

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 a series of retaining walls exceeding four feet in height in the rear setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The site is an appropriate location for the proposed series of retaining walls exceeding four feet in the rear setback, given the walls are placed where there is a six-foot grade change to the rear of the dwelling. The site is also subject to two front setbacks, limiting the space available for a rear yard due to the placement of the dwelling on the lot. (§7.3.3.C.1)
2. The proposed construction of a series of retaining walls as developed and operated will not adversely affect the neighborhood, given the retaining walls are to the rear of the property with limited visibility from the street. (§7.3.3.C.2)
3. The proposed construction of a series of retaining walls will be no nuisance or serious hazard to vehicles or pedestrians as they do not affect site parking or circulation. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved for the proposed construction of a series of retaining walls. (§7.3.3.C.4)

PETITION NUMBER: #119-24

PETITIONER: Gregoire Versmee

LOCATION: 12 Clark St., Ward 2, Newton Centre, on land known as Section 62 Block 19 Lot 08, containing approximately 13,600 sq. ft. of land

OWNER: Gregoire Versmee

ADDRESS OF OWNER: 12 Clark St.
Newton Centre, MA 02459

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §5.4.2.B to construct a series of retaining walls in the rear setback exceeding four feet

ZONING: Single Residence 3

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 stamped and dated by Bruce Bradford, Professional Land Surveyor, dated November 30, 2023.
 - b. Architectural plan signed, stamped, and dated by Bond W. Worthington, Registered Architect dated September 5, 2023 consisting of the following sheets:
 - i. Proposed elevations (showing front and left), page 8 of 12
 - ii. Proposed elevations (showing rear and right), page 9 of 12
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) 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.
 - c. Obtained approval from the City Engineer certifying that all engineering details for the portion of the Project for which a certificate of occupancy is requested have been constructed to standards of the City of Newton Public Works Department.