

RECEIVED

#378-21

2021 DEC -8 PM 3:25
CITY OF NEWTON

9-11 Circuit Avenue

CITY CLERK IN CITY COUNCIL
NEWTON, MA. 02459

December 6, 2021



2022 00018570

Bk: 79635 Pg: 365 Doc: DECIS

Page: 1 of 3 02/02/2022 03:18 PM

ORDERED:

75020/443 -

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 two-family use to allow a three-unit multifamily dwelling, to alter the adjacent nonconforming parking facility, to allow parking within the front setback, and to reduce the minimum aisle width for a two way drive aisle, 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 the nonconforming two-family use to a three unit multifamily use will not be substantially more detrimental than the existing nonconforming two-family use is to the neighborhood because the petitioner is creating the third unit within the attic, and is not expanding the footprint of the structure (§3.4.1, §7.8.2.C.2).
2. The proposed alterations to the nonconforming surface parking facility will not be substantially more detrimental than the existing nonconforming surface parking facility is to the neighborhood because the petitioner is reducing excess paving, complying with the open space dimensional standard (§5.1.8.A.1, §5.1.8.C.2, §5.1.13, §7.8.2.C.2).
3. Exceptions to the dimensional standards for parking within the front setback, and to reduce the minimum aisle width for a two way drive aisle is in the public interest to preserve open space and reflects existing conditions (§5.1.8.A.1, §5.1.8.C.2, §5.1.13).

return to: 6 Michael Peirce Esq
60 Walnut St. Fl 4
Wellesley, MA 02481

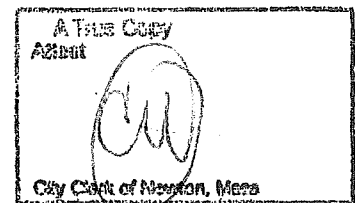
PETITION NUMBER: #378-21

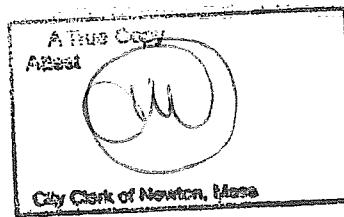
PETITIONER: Ronnie Cavalieri

LOCATION: 9-11 Circuit Avenue, on land known as Section 51, Block 15, Lots 12 and 13, containing approximately 8,471 square feet of land

OWNER: Ronnie Cavalieri (RONALD J.)

ADDRESS OF OWNER: 9-11 Circuit Avenue





#378-21
9-11 Circuit Avenue
Page 2 of 3

Newton, MA 01602

TO BE USED FOR: Three Unit Multifamily Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: To further extend the nonconforming two-family use to a three unit multifamily use (§3.4.1 and §7.8.2.C.2) and to alter a nonconforming parking facility to allow parking within the front setback, and to reduce the minimum aisle width for a two way drive aisle (§5.1.8.A.1, §5.1.8.C.2, §5.1.13, §7.8.2.C.2).

ZONING: Single Residence 3

Approved subject to the following conditions:

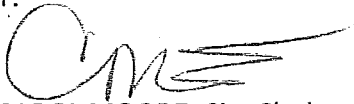
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Proposed Site Plan, signed and stamped by Joseph Porter, Professional Land Surveyor, dated September 17, 2021, most recently revised November 17, 2021.
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 Inspectional Services and 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 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.
 - d. Submitted a landscape plan to the Director of Planning and Development showing low lying plantings along Circuit Avenue.
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 by 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 architect.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Councilor Norton)

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 December 8, 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) CAROL MOORE, City Clerk
Clerk of the City Council

I, Carol Moore, as the Clerk of the City Council and keeper of its records and as the 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 December 8, 2021 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) CAROL MOORE, City Clerk
Clerk of the City Council

