

CITY OF NEWTON

IN CITY COUNCIL

June 17, 2019

RECEIVED  
Newton City Clerk  
2019 JUN 19 PM 3:08  
David A. O'Shea, City  
Clerk, Newton, MA 02459

ORDERED:

That the City 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 to construct six dwelling units in two buildings, extend nonconforming side setbacks, extend the nonconforming residential use, to allow ground level residential use in the BU2 district, allow a three story structure, allow an FAR of 1.1. in a three-story structure, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

- The specific site is an appropriate location for the proposed six units in two buildings, with ground level residential use in a BU-2 district, and a floor area ratio of 1.1, due to the surrounding multifamily uses, and location in a walkable, transit accessible neighborhood with a diverse mix of uses. (§4.1.3, §4.4.1, §7.3.3.C.1)
- The proposed six units in two buildings, with a floor area ratio of 1.1, and three stories will not adversely affect the neighborhood due to the surrounding multifamily uses, and location in a walkable, transit accessible neighborhood with a diverse mix of uses. (§4.1.3, §4.4.1, §7.3.3.C.2)
- The proposed six units in two buildings, has a floor area ratio of 1.1, and three stories will not create a nuisance or serious hazard to vehicles or pedestrians. (§4.1.3, §7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- The proposed project that would further extend nonconforming side setbacks is not substantially more detrimental than the existing structure with nonconforming side setbacks because the proposed project does not detract from the streetscape. (§4.1.3 and §7.8.2.C.2)

PETITION NUMBER:

#174-19

PETITIONER: 180 Adams Street LLC and 184-186 Adams Street LLC

LOCATION: 180 & 184-186 Adams Street, on land known as Section 14 Block 14 Lots 20 and 22, containing approximately 15,355 sq. ft.

OWNER: 180 Adams Street LLC and 184-186 Adams Street LLC

ADDRESS OF OWNER: c/o Laurance Lee  
246 Walnut Street, Suite 201  
Newton, MA 02461

TO BE USED FOR: Six dwelling units in two structures

CONSTRUCTION: Wood Frame

EXPLANATORY NOTE: Special permit per §7.3.3 and §7.8.2.C.2 to:

- Extend nonconforming side setbacks (§4.1.3)
- Extend nonconforming residential use
- Allow ground level residential use (§4.4.1)
- Allow an FAR of 1.1 in a three story structure (§4.1.3)
- Allow a three-story structure (§4.1.3)

ZONING: Business 2

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with:
  - a. A set of plans prepared by VTP Associates, Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor, and Mark Besio, Professional Engineer:
    - i. "Topographic Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #180 & 184-186 Adams Street," dated November 26, 2018, revised March 7, 2019, March 27, 2019, April 25, 2019
    - ii. "Details, Newton, Massachusetts, Showing Proposed Conditions at #180 & 184-186 Adams Street," dated November 26, 2018, revised January 3, 2019
  - b. Architectural plans entitled "180-186 Adams Street" prepared by Mark Sangiolo, last revised April 30, 2019, signed and stamped by Mark Sangiolo, Registered Architect



- b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and from 8:00 a.m. to 7:00 p.m. on Saturdays. No construction is permitted on Sundays, or holidays except in emergencies, and only with prior approval from the Mayor.
  - c. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
  - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction and delivery vehicles, and location of any security fencing.
  - e. 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.
  - f. Proposed methods of noise and vibration control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
  - g. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
  - h. A plan for rodent control prior to demolition, during demolition, and during construction.
  - i. The CMP shall also address the following:
    - safety precautions;
    - anticipated dewatering during construction;
    - site safety and stability;
    - impacts on abutting properties.
7. No occupancy permit for the use covered by 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 statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
  - b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.
  - c. Provided the City Engineer, Department of Inspectional Services, and the Department of Planning and Development with a recorded copy of the Operation and Maintenance (O & M) plan for Stormwater Management.
  - d. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.

- e. Filed with 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, fencing, and parking areas.
- 8. Notwithstanding the provisions of Condition #7 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, and/or benches provided that 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 work to secure installation of such landscaping, fencing, signage and parking areas. This condition shall not apply to the public footpath.
- 9. The petitioner shall be responsible for managing snow on site.

Under Suspension of Rules

Readings Waived and Approved

21 yeas 1 nay (Councilor Gentile) 2 absent (Councilors Baker and Downs)

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 June 19, 2019. 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.

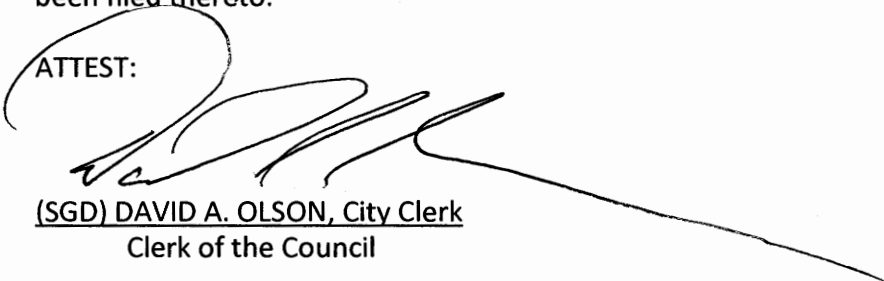
ATTEST:



(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 6/19 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