

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 an addition that will further exceed the maximum Floor Area Ratio (FAR) and alter and extend the nonconforming front setback as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

FINDINGS:

1. The site is an appropriate location for the proposed addition that will result in an FAR of 0.58, where 0.52 is the maximum allowed, and it is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as the resulting dwelling will only be expanded by 49.4 square feet and the addition is limited to a single story. (§3.2.3; §3.2.11; §7.8.2.C.2)
2. The proposed extension of the nonconforming front setback is not substantially more detrimental than the existing nonconforming structure is to the neighborhood because the addition will be set back further than the existing nonconforming setback of 0.9 feet. The site is also constrained by its location on a corner lot, and thus subject to two front setbacks. (§3.2.3, §7.8.2.C.2)

PETITION NUMBER: #15-26

PETITIONER: Yevgenya Zislis

LOCATION: 355 Walnut Street, Ward 2, Newton, on land known as Section 24 Block 11 Lot 01, containing approximately 7,238 sq. ft. of land

OWNER: Yevgenya Zislis

ADDRESS OF OWNER: 355 Walnut St Unit B
Newtonville, MA 02460

TO BE USED FOR: Two family dwelling

RELIEF GRANTED: Special Permit per §3.2.3, §3.2.11, §7.8.2.C.2 and §7.3.3 to alter/extend the nonconforming front setback and extend the nonconforming FAR

ZONING: Multi 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 signed and stamped by Richard J. Mede Jr. , Professional Land Surveyor, dated 10/24/2025
 - b. Architectural plans prepared by Jarvis Drafting & Design, signed and stamped by John P. Stoppi Jr., Professional Engineer, titled “New Mudroom” dated 5/22/2025, consisting of the following sheet:
 - i. “Exterior Elevations,” Sheet A1.4
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.