

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 the alteration and extension of the nonconforming two-family residential use, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed extension of the nonconforming 3-story dwelling will not be substantially more detrimental than the existing nonconforming residential structure is to the neighborhood. The addition is located at the side of the building, does not add to the existing footprint, does not change the use, and proposes only 209 square feet. (§3.4.1, §7.8.2.C.2)

PETITION NUMBER: #367-23

PETITIONER: Susan Harvey Levy and Rowell Levy

LOCATION: 146 Oliver Rd., on land known as Section 54 Block 01 Lot 16, containing approximately 8,878 sq. ft. of land

OWNER: Susan Harvey Levy and Rowell Levy

ADDRESS OF OWNER: 146 Oliver Rd.
Newton, MA 02468

TO BE USED FOR: Single family dwelling

RELIEF GRANTED: Special Permit per §3.1.3, §7.8.2.C.2 and §7.3.3 to extend a nonconforming 3-story single-family dwelling

ZONING: Single Residence 2

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. Site Plan, signed and stamped by Christopher Charlton, professional land surveyor, dated September 20, 2023
 - b. A set of architectural drawings prepared by Kurtz Design Studio LLC, signed and stamped by Jason Kurtz, registered architect, dated July 12, 2023:
 - i. Front Façade Proposed
 - ii. Side Façade Proposed
 - iii. Rear Facade
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) 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.