED FOR: Two-family dwelling

RELIEF GRANTED: Special Permit pursuant to §7.3.3 to construct a series of retaining walls in the rear and side setbacks exceeding four feet (§5.4.2.B)

ZONING: Multi-Residence 1

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. Plot Plan signed, stamped, and dated by Bruce Bradford, Professional Land Surveyor, dated February 14, 2024.
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 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.
- c. Obtained approval from the City Engineer certifying that all engineering details for the portion of the Project for which a certificate of occupancy is requested have been constructed to standards of the City of Newton Public Works Department.

Under Suspension of Rules  
Readings Waived and Approved  
22 yeas 0 nays 2 absent (Councilor Danberg and Lipof)

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 8, 2024. 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:

*Cassidy Flynn*  
*Acting* (SGD) CAROL MOORE CASSIDY FLYNN  
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 8, 2024 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

*Carol Moore*  
(SGD) CAROL MOORE  
Clerk of the City Council