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RECEIVED  
Newton City Clerk

2016 DEC 20 11:03 AM  
89 Hyde Avenue  
#326-16

David A. Olson, CMC  
Newton, MA 02459

2016 NOV 23 PM 12:19

CITY OF NEWTON

IN CITY COUNCIL

November 21, 2016

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 a SPECIAL PERMIT/SITE PLAN APPROVAL for the creation of an internal accessory apartment on the basement level of a single-family dwelling on a lot with less than 15,000 square feet and the location of a parking stall within five feet of a street, 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 within a single-family dwelling in a Single Residence 2 (SR-2) district on a lot with less than 15,000 square feet as the existing structure can accommodate the accessory apartment without any increase to its size. (§6.7.1.D.1 and §7.3.3.C.1)
2. The accessory apartment will not adversely affect the neighborhood as it will be located in existing space within a single-family dwelling. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians, as the property's driveway on Hyde Avenue is appropriate to allow for adequate sightlines for drivers and pedestrians passing, entering or leaving the property. (§7.3.3.C.3)
4. Access to the site is appropriate for the number of vehicles related to the residential use of the site. (§7.3.3.C.4)
5. The creation of an accessory apartment will help to diversify Newton's housing stock consistent with Newton's *Comprehensive Plan*.
6. Granting an exception to the requirement that a parking stall not be located within five feet of a street (§5.1.7.A) so as to allow the use of the existing driveway area for the proposed additional stall would be in the public interest as it will provide off-street parking for the resident(s) of the accessory apartment, and not require a new curb cut and/or additional paved parking and circulation areas. (§5.1.13)

A True Copy  
Attest  
  
City Clerk of Newton, Mass.

PETITION NUMBER: #326-16

PETITIONER: Frank Dill

LOCATION: 89 Hyde Avenue, on land known as Section 72, Block 26, Lot 8, containing approximately 13,889 square feet of land

OWNERS: Orly Mishan and Tim Crawford

ADDRESS OF OWNER: 89 Hyde Avenue  
Newton, MA 02458

TO BE USED FOR: Accessory apartment in a single family dwelling  
One parking stall within five feet of a street

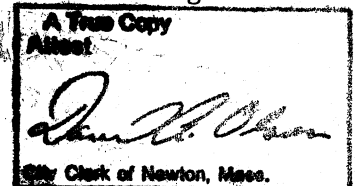
CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §6.7.1.D, §6.7.1.F - Creation of an accessory apartment in a single-family dwelling on a lot with less than 15,000 square feet;  
§5.1.7.A, §5.1.13- Creation of a parking stalls within five feet of a street

ZONING: Single Residence 2 (SR-2) district

Approved subject to the following conditions:

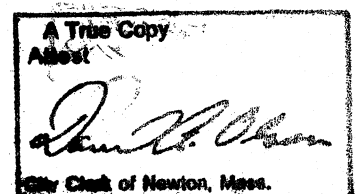
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
  - a. A plan entitled "Plan of Land in Newton, MA, 89 Hyde Avenue, Existing Conditions," prepared by Everett M. Brooks Co., dated September 21, 2016, stamped and signed by Bruce Bradford, Professional Land Surveyor;
  - b. A set of architectural plans entitled "Mishan-Crawford Residence, Eighty Nine Hyde Avenue, Newton, Massachusetts," dated August 26, 2016, prepared by Frank Dill Architects, signed and stamped by Frank Young Dill, Registered Architect:
    - i. Site Plan, Table of Contents, Project Information (A-01);
    - ii. Basement Accessory Apartment Floor Plan (A-02);
    - iii. Main Level, Upper Level Floor Plans (Sheet A-03).
2. The accessory apartment must be held in common ownership with the principal dwelling unit.
3. The owner of the dwelling shall occupy either the principal unit or the accessory apartment and shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year.



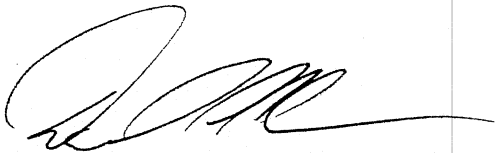
4. When ownership of the property changes the new owner shall notify the Commissioner of the Inspectional Services Department at which time the Commissioner shall conduct a determination of compliance with this decision and all applicable codes.
5. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - a. Recorded a certified copy of this 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 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.
6. No Final Inspection and/or Occupancy Permit for the buildings 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 land surveyor or engineer certifying compliance with Condition #1.
  - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
  - c. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location of landscape features and parking areas.

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

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 23, 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.



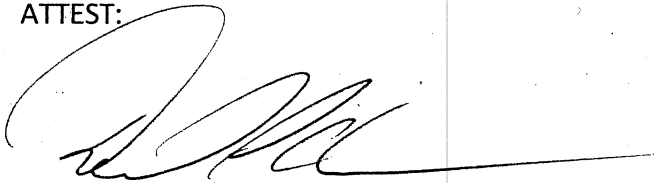
ATTEST:



(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 11/33 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

