

CITY OF NEWTON

IN CITY COUNCIL

October 5, 2020

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CITY CLERK
NEWTON, MA. 02459

ORDERED:

That the 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 for a rear lot subdivision by allowing the frontage of the rear lot to be measured along the rear lot line of a lot in front, the construction of a single-family dwelling on each of the resulting new front lots, and the reduction of the lot size for the existing single-family dwelling, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The site in a Single Residence 2 (SR2) district is an appropriate location for the two single-family dwellings proposed for the new front lots, and the reduced lot size for the existing single-family dwelling, as the proposed new front and rear lots will be used as single-family dwellings in a Single Residence 2 (SR2) district. (§7.3.3.C.1)
2. As single-family dwellings in a Single Residence 2 (SR2) district that conform to relevant dimensional requirements, the proposed residential uses as will not adversely affect the neighborhood. (§7.3.3.C.2)
3. The proposed shared 14 foot wide driveway located within a 20 foot wide easement will provide adequate sight lines and 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. Any impact of the two proposed dwellings' heights that exceed the respective average height of abutting residential buildings and any structures used for accessory purposes would be mitigated by the distances between the proposed and existing structures. (§7.3.4.B.1)
6. The two proposed single-family dwellings are designed in such a manner that their massing and scale will be in character and consistent with adjacent existing and allowed residential structures in the surrounding Single Residence 2 (SR2) zoning district. (§7.3.4.B.2)

7. Topographical differences between the two proposed front dwellings and structures on abutting properties are minimal. (§7.3.4.B.3)
8. The proposed landscape plan includes the installation of trees and other vegetation which will largely screen the new dwellings from abutting properties and adjacent public ways. (§7.3.4.B.4)
9. The common driveway is adequate for vehicular access. (§7.3.4.B.5)
10. The siting of the proposed front dwellings is appropriate given the scales and locations of abutting residential structures. (§7.3.4.B.8)
11. The proposed lighting will be residential in character and will not impact abutting properties. (§7.3.4.B.9)

PETITION NUMBER: #316-20

PETITIONER: L. Fred Kaplan

LOCATION: 432 Dedham Street, on land known as Section 81 Block 11A Lot 47, containing approximately 66,503 square feet of land

OWNER: L. Frederick Kaplan

ADDRESS OF OWNER: 432 Dedham Street
Newton, MA 02459

TO BE USED FOR: Rear lot subdivision to create a 31,308 square foot rear lot and construction of two new single-family dwellings, one each on two resulting front lots, one measuring 17,631 square feet , the other on the resulting 17,563 square foot rear lot.

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special Permit to allow a rear-lot subdivision (§3.1.5, §3.1.10)

ZONING: Single Residence 2 (SR2) 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:
 - a. A plan entitled "Area Plan, 432 Dedham Street, Newton, Massachusetts" (Sheet 1 of 1), prepared by Spruhan Engineering, P.C., signed and stamped by

Christopher C. Charlton, Professional Land Surveyor, dated July 21, 2020, as revised through September 8, 2020;

- b. A set of site plans entitled "432 Dedham Street, Newton, Massachusetts," prepared by Spruhan Engineering, P.C., signed and stamped by Christopher C. Charlton, Professional Land Surveyor, dated June 10, 2020, as revised through September 14, 2020:
 - i. Survey Plan (Sheet 1 of 8)
 - ii. Zoning & Grading Plan (Sheet 2 of 8)
 - iii. Utility Plan (Sheet 3 of 8)
 - iv. System Drainage Plan (Sheet 4 of 8)
 - v. Details (Sheet 5 of 8),
 - vi. Details (Sheet 6 of 8);
 - c. A plan entitled "Tree Plan, 432 Dedham Street, Newton, Massachusetts (Sheet 7 of 8)", prepared by Spruhan Engineering, P.C., dated September 2, 2020;
 - d. A plan entitled "Landscape Plan, 432 Dedham Street, Newton, Massachusetts (Sheet 1)", prepared by Spruhan Engineering, P.C., dated September 2, 2020;
 - e. A set of architectural drawings for the single-family dwellings proposed for the two front lots entitled "Proposed Residences at 432 Dedham Street Newton MA," prepared and copywritten by Jeffrey Yates Architect LLC dated June 10, 2020:
 - i. Front Elevations- Site Sections
 - ii. Plans- Left Residence and Right Residence
 - iii. Left Residence- Front Elevation
 - iv. Left Residence- Right Side Elevation and Left Side Elevation
 - v. Left Residence- Rear Section/Elevation and Rear Elevation
 - vi. Right Residence- Front Elevation
 - vii. Right Residence- Left Side Elevation and Right Side Elevation
 - f. A document entitled "Floor Area Ratio Worksheet, Property Address: 432 Dedham Street- Lot 1," signed and stamped by Jeffrey D. Yates, Registered Architect
 - g. A document entitled "Floor Area Ratio Worksheet, Property Address: 432 Dedham Street- Lot 2," signed and stamped by Jeffrey D. Yates, Registered Architect
 - h. A document entitled "Floor Area Ratio Worksheet, Property Address: 432 Dedham Street- Lot 3," signed and stamped by Jeffrey D. Yates, Registered Architect
2. All utilities shall be located underground from the property line.
 3. All lighting fixtures shall be residential in scale.
 4. Prior to the issuance of any Building Permit, the petitioner shall recorded a certified copy of an Approval Not Required (ANR) plan showing the division of the property consistent with the plans referenced in Condition #1 with the Registry of Deeds for the Southern

District of Middlesex County and filed a copy of such recorded ANR plan with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development. Said plan, or a similarly recorded plan, shall show the location and extent of the required easement providing access to the rear lot.

5. Prior to the issuance of any Building Permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
6. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
7. Prior to the issuance of any Building Permits, the petitioner shall provide a Final Landscape Plan showing all new plantings, for review and approval by the Director of Planning and Development.
8. Prior to the issuance of any Building Permit, the petitioner shall submit a final Construction Management Plan (CMP) to the Commissioner of Inspectional Services, the Director of Urban Forestry, the Engineering Division of Public Works, the Director of the Department of Planning and Development, the Newton Fire Department and Newton Police Department, which plan should shall include at a minimum:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
 - c. 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.
 - d. A tree preservation plan to define the proposed method for protection of existing trees to remain on the site and on abutting properties during construction.
 - e. A plan for rodent control during construction.
 - f. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
 - g. To ensure emergency vehicle access there shall be no parking in the driveway.
 - h. The CMP shall also address the following:
 - i. location(s) of a staging site for construction equipment and parking for construction workers vehicles;

- ii. identification of building materials;
 - iii. phasing of the project with anticipated completion dates and milestones;
 - iv. safety precautions;
 - v. anticipated dewatering during construction;
 - vi. site safety and stability;
 - vii. impacts on abutting properties, including any on the retaining wall located on the adjacent property to the west.
9. No Building Permit for one or both of the dwellings shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has, as such relates to the dwelling(s) for which the such building permit is requested:
 - a. Received final approval from the Director of Planning and Development for the Construction Management Plan.
 - b. Recorded a certified copy of this Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - c. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - e. Obtain a written statement from the Engineering Division of Public Works that confirms the receipt of a certified copy of the recorded O&M in accordance with Condition #4.
 - f. Filed a final Landscape Plan to the Director of Planning and Development for review and approval.
10. No Final Inspection and/or Occupancy Permit for any of the dwellings subject to this Special Permit/Site Plan Approval shall be issued until the petitioner has, as such relates to the dwelling(s) for which the such Final Inspection and/or Occupancy Permit is requested:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Filed with the City Clerk and 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 and fencing.
 - d. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.

11. No Final Inspection and/or Occupancy Permit for one or both of the dwellings constructed pursuant to this Special Permit/Site Plan Approval shall be issued until the petitioner has, as such it relates to the such dwelling(s) for which the such Final Inspection and/or Occupancy Permit is requested, has filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that the stormwater and drainage improvements identified in the provisions of Condition #1 above have been constructed to the standards of the City of Newton Engineering Department.
12. Notwithstanding the provisions of Condition #11 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed 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 landscaping to secure installation of such landscaping.
13. The landscaping shown on the approved Final Landscape Plan shall be maintained in good condition. The plantings shall be inspected annually and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.

Under Suspension of Rules

Readings Waived and Approved

19 Yeas 4 Nays (Councilors Baker, Greenberg, Kelley and Malakie) 1 Absent (Councilor Auchincloss)

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 October 7, 2020. 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.

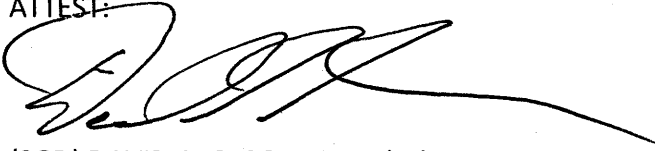
ATTEST:



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

I, David A. Olson, 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 October 7, 2020 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

A handwritten signature in black ink, appearing to read 'D. Olson', with a long horizontal flourish extending to the right.

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