

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 the conversion of a detached accessory apartment into a separate dwelling, resulting in three single-family attached dwellings in two separate structures that require relief to allow single-family attached dwellings, for a reduced lot area per unit, reductions in the minimum required front, side, and rear setbacks, to exceed lot coverage, a waiver of one parking stall, to allow parking within the front and side setbacks, and to allow a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line, for the use as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site in the Multi Residence 1 (MR-1) district is an appropriate location for three single family attached dwellings in two separate buildings with reduced lot area per unit, reduced front setback, reduced side setback, reduced rear setback, with one parking stall waived, parking stalls within the front and side setbacks, and with a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line because there is a diverse mix of residential building sizes and configurations in the area. Much of the relief required reflects existing conditions and is triggered by the conversion to a different building type. (§7.3.3.C.1)
2. The project as proposed will not adversely affect the neighborhood because the total number of units on the site will remain the same and no additional square footage will be added to the existing structures. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the existing curb cut and driveway location will be maintained. (§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)
5. Literal compliance with the required amount of parking is not in the public interest because additional paving would result in an increase in the nonconforming lot coverage and add additional unnecessary paved area. (§5. 1.13)

PETITION NUMBER: #10-24

PETITIONER: 199 Church Street LLC

LOCATION: 199 Church Street, Ward 1, Newton, on land known as Section 12 Block 13 Lot 16, containing approximately 10,688 sq. ft. of land

OWNER: 199 Church Street LLC

ADDRESS OF OWNER: 28 Brooks St. Apt 1  
Brighton, MA 02135

TO BE USED FOR: Three single-family attached dwellings

RELIEF GRANTED: Special Permit relief to allow three single-family attached dwellings in two buildings, to reduce the required lot area per unit, to reduce minimum front setback, to reduce minimum side setback, to reduce minimum rear setback, to exceed lot coverage, to waive one parking stall, to allow parking stalls within the front and side setbacks, and to allow a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line (§7.3.3, 3.4.1, 3.2.4, 3.4.2, 5.1.4, 5.1.13, 5.1.7.A, 6.2.3.B.2)

ZONING: Multi-Residence 1

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. Plot plan prepared by Spruhan Engineering, signed and stamped by Christopher C. Charlton, Professional Land Surveyor, and Edmond T. Spruhan, Professional Engineer, dated November 16, 2023 and revised January 24, 2024.
  - b. A set of architectural drawings, signed and stamped by Mark Sangiolo, Registered Architect, dated 10/17/2021, and revised 1/19/2023 and 1/23/2023.
    - i. "North elevation" (Sheet A10)
    - ii. "West elevation" (Sheet A9)
    - iii. "East elevation" (Sheet A8)
    - iv. "South elevation" (Sheet A7)

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. Submitted a revised site plan showing that at a minimum the walkways and maneuvering area, driveway and/or parking areas on site will be constructed with permeable surfaces.
  - b. 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.
  - c. 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) 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.