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CITY CLERK
NEWTON, MA 02459

CITY OF NEWTON

IN CITY COUNCIL

March 7, 2022

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #18-15, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The site, located in a Single Residence 2 (SR2) district, is an appropriate location for the proposed project as designed with a one-story, approximately 750 square foot rear addition and new detached 462 square foot two-car garage, resulting in a FAR of 0.45, more than the 0.40 allowed by right, but less than the 0.50 allowed by the already-granted existing special permit. (§7.3.3.C.1)
2. The project as designed with a one-story, approximately 750 square foot rear addition and new detached 462 square foot two-car garage, resulting in a FAR of 0.45, more than the 0.40 allowed by right, but less than the 0.50 allowed by the already-granted existing special permit, will not adversely affect the neighborhood. (§7.3.3.C.2)
3. The project as designed with a one-story, approximately 750 square foot rear addition and new detached 462 square foot two-car garage, resulting in a FAR of 0.45, more than the 0.40 allowed by right, but less than the 0.50 allowed by the already-granted existing special permit, will not create a nuisance or serious hazard to vehicles or pedestrians. (§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: #118-22

PETITIONER: Dan Marx and Beth Silverberg

LOCATION: 17 Cushing Street, Section 52, Block 27 Lot 10, containing approximately 8,640 square feet of land

OWNER: Dan Marx and Beth Silverberg

ADDRESS OF OWNER: 17 Cushing Street
Newton, MA

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special permit pursuant to §7.3.3 to amend Special Permit #18-15 which granted relief from FAR for a two-story rear addition (that was never built) and allowed the extension of a nonconforming front setback for construction of a porch

ZONING: Single Residence 2 (SR2)

The prior Special Permit/Site Plan Approval governing this property is #18-15, which allowed floor area ratio (FAR) of 0.50 and the extension of the nonconforming front setback. This Special Permit/Site Plan Approval supersedes #18-15. As such, #18-15 is null and void.

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 the following plans:
 - a. a site plan entitled "Plan of Land in Newton, MA, 17 Cushing Street, Proposed Additions," dated December 8, 2021, as revised through December 13, 2021, prepared by Everett M. Brooks Co., signed and stamped by Bruce Bradford, Professional Land Surveyor December 13, 2021
 - b. a set of architectural drawings entitled "Marx Residence (Daniel & Beth), 17 Cushing St, Newton Highlands, MA 02461," prepared by SB Architects, dated January 5, 2022, signed and stamped by Phillip H. Bakalohuk, Registered Architect, consisting of the following sheets:
 - i. Cover Page (A0.0)
 - ii. Proposed Site Plan (A1.1)
 - iii. Plan of Garage Area and Casita (A1.1A)
 - iv. Proposed Front Elevation at Cottage (A2.1)
 - v. Proposed Front Elevation at Garage (A2.1A)
 - vi. Proposed Left Elevation (A2.2)
 - vii. Proposed Rear Elevation (A2.3)
 - viii. Right Side Elevation (A2.4)

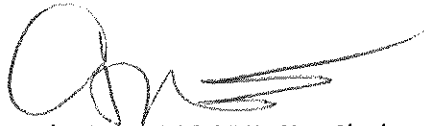
- c. A document entitled "Floor Area Worksheet," indicating a proposed total gross floor area of 3,979 square feet and a proposed FAR of 0.45, signed and stamped by Phillip H. Bakalohuk, Registered Architect
 - d. A landscape plan entitled "Marx Residence, 17 Cushing St, Newton Highlands, MA 02461," prepared by Faithful Flowers, consisting of two sheets, undated
2. 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 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 order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - e. 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 and/or Occupancy Permit for the buildings 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 a registered architect certifying compliance with Condition #1.
 - b. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.

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 licensed 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 March 9, 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 March 9, 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

Acting