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#353-21
173 Allen Avenue

RECEIVED
2022 JAN -5 PM 2:09
ORDERED:

CITY CLERK
NEWTON, MA 02459

CITY OF NEWTON

IN CITY COUNCIL

October 18, 2021

2021 OCT 20 PM 1:4

RECEIVED
CITY CLERK

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 further increase the nonconformity of a structure with three stories, where 2.5 stories is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed additions to the nonconforming third story are not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the additions add 109 square feet to the third story and are in keeping with the massing of the structure. (§3.1.3; §7.8.2.C.2)

PETITION NUMBER: #353-21

PETITIONER: Megan and Matthew Feinberg 75181-401

LOCATION: 173 Allen Avenue, on land known as Section 53, Block 22, Lot 10, containing approximately 13,776 square feet of land

OWNER: Megan and Matthew Feinberg

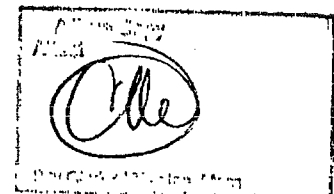
ADDRESS OF OWNER: 173 Allen Avenue
Newton, MA 02468

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to increase the nonconformity of a structure with three stories

Matthew R Feinberg
11 Chatham Rd
Newton, MA 02461



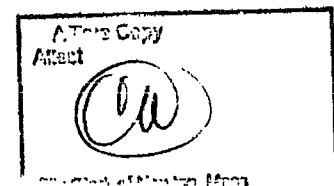
ZONING: Single Residence 2 district

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. Site Plan signed and stamped by Dennis O' Brien, Professional Land Surveyor, dated June 15, 2021, Revised August 30, 2021.
 - b. Architectural Plans and Elevations, prepared by Steveworks, LLC., dated May 12, 2021 consisting of eighteen (18) sheets.
2. Prior to the issuance of any Building Permit, the petitioners shall provide a final Site Plan for review and approval by the Department of Planning and Development and the Inspectional Services Department.
3. 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. 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 a statement from a professional 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 licensed land surveyor.

Under Suspension of Rules
Readings Waived and Approved
24 Yeas 0 Nays

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on October 20, 2021. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.




ATTEST:



(SGD) NADIA H KHAN
Acting City Clerk for the Council

I, Nadia Khan, as the Acting City Clerk of the City Council and keeper of its records and as the Acting City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on October 20, 2021 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) NADIA H KHAN CAROL MOORE
Acting City Clerk for the Council

