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#292-24

16 Braeland Avenue

CITY CLERK
NEWTON, MA. 02459

CITY OF NEWTON

IN CITY COUNCIL

August 12, 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 alter and extend a nonconforming side setback and to further reduce nonconforming open space as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The proposed alterations of the nonconforming side setback and open space are not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the project adheres to other applicable dimensional regulations such as Floor Area Ratio and height. The lot is undersized as both the dwelling and lot predate modern zoning standards. (§7.8.2.C.2)

PETITION NUMBER: #292-24

PETITIONER: Elisa Van Dam

LOCATION: 16 Braeland Avenue, Ward 6, Newton Centre, on land known as Section 61 Block 37 Lot 20, containing approximately 5,599 sq. ft. of land

OWNER: Elisa Van Dam

ADDRESS OF OWNER: 16 Braeland Avenue
Newton, MA 02459

TO BE USED FOR: Single Family dwelling

RELIEF GRANTED: Special Permit per §3.2.3 and §7.8.2.C.2 to extend a nonconforming side setback and nonconforming lot coverage

ZONING: Multi Residence 1 District

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 Neponset Valley Survey Assoc., Inc. signed and stamped by James L. Nabstedt, Professional Land Surveyor, dated 6/11/2024
 - b. A set of architectural plans, prepared by Keri Murray Architecture, architect, dated 5/2024
 - i. Proposed exterior elevations (Sheet A2.11)
 - ii. Proposed exterior elevations (Sheet A2.12)
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 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.

Under Suspension of Rules

Readings Waived and Approved

21 yeas 0 nays 3 absent (Councilors Block, Downs and Lobovits)

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 August 14, 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
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 August 14, 2024 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) CAROL MOORE
Clerk of the City Council

Acting