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#78-15

CITY OF NEWTON
IN BOARD OF ALDERMEN

May 18, 2015

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2015 MAY 20 PM 4: 24
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 allow an accessory apartment in a 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 site is an appropriate location for a home business because of the type of the business activity, i.e., making chocolate and holding chocolate making classes with more than three customers or pupils on the site at any one time. (§30-8(c)(4) and (11)(c), and §30-24(d)(1))
2. The proposed home business use as developed and operated will not adversely affect the neighborhood, as the number of customers or pupils on the site at one time will be limited to twelve persons. (§30-24(d)(2))
3. The waiver of one parking stall for the proposed home business will not create a nuisance or serious hazard to vehicles or pedestrians in the surrounding neighborhood. (§30-8(c)(9) and (11)(e), and §30-24(d)(2))

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David A. Olson, CMC
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PETITION NUMBER: #78-15

41047-583

PETITIONER: Beth Kirsch

LOCATION: 27 Waldorf Road, on land known as Section 54, Block 46, Lot 8, containing approximately 4,883 square feet of land.

OWNER: Paul Mascho and Beth Kirsch Trust

Trustees: Paul Mascho & Beth Kirsch

ADDRESS OF OWNER: 27 Waldorf Road
Newton, MA 02461

TO BE USED FOR: Single-Family Dwelling with a Home Business

EXPLANATORY NOTES: §30-8(c)(4) and §30-8(c)(11)(c), to allow more than three customers or pupils in a home business; and §30-8(c)(9) and

27 Waldorf Rd
Newton MA 02461

A True Copy
Attest

City Clerk of Newton, Mass.

§30(c)(11)(e), to waive the requirement for one parking stall associated with a home business.

ZONING: Single Residence 2 district

Approved subject to the following conditions:

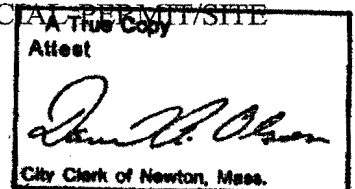
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. Plot Plan titled "27 Waldorf Road in Newton, MA," stamped, and signed by Clifford E. Rober, Professional Land Surveyor, dated March 15, 2015.
2. The petitioner shall not operate the home business with more than twelve (12) customers or pupils on site at any one time.
3. The petitioner shall not hold chocolate-making classes more frequently than four (4) times per month, and not for more than four (4) hours per class.
4. Prior to the issuance of any building permit, the petitioner shall submit a parking demand management plan, which shall include measures to be taken by the petitioner to minimize congestion and ensure a more efficient use of limited on-street parking resources in the neighborhood, including but not limited to suggesting that students limit parking to one side of the street. The plan shall be approved by the Director of Planning and Development with the advice of the Transportation Director.
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.
 - c. Submitted a parking demand management plan to the Director of Planning and Development.
6. No Final Inspection/Occupancy Permit for this Special Permit/Site Plan Approval shall be issued until the petitioner has:
 - a. Obtained a written statement from the Planning Department that confirms the parking demand management plan has been approved.

Under Suspension of Rules

Readings Waived and Approved

20 yeas 0 nays 4 absent (Aldermen Albright, Blazar, Leary, and 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 May 20, 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 5/6, 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

