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#41-23
616 Boylston Street

CITY OF NEWTON
IN CITY COUNCIL

February 21, 2023



Bk: 81334 Pg: 127 Doc: DECIS
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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 construct a allow a three story structure as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed additions resulting in a three-story structure due to the topography of the site exposing the basement and most of the additional floor area is within the footprint of the structure. (§7.3.3.C.1)
2. The proposed additions resulting in a three-story structure will not adversely affect the neighborhood because there are dwellings of similar size and scale in the neighborhood. (§7.3.3.C.2)
3. The proposed additions resulting in a three-story structure will not create a nuisance or serious hazard to vehicles or pedestrians because the driveway location is being maintained. (§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:

#41-23

79060-347

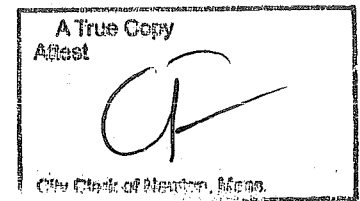
PETITIONER:

Rogério Morais

LOCATION:

616 Boylston Street, Ward 6, Newton Centre, on land known as Section 81 Block 37 Lot 10, containing approximately 8,674 sq. ft. of land in a district zoned SINGLE RESIDENCE 3

ACS Group Inc.
26A Sheafe St
Malden MA 02148



OWNER: Rogerio Morais

ADDRESS OF OWNER: 21 Waverly Street
Everett, MA 02149

TO BE USED FOR: Single Family Dwelling

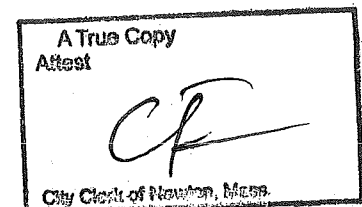
CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special Permit under §7.3.3 and §3.1.3 to allow a three-story single-family dwelling

ZONING: Single Residence 3 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. Site Plan "Plan showing proposed addition", signed and stamped by Dennis O'Brien, Professional Land Surveyor, dated November 15 2022 and revised November 22 2022
 - b. Floor plans and elevations, signed and stamped by Nazeih R. Hammouri, Engineer, dated 2/1/2022, and revised 6/8/2022, 7/14/2022, 7/25/2022, 10/31/2022
 - i. Site Use Plan, Sheet L100
 - ii. Proposed Basement Plan, A103
 - iii. Proposed First Floor Plan, A104
 - iv. Proposed Second Floor Plan, A105
 - v. Elevations, A107
 - vi. Elevations, A108
 - vii. Elevations, A109
 - viii. Elevations, A110
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. All construction vehicles and equipment must be parked on-site during construction.
4. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until 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 from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
- a. Filed with the building permit record statements by a registered architect and a professional land surveyor certifying compliance with Condition #1, including the as built FAR.
 - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor.

Under Suspension of Rules

Readings Waived and Extension of Time Approved

19 Yeas, 0 Nays, 5 Absent (Councilors Krintzman, Leary, Noel, Gentile and Grossman)

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 23, 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.

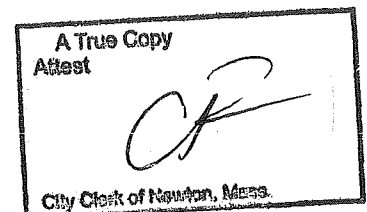
ATTEST:

Carol Moore
 (SGD) CAROL MOORE

Clerk of the City Council

Active

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 23, 2023 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

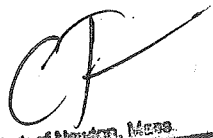


ATTEST:



(SGD) CAROL MOORE

Acting Clerk of the City Council

A True Copy
Attest

City Clerk of Newton, Mass.