

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 further extend existing nonconforming front setbacks, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The proposed further reductions of the property's nonconforming front setbacks along Cherry Street and Jerome Avenue are consistent with and not in derogation of the size, scale and design of other structures in the neighborhood, given that the proposed deck will not be enclosed or roofed, and the extensions are relatively minor in nature at a one to two foot reduction (§3.1.3, §7.8.2.C.2).

PETITION NUMBER: #284-23

PETITIONER: Kate Shaughnessy

LOCATION: 147 Cherry Street, Ward 3, West Newton, on land known as Section 34 Block 37 Lot 12, containing approximately 7,706 sq. ft. of land

OWNER: Kate Shaughnessy

ADDRESS OF OWNER: 147 Cherry Street  
Newton, MA 02459

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special permit to further extend two nonconforming front setbacks (§3.1.3, §7.8.2.C.2)

ZONING: Single Residence 2 (SR2) 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 the following plans:
  - a. A site plan entitled "147 Cherry Street, Newton, Massachusetts- Proposed Plot Plan, Sheet 2," prepared by Spruhan Engineering, P.C., dated June 27, 2023, as revised through June 27, 2023, signed and stamped by Christopher C. Charlton, Professional Land Surveyor.
  - b. A plan entitled "Project Name: 147 Cherry Street, Newton, MA (A-002)," (showing the Proposed First Floor Plan, Proposed Front Elevation, and Proposed Right Side Elevation), prepared by Spruhan Engineering, P.C, dated June 23, 2023, signed and stamped by Edmond T. Spruhan, Registered Professional Engineer.
2. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
  - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
  - b. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
3. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the petitioner has:
  - a. Filed with the building permit record statements by a registered architect, professional land surveyor, or professional engineer, certifying compliance with Condition #1.
  - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.