

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 to amend the site plan for SPECIAL PERMIT/SITE PLAN APPROVAL #227-17, which amended SPECIAL PERMIT/SITE PLAN APPROVAL #94-16, which allowed construction of a two-story garage/barn-style addition to the rear of an existing structure to allow a private garage with a footprint of 1,169 square feet, by substituting the herein approved site plan with an As-Built plan showing several additional features, including a paved patio area, approximately 30 additional stone pillars and associated stone walls and iron fencing, 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 additional paved patio areas, the stone pillars and associated stone walls and iron fencing, and the motorized gate control system, as the installed stormwater management system is adequate and the site exceeds the minimum open space requirements (§7.3.3.C.1);
2. The additional paved patio areas, the stone pillars and associated stone walls and iron fencing, and the motorized gate control system will not adversely affect the neighborhood, as the installed stormwater management system is adequate and the site exceeds the minimum open space requirements (§7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

PETITION NUMBER: #30-21 (amending Special Permit/Site Plan Approval #227-17)

PETITIONER: Theodore Ventouris and Angelina Ventouris

LOCATION: 2171 Commonwealth Avenue, Section 41, Block 18, Lot 32A, containing approximately 20,952 square feet of land

OWNER: Nicholas Ventouris and Angelina Ventouris

ADDRESS OF OWNER: 2171 Commonwealth Avenue  
Newton, MA

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §7.3.3.C.2, request to amend Special Permit/Site Plan Approval #227-17 by substituting a new site plan

ZONING: Single Residence 2 District

Approved subject to the following conditions:

1. All conditions set forth in Special Permit/Site Plan Approvals #94-16 and #227-17 shall remain in full force and effect with the exception that the following plans are substituted for the plans identified in Condition 1(i-iii), and the buildings, parking areas, driveways, walkways, landscaping and other site features associated with Special Permit/Site Plan Approvals #94-16 and #227-17 shall be located and constructed consistent with the plans as originally identified in Condition 1 and as amended by the following plans:
  - i. "Existing Conditions Site Plan, 2171 Commonwealth Ave., Newton MA for Ted Ventouris," prepared by Civil Environmental Consultants, dated 2/17/2016 as revised through 4/27/2016 and signed and stamped by Bruce P. Eaton, Professional Engineer and Professional Land Surveyor.
  - ii. "As-Built Site Plan, 2171 Commonwealth Ave., Newton MA for Ted Ventouris," prepared by Civil Environmental Consultants, dated 5/24/2017 as revised through 3/20/2020 and signed and stamped by James A. Herrick, Registered Engineer and William R. Dentremont, Professional Land Surveyor.
  - iii. "Detail Sheet, Proposed Site Plan, 2171 Commonwealth Ave., Newton MA for Ted Ventouris," prepared by Civil Environmental Consultants, dated 2/17/2016 as revised through 4/27/2016 and signed and stamped by Bruce P. Eaton, Professional Engineer.
2. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
  - a. Submitted a Final Site Plan indicating the elimination and removal of approximately 1,000 square feet of paved driveway area located within the northern portion of the property, generally north of the "cobblestone driveway" area adjacent to the "two story addition" as denoted on the plan referenced in Condition 1 (ii) above, to the Engineering Division and Director of Planning and Development for review and approval.

- b. Submitted a Final Landscape Plan which includes the removal of certain paved driveway area as indicated in Condition 2(a) to the Director of Planning and Development for review and approval.
- c. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1 as modified by the approved Final Site Plan referenced in Condition #2(a).
- d. Filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
- e. Provided a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds, and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
- f. 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. These plans shall confirm the modifications to the nonconforming deck have been completed and include all required landscaping as shown by plans cited in Condition #1, as modified by the approved Final Site Plan referenced in Condition #2(a).
- g. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features, including the extent of any paved driveway area(s), and consistent with plans cited in Condition #1, as modified by the approved Final Site Plan referenced in Condition #2(a) and the approved Final Landscape Plan referenced in Condition #2(b).
- h. Filed with the City Clerk, the Department of Inspectional Services, the Law Department, and the Department of Planning and Development a duly authorized and executed license approved by the Law Department authorizing the installation and maintenance of the retaining walls, pillars, fencing and other site features within the city-owned easement as shown in the plans referenced in Condition #1, as modified by the approved Final Site Plan referenced in Condition #2(a).