

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 continue an existing nonconforming front setback of 11.4 feet where 25 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, Gregory Schwartz:

1. The proposed extension of the nonconforming front setback is not substantially more detrimental than the existing nonconforming front setback is to the neighborhood given that the proposed one-story addition is approximately 14 feet in length, would be subordinate in scale to the existing dwelling and would not increase the existing front setback nonconformity (§3.1.3 and §7.8.2.C.2).

PETITION NUMBER: #225-17

PETITIONER: Richard Levey

LOCATION: 155 Monadnock Street, on land known as Section 61, Block 17, Lot 1, containing approximately 29,138 square feet of land

OWNER: Dan and Alison Jaffe

ADDRESS OF OWNER: 155 Monadnock Road
Newton, MA

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further continue a nonconforming front setback

ZONING: Single Residence 1 (SR1) 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 site plan entitled "Existing Conditions Plan (155 Monadnock Rd) in Newton, Mass," prepared by Metrowest Engineering, Inc., dated July 26, 2012, signed and stamped by Robert A. Gemma, Professional Land Surveyor, on July 30, 2012;
 - b. A site plan entitled "Proposed Plot Plan in Newton, Mass," Location: 155 Monadnock Road, prepared by Metrowest Engineering, Inc., dated May 24, 2017, signed and stamped by Robert A. Gemma, Professional Land Surveyor, on June 2, 2017;
 - c. A site plan entitled "Proposed Conditions Plan (155 Monadnock Rd) in Newton, Mass," prepared by Metrowest Engineering, Inc., dated May 24, 2017, as revised through July 25, 2017, signed and stamped by Robert A. Gemma, Professional Land Surveyor, on July 25, 2017;
 - d. Architectural plans entitled "Jaffe Residence, 155 Monadnock Rd., Newton, MA," prepared by Richard B. Levey Architects, dated January 17, 2017, signed and stamped by Peter Richard B. Levey, Registered Architect, consisting of the following sheets:
 - i. Existing Floor Plans, Existing Elevations (A-1);
 - ii. Proposed Floor Plans and Elevations (A-2).
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. Prior to the issuance of any building permit, the petitioner shall provide a Final Landscape Plan to the Director of Planning and Development for review and approval. Said Final Landscape Plan shall indicate the location of permeable pavers in the area of the existing driveway on the Tudor Road frontage of the property.
4. 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.
5. 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 and 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 an architect and licensed land surveyor including the as built floor area ratio of the structure.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Engineering Division of Public Works a statement from the Department of Planning and Development approving, consistent with the approved Final Landscape Plan, the final location, number and type of plant materials and final landscape features.
6. Notwithstanding the provisions of Condition #5 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.