

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 site plan changes to grading, driveway design, and new landscape elements, and to allow the further extension of the nonconforming building height, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site an appropriate location for the proposed changes to grading, driveway design, and new landscape elements because the site modifications comply with the dimensional standards of the Single Residence 1 zoning district. (§7.3.3.C.1)
2. The proposed changes to grading, driveway design, and new landscape elements will not adversely affect the neighborhood because the site changes are located towards the rear of the property and will be minimally visible from the street. (§7.3.3.C.2)
3. The proposed changes to grading, driveway design, and new landscape elements will not create a nuisance or serious hazard to vehicles or pedestrians because parking is 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. The proposed increase in the nonconforming height is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the principal ridgeline is not increasing. (§3.1.9 and §7.8.2.C.2)

PETITION NUMBER: #130-17 (3)

PETITIONER: Robert Laughrea

LOCATION: 164 Highland Avenue, on land known as Section 24, Block 12, Lot 20, containing approximately 22,230 square feet of land

OWNER: Robert Laughrea

ADDRESS OF OWNER: 164 Highland Avenue  
Newton, MA 02465

TO BE USED FOR: Single-Family dwelling with attached six car garage

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: To amend Special Permit #130-17 to allow site modifications (§7.3.3), and to further increase the nonconforming height (§3.1.9 and §7.8.2.C.2).

ZONING: Single Residence 1 district

***The prior special permit for this property is Special Permit #130-17 which allowed the construction of a single-family dwelling with a private garage consisting of 1,500 square feet and accommodating six vehicles. This special permit supersedes and replaces Special Permit #130-17. Any conditions in prior special permits not set forth in this Special- Permit #130-17(3) are null and void.***

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. Proposed Site Plan, signed and stamped by John R. Hamel, Professional Land Surveyor, dated February 22, 2021.
  - b. Architectural Plans and Elevations, signed and stamped by Alan J. Mayer, Registered Architect, consisting of seventeen (17) sheets:
    - i. A1-0 Existing Conditions, Basement Plan, dated April 12, 2017;
    - ii. A1-1 Existing Conditions, First Floor Plan, dated April 12, 2017;
    - iii. A1-2 Existing Conditions, Second Floor Plan, dated January 23, 2017;
    - iv. A1-3 Existing Conditions, Third Floor Plan, dated January 23, 2017;
    - v. A2-1 Existing Conditions, Existing Front Elevation, dated January 23, 2017;
    - vi. A2-2 Existing Conditions, Existing Side Elevation, dated January 23, 2017;
    - vii. A2-3 Existing Conditions, Existing Rear Elevation, dated January 23, 2017;
    - viii. A2-4 Existing Conditions, Existing Side Elevation, dated January 23, 2017;
    - ix. A3-0 Proposed Additions, Basement Plan, dated March 3, 2017;
    - x. A3-1 Proposed Additions, First Floor Plan, dated January 23, 2017;
    - xi. A3-2 Proposed Additions, Second Floor Plan, dated January 23, 2017;
    - xii. A3-3 Proposed Additions, Third Floor Plan, dated January 23, 2017;

- xiii. A4-1 Proposed Additions, Proposed Front Elevation, dated January 23, 2017;
  - xiv. A4-2 Proposed Additions, Proposed Side Elevation, dated January 23, 2017;
  - xv. A4-3 Proposed Additions, Proposed Rear Elevation, dated January 23, 2017; and
  - xvi. A4-4 Proposed Additions, Proposed Side Elevation, dated January 23, 2017.
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- 2. There shall be no commercial automotive use of any sort conducted on site.
  - 3. There shall be no rental of any of the 6 parking spaces in the garage, and there shall be no second hand motor vehicle dealer license registered to this site, which license would be required if any person residing at the site sells more than three (3) motor vehicles in any calendar year.
  - 4. The petitioner shall comply with the Noise Ordinance.
  - 5. When either of the two lifts in the garage is in operation, the garage doors shall be closed.
  - 6. 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.
  - 7. 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. 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. 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.
    - e. 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 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.