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CITY CLERK
NEWTON, MA. 02450

#117-24
265-267 River St.

CITY OF NEWTON

IN CITY COUNCIL

April 16, 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 alter and extend a nonconforming two family dwelling use in the Single Residence (SR-3) district, and to alter a nonconforming front setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair Councilor Andrea Kelley:

1. The proposed deck, which extends the nonconforming front setback, is not substantially more detrimental than the existing nonconforming structure to the neighborhood because the proposed deck is not changing the setback and does not increase the overall massing of the structure within the nonconforming setback. (§7.8.2.C.2)
2. The proposed alterations of the nonconforming two-family use in a Single Residence zone are not substantially more detrimental than the existing nonconforming use to the neighborhood as the neighborhood has several nonconforming two-family dwellings and no change in use is proposed. The proposed additions have been carefully designed to minimize exacerbating any existing nonconformities. (§7.8.2.C.2)

PETITION NUMBER: #117-24

PETITIONER: Alexander Svirsky

LOCATION: 265-267 River St., Ward 4, West Newton, on land known as Section 44 Block 12 Lot 01, containing approximately 6,671 sq. ft. of land

OWNER: American Way Development, Inc.

ADDRESS OF OWNER: 16 Caldwell Rd.
Waltham, MA 02453

TO BE USED FOR: Two-family dwelling

RELIEF GRANTED: Special Permit per §7.8.2.C.2 to alter a nonconforming two-family use in a Single Residence zone and alter a nonconforming front setback.

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. Plot Plan signed and stamped by Robert Rego, Professional Engineer as revised on April 8, 2024.
 - b. Architectural plans created by Architecture SV dated March 21, 2024 consisting of the following sheets:
 - i. Proposed elevations (showing front and left), A2.1
 - ii. Proposed elevations (showing rear and right), A2.2
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 April 18, 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:


(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 April 18, 2024 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