

CITY OF NEWTON
IN CITY COUNCIL

October 17, 2016

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 proposed rear lot to be measured along the rear lot line of the lot in front, and to reduce the required front setback for the proposed rear lot from the required 30 feet to 26 feet, to construct a new single-family dwelling, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The site is an appropriate location for the proposed use and structure and will not adversely affect the neighborhood as the new rear lot in keeping with surrounding lot sizes and will be used for a single-family dwelling in a Single Residence 3 (SR3) district. (§7.3.3.C.1, §7.3.3.C.2)
2. The two driveways serving the site will provide adequate sight lines, there will be no nuisance or serious hazard to vehicles or pedestrians, and access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.3; §7.3.3.C.4)
3. The proposed height of the ridgeline for the rear lot dwelling, approximately 29.83 feet, does not exceed the allowed 36 feet and is in keeping with the ridge elevations of adjacent residential and accessory structures. (§7.3.4.B.1)
4. The proposed single-family dwelling is designed in such a manner so that its massing and scale will be in character and consistent with adjacent residential and accessory structures in the surrounding neighborhood. (§7.3.4.B.2)
5. As the site and surrounding neighborhood are relatively level, there are no significant topographical differentials between the proposed single-family dwelling and adjacent residential and/or accessory structures. (§7.3.4.B.3)
6. The proposed landscape plan combining fencing, trees, and other vegetation will largely screen the new dwelling from abutting properties. (§7.3.4.B.4)
7. The orientation of the driveways is appropriate for the site and neighborhood as they are in the locations of existing driveways and the one serving the proposed rear dwelling is located within an easement on the front lot, allowing for the preservation of a

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DAVID A. OLSON, CLERK
NEWTON, MA 02459

landscaped area adjacent to an abutting property. (§7.3.4.B.5)

8. The siting of the proposed new dwelling near the center of the new rear lot is appropriate given the scale and locations of abutting residential structures. (§7.3.4.B.8)
9. The proposed lighting will be residential in character and will not impact abutting properties. (§7.3.4.B.9)

PETITION NUMBER: #287-16

PETITIONER: Gennaro Nicolazzo

LOCATION: 57 Adams Avenue, Ward 4, West Newton, on land known as Section 44 Block 14 Lot 12, containing approx. 22,122 square feet of land

OWNER: Gennaro Nicolazzo

ADDRESS OF OWNER: 33 Adams Avenue
Newton, MA 02465

TO BE USED FOR: Rear lot subdivision and construction of a new single-family dwelling on a new 12,099 square foot rear lot while maintaining the existing single-family dwelling on a 10,022 square foot lot.

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.10 to allow a rear-lot subdivision with the frontage of the rear lot measured along the rear line of the front lot.
§3.1.5, §3.1.10.B.3.A to reduce the required front setback for the rear lot.

ZONING: Single Residence 3 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 "Topographic Site Plan, Newton, Massachusetts, Showing Existing Conditions at #57 Adams Avenue," prepared by VTP Associates Inc., stamped and signed by Joseph R. Porter, Land Surveyor, dated August 13, 2014.
 - b. A plan entitled "Topographic Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #57 Adams Avenue," prepared by VTP Associates Inc., stamped and signed by Joseph R. Porter, Land Surveyor, dated June 16, 2016.
 - c. A plan entitled "Detail Sheet, Newton, Massachusetts, Showing Proposed Conditions at #57 Adams Avenue," prepared by VTP Associates Inc., stamped and signed by Joseph R. Porter, Land Surveyor, dated June 16, 2016.
 - d. An architectural drawing entitled "Paniagua, 57 Adams Avenue 02458, Middlesex County-Cover Sheet" (Sheet 1).
 - e. A set of architectural drawings for the proposed new single-family residence on the proposed 12,099 square foot rear lot entitled: "Dreamline Modular Homes/Paniagua, Building Location: 53 Adams Avenue (prop.), Newton, MA, Middlesex County," prepared by Dreamline Modular Homes, dated August 20, 2016:
 - i. "2640 Custom Two Story- Front Elevation" (A.1);
 - ii. "2640 Custom Two Story- Rear Elevation" (A.2);
 - iii. "2640 Custom Two Story- Side Elevations" (A.3);
 - iv. "2640 Custom Two Story- 1st Story Floor Plan," (F.1);
 - v. "2640 Custom Two Story- 2nd Story Floor Plan," (F.2);
 - vi. "2640 Custom Two Story- Foundation Plan," (B.1).
 - f. Landscaping shown on the site plan for 57 Adams Avenue, prepared by VTP Associates, date October 13, 2016
2. The petitioner shall comply with the Tree Preservation Ordinance.
 3. All utilities for the rear lot shall be located underground from the property line.
 4. All lighting fixtures shall be residential in scale.
 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.
 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 Permit, the petitioner shall provide 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.
 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.
9. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
- 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. Filed a final Landscape Plan to the Director of Planning and Development for review and approval.
10. No occupancy permit for the houses constructed pursuant to 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 a statement by a registered architect certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.
 - c. Filed with the Clerk of the Board, 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.

- d. 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.
11. Notwithstanding the provisions of Condition #10 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.

Under Suspension of Rules
Readings Waived and Approved
22 yeas 0 nays 2 absent (Councilors Gentile and Sangiolo)

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 19, 2016. 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 10/19 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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