

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 three single family attached dwellings, waive the required side setback requirements, to allow parking within the front setback, to allow parking within 20 feet of the side property line and to allow a driveway within 10 feet of the side property line as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed three single-family attached dwellings due to its location with the Multi Residential 1 zoning district. (§7.3.3.C.1)
2. The proposed three single-family attached dwellings as developed and operated will not adversely affect the neighborhood as the one additional dwelling unit will not be visible from the street, is not taller than the existing two family, and complies with the lot area per unit dimensional standard. (§7.3.3.C.2)
3. The proposed three single-family attached dwellings will not create a nuisance or serious hazard to vehicles or pedestrians because parking will be contained on site. (§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)
5. Literal compliance with the dimensional standards for the side setbacks, parking within the front setback, parking with 20 feet for the side lot line and a driveway located within ten feet of the side lot line, is impractical because the waivers reflect the existing conditions of the site and many properties on Broadway have similar parking configurations. (§3.2.4, §6.2.3.B.2)

PETITION NUMBER: #32-21

PETITIONER: Gilbert and Deborah Ho

LOCATION: 63-65 Broadway, on land known as Section 23, Block 6, Lot 19, containing approximately 18,000 square feet of land

OWNER: Gilbert and Deborah Ho

ADDRESS OF OWNER: 63-65 Broadway
Newton, MA 02460

TO BE USED FOR: Three single-family attached dwellings

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.1, §7.3.3 to allow three single family attached dwellings with waivers for the side setback requirements §3.2.4, parking within the front setback §5.1.7.A, §5.1.13, parking within 20 feet of a side setback and a driveway within 10 feet of a side lot line §6.2.3.B.2

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 63-65 Broadway, signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated June 2, 2020, most recently revised November 20, 2020
 - b. Architectural Plans and Elevations, "Ho Residence", prepared by Peter Sachs, unsigned and unstamped, dated June 5, 2020, most recently revised August 18, 2020, consisting of the following thirteen (13) sheets.
 - i. A-2 Proposed Basement Plan (Unit 3)
 - ii. A-3 Proposed First Floor Plan (Unit 3)
 - iii. A-4 Proposed Second Floor Plan (Unit 3)
 - iv. A-5 Proposed Roof Plan (Unit 3)
 - v. A-6 First Floor and Roof Link Plans
 - vi. A-7 Proposed Front Elevation (Unit 3)
 - vii. A-8 Proposed Right Elevation (Unit 3)
 - viii. A-9 Proposed Back Elevation (Unit 3)
 - ix. A-10 Proposed Left Elevation (Unit 3)
 - x. A-11 Proposed Left Elevation, showing a section of Unit 3
 - xi. A-12 Proposed Left Elevation, showing a section of Unit 3
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 plans referenced in Condition 1a shall be updated to reflect the relocation of two parking stalls, currently located five feet from the

front property line and 24 feet from the southeastern property line. These stalls shall be relocated along the southeastern boundary. The plans shall also be updated to reflect a six-foot-tall solid fence along the southeastern property line.

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 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.
 - e. 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.
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.