



2013 00143701

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#277-10(3) & (4)

CITY OF NEWTON  
IN BOARD OF ALDERMEN

February 19, 2013

RECEIVED  
Newton City Clerk  
2013 FEB 21 AM 10:37  
David A. Olson, Clerk  
Newton, MA 02459

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 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.
2. 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.

PROPERTY ADDRESS: 140-142 Adams St. Newton  
152 Adams St. Newton  
Title Reference: deeds Jennie Marie Two LLC BK 52030 PG 542  
Jennie Marie One LLC BK 52030 PG 540  
& deed recorded here with

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.

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 two-bedroom 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.

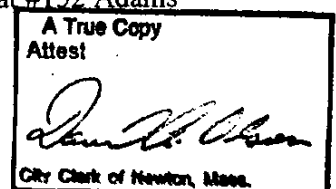
ZONING: Business 1 and Business 2 Districts

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:

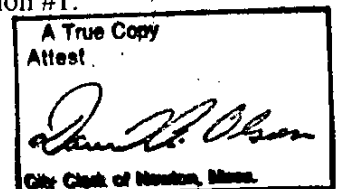
- Topographic Site Plan, Newton Massachusetts, Showing Existing Conditions at #152 Adams Street, dated May 10, 2010;
- Topographic Site Plan, Newton Massachusetts, Showing Proposed Conditions at #152 Adams Street, dated August 29, 2012, Revised October 16, 2012 and January 16, 2013;
- Detail Sheet, Newton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



- 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.





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 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 2/21 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

Essex Superior & Ice LP  
JUL 10 2013  
0031-0111-1039

A True Copy  
Attest  
  
City Clerk of Newton, Mass.