



2014 00166722

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Page: 1 of 3 10/31/2014 08:27 AM

#272-14  
2014 OCT -8 PM 4: 12  
RECEIVED  
Newton City Clerk  
David A. Olson, CMC  
Newton, MA 02459

CITY OF NEWTON  
IN BOARD OF ALDERMEN

October 6, 2014

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 to allow construction of a portico on 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 proposed front portico, which will extend an already nonconforming structure an additional 4.5 feet into the front setback resulting in a 17.08 foot front setback, will not be substantially more detrimental than the existing nonconforming structure is to the surrounding neighborhood. (§30-21(b))
2. The proposed location of the front portico is appropriate for the existing structure and the surrounding residential neighborhood. (§30-24(d)(1))
3. The proposed portico will not adversely affect the neighborhood. (§30-24(d)(2))

PETITION NUMBER: #272-14

PETITIONERS: Christine Boisclair 63079-390

LOCATION: 42 BRAE BURN ROAD, Ward 4, Auburn, MA, land known as SBL 43, 5, 2, containing approximately 9,000 sf of land

OWNERS: Michael and Christine Boisclair

ADDRESS OF OWNER: 42 Brae Burn Road  
Newton, MA 02466

TO BE USED FOR: Single-Family Dwelling

CONSTRUCTION: Wood-framed

EXPLANATORY NOTES: §30-15 Table 1 and §30-21(b), to allow the extension of an existing nonconforming structure, where the front setback will be reduced.

2014 OCT 8 AM 9: 14  
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A True Copy  
Attest  
*David A. Olson*  
City Clerk of Newton, Mass.

ZONING: Single Residence 2

Approved subject to the following conditions:

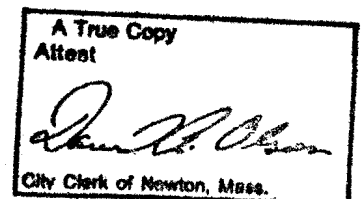
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
  - a. Proposed Portico Plan for 42 Brae Burn Road, Newton, MA, signed and stamped by Christopher Charlton, Professional Land Surveyor, dated June 18, 2013.
  - b. Architectural Plan, titled "Proposed Portico for 42 Brae Burn Road, Newton, MA," containing Existing and Proposed Conditions, Proposed Side Elevation, Site Plan (w/setbacks), prepared by DWB, dated May 29, 2014.
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 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.
3. No Final Inspection/Occupancy Permit for the structure 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 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.

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.



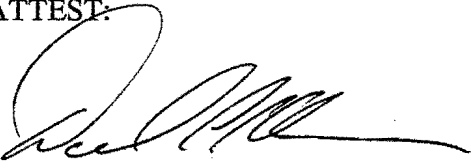
ATTEST:



(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 10/1 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

