

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 vertically extend a nonconforming side setback (§3.4.3.A.1, §7.8.2.C.2), allow a garage with a ground floor area greater than 700 square feet (§3.4.3.A.4, §3.4.4.E, §3.4.4.H) and provision for more than three vehicles (§3.4.4.E, §3.4.4.H), and allow a system of retaining walls exceeding four feet in height in a setback (§5.4.2), 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 Multi Residence 1 (MR1) district is an appropriate location for the project as designed, with a garage with a ground floor area greater than 700 square feet and provision for more than three vehicles, and a system of retaining walls exceeding four feet in height within a setback as the topography of the site will allow for much of the structure to be located below grade. (§7.3.3.C.1)
2. The project as designed, with a garage with a ground floor area greater than 700 square feet and provision for more than three vehicles, and a system of retaining walls exceeding four feet in height within a setback, will not adversely affect the neighborhood as the topography of the site will allow for much of the structure to be located below grade. (§7.3.3.C.2)
3. The project as designed, with a garage with a ground floor area greater than 700 square feet and provision for more than three vehicles, and a system of retaining walls exceeding four feet in height within a setback, 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)
5. The vertically extended nonconforming side setback would not be substantially more detrimental than the existing nonconforming use to the neighborhood as the topography of the site and immediate vicinity will minimize its visual impact. (§7.8.2.C.2)

PETITION NUMBER: #406-21

PETITIONER: David and Suzanne Wakefield

LOCATION: 229 Bellevue Street, Section 12, Block 17, Lot 29, containing approximately 9,700 square feet of land

OWNER: David and Suzanne Wakefield

ADDRESS OF OWNER: 229 Bellevue Street
Newton, MA

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame, masonry

EXPLANATORY NOTES: Special Permit per §7.3.3 to allow:

- vertically extend a nonconforming side setback (§3.4.3.A.1, §7.8.2.C.2)
- allow an accessory building with a ground floor area greater than 700 square feet (§3.4.3.A.4, §3.4.4.E, §3.4.4.H)
- allow a garage with provision for more than three vehicles (§3.4.4.E, §3.4.4.H)
- allow a system of retaining walls exceeding four feet in height (§5.4.2)

ZONING: Multi Residence 1 (MR1)

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 the following plans:
 - a. a site plan entitled “Plan of Land in Newton, MA, 229 Bellevue Street- Proposed Garage & Drive (Preliminary Plan),” dated January 28, 2021, prepared by Everett M. Brooks Co.
 - b. architectural drawings consisting of two sheets:
 - i. Proposed Side Elevation and Section; Proposed Floor Plan; Proposed Side Elevation and Section; and Proposed Front Elevation
 - ii. Gross square foot diagrams and Proposed Side Elevation and Section
 - c. a document entitled Floor Area Ratio Worksheet- Property address: 229 Bellevue Street Newton, signed and stamped by Patricia J. Fisher, Registered Architect, indicating a

proposed "total gross floor area" of 4,235 square feet and a proposed FAR (floor area ratio) of .44

2. 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.
3. 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 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 from the Engineering Division of the Department of Public Works certifying that improvements authorized by this 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.