

CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

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 side setback 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 a nonconforming side setback is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition is within the footprint of the dwelling and will not be visible from the street. (§3.1.9, §3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #277-22

PETITIONER: James F. Smith Jr.

LOCATION: 9 Day Street, on land known as Section 43, Block 40, Lot 5, containing approximately 6,671 square feet of land

OWNER: James F. Smith Jr.

ADDRESS OF OWNER: 9 Day Street
Newton, MA 02466

TO BE USED FOR: Single Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3, §3.1.9, and §7.8.2.C.2 to extend a nonconforming side setback

ZONING: Single Residence 3 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. Plot Plan showing proposed conditions at 9 Day Street, prepared by Everett Brooks Co., signed and stamped by Bruce Bradford, dated February 11, 2022;
 - b. Existing conditions at 9 Day Street, prepared by Everett Brooks Co., signed and stamped by Bruce Bradford, dated February 11, 2022;
 - c. Architectural Plans, titled "Smith-Hart Renovation", unsigned and unstamped, prepared by unknown, issued September 2020, consisting of ten (10) sheets:
 - i. Construction Plan, 1st Floor, A3.1
 - ii. Construction Plan, 2nd Floor, A3.24
 - iii. Exterior Elevations, A5.0
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 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 council 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.
4. No Final Inspection/Occupancy Permit for the use 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 an architect or land surveyor certifying compliance with Condition #1 .