

CITY OF NEWTON

IN CITY COUNCIL

May 16, 2016

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 a SPECIAL PERMIT/SITE PLAN APPROVAL for an internal accessory apartment in the basement of a two-family dwelling, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The site is an appropriate location for an accessory apartment within a two-family dwelling in a Multi-Residence 1 (MR-1) district as the existing dwelling, which is consistent in scale with adjacent residential properties, can accommodate the accessory apartment without any increase to the footprint. (§6.7.1.D.1 and §7.3.3.C.1)
2. The accessory apartment will not adversely affect the neighborhood as it will be constructed in existing space within a two-family dwelling on a property that has sufficient interior and exterior capacity to accommodate the required additional parking stall. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians, as the property has a large driveway area with ample curb cuts located on two public ways, California Street and Bridge Street, that allow for adequate sight lines for drivers and pedestrians passing, entering or leaving the property. (§7.3.3.C.3)
4. Access to the site is appropriate for the number of vehicles related to the residential use of the site as it is served by a driveway with access to both California Street and Bridge Street, dispersing any impacts on two public ways. (§7.3.3.C.4)
5. The creation of an accessory apartment will help to diversify Newton's housing stock consistent with Newton's *Comprehensive Plan*.

PETITION NUMBER: #128-16

PETITIONER: Iulia Pirvu and Mark Zielinski

LOCATION: 9-11 Bridge Street, on land known as Section 14, Block 2, Lot 29, containing approximately 10,633 square feet of land

OWNER: Iulia Pirvu and Mark Zielinski

ADDRESS OF OWNER: 9-11 Bridge Street
Newton, MA 02458

TO BE USED FOR: Internal Accessory Apartment in Two-Family Dwelling

CONSTRUCTION: Brick veneer

EXPLANATORY NOTES: §6.7.1.D.1- Accessory Apartments Allowed by Special Permit

ZONING: Multi Residence 1 (MR-1) 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. A plan titled "Plan of Land in Newton, MA, 9-11 Bridge Street- Existing Conditions", dated January 28, 2016, prepared, stamped, and signed by Bruce Bradford, Professional Land Surveyor on January 28, 2016.
 - b. A proposed site plan prepared, stamped, and signed by Jose A. Guzman, Registered Architect, and dated April 2, 2016.
 - c. A plan entitled "1 Lower Level Plan" prepared, stamped, and signed by Jose A. Guzman, Registered Architect, and dated April 2, 2016.
 - d. A plan entitled "1 Wall Section and Window" prepared, stamped, and signed by Jose A. Guzman, Registered Architect, and dated April 2, 2016.
 - e. A plan entitled "2 Wall Section and Window" prepared, stamped, and signed by Jose A. Guzman, Registered Architect, and dated April 2, 2016.
 - f. A plan entitled "3 Wall Section and Window" prepared, stamped, and signed by Jose A. Guzman, Registered Architect, and dated April 2, 2016.
2. The accessory apartment may not be held in separate ownership from the two-family dwelling in which it is located.
3. The owner of the two-family dwelling shall occupy either one of the main dwelling units or the accessory apartment, and the owner shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year.
4. When ownership of the property changes the new owner shall notify the Commissioner of the Inspectional Services Department at which time the Commissioner shall conduct a

determination of compliance with this decision and all applicable codes.

5. 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 Approval 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. Submitted a final Landscape Plan to the Director of Planning and Development for review and approval.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
6. 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 land surveyor or engineer certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, and parking areas, as well as an acknowledgement that the driveway has been resurfaced subsequent to the date of this Order.
7. Notwithstanding the provisions of Condition #5c above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping and parking areas provided that the Petitioner shall first have filed with the Director of Planning and Development 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 site work to secure installation of such landscaping and parking areas.