

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 construction of four residential dwelling units with ground floor residential uses and with a height totaling three stories and greater than 24 feet for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site is an appropriate location for allowing ground floor residential use within the business use zone and allowing three stories and height greater than 24 feet as the site is surrounded by residential zones and uses and the proposed height will be contextual with the by-right height of residential uses. (§7.3.3.C.1)
2. Allowing ground floor residential use within the business use zone, three stories and height greater than 24 feet as developed and operated will not adversely affect the neighborhood as the resulting height will be comparable to other dwellings in the area and residential uses generate fewer trips than commercial uses. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians created by a allowing ground floor residential use within the business use zone and allowing three stories and height greater than 24 feet as the overall number of curb cuts will be reduced and located further away from the intersection of Lexington and River Streets. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved in allowing ground floor residential use within the business use zone and allowing three stories and height greater than 24 feet as residential uses generate fewer trips than commercial uses. (§7.3.3.C.4)

PETITION NUMBER: #332-24

PETITIONER: 340 River Street Realty Trust

LOCATION: 340 River Street

OWNER: 340 River Street Realty Trust

ADDRESS OF OWNER: 505 Waltham Street
Newton, MA 02465

TO BE USED FOR: Four residential dwelling units with associated relief

RELIEF GRANTED: Special Permit per §4.1.2.B.3, §4.1.3, §4.4.1, and §7.3.3 to allow ground floor residential in a business zone, height greater than 24 feet, and a height of three stories

ZONING: Business Use 2

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. Plot Plan signed and stamped by Edmond Spruhan, Registered Professional Engineer and Christopher Charlton, Registered Land Surveyor, as revised September 11, 2024.
 - b. Architectural plans signed and stamped by Michael McKay dated September 11, 2024 consisting of the following sheets:
 - i. Proposed elevations (showing front/northwest), A-2.1
 - ii. Proposed elevations (showing front/northeast), A-2.2
 - iii. Proposed elevations (showing left/east), A-2.3
 - iv. Proposed elevations (showing rear/south), A-2.4
 - c. Landscaping plans prepared by Bobby K Designs, unsigned and unstamped, dated September 9, 2024.
2. 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.
3. 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.
4. All appliances and utilities for the building shall be all-electric, including heating and cooling.
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. 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. 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 for the portion of the project for which occupancy is requested and the Petitioner has:
 - a. Filed with the building permit record statements by a professional land surveyor (or professional engineer) 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. Filed with the building permit record a statement by a design professional certifying compliance with the landscape plan referenced Condition #1.
 - 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.
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. Provided that all other requirements in Condition #6 are satisfied and the project is substantially complete, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to completion of final landscaping (including hardscape improvements).