

CITY OF NEWTON
IN CITY COUNCIL

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 parking for more than three vehicles, 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 garage ground floor area which exceeds 700 square feet and parking for more than three vehicles proposed because the garage area reflects existing conditions. (§7.3.3.C.1)
2. The proposed garage ground floor area which exceeds 700 square feet and parking for more than three vehicles will not adversely affect the neighborhood because the garage area is divided between two structures. (§7.3.3.C.2)
3. The proposed garage ground floor area which exceeds 700 square feet and parking for more than three vehicles will not create a nuisance or serious hazard to vehicles or pedestrians because the driveway location is being maintained at the southern corner of the site. (§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: #22-22

PETITIONER: Marco Rotondo and Jennifer Behr

LOCATION: 265 Upland Avenue, on land known as Section 83, Block 27, Lot 28, containing approximately 25,000 square feet of land

OWNER: Marco Rotondo and Jennifer Behr

ADDRESS OF OWNER: 265 Upland Avenue
Newton, MA 02461

TO BE USED FOR: Single Family Dwelling with attached garage; and existing detached garage

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: To allow a garage with ground floor area of more than 700 square feet and parking for more than three vehicles (§3.4.4.E.1, §3.4.4.H and §7.3.3)

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. Site Plan showing proposed conditions at 265 Upland Avenue, signed and stamped by Thomas Ryder, Professional Engineer, dated June 2, 2021
 - b. Architectural Plans, "Behr/Rotondo Residence", prepared by McKay Architects, signed and stamped by Michael McKay, Registered Architect, dated March 23, 2021 consisting of four (4) sheets:
 - i. Front Elevation A-2.1
 - ii. Right Side Elevation, A-2.2
 - iii. Rear Elevation, A-2.3
 - iv. Left Side Elevation, A-2.4
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. 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 board 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 board 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.

4. 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 City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect or land surveyor 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.