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#367-23
146 Oliver St.

CITY CLERK
NEWTON, MA. 02460

CITY OF NEWTON

IN CITY COUNCIL

December 18, 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 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.

Under Suspension of Rules
Readings Waived and Extension of Time Approved
22 yeas 0 nays 2 absent (Councilors Downs and Ryan)

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 December 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:

A handwritten signature in black ink, appearing to be 'Carol Moore', with a large loop at the start and a horizontal flourish at the end.

(SGD) CAROL MOORE
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 December 20, 2023 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

A handwritten signature in black ink, appearing to be 'Carol Moore', with a large loop at the start and a horizontal flourish at the end.

(SGD) CAROL MOORE
Clerk of the City Council