

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

#283-20
103 Cabot Street

CITY OF NEWTON

IN CITY COUNCIL

August 10, 2020

RECEIVED
NEWTON CITY CLERK
2020 AUG 12 AM 10:14
DAVID A. OLSON, CLERK
NEWTON, MA 02459

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 a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a detached two-car garage that would result in the property having more than one garage, garage space for more than three vehicles and garage space in excess of 700 sq. ft. as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- 1) The site in a Single Residence (SR2) district is an appropriate location for the proposed detached two-car garage as designed as the site's sloping grade will minimize the garage's visual impact on neighboring properties and public ways by allowing it to be constructed partially below grade. (§7.3.3.C.1)
- 2) The proposed detached two-car garage as designed, will not adversely affect the neighborhood as it will have limited visual impact on neighboring properties and public ways as the structure will be constructed partially below grade and set back from abutting properties considerably more than the minimum five feet required for accessory structures. (§7.3.3.C.2)
- 3) The proposed detached two-car garage as designed will create a 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.

LOCUS: 103 CABOT STREET NEWTON MA

PETITION NUMBER: #283-20

PETITIONERS: Amy and Matthew Mugerini

ADDRESS OF PETITIONERS: 103 Cabot Street See Deed recorded at Book 52023, Page 331.
Newton, MA 01569

LOCATION: 103 Cabot Street, on land known as Section 13, Block 9, Lot 1,
containing approximately 12,960 square feet of land

OWNERS: Amy and Matthew Mugerini

A True Copy
Attest
David A. Olson
City Clerk of Newton, Mass.

ADDRESS OF OWNERS: 103 Cabot Street
Newton, MA 01569

TO BE USED FOR: Single Family Dwelling

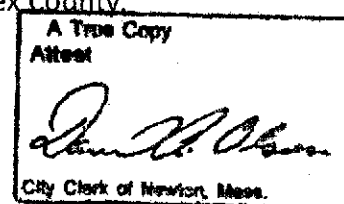
EXPLANATORY NOTES: Special permits per §7.3.3:

- allow more than one garage (§3.4.2.B.1; §3.4.3.A.4.a)
- allow a garage providing parking for more than three vehicles (§3.4.2.B.1; §3.4.3.A.4.b)
- allow for garage space exceeding 700 square feet (§3.4.2.B.1; §3.4.3.A.4.c)

ZONING: Single Residence 2 (SR2) 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 site plan entitled "Proposed Site Plan, 103 Cabot Street, Newton, Massachusetts, prepared in association with Framingham Survey Consultants Inc.," dated June 18, 2019
 - b. A site plan entitled "Topographic Plan, 103 Cabot Street, Newton, Massachusetts," prepared by Framingham Survey Consultants Inc., dated June 18, 2019, signed and stamped by Stephen P. DesRoche, Professional Land Surveyor on June 18, 2019
 - c. A set of architectural plans entitled "Mugherini-Kloempken Residence, 103 Cabot Street, Newton, MA 02458," prepared by Design Collective, signed and stamped by Jason D. Kurtz, Architect, dated June 9, 2020, consisting of the following sheets:
 - i. South Elevation and East Elevation (Sheet 1)
 - ii. North Elevation (Sheet 2)
 - iii. Driveway Level Floor Plan (Sheet 3)
 - iv. Roof Deck Plan (Sheet 4)
 - v. Exterior Views (2) (Sheet 5)
 - c. A document entitled "Floor Area Ratio Worksheet, 103 Cabot Street, Newton, MA 02458," signed and stamped by Jason D. Kurtz, Registered Architect, indicating a resulting total gross floor area of 3,795 square feet and floor area ratio (FAR) of 0.29.
2. 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 board order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.

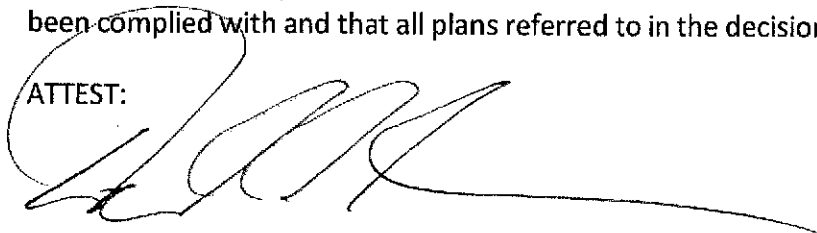


- b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Submitted a Final Site Plan for review and approval by the Engineering Division.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. 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 an architect certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor

Under Suspension of Rules
 Readings Waived and Approved
 24 Yeas 0 Nays

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 August 12, 2020. 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 August 12, 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

