

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, 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 because the walls are placed where there is a steep drop in elevation from the dwelling down to the street. (§7.3.3.C.1)
2. The proposed series of retaining walls will not adversely affect the neighborhood because the topography is sloped in much of this area, and other dwellings in the neighborhood also have retaining walls. (§7.3.3.C.2)
3. The proposed series of retaining walls will not be a nuisance or serious hazard to vehicles or pedestrians because 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. (§7.3.3.C.4)
5. The lot presents challenging topography which limits the use of the property because the steep grade of the front yard could not be improved without the implementation of the system of retaining walls over four feet in height. (§5.4.2.B)
6. The proposed system of retaining walls over four feet in height will not adversely impact adjacent property, the neighborhood, or the public because it is located in a neighborhood that already features several retaining walls. (§5.4.2.B)
7. The proposed system of retaining walls over four feet is the minimum structure necessary to allow the property to be reasonably utilized because the site as it exists currently has a steep grade. The retaining walls will assist in soil stabilization given the grades of this and adjacent properties. (§5.4.2.B)

PETITION NUMBER: #254-24

PETITIONER: Louis Franchi

LOCATION: 6 Brush Hill Road, Ward 8, Newton Highlands, on land known as Section 83 Block 26 Lot 01, containing approximately 16,701 sq. ft. of land

OWNER: Louis Franchi

ADDRESS OF OWNER: 6 Brush Hill Road  
Newton, MA 02461

TO BE USED FOR: Single family dwelling

RELIEF GRANTED: Special Permit to construct a series of retaining walls in the rear and side setbacks exceeding four feet (§5.4.2.B)

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 signed and stamped by Verne T. Porter Jr., Professional Land Surveyor, dated March 28, 2024.
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 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.