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**Newton, Ma. 02465**

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*E-mail [peternsachs@gmail.com](mailto:peternsachs@gmail.com)*

City of Newton  
Inspectional Services Department  
1000 Commonwealth Avenue  
Newton, Ma. 02459

December 28, 2013

Re:  
Hennessey Residence  
45 Brae Burn Rd.  
Newton, MA

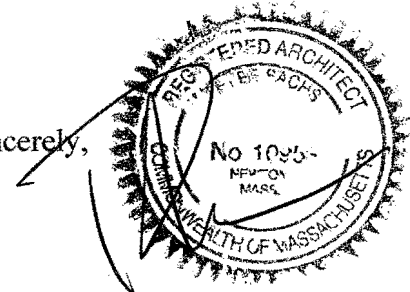
To Chief Planner- Alexandra Ananth

RECEIVED  
Newton City Clerk  
2014 JAN 30 PM 2:05  
David A. Olson, CMC  
Newton, MA 02459

Dear Alexandra,

My clients, John and Christina Hennessey, received a Special Permit August 12, 2013. The petition # 215-13 has been recorded at the registry of deeds. I am writing this letter to certify that condition # 1 has been met and that they are in full compliance with the board order, zoning and building requirements.

Sincerely,



Peter Sachs, Architect of Record



2013 00204447

Bk: 62657 Pg: 302 Doc: DECIS  
Page: 1 of 3 09/19/2013 02:19 PM

#215-13

CITY OF NEWTON

IN BOARD OF ALDERMEN

August 12, 2013

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action 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, hereby grants the following SPECIAL PERMIT/SITE PLAN APPROVAL for an accessory apartment in an existing structure, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Ted Hess-Mahan.

The Board finds that:

- 1) The proposed accessory apartment in a single-family dwelling will not adversely affect the neighborhood for the following reasons:
  - a. The site is an appropriate location for the proposed accessory apartment and the lot is only a few hundred square feet short of being able to create the accessory apartment via an administrative approval only.
  - b. The apartment will be located in the basement of the existing house with only minor exterior modifications for egress.
  - c. The use will not adversely affect the neighborhood.
  - d. Existing screening sufficiently screens parking for the accessory unit in the existing driveway.
- 2) The proposed creation of an accessory apartment is consistent with the intent of the 2007 *Comprehensive Plan* as it adds to the number of units and diversity of the City's housing stock, consistent with the City's housing goals.

PETITION NUMBER: #215-13

PETITIONER: Christina and John Hennessey

LOCATION: 45 Brae Burn Road, Ward 4, on land known as Sec 43: Blk 4, Lot 1, containing approx. 14,739 sf of land

OWNER: Christina and John Hennessey

50778-571  
 Christina Hennessey  
 45 Brae Burn Road  
 Newton, MA 02466

RECEIVED  
 Newton City Clerk  
 2013 AUG 14 PM 4:14  
 David A. O'Sullivan, Clerk  
 Newton, MA 02459

RECEIVED  
 Newton City Clerk  
 2014 JAN 30 PM 2:05  
 David A. O'Sullivan, Clerk  
 Newton, MA 02459

RECEIVED  
 Newton City Clerk  
 2013 SEP 20 AM 11:43  
 David A. O'Sullivan, Clerk  
 Newton, MA 02459

A True Copy  
 Attest  
  
 City Clerk of Newton, Mass.

ADDRESS OF OWNER: 45 Brae Burn, Newton, MA 02466

TO BE USED FOR: Accessory Apartment in a single-family house


CONSTRUCTION: Wood-frame

EXPLANATORY NOTE: Section 30-8(d)(1) to create an accessory apartment in a single-family dwelling; Table 30-8, for a special permit to create an accessory apartment in a single-family dwelling on a lot with less than 15,000 square feet.

ZONING: Single-Residence 2 District.

Approved, subject to the following conditions:

1. The areas of the subject property directly related to the uses approved and relief granted through this Special Permit shall be consistent with the following plans:
  - a. City of Newton, MA, Special Permit Plot Plan, Christina and John Hennessey, 45 Brae Burn Road, Newton, MA, stamped and signed by Joseph R. Porter, Registered P.E., and dated August 27, 2012 and revised on May 1, 2013
  - b. Architectural Plans consisting of 17 sheets, for 45 Brae Burn Road, prepared by Peter Sachs Architect, Newton, MA, dated March 19, 2012, and revised on August 14, 2012
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 April 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 with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL.
  - b. Filed a certified copy of such recorded notices with the Clerk of the Board, the Inspectional Services Department and the Department of Planning and Development.
5. No portion of the building pursuant to this SPECIAL PERMIT and ~~SITE PLAN APPROVAL~~ shall be occupied until the petitioner has:

A True Copy  
Attest  
  
City Clerk of Newton, Mass.

- a. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development, a statement by a registered engineer or surveyor certifying compliance with Condition #1.

Under Suspension of Rules  
Readings Waived and Approved  
22 yeas 0 nays 1 absent (Alderman Fischman) 1 vacancy

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 August 14, 2013. 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 8/14 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

A True Copy  
Attest  
  
City Clerk of Newton, Mass.