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Bk: 65612 Pg: 252 Doc: DECIS
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#59-15

CITY OF NEWTON

IN BOARD OF ALDERMEN

May 18, 2015

ORDERED:

That the Board, 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 accessory apartment in a single-family dwelling, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The site is an appropriate location for an accessory apartment, as it meets the requirements of the Newton Zoning Ordinance. (§30-24(d)(1))
2. The proposed accessory apartment will not adversely affect the neighborhood, as the structure already exists and the increase of one unit will have a minimal impact on the neighborhood. (§30-24(d)(2))
3. There will be no nuisance or serious hazard to vehicles or pedestrians, as there is adequate parking on the site. (§30-24(d)(3))

PETITION NUMBER: #59-15

PETITIONER: Yong Mou Chen

LOCATION: 1765 Beacon Street, Ward 5, on land known as SBL 59-15, 4 containing approx. 20,800 sq. ft. of land

OWNER: Yung Mou Chen and Shu Fen Chen *deed. 64121-115*

ADDRESS OF OWNER: 1765 Beacon Street
Newton, MA 02468

TO BE USED FOR: Accessory Apartment

EXPLANATORY NOTES: §30-8(d)(1), §30-8(d)(1)(c), and §30-22, to create an accessory apartment in a single-family dwelling.

ZONING: Single Residence 2

RECEIVED
Newton City Clerk
2015 MAY 20 PM 3:34
David A. O'Connell
Newton, MA 02459

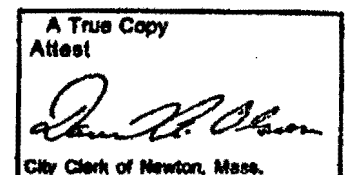
RECEIVED
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2015 JUL 17 PM 3:34
David A. O'Connell
Newton, MA 02459

*Luis & Franca PC
450 Lexington Street
Suite 104
Newton, MA 02466*

A True Copy
Attest
David A. O'Connell
City Clerk of Newton, Mass.

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. Existing Site Plan, prepared by Darlow Christ Architects, dated March 4, 2015.
 - b. Floor Plans and Elevations, prepared by Darlow Christ Architects, containing the following sheets:
 - i. A-0.1 – Door and Window Schedules, dated March 4, 2015,
 - ii. A-1.1 – Floor Plans: First and Second, dated March 4, 2015,
 - iii. A-1.1A – First Floor Accessory Apartment Plan, dated April 23, 2015
 - iv. A-1.1B – First Floor Accessory Apartment Square foot Calculations, dated April 23, 2015
 - v. A-2.1 – Reflected Ceiling Plans: First and Second, dated March 4, 2015,
 - vi. A-3.1 – Sections, dated March 4, 2015,
 - vii. A-5.1 – Exterior Elevations, dated March 4, 2015,
 - viii. A-7.1 – Interior Elevations, dated March 4, 2015,
2. The accessory apartment may not be held in separate ownership from the principal structure/dwelling unit.
3. The owner of the single-family dwelling shall occupy either the main dwelling unit or the accessory apartment, and the owner shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year.
4. 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 Approval 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.
5. No Final Inspection/Occupancy Permit for 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 engineer certifying compliance with Condition #1.
 - b. Submitted to the Commissioner of Inspectional Services and City Engineer, and the Department of Planning and Development, 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
20 yeas 0 nays 4 absent (Aldermen Albright, Blazar, Leary, and Sangiolo)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 May 20, 2015. 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 Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen 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 Board of Aldermen in the Office of the City Clerk on 5/20 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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

