

#285-16
133 Harwich Road

CITY OF NEWTON
IN CITY COUNCIL

October 4, 2016

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CITY OF NEWTON
2016 OCT -6 PM 2:09
DAVID A. OLSON, CHAIR
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 establish an accessory apartment within an existing single family home, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The site is an appropriate location for an accessory apartment, as the proposed addition will have a minimal effect on the square footage built on the lot, and meets the requirements of the Newton Zoning Ordinance (§7.3.3.C.1).
2. The existing family home at 2,363 sq. ft. is undersized by 137 sq. ft. in terms of a building size that would allow the interior accessory apartment to be built by right in a SR3 district. (§6.7.1.C.1 and §6.7.1.F)
3. The proposed accessory apartment will not adversely affect the neighborhood, as the addition will be to the rear of the structure and the increase of one unit will have a minimal impact on the neighborhood (§7.3.3.C.2).
4. There will be no nuisance or serious hazard to vehicles or pedestrians, as there is adequate parking onsite (§7.3.3.C.3).
5. The proposed accessory apartment will further a goal of the 2007 Comprehensive Plan to help diversify the housing stock.

PETITION NUMBER: #285-16

PETITIONER: Milena Braga

LOCATION: 133 Harwich Road, on land known as Section 82, Block 37,
Lot 76, containing approximately 11,170 square feet of
land

OWNER: Milena Braga

ADDRESS OF OWNER: 133 Harwich Road
Newton, MA 02467

TO BE USED FOR: Accessory Apartment

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §6.7.1.D, §6.7.1.F, and §7.3.3

ZONING: Single Residence 3 district

Approved subject to the following conditions:

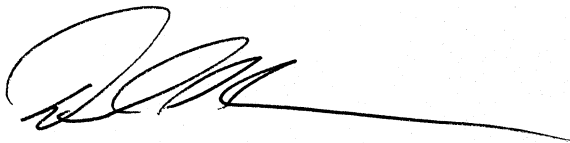
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Certified Plot Plan, signed and stamped by Peter Nolan & Associates, surveyor, dated 3/9/2016
 - b. Site Plan, prepared by Nehkoodah, dated 8/8/2016
 - c. Architectural Plans and Elevations, prepared by Nehkoodah, dated 6/7/2016, sheets A101-A104
2. The accessory apartment may not be held in separate ownership from the principal structure/dwelling unit.
3. The owner of the single-family dwelling shall occupy either the main dwelling unit 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. 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 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. No Final Inspection/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 land surveyor certifying compliance with Condition #1, including the as built FAR of the structure.

- b. 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.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Councilor Lappin)

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 October 6, 2016. 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 10/6 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