

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 further extend the nonconforming two-family use and increase the nonconforming lot coverage as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed porch that would further increase the nonconforming lot coverage is not substantially more detrimental than the existing nonconforming porch is to the neighborhood because of its location to the rear of the structure and because it is replacing an existing deck in the same location. (§3.1.3 and §7.8.2.C.2)
2. The proposed porch that would further extend the nonconforming two-family dwelling is not substantially more detrimental than the existing nonconforming porch is to the neighborhood because of its location to the rear of the structure and because it is replacing an existing deck in the same location. (§3.4.1 and §7.8.2.C.2)

PETITION NUMBER: #440-20

PETITIONER: Elora Chowdhury and Alok Kapoor

LOCATION: 45 Forest Street., on land known as Section 52, Block 05, Lot 1A, containing approximately 10,469 square feet of land

OWNER: Elora Chowdhury and Alok Kapoor

ADDRESS OF OWNER: 45 Forest Street  
Newton, MA 02461

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further increase the nonconforming lot coverage by replace a deck with an enclosed porch; §3.4.3 and §7.8.2.C.2 to extend the nonconforming two family dwelling.

ZONING: Single 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. "Plan showing proposed porch, 45 Forest Street", signed and stamped by Dennis O'Brien, Professional Land Surveyor, dated May 22, 2020.
  - b. A set of architectural plans, "Porch Renovations" signed and stamped by Robert J. Fizek, Registered Architect, dated June 10, 2020 consisting of the following three (3) sheets:
    - i. A-1 Floor Plans
    - ii. A-2 Elevations, Side and Rear
    - iii. A-3 Floor Plans, framing
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 petitioners have:
  - 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 petitioners have:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect 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 licensed architect.