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

October 28, 2016

**By electronic transmission: [dolson@newtonma.gov](mailto:dolson@newtonma.gov)**

David A. Olson, Clerk of the Board  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: Board Order #284-16: 7-9 Arundel Terrace  
Special Permit Conditions 2(a) and 2(b)

Dear Mr. Olson:

Enclosed please find a certified copy of the recorded Board Order in accordance with Condition 2(a) of the above-referenced special permit, which states that no building permit shall be issued "until the petitioner has 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."

This filing, with copies to ISD and Planning, will also satisfy Condition 2(b), which states that no building permit shall be issued "until the petitioner has filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development."

Thank you for your attention to this matter.

Sincerely,

***Terrence P. Morris***

Terrence P. Morris

Enclosure

Cc: Barney Heath, Director *via email*  
Planning and Development  
John Lojek, Commissioner *via email*  
Inspectional Services  
Neil Cronin, Senior Planner *via email*  
Planning and Development

RECEIVED  
Newton City Clerk  
2016 OCT 28 PM 2:23  
DAVID A. OLSON, OMC  
NEWTON, MA 02459

Middlesex South Registry of Deeds  
Electronically Recorded Document

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Recording Information

Document Number	: 192850
Document Type	: DECIS
Recorded Date	: October 28, 2016
Recorded Time	: 11:49:33 AM
Recorded Book and Page	: 68296 / 314
Number of Pages(including cover sheet)	: 4
Receipt Number	: 2011664
Recording Fee	: \$75.00

RECEIVED  
Newton City Clerk  
2016 OCT 28 PM 2: 23  
David A. Olson, CMC  
Newton, MA 02459

Middlesex South Registry of Deeds  
Maria C. Curtatone, Register  
208 Cambridge Street  
Cambridge, MA 02141  
617-679-6300  
[www.middlesexsouthregistry.com](http://www.middlesexsouthregistry.com)

#284-16  
7-9 Arundel Terrace

CITY OF NEWTON  
IN CITY COUNCIL

October 4, 2016

2016 OCT -6 PM 2:00  
CITY OF NEWTON

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 further increase the nonconforming Floor Area Ration (FAR) from .59 to .65, where .58 is the maximum allowed by right as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed increase in the nonconforming FAR from .59 to .65, where .58 is the maximum allowed by right is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood (§3.1.9 and §7.8.2.C.2) because the proposed garage will be in keeping with the neighborhood and setback from the street.
2. The proposed increase in the nonconforming structure will not be significantly more detrimental than the existing nonconforming structure is to the neighborhood because the immediate area and surrounding neighborhood is thickly settled on small lots and a carport has existed in this location for many years. (§7.8.2.C.2).

Property Address: 7-9 Arundel Terrace, Newton

PETITION NUMBER: #284-16

PETITIONER: Carmen Fugazotto

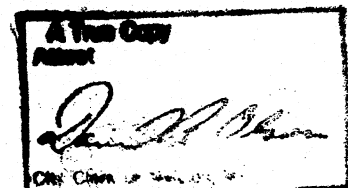
LOCATION: 7-9 Arundel Terrace, on land known as Section 71, Block 01, Lot 25, containing approximately 5,100 square feet of land

OWNER: Carmen Fugazotto

ADDRESS OF OWNER: 7 Arundel Terrace  
Newton, MA 02459

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame



EXPLANATORY NOTES: §3.2.11, §7.8.2.C.2, and §7.3.3 to further increase the non-conforming FAR

ZONING: Multi-Residence 2 district

Approved subject to the following conditions:

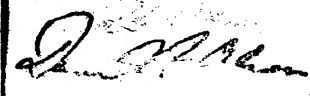
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. Pre-Construction Plot Plan, 7-9 Arundel Terrace, signed and stamped by James E. McLoughlin IV, Professional Engineer, dated 3/15/2016 Revised 4/27/2016
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 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 Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
  - d. Obtained variances from the Board of Appeals for waivers of the rear and side setback, lot coverage, and open space.
3. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or land surveyor certifying compliance with Condition #1, including the as built FAR of the structure.
  - 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  
23 yeas 0 nays 1 absent (Councilor Lappin)

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 October 6, 2016. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE

ATTEST

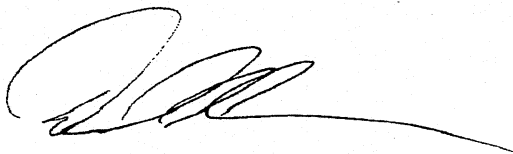
Alison



ATTEST

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 10/6 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

