

CITY OF NEWTON  
IN CITY COUNCIL

September 18, 2017

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 increase the nonconformity of a structure with three stories, where 2.5 is the maximum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed addition which further increases the nonconformity of a structure with three stories will not be substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood because:
  - a. The topography of the neighborhood is such that three story structures exist in the area;
  - b. The topography of the site is such that the basement is classified as a story; and
  - c. The property will remain compliant with all dimensional controls of the Multi-Residence 1 zone, including FAR and building height.

(§3.2.3 and §7.8.2.C.2)

PETITION NUMBER: #222-17

PETITIONER: Su Yang and Zheng Yu

LOCATION: 170-172 Sumner Street, on land known as Section 61, Block 27, Lot 8A, containing approximately 12,023 square feet of land

OWNERS: Su Yang and Zheng Yu

ADDRESS OF OWNER: 170-172 Sumner Street  
Newton, MA 02459

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.2.3 and §7.8.2.C.2, to further increase the nonconforming number of stories

ZONING: Multi-Residence 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. Site Plan, signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated 1/31/2016 revised 5/23/2017
  - b. Architectural Plans and Elevations, signed and stamped by Peter Sachs, Registered Architect, last revised 5/18/2017, consisting of nineteen (19) sheets:
    - i. A-0 Title Sheet
    - ii. A-1 Proposed First Floor Plan
    - iii. A-2 Proposed Second Floor Plan
    - iv. A-3 Proposed Third Floor Plan
    - v. A-4 Proposed Roof Plan
    - vi. A-5 Proposed Front Elevation
    - vii. A-6 Proposed Right Elevation
    - viii. A-7 Proposed Rear Elevation
    - ix. A-8 Proposed Left Elevation
    - x. A-9 Cross Section
    - xi. EX-1 Existing First Floor Plan
    - xii. EX-2 Existing Second Floor Plan
    - xiii. EX-3 Existing Third Floor Plan
    - xiv. EX-4 Existing Roof Floor Plan
    - xv. EX-5 Existing Front Elevation
    - xvi. EX-6 Existing Right Elevation
    - xvii. EX-7 Existing Rear Elevation
    - xviii. EX-8 Existing Left Elevation
    - xix. EX-9 Diagrammatic Section
2. The petitioner shall construct the additions to comply with all applicable building, fire, and life safety codes for a two-family dwelling.
3. The project shall be constructed in accordance with the Order of Conditions issued by the Conservation Commission.

4. 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 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. 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. Received approval for the project from the Conservation Commission.
  - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. 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 a registered architect or land surveyor 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 by the City Engineer certifying that improvements authorized by this Board 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.
6. Notwithstanding the provisions of #5 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to the installation of final landscaping 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.