

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 alter and extend a nonconforming multi-family dwelling use in a Multi-Residence 3 District as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

FINDINGS:

1. The proposed extension of the nonconforming multi-family dwelling use will not be substantially more detrimental than the existing nonconforming residential use is to the neighborhood because the proposed work will comply with applicable dimensional standards including setbacks, lot coverage, and open space. The proposed decks will be located at the rear with limited visibility from the street and are unlikely to have a more negative impact on abutters and the surrounding area than the existing rear deck. (§3.1.3, §3.1.9, §7.8.2.C.2)

PETITION NUMBER: #348-25

PETITIONER: JAMB Properties LLC

LOCATION: 51-53 Eddy Street, Ward 3, Newton, on land known as Section 31, Block 11, Lot 09, containing approximately 9,749 sq. ft. of land

OWNER: JAMB Properties LLC

ADDRESS OF OWNER: 57 Eddy Street  
Newton, MA 02465

TO BE USED FOR: Multi-family dwelling

RELIEF GRANTED: Special Permit per §3.4.1 and §7.8.2.C.2 to alter and extend the nonconforming residential use

ZONING: Multi-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. Site plan signed and stamped by Paul J. Finocchio, Professional Land Surveyor, dated 10/3/2025
  - b. Architectural Plan and Elevations, prepared by Caveney Architectural Collaborative, dated 11/06/2025, consisting of one sheet:
    - i. Sheet A2.01, "Exterior Elevations"
2. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
  - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
  - b. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
3. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been

complied with for the portion of the project for which occupancy is requested, and the Petitioner has:

- a. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1.
- b. Submitted final as-built survey plans in digital format, stamped, and signed by a professional land surveyor or professional engineer, as applicable.