

CITY OF NEWTON

IN CITY COUNCIL

March 21, 2016

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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to locate parking within five feet of the street as the petitioners are constructing a detached garage located .25 feet from the street for which they have received a variance, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. Literal compliance with the parking design requirements of the Newton Zoning Ordinance is impracticable due to the grade of the lot. The location of parking within five feet of the street is appropriate for this site, and has been utilized by other property owners on Newtonville Avenue. (§5.1.13)
2. The specific site is an appropriate location for the proposed garage. (§7.3.3.C.1)
3. The proposed garage as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2)
4. The site is an appropriate location for the proposed project due to the steep grade of the lot. The site as developed with the proposed project will exceed the minimum requirement for open space and will be below the maximum allowed for building lot coverage. §30-24(d)(1)
5. The petitioner has received a variance to allow for the detached accessory structure within the front and side setbacks.

PETITION NUMBER: #32-16(2)

PETITIONER: Marianne Gerard and Christine Kane

LOCATION: 150 Newtonville Avenue, on land known as Section 12, Block 22, Lot 20, containing approx. 10,404 square feet of land

OWNER: Marianne Gerard and Christine Kane

ADDRESS OF OWNER: 150 Newtonville Avenue
Newton, MA 02458

TO BE USED FOR: Single-family dwelling

EXPLANATORY NOTES: §5.1.7 and §5.1.13 to locate parking stalls within 5 feet of the street.

ZONING: Single Residence 2 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. Plan of Proposed Subdivision, signed and stamped by Paul J. Tyrell, dated 9/24/2015
 - b. Proposed New Garage, signed and stamped by Arthur K.F. Choo, dated 9/4/2015 containing the following sheet:
 - i. Sheet A-1.1 – Proposed Foundation Plan & Elevations
2. Prior to the issuance of a building permit the petitioner shall submit final Engineering Plans to the City Engineer for review and approval.
3. 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. Recorded and filed a certified copy of the Variance 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. 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/Occupancy Permit for 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 Commissioner of Inspectional Services and City Engineer, and the Department of Planning and Development, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.