



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 8, 2019
Land Use Action Date: March 25, 2019
City Council Action Date: April 1, 2019
90-Day Expiration Date: April 8, 2019

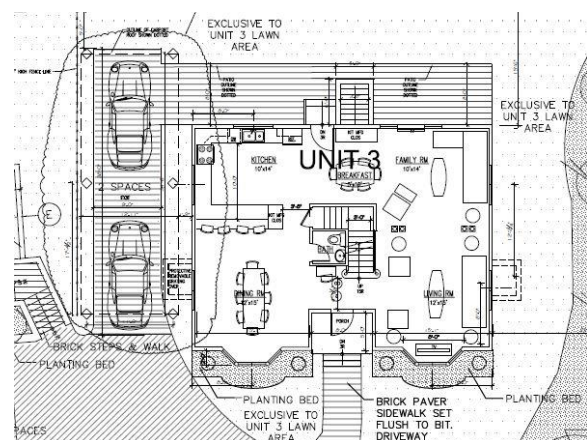
DATE: January 4, 2019

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Katie Whewell, Planning Associate

SUBJECT: **Petition #565-18** for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #217-16 to construct a detached carport for the existing single-family dwelling at 50-52 Rowe Street, Ward 4, Auburndale, on land known as Section 44 Block 23 Lot 06, containing approximately 19,321 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



50-52 Rowe Street

EXECUTIVE SUMMARY

The property at 50-52 Rowe Street consists of a 19,321 square foot lot improved with a two-family dwelling constructed circa 1860 and a newly constructed single-family dwelling located in the SR3 zoning district. Originally constructed as a single-family residence, the dwelling was converted into a two-family use in 1947 and is still used as two-family residence today. Special Permit 217-16 (**Attachment A**) allowed the extension of the existing two-family use in a single residence district to renovate the existing two-family dwelling with an addition and to construct a separate single-family dwelling. The petitioner is seeking to amend Special Permit # 217-16 to construct a detached tandem carport for the use of the single-family dwelling. The approved plans from Special Permit #217-16 consisted of open-air parking. Original plans from April 2016 showed a two car (side by side) carport, but it was removed from the next iteration of plans in order to shift the single-family dwelling and increase the side setback.

The Planning Department is unconcerned with the petition to Amend Special Permit #217-16 to construct a detached carport because it is to the rear of the site and will not be prominent when viewed from the street. The design of the carport, specifically the wood blocking design fits the site and context of the neighborhood. The proposed tandem carport also maintains the placement of the single-family dwelling and the 25' setback from the southern property line the petitioner agreed to meet as a result of prior working sessions in October 2016.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- the site is an appropriate location for a detached carport (§7.3.3.C.1);
- the carport operated will adversely affect the neighborhood (§7.3.3.C.2);
- there will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).
- access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Rowe Street between Rowe and Webster Streets in Auburndale. The site and surrounding areas to the north and west are zoned Single

Residence-3 (SR3); the parcel east of the site adjacent to the property's rear lot line is zoned Manufacturing (MAN) and contains parking for adjacent commercial uses south of Rowe Street (**Attachment B**).

Despite the prevalence of SR3 zoning in the area, two-family dwellings are common in the neighborhood to the north and west of the subject property. The direct abutters to the left and right of the property are two-family homes, and three of the four properties on the block front across Rowe Street are two-family homes as well. The neighborhood has a mix of single family residential and multifamily residential uses as well as commercial, directly abutting the rear of the property (**Attachment C**).

There are no other carports in the neighborhood and existing car storage in the neighborhood is limited to surface parking and single-story garages.

B. Site

The subject property, which at 19,321 square feet is the second largest residential lot in the neighborhood, is currently improved with an approximately 3,700 square foot, wooden two-family residence constructed in 1860 and a newly constructed single-family dwelling. The proposed carport would be for the use of Unit 3, where open air parking was originally planned.

An existing retaining wall spans most of the 145-foot frontage of the property along Rowe Street, with exceptions for the front walk and the driveway at the southern end of the lot which grants vehicular access to the large existing paved area.

Approved parking and driveway plans for the site consist of a curb cut with a paved driveway leading to the 3 units. There are two parking stalls in the front common lawn area, two car garages for Units 1 and 2 and two tandem spaces allocated to Unit 3.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principle land use of the site approved by special permit #217-16 was three units of multifamily housing and will remain three units of multifamily housing.

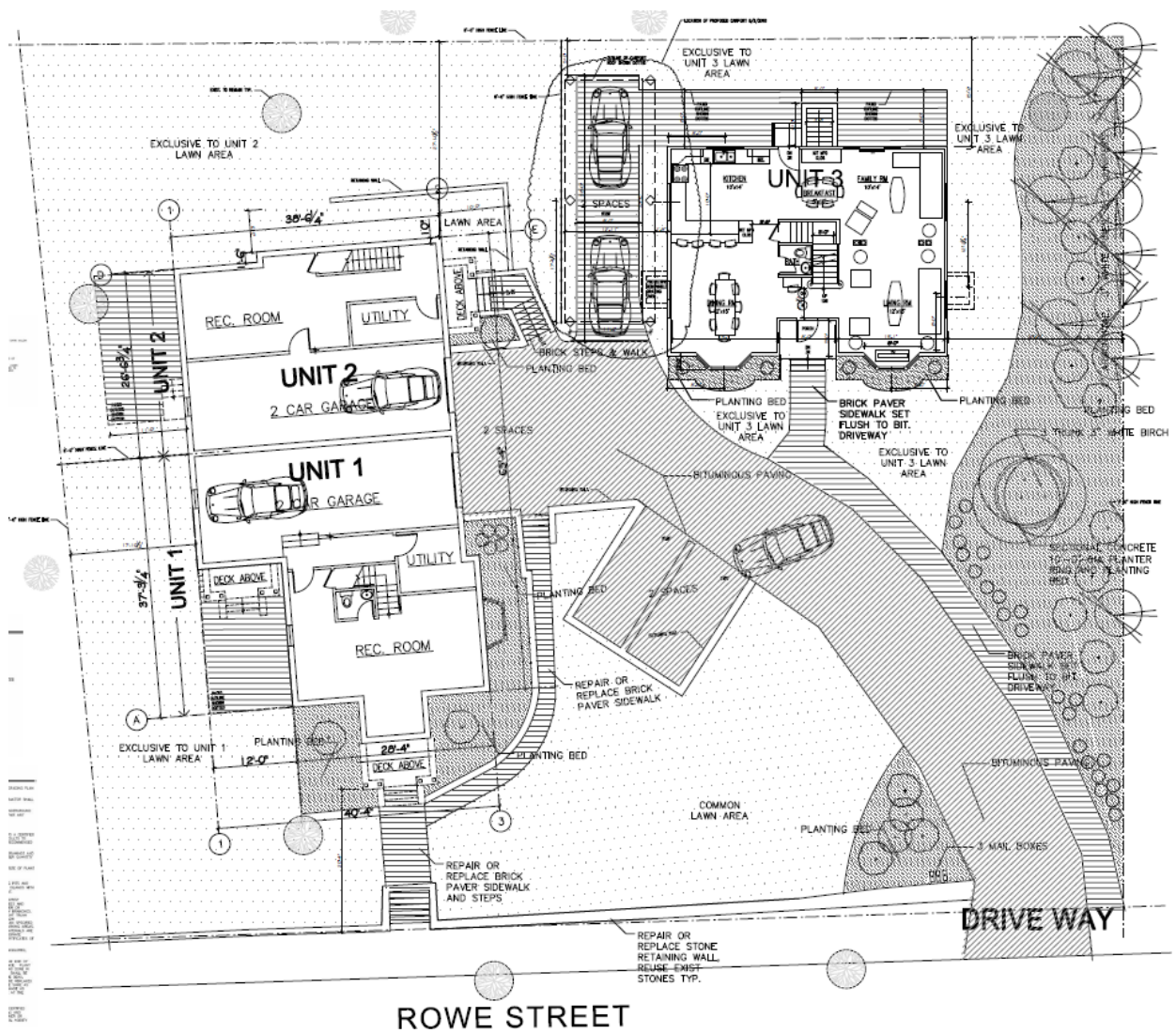
B. Building and Site Design

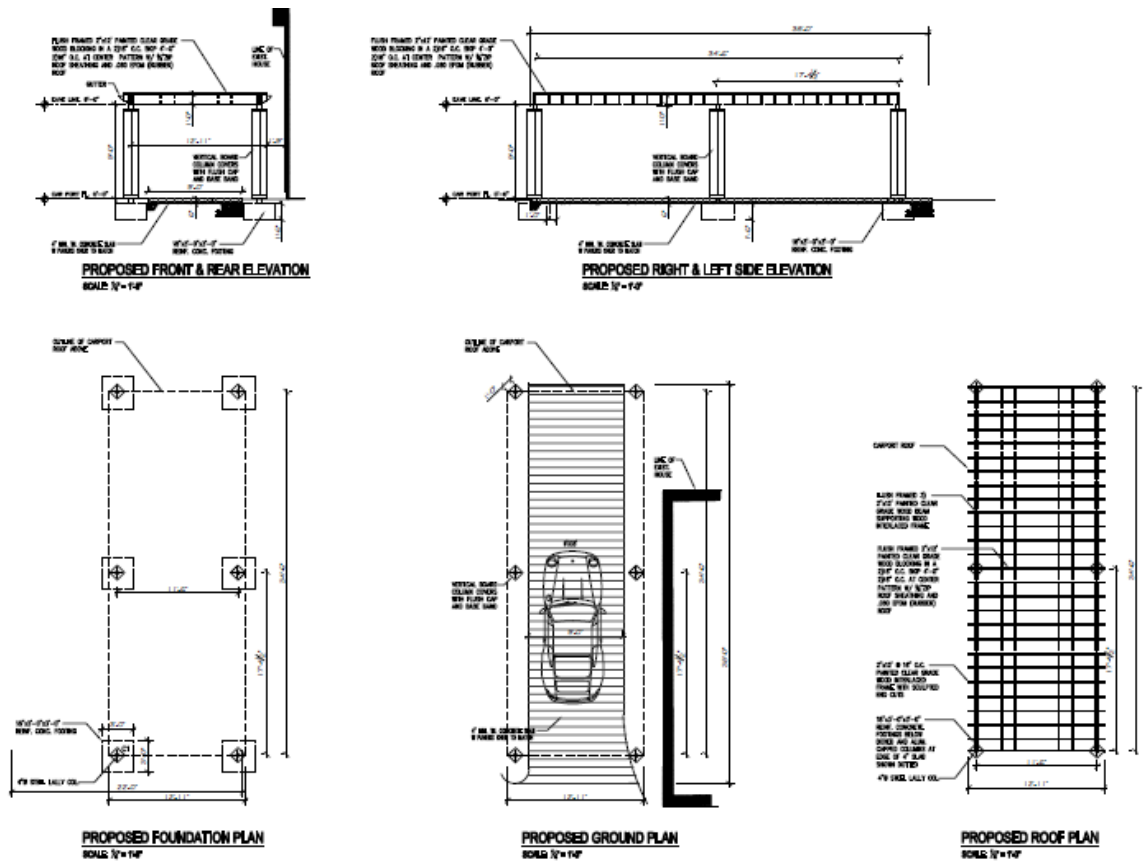
The petitioners are proposing to construct a carport approximately 12 feet wide by 38 feet long and 9 feet high. The carport will accommodate two cars tandem style and will be located on the left side of Unit 3, the single-family home on the site.

While the proposed carport would be somewhat shielded due to the elevated grade of

the site, it would still be visible from Rowe Street. The proposed carport would be at the rear of the site and there is a 6-foot high stockade fence at the rear of the lot that would shield most of the 9-foot car port.

The Planning Department believes the proposed carport will not impact the site or the neighborhood as it is located in the rear of the site, is only the width of one car, and maintains the existing building locations and setbacks. The carport plans indicate that the carport roof will be wood construction which allows it to blend in better with the site.





C. Parking and Circulation

The site is currently under construction and will be served by a curb cut and driveway on Rowe Street that will lead to two surface level parking spaces on the left and the two tandem spots that the proposed carport will be located at the rear of the lot.

D. Project History

On Architectural Plans dated April 18, 2016 submitted with the original petition, there is a two-car carport with side by side parking. In all plans following, the carport is removed, and one space is allocated to Unit 3, the proposed single family dwelling. The Planning Department believes this is due to the abutters request that the single-family dwelling be shifted to maintain a 25' side setback.

On July 26, 2016, there was a public hearing at the land use committee meeting where the petitioner applied for Special Permit/Site Plan Review for Extension of a Non-Conforming Use by building a rear addition to existing building and constructing a

second two-family dwelling. The Planning Department raised concerns with the additional two-family dwelling, and the plans were modified to maintain two units in the existing structure and reduce the new structure to a single-family dwelling. The land use report from the July 26, 2016 meeting conveyed the concerns from neighbors regarding the project having a detrimental impact on their home values, whether there is a need for two families in the Auburndale, the size of the development, traffic, growth impacts, and the appropriateness of a new multifamily structure. The carport is not mentioned in the land use report from the July 26, 2016 meeting.

At a subsequent working session in September 2017, the petitioner stated that plans were modified to reduce the proposed two-family dwelling to a single-family dwelling and reduce the spaces next to the single-family dwelling from two to one space in order to move the single-family dwelling and increase the side setback. There is no mention of the proposed carport, but it was eliminated from all subsequent plans.

The current petition proposes to amend the special permit to construct a carport for two tandem spaces while maintaining the building placement and meeting the 25-foot setback.

E. Landscaping and Screening

A landscaping plan is not required with this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment D**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Amend Council Order #217-16 to construct a detached carport for the existing single-family dwelling

V. PETITIONER'S RESPONSIBILITIES

The petitioner's application is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Council Order #217-16
- Attachment B:** Zoning Map
- Attachment C:** Land Use Map
- Attachment D:** Zoning Review Memorandum
- Attachment E:** Draft Council Order

#217-16
50 Rowe Street

CITY OF NEWTON

IN CITY COUNCIL

October 4, 2016

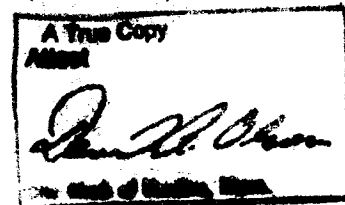
2016 OCT -5 PM 2:00
CITY OF NEWTON
CITY CLERK

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 further extend the nonconforming two-family residential use and extend the nonconforming lot area per unit in an SR2 zoning district at 50-52 Rowe Street, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

Property Address: 50-52 Rowe Street, Newton

1. The extension of the nonconforming use and structure will not be substantially more detrimental than the existing nonconforming use is to the neighborhood as the expanded two-family dwelling and the proposed additional one-family dwelling, given their relatively modest sizes and large size of the property, will not be out of scale or character with the surrounding neighborhood. Furthermore, as designed the proposed improvements will result in the preservation of a historic structure, and the replacement of a large, paved area with a structure and associated landscape improvements where a large barn previously existed (§3.4.1 and 7.8.2.C.2).
2. The further extension of the nonconforming lot area per unit will not be substantially more detrimental than the existing nonconforming lot area per unit to the neighborhood as many of the surrounding properties are also nonconforming with respect to lot area per unit and the further reduced lot area per unit will remain in keeping with the neighborhood average (§3.1.3 and §7.8.2.C.2).
3. The site is an appropriate location for the proposed expanded structure and the proposed additional one-family dwelling as the property is a large lot and the proposed structures will conform with current Floor Area Ratio (FAR), height, lot coverage and open space requirements and preserve the existing structure (§7.3.3.C.1).
4. The proposed use and structures as developed and operated will not adversely affect the neighborhood as they will be similar to and consistent with those already commonly present in the neighborhood (§7.3.3.C.2).
5. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).



6. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

PETITION NUMBER: #217-16

PETITIONER: New Newton LLC / Daniel Szeto

LOCATION: 50 Rowe Street, Section 44, Block 23, Lot 6, containing approximately 19,321 square feet of land

OWNER: New Newton, LLC

ADDRESS OF OWNER: 2193 Commonwealth Avenue
Brighton, MA 02135

TO BE USED FOR: One (2) two-family and one (1) one-family residences

CONSTRUCTION: Wood Frame

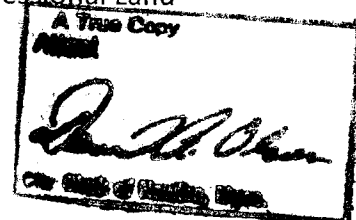
EXPLANATORY NOTES: §3.4 and §7.8.2.C.2 to further extend a nonconforming two-family residential use in a Single Residence 3 (SR-3) District

§3.1.3 and §7.8.2.C.2 to further extend nonconforming lot area per unit

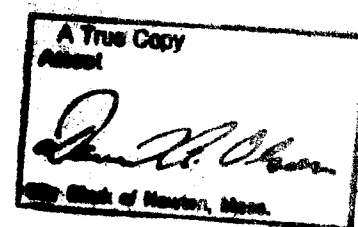
ZONING: Single Residence 3 (SR-3) District

Approved subject to the following conditions:

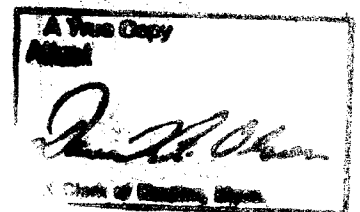
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. A plan entitled "Area Plan, Newton Massachusetts at #50 Rowe Street," dated June 13, 2016, prepared by VTP Associates Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor;
 - b. A plan entitled "Zoning Plan, Newton Massachusetts, Showing Existing Conditions at #50 Rowe Street," dated June 13, 2016, prepared by VTP Associates Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor;
 - c. A plan entitled "Zoning Plan, Newton Massachusetts, Showing Proposed Conditions at #50 Rowe Street," dated September 23, 2016, prepared by VTP Associates Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor;



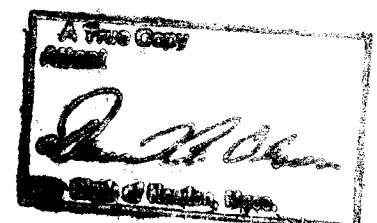
- d. A plan entitled "Topographic Site Plan, Newton Massachusetts, Showing Proposed Conditions at #50 Rowe Street," dated September 23, 2016, prepared by VTP Associates Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor;
 - e. A plan entitled "Detail Sheet, Newton Massachusetts, Showing Proposed Conditions at #50 Rowe Street," dated June 13, 2016, prepared by VTP Associates Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor and Marc Basic, Registered Professional Engineer;
 - f. A set of architectural plans entitled "New Two Family Plus Single Residence, 50-52 Rowe Street, Newton MA 02466," prepared by Ronald F. Jarek, Architect, dated April 18, 2016, as revised September 27, 2016, signed and stamped by Ronald F. Jarek, Registered Architect:
 - i) Title Sheet (A-0);
 - ii) Units 1-2-3 Proposed Conditions S.P. Sub (A-1)
 - iii) Units 1 - 2 Proposed Basement Floor Plan (A-2);
 - iv) Units 1 - 2 Proposed First Floor Plan (A-3);
 - v) Units 1 - 2 Proposed Second Floor Plan (A-4);
 - vi) Units 1 - 2 Roof Plan (A-5);
 - vii) Units 1 - 2 Proposed Elevations (Right and Front) (A-6);
 - viii) Units 1 - 2 Proposed Elevations (Left and Rear) (A-7);
 - ix) Unit 3 Proposed Basement & First Floor Plans (A-8);
 - x) Unit 3 Proposed Second Floor & Roof Floor Plans (A-9);
 - xi) Unit 3 Proposed Front & Right Side Elevations (A-10);
 - xii) Unit 3 Proposed Left Side & Rear Elevations (A-11);
 - xiii) Unit 1 - 2 Proposed Section A-A (A-13);
 - xiv) Unit 3 Proposed Section B-B (A-14);
 - xv) Units 1 - 2 Existing Basement & First Floor Plans (EX-1);
 - xvi) Units 1 - 2 Existing Second Floor & Roof Plans (EX-2);
 - xvii) Units 1 - 2 Existing Elevations (EX-3).
 - xviii) Landscape Plan (LA-1).
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for storm water management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.



3. Prior to the issuance of any Building Permit, 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.
4. Prior to the issuance of any Building Permits, the petitioner shall provide a final Landscape Plan for review and approval by the Director of Planning and Development. This plan shall include fencing and/or year-round vegetative screening, of at least five feet in height, along the southern property line.
5. Prior to the issuance of any Building Permit, the petitioner shall submit a final Construction Management Plan (CMP) to the Commissioner of Inspectional Services, the Director of Urban Forestry, the Engineering Division of Public Works, the Director of the Department of Planning and Development, the Newton Fire Department and Newton Police Department, which plan should shall include at a minimum:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
 - c. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - d. A tree preservation plan to define the proposed method for protection of existing trees to remain on the site and on abutting properties during construction.
 - e. A plan for rodent control during construction.
 - f. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
 - g. The CMP shall also address the following:
 - i. location(s) of a staging site for construction equipment and parking for construction workers vehicles;
 - ii. identification of building materials;
 - iii. phasing of the project with anticipated completion dates and milestones;
 - iv. safety precautions;
 - v. anticipated dewatering during construction;
 - vi. site safety and stability;
 - vii. impacts on abutting properties.
6. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:



- a. Received final approval from the Director of Planning and Development for the Construction Management Plan.
 - b. 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.
 - c. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - d. 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.
 - e. Filed a final Landscape Plan to the Director of Planning and Development for review and approval.
 - f. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
7. 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 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.
 - d. 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 fencing.
 - e. 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 the driveway apron and sidewalks along the property's frontage along Rowe Street have been reconstructed to the standards of the City of Newton Engineering Department and the Americans with Disabilities Act (ADA).
 - f. 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 the retaining wall located along the property's frontage along Rowe Street has been repaired consistent with the standards of the City of Newton Engineering Department.



- 8. Notwithstanding the provisions of Condition #7 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed 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 landscaping to secure installation of such landscaping.

Under Suspension of Rules
 Readings Waived and Approved
 23 yeas 0 nays 1 absent (Councilor Lappin)

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 October 6, 2016. 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.

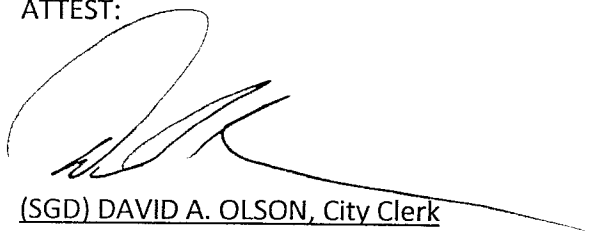
ATTEST:



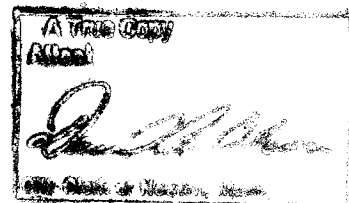
(SGD) DAVID A. OLSON, City Clerk
 Clerk of the City Council

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 10/6 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



Attachment B

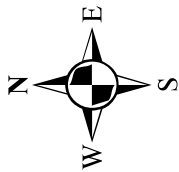
Zoning Map

50-52 Rowe Street

City of Newton,
Massachusetts

Legend

- Single Residence 3
- Multi-Residence 1
- Business 2
- Manufacturing
- Public Use

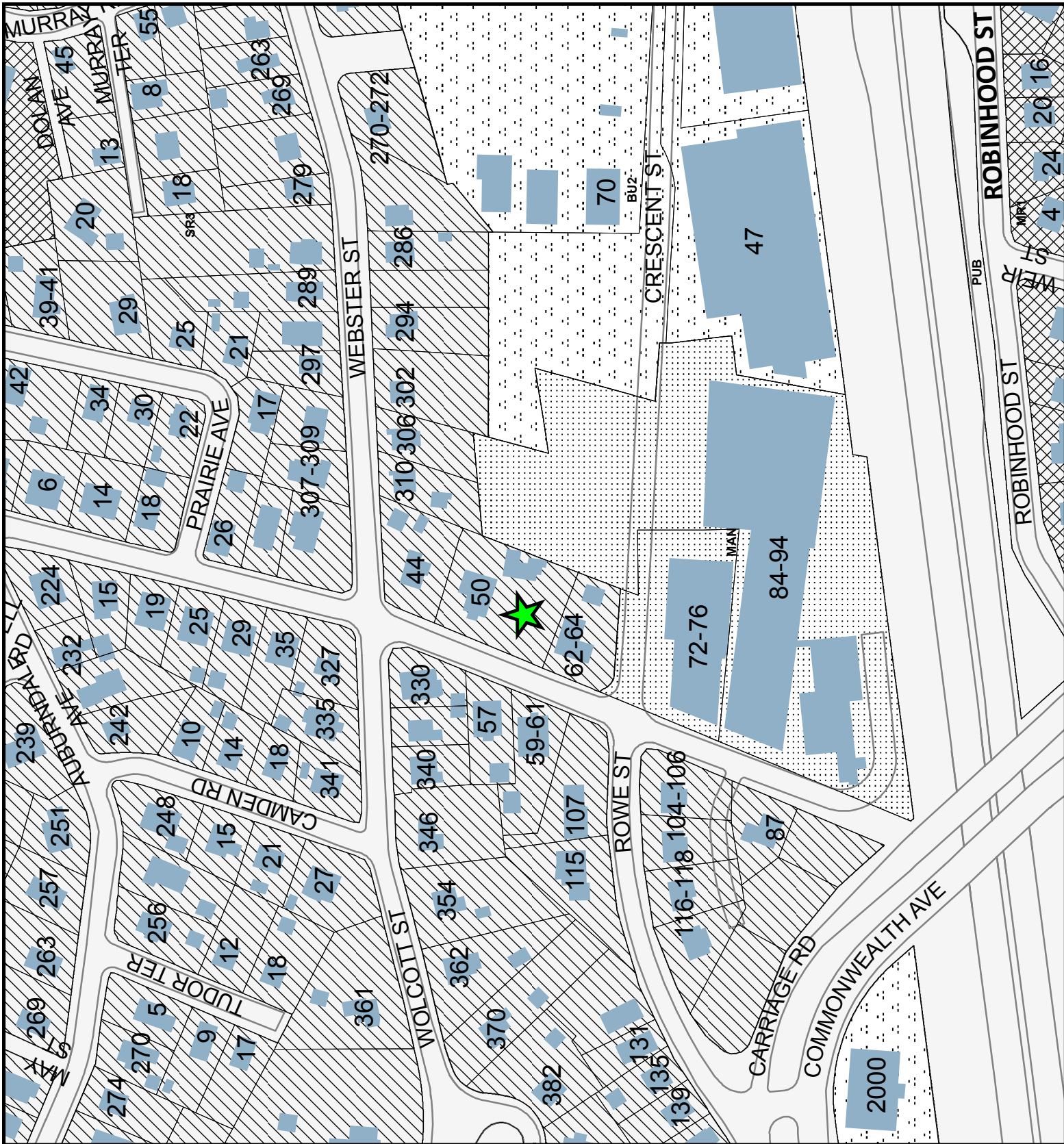


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 25 50 75 100 125 150 175 200 225 Feet

Map Date: January 04, 2019



Attachment C

Land Use

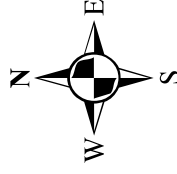
50 -52 Rowe Street

City of Newton,
Massachusetts

Legend

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: January 04, 2019





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Attachment D
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: November 5, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Terrence P. Morris, attorney
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to amend Special Permit #217-16

Applicant: Terrence Morris	
Site: 50-52 Rowe Street	SBL: 44023 0006
Zoning: SR3	Lot Area: 19,321 square feet
Current use: One two-family dwelling and one single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 50-52 Rowe Street consists of a 19,321 square foot lot improved with a two-family dwelling constructed circa 1860 and a newly constructed single-family dwelling located in the SR3 zoning district. The property received Special Permit #217-16 in 2016 allowing for the extension of the existing two-family use in a single residence district to renovate the existing two-family dwelling with an addition, and to construct the separate single-family dwelling. Each of the units in the two-family dwelling has a two-car garage, however the single unit has only exposed surface parking. The petitioner seeks to amend the special permit to construct a detached carport for two cars for the use of the single-family dwelling.

The following review is based on plans and materials submitted to date as noted below.

1. Zoning Plan, prepared by VTP Associates, surveyor, dated 9/23/2016, revised 11/21/2017, 8/3/2018
2. Landscape Plan - existing, signed and stamped by Ronald F. Jarek, architect, dated 4/28/2016, revised 8/9/2016, 8/27/2016
3. Landscape Plan – proposed, signed and stamped by Ronald F. Jarek, architect, dated 4/28/2016, revised 8/9/2016, 8/27/2016

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to construct a detached carport accessory to the single-family dwelling. The carport structure measures approximately 12 feet wide by 38 feet long, which accommodates two cars and meets the dimensional requirements for parking stalls per section 5.1.8.B, and the requirement for the number of stalls for a single-family dwelling found in section 5.1.4.A. To construct the carport as proposed, the petitioner must amend Special Permit # 217-16 and the plans associated with it.

SR3 Zone	Required	Existing	Proposed
Lot Size	7,000 square feet	19,321 square feet	No change
Frontage	70 feet	145 feet	No change
Setbacks- Two-family dwelling <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	20.4 feet 17.9 feet 39.8 feet	No change No change No change
Setbacks – Single-family dwelling <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	+/- 80 feet 25 feet 15.4 feet	No change No change No change
Setbacks – Detached carport <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 5 feet 5 feet		>100 feet >100 feet 5 feet
FAR	.38	.37	No change
Maximum Lot Coverage	30%	19.2%	21.5%
Minimum Open Space	50%	72.5%	64.9%

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
	Request to amend Special Permit #217-16	S.P. per §7.3.3

50-52 Rowe Street
#565-18

CITY OF NEWTON
IN CITY COUNCIL

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 amend Council Order #217-16 to construct a detached carport for the existing single-family dwelling as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for a detached carport because the proposed carport is to the rear of the site and maintains the 25' setback from the southern property line. (§7.3.3.C.1.)
2. The proposed detached carport will not adversely affect the neighborhood given that it is set back into the site and semi shielded by a stockade fence to the rear. (§7.3.3.C.2.)
3. The proposed detached carport will not create a nuisance or serious hazard to vehicles or pedestrians because the structure is located to the rear of the site. (§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: #565-18

PETITIONER: New Newton LLC

LOCATION: 50-52 Rowe Street, Section 44, Block 23, Lot 06, containing approximately 19,321 square feet of land

OWNERS: New Newton LLC/Daniel Szeto

ADDRESS OF OWNERS: 2193 Commonwealth Ave, Brighton, MA 02135

TO BE USED FOR: Detached carport

CONSTRUCTION:	Concrete slab, steel columns, vertical board covers, wood roof
EXPLANATORY NOTES:	To amend Council Order #217-16 which extended the nonconforming two-family structure and use to include an additional single-family dwelling.
ZONING:	Single Residence 3

The prior special permit for this property is as follows: Council Order #217-16, to further extend the nonconforming two-family residential use and extend the nonconforming lot area per unit at 50-52 Rowe Street. The conditions set forth in Council Order #217-16 remain in full force and effect.

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. Zoning Plan prepared by VTP Associates dated September 23, 2016, revised November 21, 2017; August 3, 2018 signed and stamped by Joseph R. Porter, Professional Land Surveyor.
 - b. Landscape Plan, New Two Family Plus Single Residence –dated April 28, 2016, revised August 2, 2018, September 9, 2016, September 27, 2016, signed and stamped by Ronald F. Jarek, Registered Architect.
 - i. Landscape Plan (LA-1)
 - ii. Carport Plan and Elevations (A-12);
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 Approval 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 Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
3. No Certificate of Occupancy/Final Inspection for the buildings and uses 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 surveyor certifying substantial compliance with Condition #1.