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#233-07(2)

CITY OF NEWTON

IN BOARD OF ALDERMEN

March 16, 2015

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RECEIVED  
CITY OF NEWTON

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 a SPECIAL PERMIT/SITE PLAN APPROVAL for an accessory apartment in a two-family dwelling in a Single Residence 2 District and to decrease nonconforming open space, 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 in a two-family dwelling in a Single Residence 2 District. (§30-24(d)(1))
2. The accessory apartment will be located within the existing two-family dwelling and will not adversely affect the neighborhood. (§30-24(d)(2))
3. The modest decrease in the nonconforming open space will create a parking stall for the accessory apartment and will not be substantially more detrimental than the existing nonconforming open space is to the neighborhood. (§30-15 Table 1, §30-21(b), and Board Order #233-07)

PETITION NUMBER: #233-07(2)

PETITIONER: Thomas D. and Mairead A. Murphy

LOCATION: 15-17 Weldon Road, on land known as SBL 12, 22, 4A, containing approximately 11,113 square feet of land

OWNER: Thomas D. and Mairead A. Murphy

ADDRESS OF OWNER: 17 Weldon Road  
Newton, MA 02458  
45248 - 529

TO BE USED FOR: Two-Family Dwelling with Accessory Apartment

CONSTRUCTION: Wood Frame

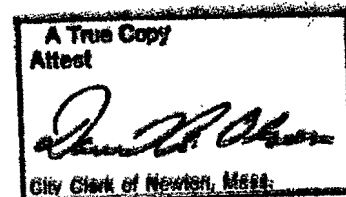
A True Copy  
Attest  
  
City Clerk of Newton, Mass.

EXPLANATORY NOTES: §30-8(d)(1) and §30-8(d)(2) to create an accessory apartment in a two-family dwelling in the Single Residence 2 district; and §30-21(b), §30-15 Table 1, and Board Order #233-07 to decrease nonconforming open space.

ZONING: Single 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. Proposed Conditions Plan, signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated November 5, 2014.
  - b. Architectural Plans, prepared by Bradley Shotola, architect. Consisting of the following four (4) sheets:
    - i. Proposed Accessory Apartment - Proposed Basement, dated October 13, 2014;
    - ii. Basement Plan - Proposed, dated October 6, 2014;
    - iii. First Floor Plan, dated October 6, 2014; and
    - iv. Second Floor Plan, dated October 6, 2014.
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 and/or Occupancy Permit for the buildings 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 land surveyor or engineer certifying compliance with Condition #1.
  - b. 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.




- c. Obtained a written statement from the Planning Department that confirms the project has been constructed consistent with the plans approved in Condition #1.

Under Suspension of Rules  
Readings Waived and Approved  
23 yeas 0 nays 1 absent (Alderman 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 March 18, 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 3/18 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

