

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 two parking stalls within the 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 additional parking stall within the front setback due to the steep grade change from the front to the rear of the site and the site features that necessitate parking within the front setback. (§5.1.7.A; §5.1.13; §7.3.3.C.1)
2. The additional parking stall within the front setback will not adversely affect the neighborhood because many properties on Waban Hill Road north feature parking within the front setback. (§5.1.7.A; §5.1.13; §7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because proposed configuration increases the distance between vehicles and the sidewalk. (§5.1.7.A; §5.1.13; §7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the driveway can accommodate two parking stalls that meet the dimensional standards of the zoning ordinance. (§5.1.7.A; §5.1.13; §7.3.3.C.4)
5. Literal compliance with the parking requirements is impracticable due to the steep grade change from the front to the rear of the lot. (§5.1.7.A; §5.1.13).

PETITION NUMBER: #8-21

PETITIONERS: Sheldon Benjamin and Miriam Rosenblum

LOCATION: 141 Waban Hill Road North, on land known as Section 63, Block 4, Lot 37, containing approximately 10,505 square feet of land

OWNER: Sheldon Benjamin and Miriam Rosenblum

ADDRESS OF OWNER: 141 Waban Hill Road North
Newton, MA 02467

TO BE USED FOR: Driveway

CONSTRUCTION: Pavers

EXPLANATORY NOTES: §5.1.7.A, §5.1.13, and §7.3.3 to allow parking within the front 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. Plan of Land in Newton, MA - 141 Waban Hill Road North Proposed Driveway, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated September 10, 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.
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 council 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 council 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.
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 a Professional 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 Professional Land Surveyor.