

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 the addition of a second parking stall in the front setback and to extend the nonconforming parking within five feet of the street for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site is an appropriate location for the second parking stall in the front setback as the dwelling is set back less than twenty feet from the front property line, providing insufficient room to accommodate parking stalls elsewhere on site. (§7.3.3.C.1)
2. The proposed second parking stall in the front setback as developed and operated will not adversely affect the neighborhood because other properties in the neighborhood have similar parking configurations. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by the creation of a second parking stall in the front setback as no additional curb cut is being created and the proposed parking stall will not block the sidewalk. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved with the creation of a second parking stall in the front setback, where there had been one nonconforming parking stall in the front setback because access to the site is unchanged. (§7.3.3.C.4)
5. The extension of the nonconforming parking configuration that places a parking stall within five feet of the front lot line shall not be substantially more detrimental than the existing nonconforming use to the neighborhood because the parking configuration currently exists. (§7.8.2.C.2)
6. Literal compliance with the maximum number of parking stalls in the front setback is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features. Specifically, compliance by way of creating additional parking elsewhere is impracticable due to grade of the lot with Chase Street at a higher elevation than Braeland Avenue to the north as well as the dwelling's placement on the lot. (§5.1.13)

PETITION NUMBER: #360-24

PETITIONER: Cara Candal

LOCATION: 31 Chase Street

OWNER: Cara and Eugenio Candal

ADDRESS OF OWNER: 31 Chase Street
Newton, MA 02469

TO BE USED FOR: Single-family dwelling

RELIEF GRANTED: Special Permit per §7.3.3 to allow a second parking stall in the front setback and to extend the nonconforming parking within five feet of the street (§5.1.7.A; §5.1.13; §7.8.2.C.2)

ZONING: Multi-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. Proposed Plot Plan "31 Chase Street" unsigned and unstamped, prepared by Patrick Roseingrave, Professional Land Surveyor, dated July 25, 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. Submitted a revised plot plan to show the same area proposed to be paved and the existing driveway as being replaced with permeable pavers.
 - c. 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 and with the minimum dimensions of nine feet by nineteen feet for both parking stalls.
- b. Submitted final as-built survey plans in digital format, stamped, and signed by a professional land surveyor or professional engineer, as applicable.