

CITY OF NEWTON

IN BOARD OF ALDERMEN

December 17, 2012

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Newton City
2012 DEC 20 AM 11:58
David A. Olson
Newton, MA 02459

ORDERED:

That the Board, 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 extend a nonconforming structure increasing the degree of nonconformity with respect to rear lot line setback, and to locate two nonconforming parking stalls in the front setback, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. The proposed extension of a nonconforming structure with regard to rear lot line setback will not be substantially more detrimental to the neighborhood than the existing structure.
2. The location of two dimensionally-nonconforming parking stalls within the front setback is appropriate because literal compliance with the requirement is impracticable due to the size and shape of the lot.

PETITION NUMBER: #305-12

PETITIONER: Stephen J. Guillette

LOCATION: 29 Brewster Road, Ward 5, Newton Highlands, on land known as Section 54, Block 10, Section 13, containing approximately 5,176 sq. ft. of land

OWNER: Stephen J. Guillette

ADDRESS OF OWNER: 29 Brewster Road
Newton Highlands, MA

TO BE USED FOR: A single-family dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Section 30-15 Table 1 and 30-21(b) to allow the extension of an existing nonconforming structure with regard to rear

setback, Section 30-19(g)(1) and (g)(2) and 30-19(m) to locate two 9'x18' parking stalls in the front setback and closer than five feet to the front property line.

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. "Plot Plan of Land at 29 Brewster Road," signed and stamped by Michael A. Coleman, Professional Land Surveyor, dated 4/27/12
 - b. "Guillette Residence Mudroom Addition and Renovation", prepared by ASB Design Group LLC, dated 7/26/2012 including the following sheets:
 - i. A1 Floor Plans
 - ii. A2 Elevation Plans
 - iii. A3 Elevation Plans
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 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No 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 a registered surveyor, architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - c. Brought the storage shed into compliance with rear and side lot line setbacks.

Under Suspension of Rules
Readings Waived and Approved
22 yeas 0 nays 2 absent (Aldermen Kalis and Merrill)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen

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 December 20, 2012. 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 Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen 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 Board of Aldermen in the Office of the City Clerk on 1/2 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen