

Middlesex South Registry of Deeds
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Newton City Clerk
2015 MAY 21 PM 2:25
David A. Olson, CHC
Newton, MA 02459

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.cambridgedeeds.com

4 pp.

#18-15

CITY OF NEWTON
IN BOARD OF ALDERMEN

April 21, 2015

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 a SPECIAL PERMIT/SITE PLAN APPROVAL to extend a NONCONFORMING STRUCTURE to construct a two-story addition to the rear of an existing 2½-story single-family dwelling, to demolish the existing detached garage and construct a new two-car detached garage with storage space above, the sum of which will exceed the maximum allowable Floor Area Ratio, and to expand the front porch which is located in the setback, recommended by the Land Use Committee for the reasons given by the Committee through Chairman, Alderman Marc Laredo:

Need ref: back S1 box, page 21

17 Cushing Street, Newton, MA

1. The proposed Floor Area Ratio (FAR) is .50, where .40 is the maximum allowed by right and .31 exists. The existing structure is a 2½-story single-family dwelling on a lot consisting of 8,640 square feet with a gross floor area of 2,742 square feet (.31 FAR). The proposed additions to the dwelling, and the construction of the new detached garage will increase the gross floor area by approximately 1,577 square feet (58%) to 4,319 square feet (.50 FAR). The proposed addition to the rear of the single-family dwelling has been carefully designed to be subordinate to the main structure in height, massing and location. The main structure with the additions is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§30-15 Table A and §30-15(u)(2))
2. The expansion of the front porch, which is located in the front setback, is not substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§30-21(b))
3. The site is an appropriate location for the proposed addition because it will be located in the rear of the existing structure, and the additional bulk and mass will be minimally visible from the public way and abutting properties and will be partially screened by the addition of new landscaping. (§30-24(d)(1))

PETITION NUMBER: #18-15

PETITIONER: Robert, Jr. and Laura Hughes

LOCATION: 17 Cushing Street, on land known as SBL 52, 27, 10, containing approximately 8,640 square feet of land

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Newton, MA 02459

A True Copy
Attest


OWNER: Robert, Jr. and Laura Hughes

ADDRESS OF OWNER: 17 Cushing Street
Newton, MA 02461

TO BE USED FOR: Single-Family Residence

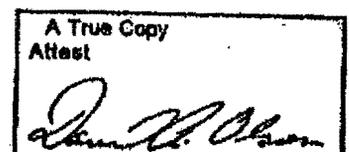
CONSTRUCTION: Wood Framed Construction

EXPLANATORY NOTES: §30-15(u)(2), §30-15 Table A, to exceed the allowable FAR; and §30-21(b), §30-15 Table 1, to extend a nonconforming structure with respect to the front setback.

ZONING: Single Residence 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. Area Plan, prepared by Everett M. Brooks Co., signed and stamped by Bruce Bradford, Professional Land Surveyor, dated January 9, 2015.
 - b. Site Plan, prepared by Everett M. Brooks Co., signed and stamped by Bruce Bradford, Professional Land Surveyor and Michael S. Kosmo, Professional Engineer, dated January 9, 2015.
 - c. Architectural Plan Set, prepared by Chris Chu, licensed architect, dated April 1, 2015, consisting of the following seven (7) sheets:
 - i. Proposed Site Plan (Site-0);
 - ii. Proposed Site Plan Showing Area Removed (Site-0.1);
 - iii. Proposed First Floor Plan (FL-1);
 - iv. Proposed First Floor Plan Showing Area Removed (FL-1.1);
 - v. Proposed Second Floor Plan (FL-2);
 - vi. Proposed Second Floor Plan Showing Area Removed (FL-2.1);
 - vii. Proposed Front Elevations/Section (FRONT).
 - d. Landscape Plan, prepared by Chris Chu, licensed architect, dated November 30, 2014.
2. Prior to the issuance of a building permit the petitioner shall submit a revised set of plans, including a site plan, landscape plan, and architectural drawings, for review and approval by the Department of Planning and Development. The revised landscaping plan shall provide for additional landscaping along the northwest side property line.
3. All landscaping and fencing shall be maintained in good condition and shall be replaced with similar materials as necessary.
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. Filed final site plans for review and approval by the City Engineer. A copy of such written approval shall be filed with the Clerk of the Board, the Commissioner of Inspectional Services, and the Director of Planning and Development.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1, and as revised per Condition #2.
5. 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 architect 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, 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 and the Commissioner of Inspectional Services, 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 #5d above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide 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

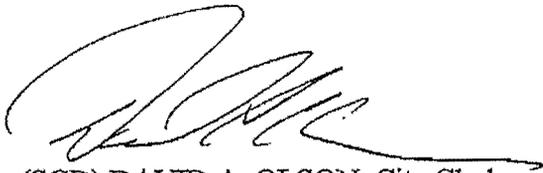
20 yeas 0 nays 4 absent (Aldermen Baker, Gentile, Hess-Mahan, and Laredo)

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 April 27, 2015. 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:

A True Copy
Attest

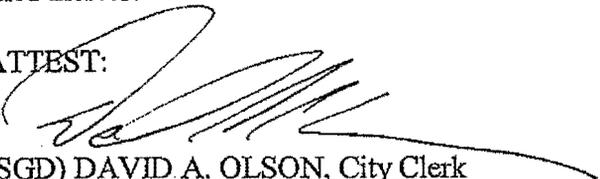
City Clerk of Newton, Mass.



(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 4/27 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
Clerk of the Board of Aldermen

A True Copy
Attest

City Clerk of Newton, Mass.