

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 amend Special Permit #187-94 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 rear addition and front entry modifications because the proposed changes meet all the dimensional standards for the Multi Residence 1 zoning district and the front entry does not further decrease the nonconforming front setback. (§7.3.3.C.1)
2. The proposed rear addition and front entry modifications will not adversely affect the neighborhood because the rear addition and the front entry modifications do not require additional relief. (§7.3.3.C.2)
3. The proposed rear addition and front entry modifications will not create a nuisance or serious hazard to vehicles or pedestrians because there are no changes proposed concerning access to the site. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because there are no changes proposed concerning access to the site. (§7.3.3.C.4)

PETITION NUMBER: #119-22

PETITIONER: Michael Kuczewski

LOCATION: 15 Roberts Avenue, on land known as Section 21 Block 33
Lot 10, containing approximately 5,081 sq. ft. of land

OWNER: Michael Kuczewski

ADDRESS OF OWNER: 15 Roberts Avenue

Newton, MA 02460

TO BE USED FOR: Remodeled front entry, rear addition, and amendments to the site plan

CONSTRUCTION: NA

EXPLANATORY NOTE: Special permit pursuant to §7.3.3 to amend Special Permit #187-94 which allowed for the extension of a nonconforming front setback (§7.8.2.C.2)

ZONING: Multi Residence 1

The prior Special Permit/Site Plan Approval governing this property is #187-94, which allowed the extension of the nonconforming front setback. This Special Permit/Site Plan Approval supersedes #187-94. As such, #187-94 is null and void.

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with:
 - a. Certified Plot Plan located at 15 Roberts Avenue, signed and stamped by Dennis O'Brien, Professional Land Surveyor, dated June 15, 2021, revised January 11, 2022
 - b. Architectural Plans, prepared by Faith Baum architects, unsigned and unstamped, dated July 8, 2021, revised December 1, 2021 consisting of the following sheets:
 - i. North Elevation A-3.0
 - ii. East Elevation A-3.1
 - iii. South Elevation A-3.2
 - iv. West Elevation A-3.3
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 Inspectional Services and the Department of Planning and Development.
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 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 and a professional 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 an architect and licensed land surveyor including the as built floor area ratio of the structure.