

CITY OF NEWTON

IN CITY COUNCIL

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 four attached single-family dwellings, waive minimum lot area, minimum lot area per unit, and minimum side setback requirements, and allow parking within 20 feet of a lot line and a driveway within 10 feet of the side lot line, 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 four attached single-family dwellings on an undersized lot with a lot area per unit of 3,424 square feet, and a side setback of 22 feet given its location on Commonwealth Avenue in a Multi Residence 1 zone and the mix of uses in the surrounding neighborhood, including a multifamily use consisting of four buildings and 57 units adjacent to the project. (§7.3.3.C.1)
2. The proposed four attached single-family dwellings on an undersized lot with a lot area per dwelling unit of 3,424 square feet, and a side setback of 22 feet, will not adversely affect the neighborhood as the neighborhood includes a mix of uses including multifamily dwellings and public parkland. (§7.3.3.C.2)
3. There will be no 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. (§7.3.3.C.4)
5. Granting exceptions to certain requirements provided by Sec. 6.2.3.B.2 not allowing the location of parking within 20 feet of a lot line and/or a driveway within 10 feet of the side lot line would be appropriate as literal compliance is impracticable due to the nature of the use, and topography, of the lot. (§6.2.3.B.2)

PETITION NUMBER: #311-23

PETITIONER: 2202 Commonwealth Avenue LLC

LOCATION: 2202 Commonwealth Avenue, Ward 4, Auburndale, on land known as Section 41 Block 13 Lot 06, containing approximately 13,696 sq. ft. of land

OWNER: 2202 Commonwealth Avenue LLC

ADDRESS OF OWNER: 14 Rangeley Road
Brookline, MA 02467

TO BE USED FOR: Four attached single-family dwellings in one structure

RELIEF GRANTED: Special permit to allow attached single-family dwellings (§3.4.1), waive minimum lot area (§3.2.4), waive minimum lot area per unit (§3.2.4), waive minimum side setback (§3.2.4), allow parking within 20 feet of a lot line and a driveway within 10 feet of the side lot line (§6.2.3.B.2)

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 the following plans:
 - a. a set of engineering plans entitled "2202 Commonwealth Avenue, Newton, Massachusetts," prepared by Dellorco Associates, dated April 3, 2023, last revised November 27, 2023, signed and stamped by Verne T. Porter, Registered Professional Land Surveyor, comprised of the following sheets
 - i. Zoning Plan (Sheet 2 of 6)
 - ii. Detail Sheet (Sheet 4 of 6)
 - iii. Detail Sheet (Sheet 5 of 6)
 - b. a set of architectural plans entitled "Commonwealth Ave Residences, 2202 Commonwealth Ave, Newton – Ma, Schematic Design Set," prepared by MGD Habitat Design, dated July 20, 2023, revised November 11, 2023, comprised of the following sheets:
 - i. SD.02- Architectural Site Plan
 - ii. SD.02a- Landscape Plan
 - iii. SD.08- Elevations
 - iv. SD.09- Elevations
2. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the Petitioner shall provide a final Operations and Maintenance Plan (the "O&M Plan") for stormwater management to the Engineering Division of Public Works for review and approval, should a system be required. Once approved, the O&M Plan must be adopted by the Petitioner and recorded at the Middlesex South District Registry of Deeds. A copy of the recorded O&M Plan shall be filed with the Engineering Division of Public Works and submitted with the Building Permit application.

3. 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.
4. 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.

- 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.
- 5. No building permit (other than a demolition permit) and unless otherwise specified 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 final engineering, utility, and drainage plans, and a recorded copy of the O&M Plan with the Middlesex South District Registry of Deeds and provided a copy of the recorded document to the City Engineer in accordance with this Order.
 - c. 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. The Petitioner shall make a payment of \$50,000.00 to the Newton Affordable Housing Trust:
 - a. \$25,000.00 prior to certificate of occupancy (temporary or final) for the first dwelling unit; and,
 - b. \$25,000.00 prior to certificate of occupancy (temporary or final) for the fourth dwelling unit
- 7. 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, professional land surveyor, or professional engineer, and landscape architect or landscape professional certifying compliance with Condition #1.
 - 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.
 - 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, landscape features, fencing and parking areas related to or for the portion of the Project for which a certificate of occupancy is requested.
- 8. Provided that all other requirements in Condition #7 are satisfied and the project is substantially complete, the Commissioner of Inspectional Services may in their discretion, issue one or more certificates of temporary occupancy for all or portions of

the building prior to completion of final landscaping (including hardscape improvements).