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Bk: 66289 Pg: 551 Doc: DECIS
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CITY OF NEWTON
IN BOARD OF ALDERMEN

December 1, 2014

RECEIVED
NEWTON CIV CLERK
#363-14
2014 DEC -3 PM 6:06
DAVID A. OLSON, 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 to convert an existing detach carriage house into an accessory apartment, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The site, which is a 43,377 square foot lot and meets the design and dimensional requirements of the Newton Zoning Ordinance, is an appropriate location for an accessory apartment. (§30-8(d)(2), Table 30-8, §30-24(d)(1))
2. The conversion of a portion of an existing detached carriage house into a 935 square foot accessory apartment, which has adequate parking provided on-site, will not adversely affect the neighborhood. (§30-24(d)(2))
3. The structure as proposed will not be a nuisance or create a serious hazard to vehicles or pedestrians. (§30-24(d)(3))

PETITION NUMBER: #363-14

PETITIONERS: David Hornstein

LOCATION: 40 Hampshire Street, Ward 3, West Newton on land known as SBL 32,41,2, containing approximately 43,377 square feet of land

OWNERS: 40 HAMPSHIRE STREET, LLC
62694-132

ADDRESS OF OWNER: 40 Hampshire Street
Newton, MA 02465

TO BE USED FOR: A single-family dwelling and detach garage with an accessory apartment

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2015 OCT 23 PM 3:35
DAVID A. OLSON, CLERK
Newton, MA 02459

A True Copy
Attest

City Clerk of Newton, Mass.

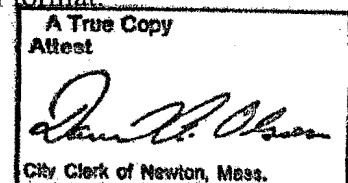
CONSTRUCTION: Wood-framed

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

ZONING: Single Residence 1

Approved subject to the following conditions:

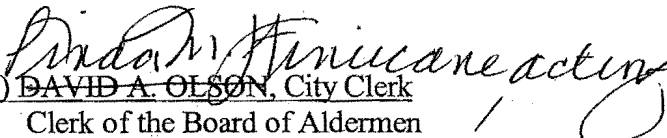
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. A proposed site plan set not bearing a stamp, signature or date of creation.
 - b. A building "Plans and Elevations" drawing for 40 Hampshire Street, Newton, MA 02465, prepared by Light House Design, 22 Candy Hill Road, Sudbury, MA 01776. Not bearing a stamp, signature or date of creation.
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 subject property shall file an affidavit attesting to the continued residence of the subject property with the Commissioner of Inspectional Services. Such affidavit shall be filed annually by July 1.
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 petitioners have:
 - 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 Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioners have:
 - 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.



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

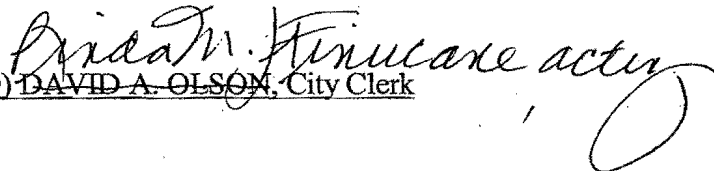
The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on December 3, 2014. The undersigned further certifies that 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 _____ 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

