

Terrence P. Morris, Esquire
Attorney at Law
57 Elm Road
Newton, MA 02460
617 202-9132

June 21, 2013
David A. Olson, CMC
Newton, MA 02459

2013 JUN 21 PM 3:22

RECEIVED
Newton City Clerk

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 #58-13: 281 Nevada Street
Special Permit Conditions 4(a) and 4(b)

Dear Mr. Olson:

Enclosed please find a certified copy of the recorded Board Order in accordance with Condition 4(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 board 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 4(b), which states that no building permit shall be issued "until the petitioner has filed a copy of such recorded board 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: Candace Havens, Director *via email*
Planning and Development
John Lojek, Commissioner *via email*
Inspectional Services
Alexandra Ananth, Chief Planner *via email*
Planning and Development

RECEIVED
Newton City Clerk
2013 MAY - 8 AM 10:40
David A. Olson, City Clerk
Newton, MA 02459

CITY OF NEWTON
IN BOARD OF ALDERMEN

May 6, 2013

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 convert an existing two-family structure into two single-family attached dwellings, and to construct two additional single-family attached dwellings; and to waive front and side setback requirements and locate a driveway within 10 feet from the side lot line, for the reasons given by the Land Use Committee through its Chairman Alderman Ted Hess-Mahan:

1. The site is an appropriate location for the proposed four unit single-family attached dwelling use and structures because the site meets the requirements for lot area, frontage, and lot area per unit.
2. The use as developed will not adversely affect the neighborhood.
3. The proposed waivers to the front and side setback requirements are appropriate as the existing structure is not being altered and the new structure will be located over 70 feet from the nearest residence.
4. The location of a driveway five feet from the side lot line where ten feet is required is appropriate, and will be screened with fencing.
5. The proposed project is consistent with Newton's Comprehensive Plan as it will maintain and add to the economically diverse housing stock by preserving the existing structure and creating opportunities for a variety of housing sizes including small households.

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Property Address: 281 Nevada Street, Newton

PETITION NUMBER: #58-13


PETITIONER: Robert Franchi

LOCATION: 281 Nevada Street, Ward 1, on land known as SBL 23, 06, 09, containing approx. 17,999 sq. ft. of land

RETURN TO: Terrence P. Morris, Esq.
57 Elm Road
Newton, MA 02460-2144

TITLE REF. Book 55777 Page 532

A True Copy
Attest



City Clerk of Newton, Mass.

PROPERTY OWNER: Mary V. Franchi Trust, Mary V. Franchi, Trustee

ADDRESS OF OWNER: 281 Nevada Street, Newton, MA 02460

TO BE USED FOR: Four single-family attached dwellings in two buildings

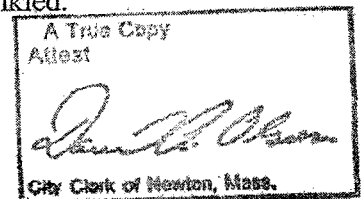
CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §30-9(b)(5)a) to allow single-family attached dwellings; §30-9(b)(5) b) and 30-15, Table 1, to locate existing and proposed structures closer than 25 feet from the front and side lot lines; §30-9(b)(5)a), and 30-9(b)(5)b) to locate proposed driveways five feet from the site lot line

ZONING: Multi-Residence 1 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:
 - Area Plan of Land, signed and stamped by Joseph R. Porter, Land Surveyor, VTP Associates, and dated 11/20/12
 - Topographic Site Plan, Showing Existing Conditions at 281 Nevada St, signed and stamped by Joseph R. Porter, Land Surveyor, VTP Associates, and dated 11/15/12
 - Topographic Site Plan, Showing Proposed Conditions at 281 Nevada St, signed and stamped by Joseph R. Porter, Land Surveyor, VTP Associates, and dated 12/28/12 and revised 3/19/13
 - Detail Sheet, Showing Proposed Conditions at 281 Nevada St, signed and stamped by Joseph R. Porter, Land Surveyor, VTP Associates, and dated 12/28/12 and revised 3/19/13
 - Architectural plans, not stamped or signed but prepared by Robert Franchi, Applicant, submitted 1/23/13
 - Proposed first floor plan for existing house
 - Proposed second floor plan for existing house
 - Proposed attic plan for existing house
 - First Floor Plan New Building
 - Second Floor Plan New Building
 - Attic Plan New Building
 - Front Elevation Proposed New Building
 - Side elevation New Building
 - Other Side Elevation New Building
 - Rear Elevation New Building
 - Landscape Plan for 281 Nevada Street not stamped or dated
2. In accordance with the Fire Department the new building in the rear shall be sprinkled.




3. In accordance with the Engineering Division of Public Works, the sidewalk and curbing shall be upgraded to concrete and granite respectively and shown on the final site plan.
4. 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 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 Construction Management Plan to the Inspectional Services and Planning Department for review and approval.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. No 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.
 - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
6. Notwithstanding the provisions of Condition #5. above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of final landscaping provided that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

Under Suspension of Rules

Readings Waived and Approved

22 yeas 0 nays 1 absent (Alderman Schwartz) 1 vacancy

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,

Attest

City Clerk of Newton, Mass.

the original of which having been filed with the CITY CLERK on May 8, 2013. 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:

Bridget Pucare, acting
(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 5/8/13 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

Bridget Pucare, acting
(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

