

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 alter and reconstruct a nonconforming two-family dwelling (§3.4.1, §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 extension of the nonconforming use and structure will not be substantially more detrimental than the existing nonconforming use and structure is to the neighborhood as the expanded structure will be in conformance with applicable dimensional requirements. (§3.4.1 and 7.8.2.C.2.)

PETITION NUMBER: #126-16

PETITIONER: Michael J. Quinn

LOCATION: 2163 Commonwealth Avenue, Section 41, Block 18, Lot 32, containing approximately 10,535 square feet of land

OWNER: Kane Built Inc.

ADDRESS OF OWNER: P.O. Box 620636
Newton, MA 02462

TO BE USED FOR: Two-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit to alter and reconstruct a nonconforming two-family dwelling (§3.4.1, §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 plan entitled "Site Plan Showing Proposed Two Family House, Property Known as #2163 Commonwealth Ave., Newton, Massachusetts," prepared by Bibbo Brothers and Associates, dated October 7, 2020, as revised through October (sic) 27, 2020, signed and stamped by Tsung Ting Chiang, Registered Professional Engineer, on October 29, 2020, and Robert Bibbo, Professional Land Surveyor
 - b. A set of plans entitled "Duplex Residence, 2163 Commonwealth, Newton, MA," prepared by R.C. Searles Associates, dated July 8, 2020, June 1, 2016, signed and stamped by Michael J. Burke, Registered Professional Engineer:
 1. F.A.R. Plan (Sheet 1 of 1)
 2. Elevations (Sheet 1 of 7)
 3. Foundation Plan (Sheet 2 of 7)
 4. First Floor Plan (Sheet 3 of 7)
 5. Second Floor Plan (Sheet 4 of 7)
 6. Building Sections & Details (Sheet 5 of 7)
 7. Framing Plans (Sheet 6 of 7)
 8. Bracing Methods (Sheet 7 of 7 (S1))
 - c. A document entitled "Floor Area Ratio Worksheet, Property Address: 2163 Commonwealth Ave.," indicating a proposed "Total gross floor area" of 3,521 square feet and a proposed "FAR" (floor area ratio) of 0.33.
2. Prior to the issuance of any Building Permit, the petitioner shall provide 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
3. Prior to the issuance of any Building Permit, the petitioner shall file 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 proposed driveway and other site features within the city-owned easement shown in the plans referenced in Condition #1.
4. Prior to the issuance of any Building Permit, the petitioner shall conduct a closed-circuit television (CCTV) inspection of the City's drainpipe located within the city-owned easement

shown in the plans referenced in Condition #1 and provide an electronic copy of such inspection to the Commissioner of Public Works.

5. 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 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
6. 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 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
7. 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. 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.
 - b. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton Engineering Department.
 - c. 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.