

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 allow an oversized accessory apartment and to further extend a nonconforming front setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the proposed oversized accessory apartment due to its location in the Multi Residence 1 zone with nearby multifamily residential uses. (§6.7.1.D.1; §7.3.3.C.1)
2. The proposed accessory apartment will not adversely affect the neighborhood because the bulk of the addition to accommodate the accessory apartment is within the footprint of the existing structure and will not be visible from the street. (§6.7.1.D.1; §7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because parking for the existing two units and accessory apartment is contained on site. (§6.7.1.D.1; §7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§6.7.1.D.1; §7.3.3.C.4)
5. The proposed extension of the nonconforming front setback is not substantially more detrimental than the existing nonconforming setback is to the neighborhood because it is contextual with other setbacks in the neighborhood. (§3.2.3; §7.8.2.C.2)

PETITION NUMBER: #425-20

PETITIONER: Bogdan and Maria Pilat

LOCATION: 146 Langley Road, on land known as Section 61, Block 41, Lot 2, containing approximately 10,312 square feet of land

OWNER: Bogdan and Maria Pilat

ADDRESS OF OWNER: 146 Langley Road  
Newton, MA 02459

TO BE USED FOR: Two-Family Dwelling with an internal accessory apartment

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §6.7.1.D.1, and §7.3.3, to allow an oversized internal accessory apartment and §3.2.3, and §7.8.2.C.2 to further extend the nonconforming front setback

ZONING: Multi Residence 1

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. Plot Plan showing proposed conditions at 146 Langley Road, signed and stamped by Antoni Szerszunowicz, Professional Land Surveyor, dated December 3, 2020;
  - b. Architectural Plans and Elevations, signed and stamped by Nazeih R. Hammouri, dated December 14, 2020 consisting of the following seven (7) sheets.
    - i. Level 1 Floor Plans, existing and proposed, showing Units 1 and 3
    - ii. Level 2 Floor Plans, existing and proposed, showing Units 2 and 3
    - iii. Roof Plan
    - iv. North and South Elevations
    - v. East Elevations
    - vi. West Elevations
    - vii. Garage Plans showing front and north elevation, floor plan and section, dated November 18, 2020
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. The Petitioner and the accessory apartment must at all times comply with all applicable rules for accessory apartments set forth in Section 6.7 of the Newton Zoning Ordinance. The accessory apartment cannot constitute its own unit within a condominium.
4. The accessory apartment must be held in common ownership with the principal dwelling unit, Unit 1, in accordance with Section 6.7.C.1 of the Newton Zoning Ordinance.
5. The owner of the principal dwelling unit (Unit 1) to which the accessory apartment is accessory to shall occupy either the principal unit (Unit 1) or the accessory apartment and shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this

fact prior to July 1 of every year. These requirements shall be included in the master deed if the two-family dwelling is converted into a condominium.

6. In the event the two-family dwelling is converted into a condominium, a copy of the Master Deed shall be submitted to the Department of Planning and Development and the Law Department for review to determine consistency with this Special Permit prior to recording.
7. In the event ownership of the principal dwelling unit (Unit 1) being held in common ownership with the accessory apartment changes, the new owner(s) shall notify the Commissioner of the Inspectional Services Department at which time the Commissioner shall conduct a determination of compliance with this decision and all applicable codes.
8. The petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management, should such a system be required, to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioner at the Middlesex South District Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
9. 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 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 order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
  - 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.
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 statements by a registered architect and professional land surveyor certifying compliance with Condition #1, including the as built FAR of the structure.
  - 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.
  - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.