

CITY OF NEWTON

IN BOARD OF ALDERMEN

April 6, 2015

RECEIVED  
Newton City Clerk  
2015 APR -9 PM 4:00  
David A. O'Neil, Clerk  
Newton, MA 02459

ORDERED:

That the Board, 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 allow a build factor of 28.08 on the lot at 26 Goddard Street (SBL 83, 34, 12) in order to create two single-family lots, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The site is an appropriate location for the proposed two single-family lots, as the immediate neighborhood is similarly developed and the lot area for each of the proposed lots satisfies the minimum lot area requirement set out in Table 1 of §30-15 for lots in the SR3 district in accordance with the provisions of §30-26. (§30-24(d)(1))
2. The two irregularly shaped lots, each containing a single-family dwelling, as developed and used will not adversely affect the neighborhood and will be subject to the terms of private restrictive covenants governing certain aspects of the use of such lots. (§30-24(d)(2))
3. The configuration of the proposed two single-family lots will not create a nuisance or serious hazard to pedestrians or vehicles in the surrounding neighborhood. (§30-24(d)(3))
4. Access to the two proposed lots over Goddard Street is appropriate for the types and numbers of vehicles involved. (§30-24(d)(4))

PETITION NUMBER: #39-15

PETITIONER: Scott Cusick (Pitsick, LLC.)  
Joshua Shriber and Patience Orobello

LOCATION: 18, 22, and 26 Goddard Street, on land known as Section 83, Block 34, Lots 13A, 13, 12, containing approximately 15,000 square feet of land in total

ADDRESSES OF OWNERS: Pitsick, LLC  
6 Read Drive  
Hanover, MA 02339

Joshua Shriber and Patience Orobello  
22 Goddard Street

Newton, MA 02461

TO BE USED FOR: Two Single-Family Lots

EXPLANATORY NOTES: §30-15(p), to allow a build factor of 28.08 for 26 Goddard Street

ZONING: Single Residence 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. Proposed "Subdivision Plan located at 22-26 Goddard Street, Newton, MA", prepared, stamped, and signed on February 5, 2015, by George Collins, Professional Land Surveyor, and originally dated September 9, 2011 and last revised on January 30, 2015 (the "Subdivision Plan").
  - b. An "As-built & Stake Out Sketch for a property located at 22 Goddard Street, Newton, MA", prepared, stamped, and signed by George Collins, Professional Land Surveyor, dated June 21, 2011.
  - c. A "Utility Plan located at 22-26 Goddard Street, Newton, MA", prepared, stamped, signed by George Collins, Professional Land Surveyor, dated September 9, 2011 and last revised on January 30, 2015.
  - d. A "Plot Plan Showing Proposed 2-Story Home for Lot 109 at Goddard Street, Newton, MA," prepared stamped and signed by Shawn Hardy and Stephen Des Roche, Professional Land Surveyors, dated October 13, 2011 and last revised on December 1, 2011.
2. The Petitioner shall re-subdivide Lots 109, 110, and 111 into two lots in conformity with the shapes and lot areas set forth in the Subdivision Plan. The Petitioner shall grant as an easement appurtenant to the owners of 22 Goddard Street the right to exclusively use the hatch marked area on the Subdivision Plan for all the purposes that land can customarily and lawfully be used under the Zoning Ordinances as accessory to a single family home in Newton including but not limited to fences, plantings, gardens, detached garages, sheds and other non-habitable structures.
3. The Petitioner shall promptly resume and diligently pursue to completion the construction of the residential structure located at 26 Goddard Street (Lot 109) in accordance with the building plans for City of Newton Building Permit #1110408, and upon such completion promptly seek a certificate of occupancy (the "Certificate of Occupancy") from the Newton Inspectional Services Department ("ISD"), and promptly and diligently undertake to make the structure conform to the ISD's requirements for issuance of a Certificate of Occupancy
4. The Petitioner shall promptly remove all temporary construction fencing, construction materials, debris, and other fixtures and personal property from what was 18 Goddard Street; provided however, the owners of 22 Goddard Street, who will also become owners of most of the former 18 Goddard Street property (Lot 111) as shown in the Subdivision Plan, shall be free to install such fencing of such materials and height and in such locations

as are customary for land in Newton containing a single family house, and so long as consistent with the City of Newton Fence Ordinance.

5. The Petitioner as directed by the Commissioner of Inspectional Services, as to the partially constructed foundation in a portion of what was 18 Goddard Street (SBL 83, 34, 13A), shall have the following work promptly performed:
  - i) obtain a demolition permit and have demolished and toppled into the foundation a sufficient amount of each of the foundation walls so that the tops of the remaining portions of the foundation walls shall be not less than three feet below the proposed finished grades as approved by the Commissioner of Inspectional Services in order to provide sufficient room for fill (compacted in one foot increments) and top soil;
  - ii) if a concrete foundation floor was constructed, then break up the concrete floor of the foundation at various locations so that stormwater can effectively drain through the demolished foundation structure;
  - iii) place and compact fill within, over, and around the demolished foundation to the specified grades;
  - iv) place sufficient soil and loam and seed over the entire land at what was 18 Goddard Street as soon as practicable;
  - v) plant four 8- to 10- foot high Kousa dogwood trees on what was 18 Goddard along the property line with the abutting property at 423 Winchester Street, as soon as reasonably practicable in locations designated by the owners of 423 Winchester Street after consultation with the owners of 22 Goddard Street.
6. The Petitioner shall promptly install a driveway where there is an existing curb cut to the east side of the house located at 22 Goddard Street as shown on the Subdivision Plan, and upon completion of said new driveway, the Petitioner shall remove the existing driveway and curb cut located on the west side of the house at 22 Goddard, and thereafter grade and reseed the disturbed area as soon as practicable. The building footprints and heights of the two dwelling structures numbered 22 Goddard and 26 Goddard located on Lots 1 and 2 respectively on the Subdivision Plan and any detached structures, which may be subsequently constructed, shall be in compliance with the Special Permit and Newton Zoning Ordinances.
7. 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. In accordance with Condition #2, recorded the Subdivision Plan as an Approval Not Required (ANR) plan in accordance with Massachusetts General Laws Ch. 41 Sec. 81P consolidating the existing three lots into two lots with the Registry of Deeds for the Southern District of Middlesex County.

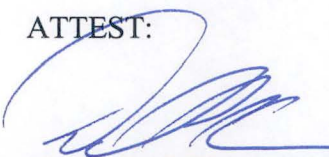


- d. Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
8. Prior to the issuance of any final certificate of occupancy for the dwelling at 26 Goddard Street (SBL 83, 34, 12), the petitioner shall:
- a. File with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a surveyor certifying compliance with Condition #1.
  - b. Submit to the Department of Inspectional Services, Engineer Division of Public Works, and the Department of Planning and Development a final as-built survey plan in digital format by a licensed surveyor.
  - c. Completed all work called for in Conditions ##3-6 above.

Under Suspension of Rules  
Readings Waived and Approved  
24 yeas 0 nays

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 April 9, 2015. 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 Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen 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 Board of Aldermen in the Office of the City Clerk on 4/9 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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