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#277-10(3) & (4)

## CITY OF NEWTON

## IN BOARD OF ALDERMEN

February 19, 2013

Newton City 77 2013 FEB 21 AM 10: 3

ORDERED:

PROPERTY ALLAPSS: 140-142 Adms S

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 demolish an existing single-family residence and construct a multi-family dwelling containing a total of nine two-bedroom units with parking to the rear, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

- 1. A multi-family dwelling use is appropriate for the site given the variety of commercial and residential uses in the Nonantum village center area.
- A three-story, 33-foot structure is appropriate in the context of the neighborhood since the proposed building incorporates multiple materials, is set back from the street, and is consistent with the mass and scale of existing buildings in the neighborhood.
- 3. Literal compliance with parking lot requirements including stall size, maneuvering aisle with, interior landscape screening and lighting requirements is impracticable due to the size, width, depth, and shape of the lot.
- 4. The petitioner will provide one inclusionary housing unit, and the three first floor units will be adaptable under the Massachusetts Architectural Access Code which is a benefit to Newton's housing stock and is consistent with Newton's Comprehensive Plan.

PETITION NUMBER:

#277-10(3) & (4)

PETITIONER:

Jennie Marie One LLC and Jennie Marie Two LLC, c/o

Alfonso S. De Vito, as manager

LOCATION:

152 Adams Street, Section 14, Block 14, Lots 33 and 34 containing approximately 14,835 sq. ft. of land, including a

portion of parcel of land SBL 14-14-34 (138-142 Adams

St) of 250 +/- sq. ft. of land

A True Copy Attest

City Clerk of Newton, Mass.

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OWNER:

Jennie Marie One LLC and Jennie Marie Two LLC

ADDRESS OF OWNER:

c/o Attorneys of Record Jason A. Rosenberg or Laurance

S.L. Lee, 246 Walnut St, Newtonville, MA 02160

TO BE USED FOR:

Three-story, multi-family dwelling containing nine twobedroom apartments (three per floor), a full basement, and an 18 space parking lot to the rear of the building with

access/egress to Cottage Court

CONSTRUCTION:

Concrete foundation with wood-frame construction with

stucco and tongue and groove board facade

**EXPLANATORY NOTES:** 

Section 30-11(d)(8) to permit a multi-family dwelling in the BU2 zone; Section 30-15(h) and 30-15 Table 3 to permit a three-story building, 32.9 feet in height; Section 30-11(j) to permit a building with between 10,000 and 19,000 square feet of gross floor area; Section 30-19(h)2)a), b) and d), and 30-19(m) to permit 8.5' x 17' parking stalls where 9' x 17' is permitted with a two-foot bumper overhang; Section 30-19(h)3) and 30-19(m) to allow 20 foot maneuvering aisle; Section 30-19(i)(1)a)i) and 30-19(m) to waive landscape screening requirements for parking facilities containing more than five stalls; Section 30-19(j)(1) and 30-19(m) to permit less than one foot candle of lighting over the parking facility and light spillage onto other lots; the aforementioned special permits granted pursuant to Sections 30-23 and 30-24.

ZONING:

Business 1 and Business 2 Districts

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:

Site Plans prepared by VTP Associates including:

- Topographic Site Plan, Newton Massachusetts, Showing Existing Conditions at #152 Adams Street, dated May 10, 2010;
- Topographic Site Plan, Newton Massachusetts, Showing Proposed Conditions at #152 Adams Street, dated August 29, 2012, Revised October 16, 2012 and January 16, 2013;

Detail Sheet, Newton Massachusetts, Showing Proposed Conditions at #152 Adams
 Street, dated August 29, 2012, Revised January 16, 2013;

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• Plan of Land, Newton, Massachusetts, Showing Proposed Lot Line Change at #152 Adams Street, dated January 16, 2013.

Architectural Plans prepared by Architects 2, dated January 15, 2013:

- Site Context / Streetscape
- Site Layout
- Front Elevations
- Side Elevations
- Rear Elevation
- First Floor Plan
- Second Floor Plan
- Third Floor Plan
- Basement Plan
- Roof Plan
- Photometric Plan, Reflex Lighting, dated 12/23/09
- 2. In accordance with Section 30-24(f) of the City of Newton's Zoning Ordinance the Petitioner shall provide one inclusionary housing unit. The three first floor units shall also be made adaptable under the Massachusetts Architectural Access Code.
- 3. The Petitioner shall group and screen all roof mounted mechanical equipment.
- 4. Snow shall be removed from the site whenever snow storage reduces the maneuvering aisle and/or on-site parking stalls.
- 5. The Petitioners shall maintain all landscaping associated with this Special Permit/Site Plan approval in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
- 6. The Petitioner may replace the three street trees in front of the subject property along Adams Street subject to a Street Tree Removal Hearing.
- 7. The Petitioners shall install all utilities serving the new building underground from the street (either Adams Street or Cottage Court) to the building.
- 8. 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. submitted a Construction Management Plan for review and approval by the Planning and Development Department, Inspectional Services Department and the Engineering Division of Public Works.
  - d. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.

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- e. provided specifications on the Cottage Court roadway/sidewalk improvements for review by the Director of Planning and Development and the Engineering Department.
- f. filed an Approval Not Required plan and appropriate deed reflecting the proposed property line change between 138 and 142 Adams Street.
- 9. No occupancy permit for the use 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, and the Department of Planning and Development a final as-built survey plan in digital format.
  - c. completed all landscaping in compliance with Condition #1.
  - d. resurfaced Cottage Court subject to approval by all property owners with an interest in the private way. If the Petitioner is unable to obtain written approval from all property owners with an interest in Cottage Court within ninety (90) days from the issuance of the building permit, then Petitioner shall install and construct a sidewalk along the subject site's frontage on Cottage Court as shown on the aforementioned proposed site plan, in which case Petitioner shall not be required to resurface Cottage Court. If Cottage Court is resurfaced by Petitioner as provided herein then Petitioner shall not be required to install said sidewalk. The improvements should be approved by the Engineering Department and built to Department of Public Works standards.
  - e. installed traffic calming pavement or some other traffic-calming device at the exit of the site onto Cottage Court.
  - f. the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building constructed subject to this special permit prior to installation of landscaping and completion of the road improvements required in conditions 5c, 5d and 5e above provided 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 improvements to ensure their completion.
  - g. comply with the Newton Inclusionary Housing Ordinance.

h.

Under Suspension of Rules Readings Waived and Approved 23 yeas 0 nays 1 vacancy

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 Sald Person,

City Clerk of Newton, Mass.

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the original of which having been filed with the CITY CLERK on February 21, 2013. 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 <u>Clerk of the Board of Aldermen</u> and keeper of its records and as the <u>City Clerk</u> and official keeper of the records of the <u>CITY OF NEWTON</u>, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the <u>Office of the City Clerk</u> on and that <u>NO APPEAL</u> 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

Foundary Frankrigh & Lee LLP

A True Copy Attest

City Clerk of Newton, Mass.