

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 vertically extend the nonconforming side setback of an accessory structure, and to further extend the nonconforming front setback, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed vertical extension of a nonconforming side setback of an accessory structure is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the footprint of the structure is not increasing and the setback remains at .3 feet. (§3.4.3.A.1 and §7.8.2.C.2)
2. The proposed extension of a nonconforming front setback is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the proposed front setback of 12.7 feet is contextual with other properties in the neighborhood. (§1.5.3.B, §3.2.3 and §7.8.2.C.2)

PETITION NUMBER: #459-20

PETITIONER: Stephen Thomas

LOCATION: 25 Emerson Street, on land known as Section 11, Block 25,  
Lot 25, containing approximately 4,456 square feet of land

OWNER: Stephen Thomas

ADDRESS OF OWNER: 25 Emerson Street  
Newton, MA 02458

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.3.A.1 and §7.8.2.C.2 to vertically extend a nonconforming side setback in an accessory structure, and §1.5.3.B, 3.2.3 and §7.8.2.C.2 to further extend a nonconforming front setback

ZONING: Multi Residence 2 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. Plot Plan showing proposed conditions at 25 Emerson Street, signed and stamped by Gerry Holdright, Professional Land Surveyor, dated October 7, 2020.
  - b. Architectural Plans, prepared by MLA Consultants, unsigned and unstamped, dated November 20, 2014,, revised December 12, 2019 consisting of four (4) sheets:
    - i. Existing Plans, AE-1
    - ii. Existing Elevations, AE-2
    - iii. Proposed Plans and Details, A-1
    - iv. Proposed Elevations and Sections, A-2
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.
3. 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 council 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 council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. 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 an architect or 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.