

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 a series of retaining walls exceeding four feet in height within a setback, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed series of retaining walls greater than four feet in height within a setback due to the steep grade change of twenty feet from the front to the rear of the site. (§7.3.3.C.1)
2. The proposed series of retaining walls greater than four feet in height within a setback will not adversely affect the neighborhood because the proposed walls allow for a level front yard. (§7.3.3.C.2)
3. The proposed series of retaining walls greater than four feet in height within a setback will not create a nuisance or serious hazard to vehicles or pedestrians because the proposed walls are on private property and do not interfere with pedestrian or vehicular travel patterns. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the site complies with the zoning ordinance regarding driveway width and the number of parking stalls. (§7.3.3.C.4)

PETITION NUMBER: #442-20

PETITIONER: Roman Fayngersh

LOCATION: 55 Alexander Road, on land known as Section 81, Block 27, Lot 10, containing approximately 10,286 square feet of land

OWNER: Roman Fayngersh

ADDRESS OF OWNER: 55 Alexander Road  
Newton, MA 02461

TO BE USED FOR: A series of retaining walls greater than four feet within a setback

CONSTRUCTION: Masonry

EXPLANATORY NOTES: §3.4.2.B and §7.3.3 to construct a series of retaining walls greater than four feet within a setback

ZONING: Single Residence 3 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. "Proposed site plan second retaining wall 59 Alexander Road" showing proposed conditions at 55 Alexander Road, signed and stamped by Matthew Belski, Professional Land Surveyor, dated October 7, 2020
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development and the Engineering Division of Public Works.
3. Prior to the issuance of a building permit, the petitioner shall obtain a license from the Law Department and Department of Public Works for the reconstructed wall on City property.
4. 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 board 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 board 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. No Final Inspection/Occupancy Permit for the use 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 land surveyor certifying compliance with Condition #1.
- b. 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 professional land surveyor.
- c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.