

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 of a SPECIAL PERMIT/SITE PLAN APPROVAL to allow the further reduction of the already nonconforming front setback from 16.5 to 14.9 feet where 25 feet is the minimum allowed by right (§3.1.3 §7.8.2.C.2), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- 1) The site in a Single Residence 3 (SR3) district is an appropriate location for the proposed front porch that would reduce the front setback to 14.9 feet. (§7.3.3.C.1)
- 2) The proposed front porch that would reduce the front setback to 14.9 feet will not adversely affect the neighborhood. (§7.3.3.C.2)
- 3) The proposed front porch that would reduce the front setback to 14.9 feet will not create a 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: #88-21

PETITIONER: Abhay Mayur

ADDRESS OF PETITIONER: 89 Pine Street  
Newton, MA 02466

LOCATION: 89 Pine Street, on land known as Section 44, Block 35, Lot 87,  
containing approximately 22,698 square feet of land

OWNER: Abhay Mayur and Roma Mayur

ADDRESS OF OWNER: 89 Pine Street  
Newton, MA 02466

TO BE USED FOR: Single Family Dwelling

EXPLANATORY NOTES: Special permit per §7.3.3:  
• to further extend a nonconforming front setback (§3.1.3 §7.8.2.C.2)

ZONING: Single Residence 3 (SR3) 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. A site plan entitled "Plan of Land in Newton, MA, 89 Pine Street, Proposed Additions," prepared by Edward M. Brooks Co., signed and stamped by Bruce Bradford, dated August 31, 2020, as revised through February 22, 2021
  - b. A set of architectural plans entitled "89 Pine Street, Newton, MA," prepared, signed and stamped by Silvana T. M. Sawaya, Registered Architect, dated February 11, 2021, consisting of the following sheets:
    - i. Existing Elevation (A1);
    - ii. Proposed Elevations & Porch Plan (A2);
    - iii. Proposed Elevations & Porch Plan (A3);
    - iv. Section through New Porch (A4).
2. 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 board 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 an professional architect 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 licensed architect, engineer or surveyor.