

*Terrence P. Morris, Esq.*  
*Law Offices of Terrence P. Morris LLC*  
*57 Elm Road*  
*Newton, MA 02460*  
*617 202-9132*

November 29, 2017

***By electronic transmission: dolson@newtonma.gov***

David A. Olson, Clerk of the Board  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: Board Order #261-17: 14 Pond Avenue  
Special Permit Conditions 3(a) and 3(b)

Dear Mr. Olson:

Enclosed please find a certified copy of the recorded Board Order in accordance with Condition 3(a) of the above-referenced special permit, which states that no building permit shall be issued "until the petitioner., has recorded a certified copy of this order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County."

This filing, with copies to ISD and Planning, will also satisfy Condition 3(b), which states that no building permit shall be issued until the petitioner "has filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development."

Thank you for your attention to this matter.

Sincerely,

***Terrence P. Morris***

Terrence P. Morris

Enclosure

Cc: Barney Heath, Director ***via email***

Planning and Development

John Lojek, Commissioner ***via email***

Inspectional Services

Neil Cronin, Senior Planner ***via email***

Planning and Development

Middlesex South Registry of Deeds  
Electronically Recorded Document

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Recording Information

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**Middlesex South Registry of Deeds**  
**Maria C. Curtatone, Register**  
**208 Cambridge Street**  
**Cambridge, MA 02141**  
**617-679-6300**  
**[www.middlesexsouthregistry.com](http://www.middlesexsouthregistry.com)**

#261-17  
14 Pond Avenue

CITY OF NEWTON  
IN CITY COUNCIL

November 6, 2017

RECEIVED  
NEWTON CITY CLERK  
2017 NOV -8 PM 4:50  
DAVID A. O'NEILL  
CITY CLERK  
NEWTON, MA 02459

ORDERED:

That the City Council, 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 increase the Floor Area Ratio (FAR) from .44 to .67, where .58 is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

The proposed increase of FAR from .44 to .67, where .58 is the maximum allowed by-right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as the addition is to the rear of the structure and is in keeping with the architecture of the historic dwelling. (§3.2.11 and §7.3.3)

Property Address: 14 Pond Avenue, Newton

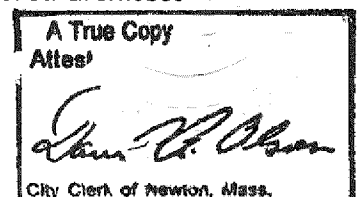
- PETITION NUMBER: #261-17
- PETITIONER: Kevin Fahey
- LOCATION: 14 Pond Avenue, on land known as Section 11, Block 20, Lot 14, containing approximately 4,530 square feet of land
- OWNER: Kevin Fahey
- ADDRESS OF OWNER: 14 Pond Avenue  
Newton, MA 02458
- TO BE USED FOR: Single Family Dwelling
- CONSTRUCTION: Wood frame
- EXPLANATORY NOTES: §3.2.11 and §7.3.3, to construct a single family dwelling with an FAR exceeding the maximum allowed by-right
- ZONING: Multi Residence 2 district

Approved subject to the following conditions:

TITLE REF. Book 48868 Page 513

A True Copy  
Attest  
*David A. O'Neill*  
City Clerk of Newton, Mass.

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, signed and stamped by Frank Iebba, Professional Engineer, dated 9/20/17 revised 8/11/15, 7/12/17, 8/2/17, 10/16/17, and 10/19/17, which shall be revised to show the removal of the existing asphalt driveway and replace it with a reduced parking area consisting of pavers and compliant with the dimensional and setback standards contained in the zoning ordinance.
  - b. Architectural Plans and Elevations, signed and stamped by David J. Cann, Registered Architect, consisting of nine (9) sheets:
    - i. A1 Preliminary First Floor Plan, dated 2/20/17 revised 5/27/17
    - ii. A2 Preliminary Second Floor Plan, dated 2/20/17 revised 5/27/17
    - iii. A3 Preliminary Basement Plan, dated 2/20/17 revised 5/21/17 and 10/15/17
    - iv. A4 Preliminary East Elevation, dated 8/15/17
    - v. A5 Preliminary West Elevation, dated 8/15/17
    - vi. A6 Preliminary North and South Elevations, dated 8/15/17 revised 10/15/17
  - c. The plans referenced above in Condition #1.b.vi shall be consistent with the plans approved by the Newton Historic Commission requiring the petitioner to install a carriage style, wood garage door with windows and construct the below-grade retaining walls out of fieldstone. The exposed foundation shall also be treated with a fieldstone veneer to frame the garage door.
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
3. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
  - a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
  - d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioners have:
  - e. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect



and professional engineer certifying compliance with Condition #1, including the as built FAR of the structure.

- f. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
- g. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.

Under Suspension of Rules

Readings Waived and Approved

22 yeas 0 nays 2 absent (Councilors Leary and Lennon)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council 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 November 8, 2017. 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 City Council

I, David A. Olson, as the Clerk of the City Council 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 Newton City Council in the Office of the City Clerk on 11/5 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Council

