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CITY CLERK  
NEWTON, MA. 02459

#391-23  
16 Everett Street

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 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 and oversized dormer because the façade with the dormer will be tucked into the site and minimally visible from the street. (§7.3.3.1)
2. The proposed detached accessory apartment with reduced setbacks and oversized dormer will not adversely affect the neighborhood because the façade with the dormer will be tucked into the site and minimally visible from the street. (§7.3.3.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§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)
5. The proposed increase in the floor area ratio (FAR) from .29 to .39 where .37 is the maximum allowed by right is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood (§3.1.3, §3.1.9).

PETITION NUMBER: #391-23

PETITIONER: Yaniv & Ifat Bejerano

LOCATION: 16 Everett Street, on land known as Section 61 Block 25 Lot 6, containing approximately 10,658 sq. ft. of land

OWNER: Yaniv & Ifat Bejerano

ADDRESS OF OWNER: 16 Everett Street  
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), an oversized dormer (§1.5.4.G.2.b), and to exceed the FAR ( §3.1.3, §3.1.9)

**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, 16 Everett Street, Proposed Conditions," prepared by Everett M. Brooks, dated September 11, 2023, signed and stamped by Bruce Bradford, Professional Land Surveyor on September 11, 2023.
  - b. A set of architectural plans entitled "Proposed Garage", prepared by SB Architects, unsigned and unstamped, dated November 11, 2023 consisting of the following sheets:
    - i. A2.1G Front Elevation
    - ii. A2.2G Right Elevation
    - iii. A2.3G Rear Elevation
    - iv. A2.3G Left Side Elevation
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, including the as built FAR.
  - 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:

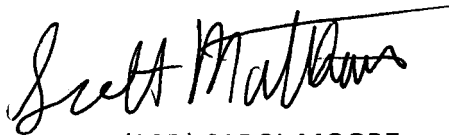


(SGD) CAROL MOORE  
Clerk of the City Council

*Assistant*

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:



(SGD) CAROL MOORE  
Clerk of the City Council

*Assistant*