

Middlesex South Registry of Deeds
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Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.cambridgedeeds.com

RECEIVED
Newton City Clerk
#102-06(15)
APR 27 AM 11:39
David A. Discoll, OMC
Newton, MA 02459

CITY OF NEWTON
IN BOARD OF ALDERMEN


April 21, 2015

ORDERED:

That the Board, 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 eighty eight units within an already approved and vested 80-unit multi-family building as authorized in Special Permit #102-06(12), to modify the below grade and at-grade parking areas to accommodate 16 additional parking stalls, and for minor changes to the façade of the previously approved building, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Marc Laredo:

Lot
Property: H-1 Kessler Way, Newton

1. The site is an appropriate location for the reconfiguration of the approved 80 unit building into 88 units of rental housing in the same building envelope and same building footprint because the additional units and parking stalls do not change the type of use, and there are other multi-family residential uses in the surrounding area and the use should not adversely impact the surrounding neighborhood. (§30-24(d)(1))
2. The proposed reconfiguration of units does not change the location, design, and massing of the permitted structure, remains compatible with the character of the surrounding neighborhood, and will not adversely affect the surrounding neighborhood because the additional units and parking stalls do not change the location of the building on the site, the mass of the building, nor the distance of the building from the abutting properties and LaGrange Street and allows for a more compact development that maintains more of the site in its natural state. (§30-24(d)(2))
3. The development proposal will not cause a nuisance or a serious hazard to vehicles or pedestrians in the surrounding neighborhood because the additional units and parking stalls do not change nor increase any hazards to vehicles or pedestrians. (§30-24(d)(3))
4. Access to the site over streets remains appropriate for the vehicles that will be accessing the site because the additional units and parking stalls do not create traffic hazards. (§30-24(d)(4))
5. The site planning, building design, construction, maintenance and long term operation of the premises will continue to contribute significantly to the efficient use and conservation of natural resources and energy because the additional units and parking stalls are accommodated within the portion of the property already approved for development. (§30-24(d)(5))

A True Copy
Attest

City Clerk of Newton, Mass.

6. The Board finds that the public convenience and welfare will be served through the creation of an additional inclusionary housing unit which conforms to the requirements of the Newton Zoning Ordinance. (§30-24(f))
7. The Board finds that the first of two building permits (#15030759, dated March 27, 2015) for construction of the 80 unit multi-family building authorized in Special Permit #102-06(12), dated November 17, 2014, and Change of Zone Ordinance #106-06(11), dated November 17, 2014, each recorded in the Middlesex South Registry of Deeds, has been issued and that substantial use and construction work authorized by Special Permit #106-06(12), Change of Zone Ordinance #106-06(11) and building permit #15030759, dated March 27, 2015 has commenced.
8. The Board finds that substantial use and construction as authorized by Special Permit #102-06(12) (and all prior special permits that were incorporated therein), Change of Zone Ordinance #106-06(11), and building permit #15030759, dated 3/27/2015 has occurred and that, therefore, the Petitioner has complied with and fulfilled the requirements of M.G.L. Chapter 40A, Section 9 and the Newton Zoning Ordinance §30-23(c)(4) and §30-24(c)(4), thereby vested its rights under Special Permit #106-06(12) and Change of Zone Ordinance #106-06(11).
9. The Board intends that this special permit amends only the provisions of Special Permit #106-06(12) related to the number of approved units and the parking stalls for those additional units, and minor façade modifications.

PETITION NUMBER: #102-06(15)

PETITIONER: Chestnut Hill Realty Development, LLC.

LOCATION: Land located on LaGrange Street, known as Section 82, Block 37, Lot 95, containing approximately 640,847 square feet of land

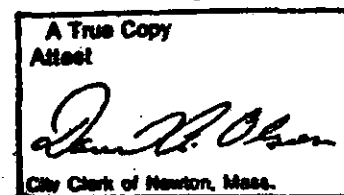
OWNER: Kessler Development, LLC c/o Cornerstone Corp.

ADDRESS OF OWNER: 400 Blue Hill Drive, Suite 2C
Westwood, MA 02090

TO BE USED FOR: 88-unit multi-family building with a partially below grade parking garage.

CONSTRUCTION: Wood framed construction

EXPLANATORY NOTES: Allow eighty eight units in a single multi-family building, to modify the below grade and at-grade parking areas to accommodate 16 additional parking stalls, and for minor changes to the façade of the previously approved building.



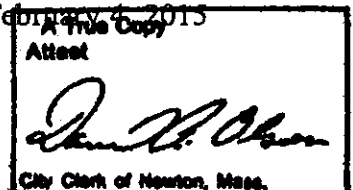
ZONING:

Multi-Residence 3 district

All the conditions and provisions from the prior vested and exercised special permit approved under Board Order #102-06(12) remain valid and are still in full force and effect, except where noted below.

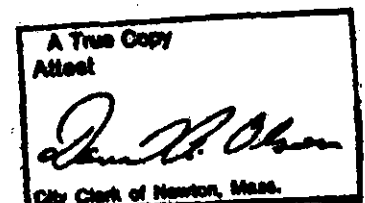
Approved subject to the following conditions:

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 with:
 - a. Plan titled "Existing Conditions Plan of Land for Kessler Woods Condominiums", prepared by H.W. Moore Associates, Inc., dated January 31, 2006.
 - b. Plan set with a project name "The Residences at Kessler Woods, Newton, MA", prepared by Stantec Planning and Landscape Architecture P.C., 226 Causeway Street, Boston, MA 02114, bearing the stamp of a registered landscape architect or professional engineer, dated August 4, 2014 and last revised on March 4, 2015, as to certain plans, including the following twenty (20) sheets:
 - i. Sheet L-001 - Overall Site Plan;
 - ii. Sheet L-002 - Site Comparison Plan;
 - iii. Sheet L-100 - Layout and Materials Plan;
 - iv. Sheet L-200 - Grading Plan;
 - v. Sheet L-201 - Blasting Comparison Plan;
 - vi. Sheet L-202 - Height Calculation Plan;
 - vii. Sheet L-300 - Utility Plan;
 - viii. Sheet L-301 - Utility Profiles;
 - ix. Sheet L-400 - Planting Plan;
 - x. Sheet L-401 - Tree Removal Plan;
 - xi. Sheet L-500 - Photometrics Plan;
 - xii. Sheet L-600 - Life Safety Plan;
 - xiii. Sheet L-700 - Site Details 1;
 - xiv. Sheet L-701 - Site Details 2;
 - xv. Sheet L-702 - Site Details 3;
 - xvi. Sheet L-703 - Site Details 4;
 - xvii. Sheet L-704 - Site Details 5;
 - xviii. Sheet L-800 - Site Sections 1;
 - xix. Sheet L-801 - Site Sections 2; and
 - xx. Sheet L-802 - Site Sections 3.
 - c. Plan set with a project name "Kessler Woods", prepared by The Architectural Team, Inc., 50 Commandant's Way, Chelsea, MA 02150, bearing the stamp of a registered professional architect, dated August 22, 2014, March 5, 2015, and February 4, 2015.



and last revised on February 19, 2015, as to certain plans, including the following thirteen (13) sheets:

- i. Sheet A1.00 - Floor Plan: Parking Floor Plan & First Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
 - ii. Sheet A1.01 - Floor Plan: Second Floor Plan & Third Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
 - iii. Sheet A2.00A - Floor Plan: Partial Parking Floor Plan, dated August 22, 2014 and revised February 19, 2015;
 - iv. Sheet A2.00B - Floor Plan: Partial Parking Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
 - v. Sheet A2.01A - Floor Plan: Partial First Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
 - vi. Sheet A2.01B - Floor Plan: Partial First Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
 - vii. Sheet A2.02A - Floor Plan: Partial Second Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
 - viii. Sheet A2.02B - Floor Plan: Partial Second Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
 - ix. Sheet A2.03A - Floor Plan: Partial Third Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
 - x. Sheet A2.03B - Floor Plan: Partial Third Floor Plan, dated August 22, 2014 and revised on February 19, 2015;
 - xi. Sheet A4.01 - Building Elevations, dated March 5, 2015 and revised on February 19, 2015; and
 - xii. Sheet A4.02 - Building Elevations, dated February 4, 2015 and revised on February 19, 2015.
2. The Petitioner shall comply with the affordable housing requirements set out in §30-24(f) of the Newton Zoning Ordinance and the Inclusionary Housing Plan, dated March 11, 2015, approved by the Director of Planning and Development, on file with the City Clerk. A total of 13 deed restricted inclusionary housing units shall be provided (1 additional unit from the previously approve 80 unit project); the size and location of such units shall be consistent with what is shown on the approved plans listed in Condition #1. The Petitioner shall ensure that the inclusionary units shall be maintained in perpetuity and made available to households in the following mix as more fully described in the Inclusionary Housing Plan:
- a. six (6) units at 50% of area median income;
 - b. six (6) units at 80% of area median income; and
 - c. one (1) unit at 65% of area median income.
3. 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 board order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board 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.
4. No Final Inspection/Occupancy Permit for the use or building covered by this Special Permit/Site Plan Approval shall be issued until the petitioners have:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, the City Engineer and the Department of Planning and Development a final as-built survey plan in paper and digital format for any portion of the Project.
 - c. Obtained a written statement from the Planning Department that confirms the project has been constructed consistent with the plans approved in Condition #1.

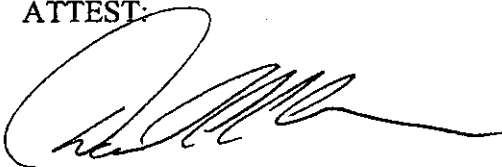
Under Suspension of Rules

Readings Waived and Approved

19 yeas 2 nays (Aldermen Harney and Yates) 3 absent (Aldermen Gentile, Hess-Mahan, and Laredo)

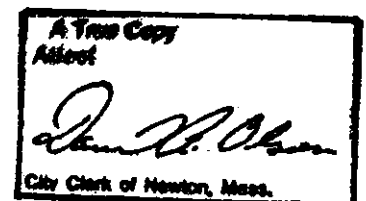
The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on April 27, 2015. The undersigned further certifies that 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:

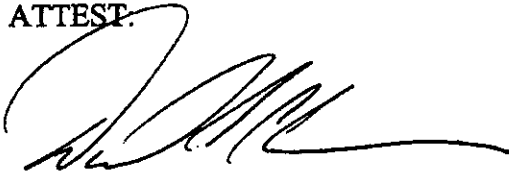


(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen


I, David A. Olson, as the Clerk of the Board of Aldermen 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 Board of Aldermen in the Office of the City Clerk on 4/27 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.



ATTEST.



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

A True Copy
Attest

City Clerk of Newton, Mass.

For our title see deed dated as of April 27, 2015, recorded in Book 65280, Page 339.