

Terrence P. Morris, Esq.
Law Offices of Terrence P. Morris LLC RECEIVED
57 Elm Road
Newton, MA 02460
617 202-9132

2022 MAY 18 PM 12:49

CITY CLERK
NEWTON, MA. 02459

May 18, 2022

Councilor Richard A. Lipof, Chair, *By electronic transmission*
City Council Land Use Committee
City of Newton
1000 Commonwealth, Avenue
Newton, MA 02459

Re: 20-22 Circuit Avenue: Council Order # 623-18
Extension of Special Permit

Dear Ms. Breslouf:

On February 19, 2019, the City Council granted a special permit (Council Order #623-18) for the above-referenced property. On February 17, 2020, upon petitioner's request and for good cause, the City Council voted to extend the time in which to exercise the special permit until February 19, 2021. Shortly thereafter, due to the onset of the Covid-19 pandemic, Governor Charles Baker issued an emergency order providing that any permit in effect as of March 10, 2020, including any related deadlines or conditions involved, shall not lapse, or expire during the State of Emergency, and any expiration date or internal deadline shall be tolled during the State of Emergency. Said state of emergency continued until June 15, 2021. The State of Emergency in effect due to Covid-19 resulted in the tolling of the time for the exercise of the subject permit until May 27, 2022.

This request is being made pursuant to Section 7.3.2.E of the zoning ordinance, which provides that "[t]he City Council may extend the period of time granted under this subsection for good cause, whether or not such period of time shall have expired, without the necessity of a further public hearing thereon". The reason for this request and basis for the good "cause" is that the petitioner, who is a senior citizen in his 70's, has never fully recovered from the debilitating effects of the pandemic, which continues to wreak havoc in the general population.

Thank you for your attention to this matter.

Sincerely,

Terrence P. Morris

Terrence P. Morris, Esq.

Cc: Arthur Kalotkin, artkalotkin@verizon.net
Deb Crossley, djcrossley26@verizon.net
Jennifer Breslouf, Clerk of Committee, jbreslouf@newtonma.gov
Jonah A. Temple, Assistant City Solicitor, jtemple@newtonma.gov

#623-18(2)

CITY OF NEWTON

CITY COUNCIL

March 2, 2020

RECEIVED
2020 MAR -4 PM 4:18
CITY CLERK
NEWTON, MA 02459

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action 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, hereby grants a ONE (1) YEAR EXTENSION OF TIME IN WHICH TO EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL #623-18 granted on February 19, 2019 to February 19, 2021.

PETITION NUMBER: #623-18

PETITIONER: Arthur Kalotkin

LOCATION: 20-22 Circuit Avenue, Ward 5, on land known as Section 51, Block 20, Lot 39, containing approx. 12,353 sq. ft. of land

OWNER: Arthur Kalotkin

ADDRESS OF OWNER: 32 Claflin Rd.
Brookline, MA 02445

TO BE USED FOR: Three- unit, multi-family dwelling

EXPLANATORY NOTES: Special Permit per §7.3 to allow a multi-family residential use in an Multi-Residence 2 (MR2) zoning district (§3.4.1); allow parking within five feet of a structure with residential dwelling units (§5.1.8.A.2, §5.1.13); waive the minimum aisle width requirements (§5.1.8.C.1, §5.1.8.C.2, §5.1.13), and waive lighting requirements (§5.1.10.A, §5.1.13).

ZONING: Multi-Residence 2 (MR-2) district

1. No building permit shall be issued in pursuance of Special Permit/Site Plan Approval #623-18 until:

- a. The Petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Council Order granting this one-

year extension of time to February 19, 2021 with the appropriate reference to the book and page of the Petitioner's title deed or notice of lease endorsed thereon.

- b. A certified copy of such recorded notice shall have been filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

Under Suspension of Rules
Readings Waived and One-year Extension of Time Approved
21 yeas 0 nays 3 absent (Councilors Ciccone, Gentile and Markiewicz)

The undersigned hereby certifies that the foregoing copy of the decision of the City Council granting a ONE-YEAR EXTENSION OF TIME to February 19, 2021 IN WHICH TO EXERCISE SPECIAL PERMIT/SITE PLAN APPROVAL #623-18 is a true accurate copy of said decision.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on March 4, 2020 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Council

our copy

Middlesex South Registry of Deeds Electronically Recorded Document

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Recording Information

Document Number	: 32916
Document Type	: DECIS
Recorded Date	: March 18, 2019
Recorded Time	: 02:01:37 PM
Recorded Book and Page	: 72344 / 535
Number of Pages(including cover sheet)	: 5
Receipt Number	: 2304162
Recording Fee	: \$75.00

RECEIVED
 NEWTON CITY CLERK
 2019 MAR 25 PM 4: 26
 David A. Cronin, City Clerk
 Newton, MA 02459

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
 208 Cambridge Street
 Cambridge, MA 02141
 617-679-6300
www.middlesexsouthregistry.com

#623-18
20-22 Circuit Avenue

CITY OF NEWTON

IN CITY COUNCIL

February 19, 2019

2019 FEB 21 PM 1:04

ORDERED:

That the 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 three-unit multifamily dwelling, and to allow exceptions to certain parking requirements related to the location of parking stalls within five feet of a dwelling, minimum aisle width and minimum lighting, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

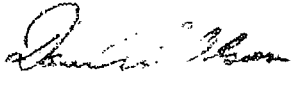
1. The specific site is an appropriate location for the proposed three-unit, multi-family dwelling given the presence of other multi-family structures in the neighborhood (§7.3.3.C.1);
2. The proposed multi-family dwelling as developed and operated will not adversely affect the surrounding neighborhood given the presence of other multi-family structures in the neighborhood and because all required parking is accommodated on site (§7.3.3.C.2);
3. There will be no nuisance or 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 requested exceptions to literal compliance with the parking standards, including allowing parking within five feet of a structure with residential dwelling units and waiving the minimum aisle width and lighting requirements, are in the public interest because they will allow the preservation of landscaped open space on the lot and be consistent with the residential nature of the neighborhood (§5.1.13).

PETITION NUMBER: #623-18

PETITIONER: Arthur Kalotkin

TITLE REF. DEED: BOOK 49115 PAGE 571

A True Copy
Attest



Clerk of Newton, Mass.

Property Address: 20-22 Circuit Avenue, Newton

LOCATION: 20-22 Circuit Avenue, Ward 5, on land known as Section 51, Block 20, Lot 39, containing approx. 12,353 sq. ft. of land

OWNER: Arthur Kalotkin

ADDRESS OF OWNER: 32 Claflin Rd.
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TO BE USED FOR: Three unit, multi-family dwelling

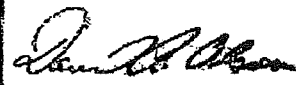
EXPLANATORY NOTES: Special Permit per §7.3 to allow a multi-family residential use in an Multi-Residence 2 (MR2) zoning district (§3.4.1); allow parking within five feet of a structure with residential dwelling units (§5.1.8.A.2, §5.1.13); waive the minimum aisle width requirements (§5.1.8.C.1, §5.1.8.C.2, §5.1.13), and waive lighting requirements (§5.1.10.A, §5.1.13).

ZONING: Multi-Residence 2 (MR-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 "Site Plan for 20-22 Circuit Avenue in Newton, Mass.," prepared by Neponset Valley Survey Assoc., Inc., signed and stamped on December 10, 2018 by Stephen P. Desroche, Professional Land Surveyor.
 - b. Architectural drawings entitled "Exterior Stair Addition to 20 & 22 Circuit Ave, Newton, MA," prepared by Sangiolo Associates, signed and stamped by Mark Sangiolo, Registered Architect, dated October 30, 2016, consisting of the following:
 - i. EX1 (showing existing floor plans of the third floor, second floor, first floor and basement and rear elevation;
 - ii. A4 (showing proposed rear elevation and side elevation of stair).
2. Prior to the issuance of any building permit for the Project, the petitioner shall provide a Final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
3. The property shall not be used for auto storage or parking by non-residents.
4. Prior to the issuance of any Building Permit, the petitioner shall submit a Final Landscape Plan which shall include existing and/or proposed vegetation along the back of the Circuit Avenue sidewalk and all other property boundaries, as well as additional detail about the vegetation within the "8' Wide Landscaping Area" shown in the plan cited in Condition 1(a), for review and approval by the Director of Planning and Development. Said Final Landscaping Plan shall

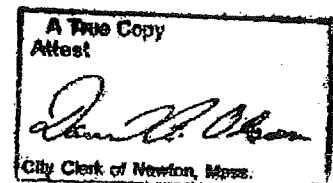
A True Copy
Attest



City Clerk of Newton, Mass.

- also include the location(s) and specifications for one or more motion-detector controlled lighting fixtures for the appropriate site-specific illumination of the parking area.
5. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
- 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.
 - Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - Submitted a Final Landscape Plan per Condition #4 to the Director of Planning and Development for review and approval.
9. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
- 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.
 - 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.
 - Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
 - Filed with the City Clerk, the Commissioner of Inspectional Services, and the Engineering Division of Public Works a statement from the Department of Planning and Development approving the final location, number and type of plant materials and final landscape features.
10. All landscaping shall be maintained in good condition and shall be replaced with similar material as necessary.
11. Notwithstanding the provisions of Condition #9(d) above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

Under Suspension of Rules



Readings Waived and Approved

18 yeas 0 nays 1 recused (Councilor Crossley) 5 absent (Councilors Baker, Ciccone, Grossman, Kalis, and Schwartz)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on February 21, 2019. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

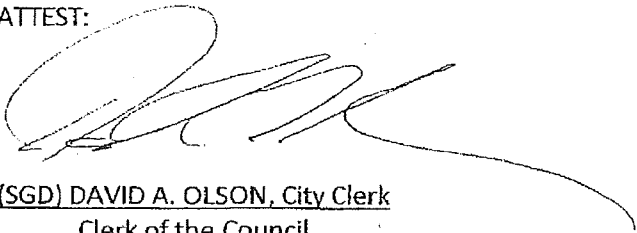
ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 2/21 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Council

