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CITY CLERK
NEWTON, MA. 02459

#143-24
27 Cross Hill Rd.

CITY OF NEWTON

IN CITY COUNCIL

April 1, 2024

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 exceed the maximum allowable Floor Area Ratio, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The proposed addition of a second story and rear additions, exceeding allowable Floor Area Ratio, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as many of the dwellings in the surrounding neighborhood are similarly sized two-story dwellings on similarly sized lots. (§3.1.3; §3.1.9)
2. The proposed addition of a second story and rear additions, exceeding allowable Floor Area Ratio, will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood given the additions are largely to the rear of the dwelling and will be concealed from the rear by the steep grade of the site. (§7.8.2.C.2)

PETITION NUMBER: #143-24

PETITIONER: Li Xian Li

LOCATION: 27 Cross Hill Rd., Ward 8, Newton, on land known as Section 82 Block 14 Lot 09, containing approximately 10,296 sq. ft. of land

OWNER: Li Xian Li

ADDRESS OF OWNER: 27 Cross Hill Rd.
Newton, MA 02459

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §3.1.3 and §3.1.9 to exceed Floor Area Ratio

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. Plot Plan stamped and signed by Dennis O'Brien, Registered Land Surveyor as dated May 4, 2023 and revised July 13, 2023
 - b. Architectural plans signed and stamped by Jim Chen, Registered Architect, dated February 18, 2023 consisting of the following sheet:
 - i. Proposed elevations (showing front and rear), Sheet A2.3
 - ii. Proposed elevations (showing left and right), Sheet A2.4
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.

Under Suspension of Rules
Readings Waived and Approved
22 yeas 0 nays 2 absent (Councilors Krintzman and Micley)

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 April 3, 2024. 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
Acting 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 April 3, 2024 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