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#337-23

35- 37 William Street

CITY CLERK
NEWTON MA. 02459

CITY OF NEWTON

IN CITY COUNCIL

November 20, 2023

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 an extension of nonconforming open space on the site as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the proposed project with reduced open space because the majority of the paving is located at the rear of the dwelling and has a minimal impact from the street. (§7.3.3.C.1)
2. The proposed project that requires relief to allow reduced open space will not adversely affect the neighborhood because no additional impervious space will be added beyond what currently exists on the site. Also, in replacing the broken asphalt that was previously on the site, the repaved area is an improvement in terms of safety and visual impact to neighbors. (§7.3.3.C.2)
3. 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)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

PETITION NUMBER: #337-23

PETITIONER: Traolach Cahillane Revocable Living Trust

LOCATION: 35-37 William Street, Ward 1, Newton, on land known as Section 71 Block 08 Lot 13, containing approximately 3,906 sq. ft. of land

OWNER: Traolach Cahillane Revocable Living Trust

ADDRESS OF OWNER: 188 Palfrey Street

Watertown, MA 02472

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 allow extension of nonconforming open space (§3.4.3.A.1)

ZONING: Multi 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. A plot prepared by Rober Survey, signed and stamped by Clifford E. Rober Professional Land Surveyor, dated April 23, 2019
2. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the applicant shall consult with the Engineering Division of Public Works to determine the implementation of stormwater improvement measures that the Engineering Division determines is necessary to mitigate the impacts of any stormwater runoff on abutting properties. The applicant shall provide evidence of such consultation and determination to Inspectional Services and the Planning Department. The petitioner shall comply with the Engineer Division's determination.
3. The Petitioner shall make a payment of \$2,000 to the City's tree replacement fund prior to the issuance of any building permit.
4. 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.
5. 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.

Under Suspension of Rules
Readings Waived and Approved
24 years 0 nays

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on November 20, 2023. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:


(SGD) CAROL MOORE

Acting Clerk of the City Council

I, Carol Moore, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on November 20, 2023 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:


(SGD) CAROL MOORE

Clerk of the City Council