

CITY OF NEWTON  
IN CITY COUNCIL

March 18, 2019

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 of a SPECIAL PERMIT/SITE PLAN APPROVAL to allow more than one garage on the property, and garage space exceeding 700 square feet as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for the project as designed, with an additional garage, and garage space in excess of 700 square feet because the existing garage visually presents as part of the abutting property and is directly adjacent to the abutting property. (§7.3.3.C.1)
2. The project as designed, with an additional garage, and garage space in excess of 700 square feet, will not adversely affect the neighborhood as there are existing structures on the site that create a visual separation between the existing garage and proposed garage. (§7.3.3.C.2)
3. There will be no 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: #71-19

PETITIONER: Barry and Elenor White

LOCATION: 106 Sumner St., Section 61, Block 2, Lot 8, containing approximately 21,670 square feet of land

OWNER: Barry and Elenor White

ADDRESS OF OWNER: 106 Sumner Street  
Newton, MA 02459

RECEIVED  
Newton City Clerk  
2019 MAR 20 PM 8:24  
David A. Olson, Clerk  
Newton, MA 02459

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to allow:

- more than one garage (§3.4.2.B.1, §3.4.3.A.4.a);
- garage space exceeding 700 square feet (§3.4.2.B.1 §3.4.3.A.4.c);

ZONING: Single Residence 2 (SR2) 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 the following plans:
  - i. A plan entitled "Plan of Land in Newton, Massachusetts, 106 Sumner Street Proposed Garage" prepared by Everett M. Brooks Co. Surveyors and Engineers, dated November 26, 2018, signed and stamped by Bruce Bradford, Professional Land Surveyor.
  - ii. A set of architectural plans entitled "White Garage and Landscape Plan," prepared by Jay Walter, dated November 11, 2018, signed and stamped by Jay Walter, Registered Architect, consisting of the following sheets:
    - a. Site Plan;
    - b. Garage Elevation, December 15, 2018 (1)
    - c. Garage Elevation, December 15, 2018 (2)
    - d. Garage Elevations, rear and left side elevations, January 2019
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 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.
3. 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 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. Under Suspension of Rules

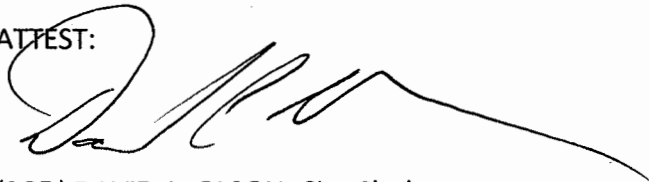
Under Suspension of Rules

Readings Waived and Approved

22 yeas 0 nays 1 recused (Councilor Crossley) 1 absent (Councilor Markiewicz)

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 March 20, 2019. 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.

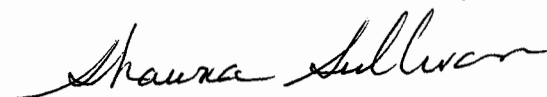
ATTEST:



(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 3/20/19 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  
*acting* Clerk of the Council