

CITY OF NEWTON  
IN CITY COUNCIL

November 6, 2017

ORDERED:

That the 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 to amend the site plan for SPECIAL PERMIT/SITE PLAN APPROVAL #64-02, which allowed creation of an accessory apartment in an existing carriage house, to allow the construction of a detached 699 square foot three-car garage by substituting a new site plan showing said garage for the previously approved site plan, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The site in a Single Residence 2 (SR2) district is an appropriate location for the proposed detached 699 square foot three-car garage as the property will remain below the allowable floor area ratio (FAR) (§7.3.3.C.1).
2. The proposed detached 699 square foot three-car garage will not adversely affect the neighborhood as it would have limited visibility from nearby streets and not unnecessarily detract from the neighborhood's streetscape; furthermore, it would provide enclosed off-street space for the required parking stalls for both the principal and accessory units (§7.3.3.C.2).
3. The proposed detached 699 square foot three-car garage will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

PETITION NUMBER: #223-17 (amending Special Permit/Site Plan Approval #64-02)

PETITIONER: Michael E. Liu

LOCATION: 1080 Walnut Street (off Allen Terrace), Ward 6, Section 52, Block 20, Lot 8, containing approximately 21,331 sq. ft. of land.

RECEIVED  
Newton City Clerk  
2017 NOV - 8 PM 1:30  
David A. Oison, City Clerk  
Newton, MA 02459

OWNER: Michael E. Liu

ADDRESS OF OWNER: 1080 Walnut Street  
Newton, MA 02461

TO BE USED FOR: Detached three car garage.

CONSTRUCTION: Wood frame

EXPLANATORY NOTE: Special permit per §7.3.3 to amend Special Permit #64-02 which allowed an accessory apartment, to allow for the construction of a detached garage structure

ZONING: Single Residence 2 District

This special permit supersedes, consolidates, and restates provisions of prior special permit **#64-02** to the extent that those provisions remain applicable. Only those conditions and provisions from such prior special permit set forth below that remain applicable, and still in full force and effect, are set forth in this special permit. Any conditions in such prior special permit not set forth in this special permit are null and void.

Approved, subject to the following conditions:

***Conditions associated with this Special Permit/Site Plan Approval, Order #223-17***

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 all conditions set forth in Special Permit/Site Plan Approval #64-02, which shall remain in full force and effect with the following exceptions:
  - a. the following plans are substituted for the plans identified in Condition 1.a(i-ii), of Special Permit/Site Plan Approval **#64-02**:
    - i. A site plan entitled "Existing Conditions Site Plan, 1080 Walnut Street Newton, MA to Accompany the Petition of Michael E. Liu 1080 Walnut st. (Newton, MA, Section 52- Block 20- Lot 8," prepared by Verne T. Porter Jr., PLS, dated May 2, 2017, signed and stamped by Verne T. Porter, Registered Professional Land Surveyor.
    - ii. A site plan entitled "Proposed Conditions Site Plan, 1080 Walnut Street Newton, MA to Accompany the Petition of Michael E. Liu 1080 Walnut st. (Newton, MA, Section 52- Block 20- Lot 8," prepared by Verne T. Porter Jr., PLS, dated May 2, 2017, signed and stamped by Verne T. Porter, Registered Professional Land Surveyor.

- b. The three car garage to be built pursuant to this Special Permit/Site Plan Approval #223-17 constructed consistent with the above-referenced site plans and:
  - i. Architectural plans entitled "1080 Walnut Street Proposed Garage, Newton, MA," prepared by The Architectural Team, Inc., dated July 26 2017, consisting of one sheet showing the proposed garage's front, rear and side elevations.
2. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval #223-17, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval #223-17 until the petitioners have:
  - a. Recorded a certified copy of this 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 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.
4. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan #223-17 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 architect or engineer certifying compliance with Condition #1.
  - b. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
  - c. 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 land surveyor.

***Condition associated with Special Permit/Site Plan Approval, Board Order #64-02:***

5. The accessory apartment approved under Order #64-02 shall be located in accordance with the plans identified in Condition #1, on which it is identified as "Existing Carriage House," and constructed in accordance with the following plans:

Architectural plans, consisting of three 11"x17" sheet and two 8 ½" x 11" sheets, prepared by The Architectural Team, Inc., including the following:

- i.) "Existing Conditions / Floor Plan and South Elevation," dated 2/10/02;
- ii.) "Proposed Conditions..... South Elevation," dated 2/10/02;
- iii.) "Existing North, West and North Elevations (No Changes Proposed)," dated 2/10/02;
- iv.) "Proposed Conditions / Floor Plan," dated 3/12/02; and
- v.) "Proposed West Elevation," dated 3/12/02.

Under Suspension of Rules  
Readings Waived and Approved  
22 yeas 0 nays 2 absent (Councilors Leary and Lennon)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council 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 November 8, 2017. 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.

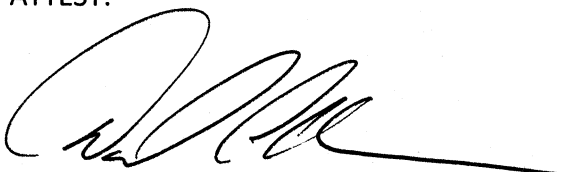
ATTEST:



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

I, David A. Olson, as the Clerk of the City Council 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 Newton City Council in the Office of the City Clerk on 11/5 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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