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CITY CLERK
NEWTON, MA. 02459

#24-22

22 Kirkstall Road

CITY OF NEWTON

IN CITY COUNCIL

January 18, 2022

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 garage with more than 700 square feet of ground-floor area and to waive certain dormer provisions 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 a garage exceeding 700 square feet of ground-floor area and for dormers which create an uninterrupted wall plane, and which exceed 50 percent of the length of the exterior wall of the story next below because the proposed garage will comply with principal building setback requirements and will be limited to 1.5 stories. (§7.3.3.C.1)
2. The proposed garage exceeding 700 square feet of ground-floor area and dormers which create an uninterrupted wall plane, and which exceed 50 percent of the length of the exterior wall of the story next below will not adversely impact the neighborhood because the existing location will be maintained. (§7.3.3.C.2)
3. The proposed garage exceeding 700 square feet of ground-floor area and for dormers which create an uninterrupted wall plane, and which exceed 50 percent of the length of the exterior wall of the story next below will not create a nuisance or serious hazard to vehicles or pedestrians because there are changes to the curb cut or driveway. (§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: #24-22

PETITIONER: Brendan J. Smith and Courtney A. Kain

LOCATION: 22 Kirkstall Road, on land known as Section 22, Block 21, Lot 47, containing approximately 33,843 square feet of land

OWNER: Brendan J. Smith and Courtney A. Kain

ADDRESS OF OWNER: 22 Kirkstall Road
Newton, MA 02460

TO BE USED FOR: Garage Addition

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.4.E.1 and §7.3.3 to allow a garage with more than 700 square feet of ground-floor area; §1.5.4.G.2.a and §7.3.3 to allow a dormer creating a continual wall plane; and §1.5.4.G.2.b and §7.3.3 to allow a dormer exceeding 50 percent of the width of exterior wall of the story next below.

ZONING: Single Residence 2 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. Plot Plan, prepared by Essex Eng. and Survey, signed and stamped by Frank Iebba, dated August 27, 2021 Revised November 2, 2021
 - b. Architectural Plans, prepared by Zaff Architecture, signed and stamped by Andrea G. Zaff, dated October 20, 2021, consisting of seven (7) sheets.
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this Council Order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:

- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect certifying compliance with Condition #1,
- b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a professional land surveyor.

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 January 20, 2022. 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, City Clerk
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 January 20, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:


(SGD) CAROL MOORE, City Clerk
Clerk of the City Council