

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 extend the nonconforming rear setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed extension of a nonconforming rear setback is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition is within the footprint of the dwelling. (§3.1.3; §7.8.2.C.2)

PETITION NUMBER: #212-21

PETITIONER: Yongjie Yang

LOCATION: 5 Dedham Street, on land known as Section 83, Block 10, Lot 17, containing approximately 7,569 square feet of land

OWNER: Yongjie Yang

ADDRESS OF OWNER: 5 Dedham Street
Newton, MA 02461

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to extend a nonconforming rear setback

ZONING: Single Residence 3 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. Plot Plan showing existing conditions at 5 Dedham Street, prepared by Peter Nolan and Associates, unsigned and unstamped, dated February 22, 2021;
 - b. Architectural Plans, titled "2nd Floor Renovation", unsigned and unstamped, prepared by unknown, issued September 2020, consisting of ten (10) sheets:
 - i. Existing and Demo Plans, X1.01
 - ii. Level 2 Floor Plan, A1.01
 - iii. Roof Plan, A1.02
 - iv. Exterior Elevations A2.01
 - v. Reflected Ceiling Plan A3.01
 - vi. Framing Plans and Section A4.01
 - vii. Exterior Wall Details A5.01
 - viii. Deck Plan and Details A6.01
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 petitioner has:
 - 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 petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect or 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.