

RECEIVED

2024 FEB 22 AM 10:51

#78-24  
300 Cabot St.

CITY CLERK  
CITY OF NEWTON  
100 STATE ST. 3RD FL.  
NEWTON, MA 02459

CITY OF NEWTON

IN CITY COUNCIL

February 20, 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 for an addition that vertically extends 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 attic level addition which will vertically extend the nonconforming front setback is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the project meets all other dimensional standards and results in a two and a half story structure, which is contextual with the surrounding neighborhood. (§7.8.2.C.2)

PETITION NUMBER: #78-24

PETITIONER: Terrence Morris

LOCATION: 300 Cabot Street, Ward 2, Newtonville, on land known as Section 22 Block 20 Lot 16, containing approximately 8,339 sq. ft. of land

OWNER: Benny Lu and Amy Xu

ADDRESS OF OWNER: 161 Walnut St.  
Newton, MA 02460

TO BE USED FOR: Two-family dwelling

RELIEF GRANTED: Special Permit per §7.8.2.C.2 to alter/extend a nonconforming front setback

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. Topographic Site Plan showing Proposed Conditions at 300 Cabot Street signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated October 1, 2023.
  - b. Architectural plan signed, stamped, and dated by Derek A. Rubinoff, Registered Architect, dated November 14, 2023 consisting of the following sheets:
    - i. Front and Left Elevations, A2.01
    - ii. Rear and Right Elevations, A2.02
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 February 22, 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:

A handwritten signature in black ink, appearing to be 'Carol Moore', with a long horizontal flourish extending to the right.

(SGD) CAROL MOORE  
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 22, 2024 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

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(SGD) CAROL MOORE  
Clerk of the City Council