

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 to the conversion of a nonconforming two-family residential use to two single-family dwellings and to determine the appropriate dimensional controls for the use as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed nonconforming residential use with two single-family detached dwellings on the same lot will not be substantially more detrimental than the existing nonconforming two-family use is to the neighborhood because the total number of dwellings on the site will remain the same. The proposed single-family dwellings comply with many of the required dimensional standards for single-family dwellings including (Floor Area Ratio (FAR), side setbacks, open space, and lot coverage and the rear dwelling is subordinate to the front dwelling unit, minimizing the impact from the street thus giving the appearance of an accessory building (§7.8.2.C.2).
2. The site and structures as proposed are an appropriate location for the density and dimensional controls for the proposed two single-family dwellings because the project complies with most of the dimensional standards of a single-family structure in the Single Residence 3 district. (§7.3.3.C.1)
3. The proposed two single-family dwellings will not adversely affect the neighborhood because the structures existing in the proposed configuration and the rear dwelling is subordinate to the front dwelling on site, minimizing the impact from the street. (§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians because all parking will be provided on site and the access to the site is not changing. (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

PETITION NUMBER: #263-23

PETITIONER: Jon Hollingsworth

LOCATION: 373 Lexington Street, Ward 4, Auburndale, on land known as Section 41 Block 17 Lot 12, containing approximately 10,030 sq. ft. of land

OWNER: Jon Hollingsworth

ADDRESS OF OWNER: 15 Standish Street  
Wellesley, MA 02466

TO BE USED FOR: Two single-family dwellings on one lot

RELIEF GRANTED: Special Permit per §7.8.2.C.2 and §7.3.3 to change from a nonconforming detached two-family dwelling use to two detached single-family dwellings (§3.4.1) and to determine appropriate dimensional requirements for the use (§3.1.3)

ZONING: Single Residence 3

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. As built site plan prepared by Boston Survey, Inc. signed and stamped by George C. Collins, Professional Land Surveyor, dated May 25, 2023
  - b. A set of architectural drawings, unsigned and unstamped, dated May 24, 2023:
    - i. "373 Lexington Street Change of Use" (Sheet 1)
    - ii. "First floor plan" (Sheet 2)
    - iii. "Second floor plan" (Sheet 3)
    - iv. "Elevations" (Sheet 4)
    - v. "Elevations" (Sheet 5)
  - c. A set of floorplans, "373 Lexington Street, Newton, MA 02465" unsigned and unstamped, dated October 26, 2023
    - i. Proposed Modifications, Basement (Sheet 1)
    - ii. Proposed Modifications, First Floor (Sheet 2)
    - iii. Proposed Modifications, Second Floor (Sheet 3)
    - iv. Proposed Modifications, Third Floor (Sheet 4)

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.
  - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.
  - c. Submitted evidence that the two-family dwelling has been converted to a single-family dwelling prior to occupancy of the rear single-family dwelling consistent with floor plans referenced in Condition 1c.
  - d. The conditions of this Special Permit shall be incorporated into and made part of the master deed and the condominium documents and evidence of this shall be provided to the Director of Planning and Development.