

CITY OF NEWTON

IN CITY COUNCIL

December 19, 2016

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 a SPECIAL PERMIT/SITE PLAN APPROVAL for the creation of an internal accessory apartment on the basement level of a single-family dwelling on a lot with less than 15,000 square feet, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The site is an appropriate location for an accessory apartment within a single-family dwelling in a Single Residence 2 (SR-2) district on a lot with less than 15,000 square feet as the existing structure can accommodate the accessory apartment without any increase to its size thereby preserving the historic character of the single-family structure. (§6.7.1.D.1 and §7.3.3.C.1)
2. The accessory apartment will not adversely affect the neighborhood as it will be located in existing space within a single-family dwelling. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians, as the property's driveway on Metacomet Road is able to accommodate the parking demand of the principal dwelling and accessory apartment. (§7.3.3.C.3)
4. Access to the site is appropriate for the number of vehicles related to the residential use of the site. (§7.3.3.C.4)
5. The creation of an accessory apartment will help to diversify Newton's housing stock consistent with Newton's *Comprehensive Plan*.

PETITION NUMBER: #389-16

PETITIONER: Rebecca Miller

LOCATION: 20 Metacomet Road, on land known as Section 55, Block 05, Lot 02, containing approximately 12,271 square feet of land

OWNERS: Rebecca Miller

ADDRESS OF OWNER: 20 Metacomet Road
Newton, MA 02468

TO BE USED FOR: Accessory apartment in a single-family dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §6.7.1.D, §6.7.1.F Creation of an accessory apartment in a single-family dwelling on a lot with less than 15,000 square feet;

ZONING: Single Residence 2 (SR-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. A plan entitled "Plan of Land in Newton, MA, 20 Metacomet Road," dated May 28, 1998, stamped and signed by Paul J. Sawtelle, Registered Land Surveyor;
 - b. A set of architectural plans unsigned and unstamped:
 - i. Front Elevation and Second Floor Plan (A-2).
 - ii. First Floor Reflected Ceiling Plan and Garage Level Reflected Ceiling Plan (A-4).
2. The accessory apartment must be held in common ownership with the principal dwelling unit.
3. The owner of the dwelling shall occupy either the principal unit or the accessory apartment and shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year.
4. When ownership of the property changes the new owner shall notify the Commissioner of the Inspectional Services Department at which time the Commissioner shall conduct a determination of compliance with this decision and all applicable codes.
5. 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 Approval 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.
6. 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 land surveyor or engineer certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving the final site plan.