



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459  
617-796-1120

Barney S. Heath  
Director

**PUBLIC HEARING MEMORANDUM**

**DATE:** August 22, 2024  
**TO:** City Council  
**FROM:** Barney S. Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Cat Kemmett, Senior Planner  
**SUBJECT:** **Petition #300-24**, Request to amend Special Permit #392-22 and to allow additional parking on site within 20 feet of a lot line at 120 Norwood Avenue

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**120-126 Norwood Ave**

I. Project Description

## Background

The property at 120 Norwood Avenue consists of a 24,897 square foot lot which is improved with four attached single-family dwellings. The site is in the MR-1 zoning district in Newtonville less than half a mile from the Newtonville MBTA station and the amenities in Newtonville village center. This project was allowed by Special Permit #392-22 in 2022, which granted relief for several aspects of the project including the single-family attached use, the number of stories, the driveway location, and a waiver of two parking stalls.

## Special Permit

Condition #11 of Special Permit #392-22 limits the number of resident vehicles allowed to park on site to six. The petitioner seeks to strike this condition and allow the creation of two additional parking stalls on the site. Relief is also needed for the proposed location of the two new parking stalls, which will be within 20 feet of a lot line.

## Analysis

The Planning Department notes no major concerns in the work proposed in this petition. Adding two new parking stalls will bring the amount of parking on the site up to eight stalls in total, so the project will no longer require the existing two-stall waiver. Planning staff do note that the new stalls will increase the amount of impervious paving on the site, and that when this project was approved in 2022, the reduction in parking was viewed favorably by several Committee members and some members of the public.

### II. Zoning Relief Requested:

For more details around the zoning analysis please refer to **Attachment A**.

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
	Amend Special Permit #392-22	
§6.2.3.B.2	To allow parking stalls within 20 feet of a lot line	S.P. per §7.3.3

### III. Criteria for Consideration per §7.3.3. and/or §7.8.2.C.2:

- The site is an appropriate location for the proposed amendment that would allow parking within 20 feet of a lot line (§7.3.3.C.1)
- The proposed amendment that would allow parking within 20 feet of a lot line will not adversely affect the neighborhood (7.3.3.C.2)
- The proposed amendment that would allow parking within 20 feet of a lot line will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)

- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)
- Literal compliance with the parking requirements is impracticable due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.13)

#### IV. Project Proposal and Site Characteristics

The site is located on 24,897 square foot lot and is improved with four dwellings in two separate buildings. The site has one curb cut along Norwood Avenue which provides access to a driveway as well as a 12-foot-wide passageway that provides access to rear of the condominiums on the abutting parcel at 112-114 Norwood Avenue.

Each of the four units has a private garage with one parking stall, and the two units closest to Norwood Avenue (Units 1 and 2) each have one additional parking stall in front of their garages, for a total of six parking stalls on the lot. The site is relatively flat.

The petitioner proposes to amend their special permit to remove Condition #11, which limits the number of resident vehicles allowed to park on site to six. The petitioner would then construct two additional parking stalls, for a total of eight parking stalls on the site, with two available for each residential unit. To accommodate two additional parking stalls, the petitioner will expand and reconfigure the existing parking and circulation on the site to create two new stalls. The petitioner proposes widen the rear portion of the driveway and add one parking stall measuring 9 x 19 feet in front of Unit 4 and another stall measuring 9 x 21 feet in the widened portion of the driveway parallel with the western side lot line. A special permit is required to allow the two proposed stalls within the western side setback. Please note that the dimensions provided on the site plan for the two new stalls are not correct, and the petitioner will need to provide a revised site plan reflecting the accurate stall dimensions prior to applying for a building permit.

If approved, the work proposed will increase the amount of impervious paving on the site by 1,111 square feet. Though no relief is required for open space or lot coverage, Planning staff do note that the location, orientation, and amount of parking on the site was discussed in detail and revised throughout the public process when this project was initially approved. The project was initially proposed to have eight parking stalls, which was reduced to six in part to reduce paving on the site, and to try to address traffic and congestion concerns in the neighborhood.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete.

**ATTACHMENTS:**

- Attachment A:** Zoning Review memo  
**Attachment B:** Council Order #392-22  
**Attachment C:** DRAFT Council order



Ruthanne Fuller  
Mayor

City of Newton, Massachusetts  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Attachment A

(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: July 19, 2024

To: Anthony Cicciariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

Cc: Terrence P. Morris, Attorney  
Sean J Leary, Trustee  
120 Norwood Ave Realty Trust, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

RE: Request to amend Special Permit #392-22 to allow two additional parking stalls

Applicant: 120 Norwood Realty Trust	
Site: 120 Norwood Avenue	SBL: 22009 0005
Zoning: MR1	Lot Area: 24,897 square feet
Current use: Four attached single-family dwellings	Proposed use: No change

### BACKGROUND:

The property at 120 Norwood Avenue consists of 24,897 square feet and is improved with four attached single-family dwellings in the MR1 zoning district allowed by Special Permit #392-22. Condition #11 of Special Permit #392-22 limited the number of resident vehicles parking on site to six. The petitioner seeks to amend the special permit to allow two additional parking stalls.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Terrence P. Morris, attorney, submitted 7/16/2024
- Zoning Plan, signed and stamped by Verne T. Porter, surveyor, dated 8/14/2022, revised 10/18/2022
- Proposed Drive/Parking Reconfiguration, signed and stamped by Verne T. Porter, surveyor, dated 6/24/2024, revised 7/1/2024

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioners were granted Special Permit #392-22 to construct four attached single-family dwellings in two buildings. Condition #11 of the special permit limits the total parking stalls on site to six, with each unit assigned one garage stall and Units 1 and 2 assigned an additional driveway space each. The petitioner seeks to amend this condition to allow two additional outdoor parking stalls.

Where section 5.1.4 requires two parking stalls per unit, a waiver of two stalls was required in Special Permit #392-22 for the four unit project which provided only six parking stalls. Should the amendment be granted to allow construction of two additional parking stalls, the waiver will no longer be necessary.

2. Per section 6.2.3.B.2, no parking space may be located within 20 feet of a lot line, unless by special permit. The petitioner proposes widen the rear portion of the driveway used by Units 3 and 4, with a stall proposed in the driveway for Unit 4 and another stall located in the widened portion of the driveway parallel with the western side lot line. A special permit is required to allow the two proposed stalls within the side setback.

See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
	Amend Special Permit #392-22	
§6.2.3.B.2	To allow parking stalls within 20 feet of a lot line	S.P. per §7.3.3

Middlesex South Registry of Deeds  
Electronically Recorded Document

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Recording Information

Document Number	: 10355
Document Type	: DECIS
Recorded Date	: January 30, 2023
Recorded Time	: 10:53:49 AM
Recorded Book and Page	: 81205 / 430
Number of Pages(including cover sheet)	: 7
Receipt Number	: 2887107
Recording Fee	: \$105.00

**Middlesex South Registry of Deeds**  
**Maria C. Curtatone, Register**  
208 Cambridge Street  
Cambridge, MA 02141  
617-679-6300  
[www.middlesexsouthregistry.com](http://www.middlesexsouthregistry.com)

RECEIVED

2022 DEC 21 AM 9:15

#392-22

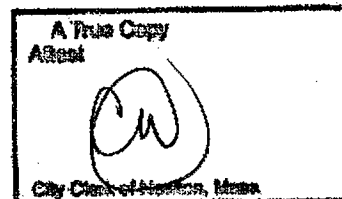
120 Norwood Avenue

CITY OF NEWTON

IN CITY COUNCIL

December 19, 2022

CITY CLERK  
NEWTON, MA 02459



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 single-family attached dwelling units in two buildings with three stories, a driveway within ten feet of the side lot line, and to waive two parking stalls as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

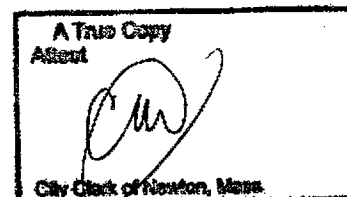
1. The specific site is an appropriate location for the proposed four single-family attached dwellings in two buildings with three stories as proposed due to its location in the MR 1 zoning district and the project exceeds the required lot area per unit for single family attached dwelling units. (§7.3.3.C.1)
2. The proposed four single-family attached dwellings in two buildings with three stories as proposed will not adversely affect the neighborhood because the project meets all the required setbacks for the building type, provides screening around the property lines, and the buildings have been reoriented to provide increased privacy to abutters. (§7.3.3.C.2)
3. The proposed three story, four single-family attached dwellings in two buildings with three stories and driveway as proposed will not create a nuisance or serious hazard to vehicles or pedestrians because the driveway will be well screened and relocates paving from the front yard along the western property line. (§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. Literal compliance with the driveway location in proximity to the side lot lines is impractical due to the shape of the lot because the site's access from Norwood Avenue is provided via a panhandle providing access to the rear portion of the lot. (§6.2.3.B.2)
6. Literal compliance with the required number of parking stalls in the interest of environmental features as the reduction in the number of parking stalls reduces the

TITLE REF.: BOOK 79927 PAGE 436 (Deed)

Property Address: 120 Norwood Avenue, Newton



amount of impervious area. (§6.2.3.B.2)



PETITION NUMBER: #392-22

PETITIONER: 120 Norwood Avenue Realty Trust

LOCATION: 120 Norwood Avenue, on land known as Section 22 Block 09 Lot 5, containing approximately 24,897 sq. ft.

OWNER: 120 Norwood Avenue Realty Trust

ADDRESS OF OWNER: 120 Norwood Avenue Realty Trust  
Newton, MA 02460

TO BE USED FOR: Four single-family attached dwelling units in two structures

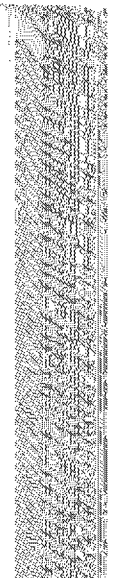
CONSTRUCTION: Wood Frame

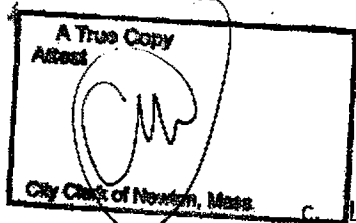
EXPLANATORY NOTE: Special permit per §7.3.3 to allow four single-family attached dwelling units with three stories, and to allow a driveway within 10 feet of the side lot line and a waiver of two parking stalls (§3.4.1, §3.2.4, §5.1.4, 5.1.13, §6.2.3.B.2)

ZONING: Multi Residence 1

Approved, subject to the following conditions:

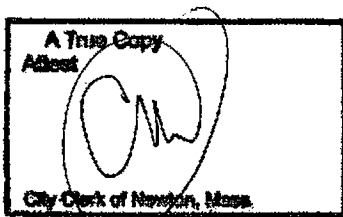
6. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with:
  - a. A set of plans signed and stamped by Verne T. Porter, Land Surveyor, also signed and stamped by Paul J. Tyrell, Civil Engineer
    - i. "Proposed Grading and Utility Plan" showing proposed conditions at 120 Norwood Avenue, dated July 13, 2022, revised October 18, 2022
    - ii. "Proposed House and Drive Location" (Zoning Plan) showing proposed conditions at 120 Norwood Avenue, dated July 13, 2022, revised October 18, 2022
  - b. Architectural plans entitled "120 Norwood Ave Residences" signed and stamped by Ronald Jarek, Registered Architect, dated August 15, 2019, revised November, 29, 2022 consisting of four (4) sheets:
    - i. Front and Right Elevation, SP.05
    - ii. Rear and Left Elevation, SP.06



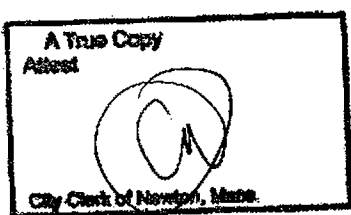


c. Landscape Plan signed and stamped by Ronald Jarek, Registered Architect, dated September 15, 2022, revised November 29, 2022, SP.12

7. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Director of Planning and Development, City of Newton Fire Department, Department of Planning and Development, Department of Engineering, and Department of Inspectional Services.
8. 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. 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.
9. 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. The Pest Control Operator shall maintain a written record of all pest control measures performed within the subject property and shall provide progress reports to Inspectional Services Department and the Health and Human Services Department upon request.
10. 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.
  - 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. Include watering
  - 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.
11. The condominium documents and lease agreements shall limit the number of resident vehicles parked or stored on site to the number of stalls assigned per unit. The number of residential vehicles regularly parked or stored on site may not exceed six vehicles. Prior to the issuance of any occupancy permit, the petitioner shall submit the proposed lease containing such provision to the Director of Planning and Development for review and approval.
12. 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 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. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
  - c. 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.
  - d. 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.
  - e. 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.

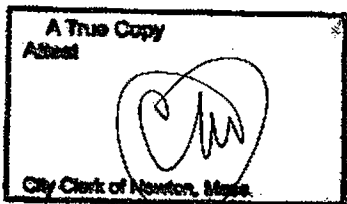
- f. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
- 13. The Petitioner shall install all landscaping consistent with this Special Permit/Site Plan approval and shall maintain landscaping in good condition. Any plant material that becomes diseased or dies shall be replaced as soon as feasibly possible with similar material.
- 14. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
  - b. Submitted final as-built survey plans in digital format, signed and stamped by a professional land surveyor.
  - c. Filed with the building permit record a statement by a registered landscape architect certifying compliance with the landscape plan referenced Condition #1.
  - d. 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.
  - e. 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.

Notwithstanding the provisions of Condition #9 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.

Under Suspension of Rules

Readings Waived and Extension of Time Approved

21 Yeas, 3 Nays (Councilors Gentile, Laredo and Malakie)



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 December 21, 2022. 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

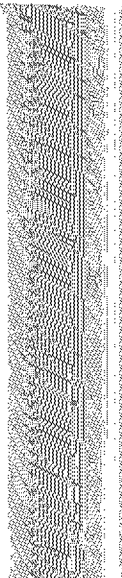
ASSISTANT Clerk of the City Council

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 December 21, 2022 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



#300-24  
120 Norwood Avenue

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 amend Special Permit #392-22 and to allow additional parking on site within 20 feet of a lot line as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Andrea Kelley:

1. The specific site is an appropriate location for the proposed amendment to allow parking within 20 feet of a lot line because constructing two additional parking stalls will eliminate the need for the existing waiver of two parking stalls. (§7.3.3.C.1)
2. The proposed amendment to allow parking within 20 feet of a lot line will not adversely affect the neighborhood because the additional parking will be screened from abutting properties by plantings. (§7.3.3.C.2)
3. The proposed amendment to allow parking within 20 feet of a lot line will not create a nuisance or serious hazard to vehicles or pedestrians because the curb cut will be maintained in its current location and orientation and the additional parking will be set back from the street. (§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. An exception to the parking requirements which do not allow parking within 20 feet of a lot line is in the public interest because locating additional parking elsewhere on the site would likely require a greater increase in the amount of impervious paving than what this petition proposes. (§6.2.3.B.2)

PETITION NUMBER: #300-24

PETITIONER: 120 Norwood Avenue Realty Trust

LOCATION: 120 Norwood Avenue, on land known as Section 22 Block 09 Lot 5, containing approximately 24,897 sq. ft.

OWNER: 120 Norwood Avenue Realty Trust

ADDRESS OF OWNER: 120 Norwood Avenue Realty Trust  
Newton, MA 02460

TO BE USED FOR: Four single-family attached dwelling units in two structures

EXPLANATORY NOTE: Special permit per §7.3.3 to amend Special Permit #392-22 and allow parking within 20 feet of a side lot line

ZONING: Multi Residence 1

The prior Special Permit/Site Plan Approval governing this property is #392-22. This Special Permit/Site Plan Approval supersedes #392-22. As such, #392-22 is null and void.

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with:
  - a. A set of plans signed and stamped by Verne T. Porter, Land Surveyor, also signed and stamped by Paul J. Tyrell, Civil Engineer
    - i. "Proposed Grading and Utility Plan" showing proposed conditions at 120 Norwood Avenue, dated July 13, 2022, revised October 18, 2022
    - ii. "Proposed House and Drive Location" (Zoning Plan) showing proposed conditions at 120 Norwood Avenue, dated July 13, 2022, revised October 18, 2022
    - iii. "Proposed Drive/Parking Reconfiguration" showing proposed conditions at 120 Norwood Avenue, dated June 24, 2024, revised July 1, 2024 (signed and stamped by Verne T. Porter only)
  - b. Architectural plans entitled "120 Norwood Ave Residences" signed and stamped by Ronald Jarek, Registered Architect, dated August 15, 2019, revised November, 29, 2022 consisting of four (4) sheets:
    - i. Front and Right Elevation, SP.05
    - ii. Rear and Left Elevation, SP.06
  - c. Landscape Plan signed and stamped by Ronald Jarek, Registered Architect, dated September 15, 2022, revised November 29, 2022, SP.12
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Director of Planning and Development, City of Newton Fire Department, Department of Planning and Development, Department of Engineering, and Department of Inspectional Services.

3. 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. 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.
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. The Pest Control Operator shall maintain a written record of all pest control measures performed within the subject property and shall provide progress reports to Inspectional Services Department and the Health and Human Services Department upon request.
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.
  - 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. Include watering
  - 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.
6. 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 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. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
  - c. 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.
  - d. 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.
  - e. 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.
  - f. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
7. The Petitioner shall install all landscaping consistent with this Special Permit/Site Plan approval and shall maintain landscaping in good condition. Any plant material that becomes diseased or dies shall be replaced as soon as feasibly possible with similar material.
8. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:

- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
  - b. Submitted final as-built survey plans in digital format, signed and stamped by a professional land surveyor.
  - c. Filed with the building permit record a statement by a registered landscape architect certifying compliance with the landscape plan referenced Condition #1.
  - d. 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.
  - e. 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.
9. Notwithstanding the provisions of Condition #8 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.