

Middlesex South Registry of Deeds
Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 15286
Document Type	: DECIS
Recorded Date	: February 13, 2023
Recorded Time	: 01:37:45 PM
Recorded Book and Page	: 81245 / 191
Number of Pages(including cover sheet)	: 6
Receipt Number	: 2890266
Recording Fee	: \$105.00

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

5pp

RECEIVED

2023 JAN 19 AM 11:04

#448-22
1 Jackson Street

CITY CLERK
NEWTON, MA. 02459

CITY OF NEWTON

IN CITY COUNCIL

January 17, 2023

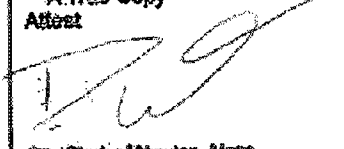
ORDERED:

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 allow a six unit residential dwelling with three stories and 36 feet in height, a vertical extension of a nonconforming front setback, an FAR of 1.48, assigned parking stalls, and a waiver of eight parking stalls as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed six unit building with three stories as designed due to its location in the BU 1 zoning district and because the project exceeds the required lot area per unit for residential units in the BU-1 zone. (§7.3.3.C.1)
2. The proposed six unit building with three stories as designed will not adversely affect the neighborhood because the neighborhood has a variety of housing types and uses. (§7.3.3.C.2)
3. The proposed six unit building with three stories as designed will not create a nuisance or serious hazard to vehicles or pedestrians because the amount of parking provided on the site will remain unchanged. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The vertical extension of the nonconforming front setback by adding two additional stories is not substantially more detrimental to the neighborhood than the existing nonconforming structure because other buildings in the neighborhood are of a similar height and placement in relation to the street. (§7.8.2.C.2)
6. The proposed floor area ratio of 1.48 in a three-story structure is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood because the increase in FAR is within the footprint of the existing structure. (§3.1.9.A.2)
7. Literal compliance with the required number of parking stalls is not in the public

1 Jackson Street, Newton, MA (BK 7-7066, Pg 450)

A True Copy
Attest



City Clerk of Newton, Mass.

interest because the site is located in close proximity to transit and residents have shared parking options within the building. (§6.2.3.B.2)

PETITION NUMBER: #448-22

PETITIONER: 345 Boylston Street LLC

LOCATION: 1 Jackson Street, Ward 6, on land known as Section 65 Block 10 Lot 19, containing approximately 12,512 sq. ft. of land

OWNER: 345 Boylston Street LLC

ADDRESS OF OWNER: 75 Williams Street
Chelsea, MA 02150

TO BE USED FOR: 6-unit multifamily dwelling

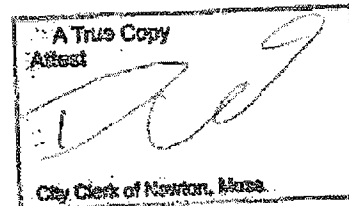
CONSTRUCTION: Wood Frame

EXPLANATORY NOTE: Special permit per §7.3.3 to allow a 6-unit residential dwelling with three stories and 36 feet in height, a vertical extension of a nonconforming front setback, an FAR of 1.48, assigned parking stalls, and eight waived parking stalls (§4.1.2.B.3, §4.1.3, §7.8.2.C.2, §5.1.4, §5.1.13, §5.1.3.E)

ZONING: Business Use 1

Approved, subject to the following conditions:

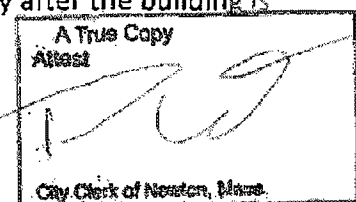
1. All buildings, parking areas, driveways, walkways, landscaping, and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. A site plan showing proposed conditions at 1 Jackson Street, signed and stamped by Richard A. Salvo, Professional Engineer, also signed and stamped by Paul R. Lessard, Registered Architect, dated June 3, 2021, revised 7/14/21, 8/19/21, 11/01/21, 2/28/22, 4/11/22, 7/25/22, 10/21/22, 11/10/22, and 01/06/23, consisting of one(1) sheet:
 - i. Site plan, C-1
 - b. A set of architectural plans and elevations prepared by Paul R. Lessard, Registered Architect, dated November 10, 2022 consisting of seven (7) sheets:
 - i. Proposed ground floor plan, A-3



- ii. Proposed 1st floor plan, A-4
 - iii. Proposed 2nd floor plan, A-5
 - iv. Proposed 3rd floor plan, A-6
 - v. Proposed roof plan, A-7
 - vi. Proposed exterior elevations, A-9

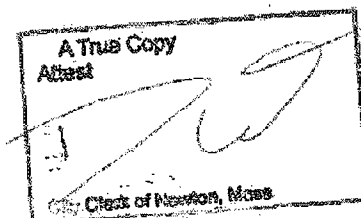
2. Prior to the issuance of any Building Permit, the Petitioner shall submit a Construction Management Plan (the "CMP") for review and approval to the Commissioner of Inspectional Services, the Director of Planning and Development, the Commissioner of Public Works, the City Engineer, and the Chief of the Fire Department. The CMP shall be in compliance with all applicable policies and ordinances in effect at the time of submission. The Petitioner shall comply in all material respects with the Construction Management Plan, which shall be consistent with and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor.
 - b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - c. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction materials and delivery vehicles and equipment, and location of any security fencing and erosion control.
 - d. A plan showing temporary pedestrian access within work zones in accordance with DPW Policy
 - e. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - f. Proposed methods of noise control, in accordance with the Revised Ordinances, §20-13. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations
 - g. Tree preservation plan to define the proposed method(s) for protection of any existing trees to remain on site.
 - h. The CMP shall also address the following: safety precautions; anticipated dewatering during construction; site safety and stability; and impacts on abutting properties.

3. All construction activity shall be limited to 7:00AM-7:00PM Monday through Friday and 8:00AM-7:00PM on Saturdays, excluding federal, state, and local holidays, unless waived by the Mayor in accordance with Revised Ordinances, § 20-13. Interior work may occur at times outside of the hours specified above, but only after the building is



fully enclosed.

4. The petitioner shall comply with the Inflow and Infiltration Ordinance, Chapter 29, Sections 167-174 which requires sewer mitigation for projects with more than five units.
5. No building permit (other than a demolition permit) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
 - b. Submitted a Final CMP for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, and the City Engineer in accordance with this Order.
 - c. Provided a Final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
 - d. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
6. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - a. Filed with the building permit application statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
 - b. Submitted final as-built survey plans, signed and stamped by a registered land surveyor in digital format.
 - c. Obtained approval from the City Engineer certifying that all engineering details for the portion of the Project for which a certificate of occupancy is requested have been constructed to standards of the City of Newton Public Works Department.
 - d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features, fencing, and parking areas
7. 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 site prior to installation of final landscaping, fencing, and/or benches provided that the Petitioner shall first have filed with the Director of Planning and Development 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 site work to secure installation of such landscaping, fencing, signage and parking areas. This condition shall not apply to the public footpath.

8. All appliances and utilities for the building shall be all-electric, including heating and cooling.

Under Suspension of Rules

Readings Waived and Extension of Time Approved

24 Yeas, 0 Nays

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 January 19, 2023. 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:

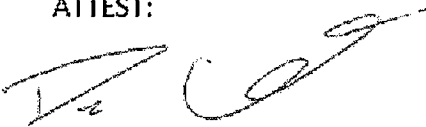


(SGD) CAROL MOORE

ASSISTANT Clerk of the City Council

I, Carol Moore, 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 January 19, 2023 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) CAROL MOORE

ASSISTANT Clerk of the City Council

