

RECEIVED

#392-23
66 Allison Street

DEC 20 PM 4: 22

CITY CLERK
NEWTON, MA. 02459

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 further extend a nonconforming side setback, and to allow a dormer greater than 50% of the wall next below, within three feet of the end wall and with an uninterrupted wall plane, 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 two dormers as designed as the dormer additions are small in scale, will not exceed maximum FAR for the lot, or visually impact the neighborhood. (§7.3.3.1)
2. The proposed dormers as designed will not adversely affect the neighborhood as the lot still has adequate open space and is similar in size to other multi-family homes in the neighborhood. (§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 vertical extension of the nonconforming side setback is not substantially more detrimental than the existing nonconforming side setback is to the neighborhood because the vertical extension by adding dormers maintains the footprint of the structure and does not exacerbate the nonconformity. (§7.8.2.C.2)

PETITION NUMBER: #392-23

PETITIONER: Robert and Emily Davis

LOCATION: 66 Allison Street, on land known as Section 11 Block 11 Lot 04, containing approximately 4,713 sq. ft. of land

OWNER: Robert and Emily Davis

ADDRESS OF OWNER: 66 Allison Street
Newton, MA 02458

TO BE USED FOR: Two-family dwelling

RELIEF GRANTED: Special permit per §7.3.3 to:

- further extend (vertically) a nonconforming side (§3.2.3, §7.8.2.C.2)
- allow a dormer with an uninterrupted wall plane extending beyond two stories (§1.5.4.G.2)
- allow a dormer greater than 50% of the length of the exterior wall of the story next below (§1.5.4.G.2)
- allow a dormer within three feet of the intersection of the roof and main building end wall (§1.5.4.G.2)

ZONING: Multi 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 "Proposed Site Plan of Land at 66 Allison Street," prepared by RAM Engineering, signed and stamped by Robert Alan Masys, Professional Engineer, last updated September 29, 2023.
 - b. Architectural plan entitled "Davis Residence" Right Side, Left Side and Rear Elevations, prepared by Kneeland Construction, dated April 7, 2023, Sheet A-02.
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.
 - 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

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~~

Acting Clerk of the City Council