

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

CITY OF NEWTON

IN CITY COUNCIL

March 20, 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 alter and extend a nonconforming front setback, further reduce and extend a nonconforming rear setback, reduce the required parking stall depth, and allow parking within five feet of a street, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The proposed changes to the existing nonconforming front and rear setbacks are not substantially more detrimental than the existing nonconforming structure is to the neighborhood as the extensions to the front and rear nonconforming setbacks are minimal and less than 1 foot. (§7.8.2.C.2)
2. Literal compliance with the required parking stall length and proximity to the street is impracticable due narrow shape of the lot and proposed orientation of the buildings which follow the shape of the lot. (§5.1.13)

PETITION NUMBER: #60-23

PETITIONER: Dina Onur

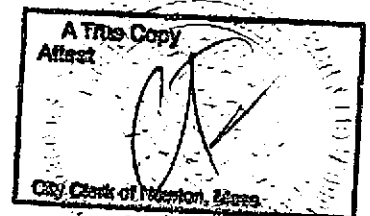
LOCATION: 43 River Avenue, Ward 5, Newton Upper Falls, on land known as Section 51 Block 43 Lot 03, containing approximately 12,050 sq. ft. of land

OWNER: Dina Onur

ADDRESS OF OWNER: 43 River Avenue
Newton, MA 02464

TO BE USED FOR: Two-family dwelling

See Deed at Book 79646, Page 319.

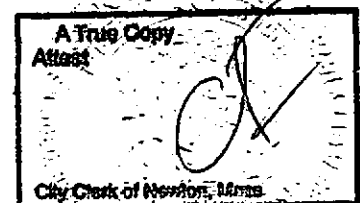


- EXPLANATORY NOTES:** Special permit pursuant to §7.3.3 to:
- alter and extend a nonconforming front and rear setbacks (§3.2.3; §7.8.2.C.2)
 - reduce the required parking stall depth (§5.1.7.B.2; §5.1.13)
 - allow parking within five feet of a street (§5.1.7.A; §5.1.13)

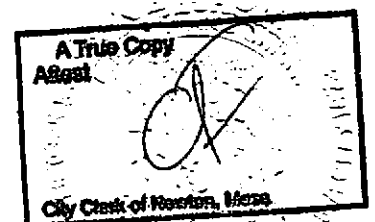
ZONING: Multi-Residence 1 (MR1) district

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 set of engineering plans entitled "43 River Avenue, Massachusetts, 02464," prepared by RAV & Assoc., Inc., consisting of the following sheets:
 - i. "Proposed Site Plan" (Sheet 2 of 4), dated July 20, 2022, as revised through February 17, 2023, signed and stamped by Richard A. Volkin, Registered Professional Engineer on February 23, 2023, and A. Matthew Belski, Jr , Professional Land Surveyor, on February 20, 2023
 - ii. "Notes, Profile, Chimney, Details" (Sheet 3 of 4), dated July 15, 2022, as revised through February 17, 2023, , signed and stamped by Richard A. Volkin, Registered Professional Engineer on February 23, 2023
 - iii. "Details" (Sheet 4 of 4), dated July 20, 2022, as revised through February 17, 2023, signed and stamped by Richard A. Volkin, Registered Professional Engineer on February 23, 2023
 - b. A set of architectural plans entitled "43 River Avenue, Massachusetts, 02464," prepared by RAV & Assoc., Inc.,), dated November 15, 2022, as revised through January 4, 2023, signed and stamped by Richard A. Volkin, Registered Professional Engineer, consisting of the following sheets:
 - i. First Floor Plan (A-1)
 - ii. Second Floor Plan (A-2)
 - iii. Proposed Elevations (A-3)
 - iv. Proposed Elevations (Left (A-4)
 - c. A document entitled "Floor Area Ratio Worksheet, 43 River Avenue, signed and stamped by Richard A. Volkin, Registered Professional Engineer, indicating a proposed total gross floor area of 5,739 square feet and a proposed FAR (floor area ratio) of 0.48.
2. All lighting fixtures shall be residential in scale.
3. All appliances and utilities for the building shall be all-electric, including heating and cooling.
4. The petitioner shall do the following to remediate pest and rodent activity:



- a. Prior to issuance of any demolition or building permit, the Petitioner, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
 - b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department for review and approval prior to issuance of any demolition or building permit. A copy of such approval shall be provided to the Department of Planning and Development.
 - c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration.
5. 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 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. This information shall also be posted in a clear and visible manner at the construction site.
 - 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: watering, 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.



9. 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 record statements by a registered architect and a professional land surveyor (or professional engineer) certifying compliance with Condition #1, including the as built FAR.
 - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.
 - 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.

Under Suspension of Rules

Readings Waived and Extension of Time Approved

21 Yeas, 0 Nays, 3 Absent (Councilors Danberg, Markiewicz and Oliver)

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 March 23, 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

Acting 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 March 22, 2023 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:


(SGD) CAROL MOORE

Acting Clerk of the City Council

