

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 vertically extend one nonconforming side setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The proposed vertical extension of the nonconforming side setback is not substantially more detrimental than the existing nonconforming structure because the project adheres to other applicable dimensional regulations such as Floor Area Ratio and height, and the addition which extends the nonconformity is largely within the footprint of the existing dwelling. (§7.8.2.C.2)

PETITION NUMBER: #328-24

PETITIONER: David and Ceire H Nevins

LOCATION: 228 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 30 Lot 04, containing approximately 11,400 sq. ft. of land

OWNER: David and Ceire H Nevins

ADDRESS OF OWNER: 228 Grove Street  
Newton, Massachusetts 02466

TO BE USED FOR: Single Family dwelling

RELIEF GRANTED: Special Permit per §3.1.3 and §7.8.2.C.2 to vertically extend a nonconforming side setback

ZONING: Single 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. A plot plan prepared by Everett M. Brooks Co., signed and stamped by Bruce Bradford, professional land surveyor, dated 4/8/2024 and revised 9/5/24
  - b. A set of architectural plans prepared by Slocum Hall Design Group, Inc., signed and stamped by Jane E. Grover, registered architect, dated 6/27/2024 consisting of 15 sheets
    - i. "Proposed Exterior Elevations", showing proposed exterior elevations (Sheet A200)
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 (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1, including the as built FAR.
  - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.