

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 construct a covered porch at the front entry and to further extend the nonconforming front setback and lot coverage as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed addition that will further extend the nonconforming front setback and lot coverage is an appropriate location because it is located at the front of the dwelling and away from the wetland and wetland buffer area on the site. Additionally, the existing dwelling was constructed in 1915, predating the 25-foot front setback requirement. (§7.3.3.C.1)
2. The proposed addition that will further extend the nonconforming front setback and lot coverage will not adversely affect the neighborhood because it is small and similar in scale to other nearby residences. (§7.3.3.C.2)
3. The proposed addition that will further extend the nonconforming front setback and lot coverage will not create a nuisance or serious hazard to vehicles or pedestrians because the driveway location and orientation is being maintained. (§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)
5. The proposed alterations of the nonconforming structure are not substantially more detrimental than the existing nonconforming structure because the addition totals less than 100 square feet. (§7.8.2.C.2)

PETITION NUMBER: #336-23

PETITIONER: John LeDoyt

LOCATION: 62 Maple Street, Ward 1, Newton, on land known as Section 71 Block 10 Lot 02, containing approximately 4,765 sq. ft. of land

OWNER: John LeDoyt

ADDRESS OF OWNER: 62 Maple Street
Newton, MA 02458

TO BE USED FOR: Single Family dwelling

RELIEF GRANTED: Special Permit per §3.2.3 and §7.8.2.C.2 to extend a nonconforming front setback and nonconforming lot coverage

ZONING: Multi 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. A plot plan prepared by Jarvis Land Survey, Inc signed and stamped by Kevin J. Jarvis, Professional Land Surveyor, dated April 13, 2023
 - b. A set of architectural plans entitled "The Residence at 62 Maple Street," prepared by Luna Design Group, unsigned and unstamped, dated March 28, 2023:
 - i. Proposed partial first floor and front porch roof plan (Sheet A1.01)
 - ii. Proposed south and partial east and west elevations (Sheet A4.01)
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 including all dimensional requirements.

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 for the portion of the project for which occupancy is requested and the Petitioner has:
 - a. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1, including the as built FAR.
 - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.