

CITY OF NEWTON  
IN CITY COUNCIL

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 the site plans associated with special permits #480-14(4) and #327-21 to reflect changes to the configurations of the buildings and paved areas and to waive minimum parking stall depth, allow a two way driveway with less than 20 feet, to reduce the required perimeter landscaping along Ash Street, as recommended by the Land Use Committee and the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the amendments to the site plan because the changes to the site plan reflect a relatively minor shift in the building locations. (§7.3.3.C.1)
2. The specific site is an appropriate location the reduction in perimeter screening along Ash Street because three feet of landscaping is sufficient for the site and is designed to accommodate the one-way driveway between Ash Street and the theatre building. (§7.3.3.C.1)
3. The amendment to the prior special permits will not adversely affect the surrounding neighborhood because they reflect a relatively minor shift in the building locations and reflect the previously approved conditions of the project in 2016. (§7.3.3.C.2)
4. The amendment to the prior special permits will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
6. Literal compliance with the undersized parking stall, perimeter screening requirements, and two-way driveway width is impracticable due to the mixed use nature site to accommodate an approved residential building with sixteen units and provide access to all proposed and required parking areas. The waiver of reduced drive aisle for two-way traffic will be mitigated by signalization measures for both the entrance and exit for the garage. (§5.1.13)

PETITION NUMBER: #339-23(A)&(B)

PETITIONER: Turtle Lane LLC

LOCATION: 283 Melrose Street known as Section 41, Block 14, Lot 10

OWNER: Turtle Lane LLC

ADDRESS OF OWNER: 77 Oldham Road, Newton, MA 02465

TO BE USED FOR: Amendment to Special Permits #480-14(4) and #327-21 to reflect changes to the configurations of the buildings and paved areas and to waive certain associated parking and screening dimensional requirements.

RELIEF GRANTED: Special permit per §7.3.3 to amend Council Orders #480-14(4) and #327-21; to waive the minimum parking stall depth (§5.1.8.B.2, §5.1.13), to allow a two way driveway less than 20 feet (§5.1.8.D.1, §5.1.13), to reduce perimeter screening along Ash Street (§5.1.9.A)

ZONING: Multi Residence 1

Approved subject to the following Conditions:

This Special Permit/Site Plan Approval amends the site plans approved by Council Orders #480-14(4) and #327-21. All other conditions of Council Orders #480-14(4) and #327-21 remain in full force and effect except as modified below.

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. Site/Civil plans, prepared by VTP Associates, signed and stamped by Joseph Porter, Professional Land Surveyor, consisting of the following (1) sheet:
    1. Proposed Conditions at 283 Melrose Street dated July 27, 2023, revised December 1, 2023
  - b. Architectural Plans entitled, "Turtle Lane Theatre" prepared by Ronald Jarek, signed and stamped by Ronald Jarek, Registered Architect, dated December 12, 2017, revised April 11, 2023 and June 20, 2023 consisting of the following sheet:
    1. Exterior Elevations: 1. Ash Street Elevation, 2. Turtle Lane Elevation, 3. Melrose Street Elevation, and 4. Backstage Elevation

- c. Garage Floor Plan, Sheet A1 Foundation Plan and Details, sheet revised as parking layout signed and stamped by Ronald Jarek, Registered Architect, Registered Architect, dated April 7, 2021
  - d. Landscape Plan entitled, "Turtle Lane LLC" prepared by DMLA, unsigned and unstamped, undated uploaded to NewGov under SP-23-74 on October 4, 2024
    1. L1.1 Planting Plan depicting landscaping site plan, fence details, planting legend and planting notes
    2. L1.2 Planting Plan depicting typical tree and typical shrub planting.
2. 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 Council Order with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
  - d. Complied with all conditions required prior to the issuance of a building permit in Council Orders #480-14(4) and #327-21.
3. The petitioner shall install signalization measures for the residential building's parking garage of highly visible parking warning signs designed to increase awareness of potentially hazardous situations and to alert entering and exiting vehicles of any oncoming vehicle(s). The petitioner shall provide evidence of signalization measures prior to the issuance of a building permit for this project.