

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 a detached accessory apartment in an existing detached structure, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for an accessory apartment within an existing accessory structure. (§7.3.3.C.1)
2. The proposed accessory apartment within an existing accessory structure will not adversely affect the neighborhood as it will be set back from the adjacent public way and abutting properties. (§7.3.3.C.2)
3. The proposed accessory apartment within an existing accessory structure will not be a nuisance or create a serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The proposed accessory apartment within an existing accessory structure is in keeping with the architectural integrity of the principal dwelling and character of the neighborhood. (§6.7.1.E.3)
6. The proposed accessory apartment will help to diversify Newton's housing stock consistent with Newton's Comprehensive Plan.

PETITION NUMBER: #291-18

PETITIONER: Amy N. McMahon

LOCATION: 1224 Boylston Street, Ward 5, on land known as Section 51, Block 9, Lot 21, containing approximately 12,652 square feet of land

OWNER: Amy N. McMahon

ADDRESS OF OWNER: 1224 Boylston Street  
Newton, MA

TO BE USED FOR: Detached accessory structure with an accessory apartment

CONSTRUCTION: Wood-framed

EXPLANATORY NOTES: Special permit per §7.3 to allow the creation of an accessory apartment in a detached structure accessory to a single-family dwelling (§6.7.1.E.1)

ZONING: Single-Residence 3

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:
  - i. A site plan entitled "Existing House, 1224 Boylston Street, Newton, MA," prepared by Essex Eng. & Survey, signed and stamped by Frank Iebba, Professional Land Surveyor, dated August 15, 2017 as revised through June 5, 2018.
  - ii. A plan entitled "Existing Accessory Apartment, 1224 Boylston Street, Newton, MA," signed and stamped by Frank Iebba, Professional Land Surveyor, dated March 8, 2018.
2. The accessory apartment may not be held in separate ownership from the principal structure/dwelling unit.
3. The owner of the principal structure/dwelling unit shall occupy either said principal structure/dwelling 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. In the event ownership of the subject property changes, the new owner(s) 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 petitioners have:
  - 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, the Assessing Department 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/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 registered architect or engineer certifying compliance with Condition #1.
  - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.