

#33-22

14 Cummings Road

CITY OF NEWTON

IN CITY COUNCIL

February 7, 2022

RECEIVED

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CITY CLERK  
NEWTON, MA. 02459

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 extend a nonconforming front setback (§3.1.3, §7.8.2.C.2); extend a nonconforming rear setback (§3.1.3, §7.8.2.C.2); and extend nonconforming lot coverage (§3.1.3, §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 proposed extensions of the existing front and rear setback nonconformities would not be substantially more detrimental than the existing nonconforming use to the neighborhood as the addition's front and rear setbacks will be greater than those of the existing structure. (§3.1.3; §7.8.2.C.2)
2. The proposed extension of the existing lot coverage nonconformity would not be substantially more detrimental than the existing nonconforming use to the neighborhood given the small increase of less than 200 square feet and the continued existence of a deep front setback along one of the property's two frontages. (§3.1.3; §7.8.2.C.2)

PETITION NUMBER: #33-22

PETITIONER: Joanne Ren

LOCATION: 14 Cummings Road, Section 64, Block 3, Lot 53, containing approximately 4,008 square feet of land

OWNER: Joanne Ren

ADDRESS OF OWNER: 14 Cummings Road  
Newton, MA 02459

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood Frame

EXPLANATORY NOTES: Special Permit per §7.3.3 to:

- extend a nonconforming front setback (§3.1.3, §7.8.2.C.2)
- extend a nonconforming rear setback (§3.1.3, §7.8.2.C.2)
- extend nonconforming lot coverage (§3.1.3, §7.8.2.C.2)

ZONING: Single Residence 2 (SR2)

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 "Single Family Residence, 14 Cummings Road, Newton, MA, Proposed Site Plan (A1.0), undated, prepared by JCBT Architect
  - b. a set of architectural drawings entitled "Single Family Residence, 14 Cummings Road, Newton, MA," prepared by JCBT Architect, undated, signed and stamped by Jim Chen, Registered Architect, consisting of the following sheets:
    - i. Existing Floor Plans (A1.1)
    - ii. Existing Floor Plans (A1.2)
    - iii. Proposed Floor Plans (A1.3)
    - iv. Proposed Floor Plans (A1.4)
    - v. Existing Exterior Elevations (A2.1)
    - vi. Proposed Exterior Elevations (A2.2)
    - vii. Proposed Foundation Plan (S-1))
  - c. A document entitled "Floor Area Worksheet- 14 Cummings Road, Newton, MA," indicating a proposed total gross floor area of 1,829 square feet and a proposed FAR of 0.45
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. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
  - d. 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.
  - e. 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 Council, 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.

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 February 9, 2022. 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 February 9, 2022 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