

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 allow an additional parking stall within the front setback and a second front entrance as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof.

1. The site is an appropriate location for the proposed additional parking stall within the front setback due to the site's topography and existing parking in the front setback. (§5.1.7.A, §5.1.13, §7.3.3.C.1)
2. The site is an appropriate location for a second front entrance on Oliver Road because it is taking the place of the existing garage entrance. (§5.1.7.A, §5.1.13, §7.3.3.C.1)
3. The additional parking stall within the front setback and second front entrance will not adversely affect the neighborhood due to the overall reduction of impervious paving on the site and the front entrance is replacing an existing garage door. (§5.1.7.A, §5.1.13, §7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians. (§5.1.7.A, §5.1.13, §7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§5.1.7.A, §5.1.13, §7.3.3.C.4)
6. Literal compliance with the allowed number of parking stalls within the front setback is impracticable because the site is constrained in alternate locations for parking outside of the front setback and the additional parking stall utilizes existing driveway area. (§5.1.7.A, §5.1.7.C, §5.1.13)

PETITION NUMBER: #417-22

PETITIONERS: Frank Linski & Nancy Zollers

LOCATION: 154 Oliver Road, on land known as Section 54, Block 1, Lot 18, containing approximately 6,343 square feet of land

OWNER: Frank Linski & Nancy Zollers

ADDRESS OF OWNER: 154 Oliver Road
Newton, MA 02468

TO BE USED FOR: Driveway and front entrance

CONSTRUCTION: Site only

EXPLANATORY NOTES: Special permit pursuant to §5.1.7.A, §5.1.13, and §7.3.3 to allow parking within the front setback and §6.7.1.D.4 and §7.3.3 to allow a second front entrance on Oliver Road.

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. Plan of Land, signed and stamped by Bruce Bradford, land surveyor, on November 18, 2021 and revised 12,20,21, 2/7/22.
 - b. Architectural plans, signed and stamped by Jay Walter, registered architect, dated September 22, 2021.
 - i. Plot Plan, A-1
 - ii. Existing Plan with Demo Notes, A-2
 - iii. Basement Plan/ Roof Plan, A-4
 - iv. FAR/ Accessory Apt. Area Diagrams, A-6
 - v. Front Elevation/ Finish Schedule, A-8
 - vi. Addition & Remodeling, A-10
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 petitioners have:
 - 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 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 Professional Land Surveyor.