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Document Number	: 177329
Document Type	: DECIS
Recorded Date	: November 19, 2014
Recorded Time	: 10:28:56 AM
Recorded Book and Page	: 64530 / 561
Number of Pages(including cover sheet)	: 4
Receipt Number	: 1755877
Recording Fee	: \$75.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.cambridgedeeds.com

#337-14

CITY OF NEWTON

IN BOARD OF ALDERMEN

October 20, 2014

RECEIVED
NEWTON CITY CLERK
2014 OCT 24 AM 10: 25
DAVID A. GIBLIN, Clerk
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 and extension of a nonconforming use to allow an accessory apartment in an existing nonconforming detached structure accessory to a nonconforming two-family dwelling, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The extension of the nonconforming use is not substantially more detrimental than the existing nonconforming use is to the neighborhood. (§30-21(b))
2. The site is an appropriate location for an accessory apartment, as it meets the requirements of the Newton Zoning Ordinance. (§30-24(d)(1))
3. 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))
4. There will be no nuisance or serious hazard to vehicles or pedestrians, as there is adequate parking on the site. (§30-24(d)(3))
5. Access to the site over streets is appropriate for the types and number of vehicles involved. (§30-24(d)(4))

Property Address: 59-61 Warwick Road, Newton

PETITION NUMBER: #337-14

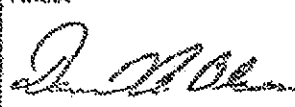
PETITIONER: Andrew and Monica Healy

LOCATION: 59-61 Warwick Street, Ward 3, on land known as SBL 31, 28, 62 and 64 containing approx. 11,218 sq. ft. of land

OWNER: M&A Realty Trust, Andrew and Monica Healy, Trustees

ADDRESS OF OWNER: 41 Wildwood Avenue
Newton, MA 02465

RETURN TO: Terrence P. Morris, Esq. TITLE REF. Book 63623 Page 445
57 Elm Road, Newton MA 02460

A True Copy
Attest

City Clerk of Newton, Mass.

TO BE USED FOR: Accessory Apartment

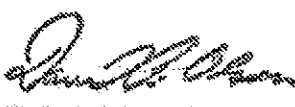
EXPLANATORY NOTES: §30-8(d)(2) and §30-21(b), to create an accessory apartment in a nonconforming detached structure on a lot with a nonconforming two-family dwelling in an Single Residence 3 zoning district; §30-15(m)(2) and §30-21(b), to change the use of a detached structure which is nonconforming due to height; §30-15(m)(3) and §30-21(b), to change the use of a detached structure which is nonconforming due to number of stories.

ZONING: Single Residence 3

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 Site Plan, prepared and stamped by Kenneth B. Anderson, Professional Land Surveyor, dated July 1, 2014.
 - b. Floor Plans and Elevations, prepared, stamped and signed by Ronald F. Jarek, Registered Architect, dated July 7, 2014, containing the following sheets:
 1. A-1 - Existing and Proposed Plans
 2. A-2 - Existing and Proposed Plans
 3. A-3 - Existing and Proposed Elevations
 4. A-4 - Existing and Proposed Elevations
 - 5.
2. The accessory apartment may not be held in separate ownership from the principal structure/dwelling unit.
3. The owner of the two-family dwelling shall occupy one of the main dwelling units 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. The petitioner shall plant vegetation along the western property line within eight months of the date of this Board Order to screen the accessory apartment structure and associated parking area. The type and number of plants proposed by the petitioner must be approved by the Planning Department, and shall be maintained in good condition.
5. 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.

True Copy
Attest



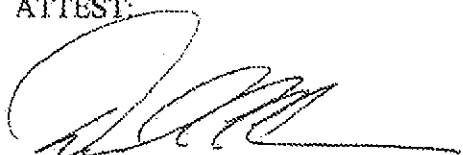
City Clerk of Newton, Mass.

- c. Filed final site plans showing all proposed utilities for review and approval by the City Engineer. A copy of such written approval shall be filed with the Clerk of the Board, the Commissioner of Inspectional Services, and the Director of Planning and Development.
 - d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
6. 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
 23 yeas 0 nays 1 absent (Alderman Harney)

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 24, 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 11/24 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

