

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 three parking stalls within the front setback and extend the nonconforming driveway width as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof.

1. The site is an appropriate location for the proposed additional parking stall within the front setback due to the site's topography and existing mature landscaping. (§5.1.7.A, §5.1.13, §7.3.3.C.1)
2. The additional parking stall within the front setback will not adversely affect the neighborhood because the parking is well screened from Walnut Street. (§5.1.7.A, §5.1.13, §7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§5.1.7.A, §5.1.13, §7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§5.1.7.A, §5.1.13, §7.3.3.C.4)
5. Literal compliance with the dimensional parking requirements is impracticable due to the fifteen-foot grade change from the Walnut Street frontage to the rear of the lot and existing mature landscaping on the site. (§5.1.7.A, §5.1.7.C, §5.1.13)
6. The proposed extension of the nonconforming driveway width will not be substantially more detrimental than the nonconformity is to the neighborhood because the expanded driveway width utilizes an existing curb cut and allows access to the additional parking stall to better facilitate site operations and keep vehicles on site. (§5.1.7.A, §5.1.7.C, §7.8.2.C.2)

PETITION NUMBER: #256-22

PETITIONERS: Michael Wang

LOCATION: 1090 Walnut Street, on land known as Section 52, Block 20, Lot 7, containing approximately 18,519 square feet of land

OWNER: 1090 Walnut Street Condominium Trust

ADDRESS OF OWNER: 1090 Walnut Street
Newton, MA 02461

TO BE USED FOR: Driveway

CONSTRUCTION: Site only

EXPLANATORY NOTES: §5.1.7.A, §5.1.13, and §7.3.3 to allow parking within the front setback, and §5.1.7.C, §7.8.2.C.2 to further extend a nonconforming driveway width

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. Plan – 1090 Walnut Street, signed and stamped by Luke J Roy, Professional Land Surveyor, dated September 7, 2018, Revised February 4, 2022
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.
3. 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.
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 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 a Professional Land Surveyor.