

CITY OF NEWTON

IN CITY COUNCIL

March 18, 2019

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Newton City Clerk
2019 MAR 20 PM 4:24
David A. Olson, Clerk
Newton, MA 02459

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to allow more than one garage on the property, garage space exceeding 700 square feet, and retaining walls exceeding four feet in height in a setback, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for the project as designed, with an additional garage, garage space in excess of 700 square feet, and retaining walls exceeding four feet in height within a setback in the Single Residence 1 (SR1) district. (§7.3.3.C.1)
2. The project as designed, with an additional garage, garage space in excess of 700 square feet, and retaining walls exceeding four feet in height within a setback will not adversely affect the neighborhood as the topography and shape of the site is such that there will be limited if any visibility of the garage from adjacent public ways and properties. (§7.3.3.C.2)
3. The project as designed, with an additional garage, garage space in excess of 700 square feet, and retaining walls exceeding four feet in height within a setback will not create a nuisance or serious hazard to vehicles or pedestrians (§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).

PETITION NUMBER: #39-19

PETITIONER: Matthew Wosk and Dina Wosk

LOCATION: 32 Baldpate Hill Road, Section 82, Block 26, Lot 1, containing approximately 25,225 square feet of land

OWNER: Matthew Wosk and Dina Wosk

ADDRESS OF OWNER: 32 Baldpate Hill Road
Newton, MA

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to allow:

- more than one garage (§3.4.2.B.1, §3.4.3.A.4.a);
- garage space exceeding 700 square feet (§3.4.2.B.1 §3.4.3.A.4.c);
- a retaining wall exceeding four feet in height in a setback (§5.4.2).

ZONING: Single Residence 1 (SR1) 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 the following plans:
 - a. an engineering plan entitled "32 Baldpate Hill Road, Newton, MA, Proposed Conditions Plan," dated January 10, 2019, prepared by Verne T. Porter Jr., PLS, signed and stamped by Verne T. Porter, Registered Professional Land Surveyor
 - b. a plan entitled "32 Baldpate Hill Road, Newton, MA, Landscape Plan," dated January 11, 2019;
 - c. a set of landscape plans entitled "32 Baldpate Hill Road, Newton, Massachusetts," prepared by Gregory Lombardi Design, Inc., dated October 23, 2018, consisting of the following sheets:
 - i. Planting Plan- Front Trees and Shrubs (L3.01),
 - ii. Planting Plan- Front Perennials (L3.02),
 - iii. Planting Plan- Pool Terrace Trees and Shrubs (L3.03),
 - iv. Planting Plan- Pool Terrace Perennials (L3.04),
 - v. Planting Plan- Slope Trees and Shrubs (L3.05),
 - vi. Planting Plan- Slope Perennials (L3.06),
 - d. a set of architectural plans entitled Wosk Residence, 232 Bald Pate Hill Rd., Newton, MA, prepared by Babbitt Design, CMD Design, Inc., and Gregory Lombardi Design, dated November 12, 2018, consisting of the following sheets:
 - i. Proposed Front Elevation (A-3),
 - ii. Proposed Left & Right Side Elevations (A-4).
2. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.

- b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Submitted a final Landscape Plan to the Director of Planning and Development for review and approval.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
 - c. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Engineering Division of Public Works a statement from the Department of Planning and Development approving the final location, number and type of plant materials and final landscape features.
4. Notwithstanding the provisions of Condition #3 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Councilor Markiewicz)

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 March 20, 2019. 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) DAVID A. OLSON, City Clerk
Clerk of the City Council

I, David A. Olson, 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 3/30/19 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
acting Clerk of the Council