

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 a detached accessory apartment with reduced side and rear setbacks, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the detached accessory apartment with reduced setbacks because the detached accessory building has been in its current configuration since 1921, predating the zoning requirements. There are also no proposed modifications to the existing site plan, only to establish the accessory dwelling use. (§7.3.3.1)
2. The proposed detached accessory apartment with reduced setbacks will not adversely affect the neighborhood because the detached accessory building has been in its current configuration since 1921, predating the zoning requirements. (§7.3.3.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because access to the site and its circulation is not changing. (§7.3.3.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.4)

PETITION NUMBER: #393-23

PETITIONER: Padmini Sushila Pillai and Piotr Bielecki

LOCATION: 599 Commonwealth Avenue, on land known as Section 73 Block 50
Lot 05, containing approximately 5,408 sq. ft. of land

OWNER: Padmini Sushila Pillai and Piotr Bielecki

ADDRESS OF OWNER: 599 Commonwealth Avenue
Newton, MA 02459

TO BE USED FOR: Single-family dwelling with detached accessory apartment

RELIEF GRANTED: Special permit per §7.3.3 to allow a reduced side and rear setbacks for a detached accessory apartment (§6.7.1.E.5)

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 the following plans:
 - a. A site plan entitled “Plan of Land in Newton, MA, 599 Commonwealth Avenue, Existing Conditions,” prepared by Everett M. Brooks, dated March 31, 2021, signed and stamped by Bruce Bradford, Professional Land Surveyor on March 31, 2021.
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 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.