

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 parking in the front setback and to extend nonconforming parking within five feet of the front lot line 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 additional parking stall in the front setback because other residential uses have side-by-side parking and similar driveway configurations further east on Derby Street. (7.3.3.C.1)
2. The additional parking stall in the front setback will not adversely affect the neighborhood because other residential uses have side-by-side parking and similar driveway configurations further east on Derby Street (§7.3.3.C.2)
3. The additional parking stall in the front setback will not create a nuisance or serious hazard to vehicles or pedestrians as the driveway exists in its current configuration (§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. Literal compliance with the city's parking regulations which limit single family homes to only one parking stall in the front setback is impracticable because to locate parking elsewhere is challenging due to topography and placement of the single-family dwelling on site and corresponding setbacks would be impractical for a vehicle to pass. (§5.1.13)
6. The proposed extension of the nonconforming parking within five feet of the front lot line is not substantially more detrimental than the existing parking configuration because the driveway configuration is not changing. (§7.8.2.C.2)

PETITION NUMBER: #363-24

PETITIONER: Joseph Amorosino

LOCATION: 140 Derby Street on land known as Section 34 Block 35 Lot 03, containing approximately 5,000 sq. ft. of land

OWNER: Joseph Amorosino

ADDRESS OF OWNER: 140 Derby Street
Newton, MA 02465

TO BE USED FOR: Single Family dwelling

RELIEF GRANTED: Special Permit to allow a second required parking stall within the front setback (§5.1.7.A; §5.1.13), and to further extend nonconforming parking to allow an additional parking stall within five feet of the front lot line (§7.8.2.C.2)

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. A proposed plot plan prepared signed and stamped by Edmond Spruhan, engineer and Christopher C. Charlton, surveyor, dated 8/26/2024, revised 9/23/24
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.
 - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.