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CITY CLERK
NEWTON, MA. 02459

CITY OF NEWTON

IN CITY COUNCIL

August 14, 2023

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the Site, as defined below, 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 amend Council Order #504-22, which allowed six single family attached dwelling units with dimensional relief and parking relief to alter conditions concerning vibration control during construction 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 amendment to Council Order #504-22 that alters the Vibration Control condition. (§7.3.3.C.1)
2. The amendments to Council Order #504-22 will not adversely affect the surrounding neighborhood because no changes to the project are proposed. (§7.3.3.C.2)
3. The amendment to Council Order #504-22 will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because no changes are proposed to the site. (§7.3.3.C.4)

PETITION NUMBER: #199-23

PETITIONER: 71 Commonwealth LLC

LOCATION: 71 Commonwealth Ave and 26 Algonquin Road, on land known as SBL 63, 13, 13 and 13A, containing approximately 32,980 square feet of land

OWNER: 71 Commonwealth LLC

ADDRESS OF OWNER: 12 Morse Lane
Natick, MA 01760

TO BE USED FOR: 6 single family attached dwelling units

EXPLANATORY NOTES: Amendment to Council Order #504-22

ZONING: Multi Residence 1

Approved subject to the following Conditions.

This Special Permit/Site Plan Approval amends Council Order #504-22 by altering Condition 7 as set forth below. All other conditions of Council Order #504-22 remain in full force and effect except as modified below.

1. Condition #7 shall be replaced in its entirety with the following language:

The Petitioner shall implement the following measures to mitigate and reduce significant vibration impacts caused by construction equipment:

- a. Prior to the issuance of a demolition or building permit for any demolition, site work, or construction activities that require (i) the driving of piles or piers, (ii) the removal or alteration of ledge, or (iii) soil reinforcement or compaction by vibratory roller, other than compaction of soil for decks, patios, landscaping work, sidewalks, driveways, retaining walls or accessory buildings under 700 square feet, the Petitioner shall submit the following to the Commissioner of Inspectional Services:
 1. A vibration control plan signed and stamped by a licensed and insured geotechnical consultant that determines the scope of preconstruction surveys needed; the basis for that determination; and the recommended vibration level limits and monitoring services to be provided for the duration of the construction activity.
 2. Proof of notice to all properties within such scope that a preconstruction survey was offered at no cost to the property owner.
 3. A list of all properties that were surveyed.
 4. Any other plans or specifications as the Commissioner of Inspectional Services may require, including but not limited to revisions to the submitted vibration control plan.
- b. As an alternative to the required vibration control plan and other required submissions set forth in Sec. 5-23(a) above, the Petitioner may submit a signed and stamped letter from a licensed and insured geotechnical consultant stating that a vibration control plan and

- c. monitoring are not necessary based on the scope of the work, site conditions or construction methods. Such letter must detail the basis of the opinion that no vibration control plan, monitoring or controls are necessary. No additional submissions will be required unless the Commissioner of Inspectional Services or their designee determines that compliance with Sec. 5-23(a) is necessary due to the nature of site or the proposed work.
- d. The submitted vibration control plan shall be implemented and adhered to during all relevant construction activity. The Petitioner shall keep a record of all monitoring and shall provide copies to the Commissioner of Inspectional Services upon request.
- e. Following construction and prior to the issuance of a certificate of occupancy, all properties subject to a preconstruction survey shall, subject to owner approval, be reinspected to determine any damages caused by vibration.

In the event the City subsequently adopts an Ordinance that governs the vibration impacts of construction and such ordinance is applicable to this Project and in effect prior to the issuance of a building permit, that Ordinance in its entirety shall apply to this special permit in place of this condition.

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

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 August 16, 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:

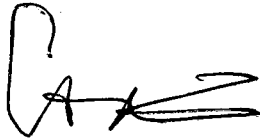


(SGD) CAROL MOORE

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 August 16, 2023 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

A handwritten signature in black ink, appearing to read 'Carol Moore', with a stylized flourish at the end.

(SGD) CAROL MOORE

Clerk of the City Council