

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 extend a nonconforming side setback to 3.3 feet, where 7.5 feet is the minimum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Acting Chairman, Councilor Gregory Schwartz:

1. The proposed extension of the nonconforming side setback is not substantially more detrimental than the existing setback is to the neighborhood because the addition will not encroach any farther into the setback than the existing structure and the property will remain compliant with all other dimensional controls of an old lot in the Single Residence 2 district (§3.1.3 and §7.8.2.C.2).

PETITION NUMBER: #230-17

PETITIONER: Lauren Solotar

LOCATION: 191 Grant Avenue, on land known as Section 61, Block 29, Lot 14, containing approximately 6,044 square feet of land

OWNER: David Gansler and Lauren Solotar

ADDRESS OF OWNER: 191 Grant Avenue  
Newton, MA 02459

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further extend a nonconforming side setback

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. Site Plan, prepared by Terrence M. Ryan, Registered Land Surveyor, unsigned and unstamped, dated May 9, 2013
  - b. Architectural Plans, entitled "Gansler Residence Addition", prepared by Leaf Design Associates Inc., unsigned and unstamped, dated December 22, 2016, consisting of the following five (5) sheets:
    - i. Sheet A-1 First Floor Plan
    - ii. Sheet A-2 Second Floor Plan
    - iii. Sheet A-3 Front Elevation
    - iv. Sheet A.4 Side Elevation
    - v. Sheet A.5 Rear Elevation
2. 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.
3. 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. 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 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 an architect or land surveyor certifying compliance with Condition #1.

- b. 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.