

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 further extend the nonconforming front setback from Auburndale Avenue and reduce the nonconforming setback from Fernwood Road as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The proposed addition that would further extend the nonconforming front setback on Auburndale Avenue is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the setback is being maintained at 20 feet. (§3.1.3 and §7.8.2.C.2)
2. The proposed addition that would vertically extend and reduce the nonconforming front setback on Fernwood Road is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition expands the footprint by less than five feet and the additional massing that extends the setback is located within the footprint of the structure. (§3.1.3 and §7.8.2.C.2)

PETITION NUMBER: #419-22

PETITIONER: Daniel J. Raih

LOCATION: 148 Auburndale Avenue, on land known as Section 33,
Block 1, Lot 3, containing approximately 6,616 square feet

OWNER: Christopher Rutan

ADDRESS OF OWNER: 148 Auburndale Avenue
Newton, MA 02465

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.3 and §7.8.2.C.2 to further extend the nonconforming front setbacks

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. Proposed Addition Plan, signed and stamped by Stephen Davis, Professional Land Surveyor, dated August 24, 2021 and revised 6/28/2022 and 8/5/2022
 - b. Proposed Site Plan, submitted August 5, 2022
 - c. Proposed Elevations, submitted August 5, 2022
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, Department of Inspectional Services and the Engineering Division of Public Works.
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 board 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 board 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 professional land surveyor and registered architect 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.