

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.cambridgedeeds.com

5 pages

CITY OF NEWTON
IN BOARD OF ALDERMEN

October 6, 2014

RECEIVED
Newton City Clerk
#229-14
2014 OCT -8 PM 4:12
David A. Olson, CMC
Newton, MA 02459

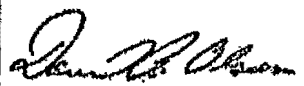
ORDERED:

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 extend a nonconforming structure as to building height, by constructing a new addition to the rear of the existing building, including a new attached garage, and to add new driveways and parking areas on the site, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

73 Bellevue Street, Newton
Deed Ref: Book 62435, Page 377

1. The extension of the structure is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. The proposed addition complies with the required setback and will be approximately 50 feet from the nearest structure of the adjacent property. The increase in the non-conforming building height from 42.6 ft. to 44.91 ft. is due to the lower grade where the addition will be located, which reduces the average grade for the site and technically increases the non-conforming height of the existing structure. The addition does not reflect a physical increase in the maximum height of the structures on the site. (§30-21(b))
2. The specific site is an appropriate location for the proposed addition and changes to the site, as the open space percentage and lot coverage will continue to meet the requirements of the Newton Zoning Ordinance, and the addition complies with all applicable dimensional requirements of said Ordinance. The proposed addition and changes to the site will not add additional housing units nor subdivide the land, significantly change the topography, nor change the character of the site, and therefore a waiver from the preservation restriction imposed pursuant to the previous special permit is appropriate. (§30-24(d)(1))
3. The proposed addition will not adversely affect the surrounding neighborhood, as it will be located in the rear of the existing dwelling and will be mostly screened from the public view. The addition of the proposed driveway will allow the petitioner to access the proposed garage through their property, instead of through the adjacent property at 99

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Newton City Clerk
2014 NOV 4 AM 10:08
David A. Olson, CMC
Newton, MA 02459

A True Copy
Attest

City Clerk of Newton, Mass.

109 Bellevue Street, for which no easement exists, and the elimination of such shared use will also serve to eliminate overburdening of the same. (§30-24(d)(2))

4. There will be no nuisance or serious hazard to vehicles or pedestrians, and access to the site over streets is appropriate for the type and numbers of vehicles involved. (§30-24(d)(3) and (4))

PETITION NUMBER: #229-14

PETITIONER: Michael and Dena Rashes

LOCATION: 93 Bellevue Street, Ward 1, on land known as SBL 12, 21, 39 and 40, containing approx. 93,923 sq. ft. of land in total

OWNER: Michael Rashes and Dena Rashes

ADDRESS OF OWNER: 93 Bellevue Street,
Newton, MA 02458

TO BE USED FOR: Single-Family Dwelling

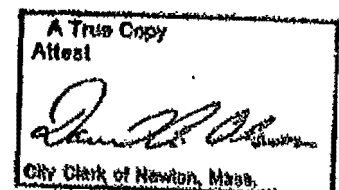
EXPLANATORY NOTES: §30-15 Table 1 and §30-21(b), to extend a nonconforming structure as to building height; to waive the preservation restriction on Lot 39 imposed pursuant to Special Permit #127-80, 127-80(2) to allow for the garage and driveway; and to amend the prior site plan approved by said Special Permit

ZONING: Single Residence 2

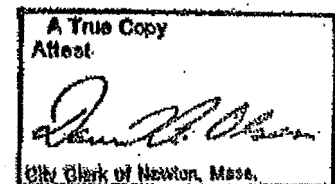
The plans referenced in Condition #1 of this special permit supersede site plans approved under prior special permits #127-80 and #127-80(2). Those conditions and provisions from such prior special permits other than the site plans that remain applicable are still in full force and effect, including restrictions set forth in the Preservation Restriction recorded with the Middlesex South District Registry of Deeds in Book 14250, Page 422 and the Conservation Restriction recorded with said Deeds in Book 14250, Page 426.

Special Permit/Site Plan Approval #229-14 approved subject to the following conditions:

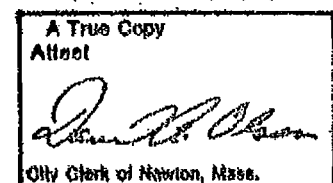
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. Area Plan, prepared and stamped by Verne T. Porter, Professional Land Surveyor, dated May 12, 2014.



- b. Existing Conditions Site Plan, prepared, stamped and signed by Verne T. Porter, Professional Land Surveyor, dated May 12, 2014.
 - c. Proposed Conditions Site Plan Option 2, prepared, stamped and signed by Verne T. Porter, Professional Land Surveyor, dated September 16, 2014.
 - d. Landscape and Lighting Plans, prepared by Past Designs, consisting of three (3) sheets as follows:
 - i. Proposed Driveway & Tree Removal Plan Option 2, dated September 14, 2014, Sheet PD-L1(2)
 - ii. Proposed Landscape Planting Plan Driveway Option 2, dated September 14, 2014, Sheet PD-L2(2)
 - iii. Proposed Exterior Lighting Driveway Option 2, dated September 14, 2014, Sheet PD-L3(2)
 - e. Architectural Drawings, prepared by Slocum Hall Design Group, LLC, Stamped by Leah Cohen Lamkin, Registered Architect, dated June 10, 2014, consisting of thirteen (13) sheets as follows:
 - i. Cover Sheet
 - ii. Proposed Addition and Garage and Basement Floor Plan, Sheet A105
 - iii. Proposed Addition and Garage Main Floor Plan and Roof Plan, Sheet A106
 - iv. Proposed Addition Exterior Elevations, Sheet A205;
 - v. Proposed Addition Exterior Elevations, Sheet A206.
2. No structure shall be constructed on Lot 40 and Lot 40 shall not be subdivided.\
 3. The petitioner shall retain a certified arborist throughout the duration of the project to ensure the long-term health of the trees and other vegetation on the property that may be impacted by the construction of the driveway and the addition. The certified arborist shall also oversee the removal of existing trees and the planting of new trees. If any tree(s), beyond the three trees earmarked for removal as shown on the plan referenced in Condition #1d.i., above, becomes severely damaged or dies within a period of five years from the date of this Board Order, the petitioner shall replace the same with a tree(s) of comparable quality, the size of such replacement tree(s) upon installation to be approved by the Director of Urban Forestry, the intent being for any replacement tree(s) to be as large as reasonable in terms of survivability. All tree removal and tree replacement (as to size and quality) shall be subject to the review and approval by the Director of Urban Forestry for a period of five years from the date of this Board Order.
 4. All driveway lighting shall be placed on a motion sensor or a timer to ensure that lights are not left on all night.
 5. Construction of the proposed driveway shall be completed as soon as possible in order to afford access to the rear of the site. At such time as the proposed driveway has been constructed and approved by the Inspectional Services Department, the petitioner shall abandon the existing easement over a portion of Lot 38.



6. All stone cutting shall be done within the proposed new garage not earlier than 8:00 a.m. nor later than 5:00 p.m. on weekdays. No stone cutting may be done on weekends.
7. The petitioner shall take reasonable measures to mitigate the noise generated by the HVAC system located below the terrace connecting the existing house to the new attached garage.
8. Within six months of completing construction of the new driveway authorized by this special permit and abandonment of the easement over a portion of Lot 38, the petitioner shall contact the owners of Lot 38; shall offer to install at its sole expense a new gravel surface on the driveway of such Lot; and if granted approval by the owners of Lot 38, shall install a new gravel surface on such driveway.
9. 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.
10. 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 engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - c. Filed with the City Clerk and the Inspectional Services Department a statement by the Director of Planning and Development approving final location, number and type of plant materials and fencing.
11. Notwithstanding the provisions of Condition #10c above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to the installation of final landscaping provided that the petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, 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.

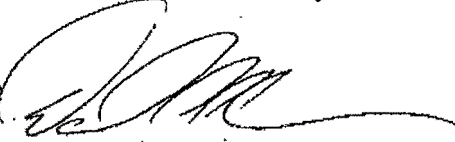


Under Suspension of Rules
Readings Waived and Approved

22 yeas 0 nays 1 absent (Alderman Johnson) 1 recused (Alderman Brousal-Glaser)

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 October 8, 2014. 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.

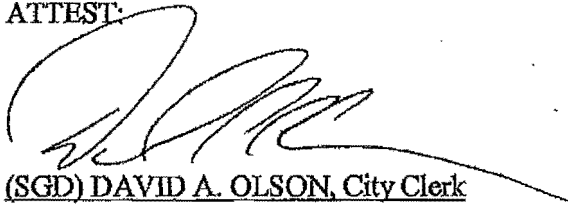
ATTEST:



(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 10/8 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

