

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

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Newton City Clerk
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David A. Cohen, Clerk
Newton, MA 02450
2015 SEP 23 PM 12: 47
Newton, MA 02450

CITY OF NEWTON
IN BOARD OF ALDERMEN

September 21, 2015

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 legalize an accessory apartment within a detached accessory garage, 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 an accessory apartment, as it complies with the requirements for an accessory apartment in a detached accessory structure under the Newton Zoning Ordinance. (§30-24(d)(1))
2. The accessory use as developed and operated will not adversely affect the neighborhood, as the detached accessory structure will not be changed, the site is adequately screened, and the structure has been used as an accessory apartment for a number of years without any issues or complaints. (§30-24(d)(2))
3. The accessory use will not be a nuisance or create a serious hazard to vehicles or pedestrians. (§30-24(d)(3))

PETITION NUMBER: #191-15

PETITIONERS: 46 Suffolk Road, LLC.

LOCATION: 46 Suffolk Road, Ward 7, Chestnut Hill, on land known as Section 63, Block 16, Lot 5, containing approximately 110,719 square feet of land

OWNERS: 46 Suffolk Road, LLC.

ADDRESS OF OWNER: 245 Washington Street, Suite 201
Wellesley, MA 02481

TO BE USED FOR: Accessory Apartment within a Detached Accessory Garage

CONSTRUCTION: Wood-framed


A True Copy
Attest
David A. Cohen
City Clerk of Newton, MA

EXPLANATORY NOTES: §30-8(d)(2) to legalize an accessory apartment in a detached structure accessory to a single-family dwelling.

ZONING: Single Residence 1 district/Accessory Apartment Overlay A 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. Site plan titled "Plan of Land in Newton, MA – 46 Suffolk Road Building Location As-built", prepared, stamped, and signed by Bruce Bradford, dated August 3, 2015.
 - b. Architectural floor plan titled "Carriage House", prepared by Designs by John Clark, unstamped, unsigned, and undated.
 - c. Landscaped plan titled "Schematic Plan of Deresiewicz Residence at 46 Suffolk Road, Newton, MA", prepared by Dan K. Gordon Associates, unstamped and unsigned, dated November 5, 2014.
2. In the event ownership of the subject property changes, the new owners shall notify the Inspectional Services Department, and a determination of compliance with this Board Order, the Newton Zoning Ordinance and Building Code shall be rendered by the Commissioner of Inspectional Services.
3. The owner of the accessory apartment shall occupy either of the principal 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 accessory apartment may not be held in separate ownership from the principal structure/dwelling unit.
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, the Assessing Department 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.
6. 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.

A True Copy
Attest

City Clerk of Newton, Mass.

Under Suspension of Rules
Readings Waived and Approved
22 yeas 0 nays 2 absent (Aldermen Lennon and Norton)

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 September 23, 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.

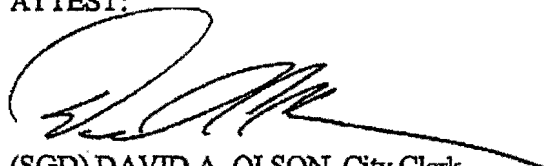
ATTEST:



(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 9/23 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

