

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 a SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking within the front setback and to allow parking within five feet of a street, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

- Literal compliance with the requirement that no parking stalls be located within five feet of a street (§5.1.7.A) is impracticable due to the grade of the lot and impact will be minimal due to the street being a dead-end street/cul de sac. (§5.1.13)
- Literal compliance with the requirement that no parking stalls be located within a front setback (§5.1.7.A) is impracticable due to the grade of the lot. (§5.1.13)

PETITION NUMBER:	#200-19
PETITIONER:	Richard Levey
LOCATION:	30 Jacobs Terrace, on land known as Section 82, Block 25, Lot 23, containing approximately 18,110 square feet of land
OWNER:	Richard Levey
ADDRESS OF OWNER:	30 Jacobs Terrace Newton, MA 02459
TO BE USED FOR:	One parking stall within the front setback and within five feet of a street
CONSTRUCTION:	Crushed stone
EXPLANATORY NOTES:	§5.1.7.A, §5.1.13 for a parking stall to be located within the front setback and within five feet of a street.

ZONING: Single Residence 1

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. Site plan entitled "Proposed Curb Cut 30 Jacobs Terrace" signed and stamped by Daniel O'Brien, Professional Land Surveyor, Dated June 19, 2018; Revised February 27, 2019
2. 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 Board 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 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 Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the improvements covered by this Special Permit/Site Plan approval shall be issued 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. 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.
 - d. 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.
 - e. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton Engineering Department.