

CITY OF NEWTON

IN BOARD OF ALDERMEN

December 17, 2012

RECEIVED  
Newton City Clerk  
2012 DEC 20 AM 11:50  
David A. Oison, 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 waive two parking stalls and for various other waivers from the parking requirements as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. A waiver for two requires parking stalls is appropriate given the site's location on a commercial corridor with on-street parking available on both sides of the street and within proximity of an MBTA bus stop.
2. The location of five stalls in a required side setback is appropriate given the proposed fencing and landscape screening.
3. The waiver of lighting requirements is appropriate given the proximity of residential abutters.
4. The petitioner submitted a parking study based on another location which shows that there should be sufficient parking on site to meet the parking demand for the proposed use.
5. The project has been designed to be sensitive to the surrounding residential neighbors and redeveloping the presently underutilized site along an important commercial corridor is consistent with the Comprehensive Plan.

PETITION NUMBER: #212-12

PETITIONER: Michael Sokolowski, Trustee of 1081 Washington Street Realty Trust

LOCATION: 1081 Washington St, Ward 3, on land known as Section 31, Block 9, Lot 6, containing approximately 8,736 sq. ft. of land

OWNER: 1081 Washington Street Realty Trust

ADDRESS OF OWNER: 83 Arnold Road Newton, 02459

TO BE USED FOR: Two-story retail building and associated parking

CONSTRUCTION: Wood and steel frame construction with brick and stucco facade

EXPLANATORY NOTES: Sections 30-19(c), (d)(1), and (d)(10); 30-19(m) to waive two required parking stalls; Sections 30-19(h)(1); and 30-19(m) to locate five parking stalls in a required side setback; and Section 30-19(j); and 30-19(m) to waive the lighting requirements

ZONING: Business 2 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:

- 1081 Washington Street Existing Conditions and Layout Plan, Prepared by Everett M. Brooks Co., stamped and signed by Bruce Bradford, Professional Land Surveyor, and Michael Kosmo, Registered Structural Engineer, dated September 5, 2012 and Revised November 8, 2012.
- 1081 Washington Street Utilities and Grading Plan, Prepared by Everett M. Brooks Co., stamped and signed by Bruce Bradford, Professional Land Surveyor, and Michael Kosmo, Registered Structural Engineer, dated September 5, 2012 and Revised November 16, 2012.

Architectural Plans for 1081 Washington Street dated December 2, 2012, stamped and signed by Mark Armstrong, Registered Architect including:

- A1 First Floor Plan,
- A2 Second Floor Plan,
- A3 Site Plan/Planting Plan,
- R1 Renderings 1,
- R2 Renderings 2,
- R3 Renderings 3,
- R4 Renderings 4,

2. The petitioner shall comply with the Sign Ordinance.

3. The petitioner shall group and screen any roof mounted mechanical equipment away from residential abutters.
4. The petitioner agrees to contribute up to \$1000 toward the planting of one street tree along this portion of Washington Street to help mitigate the massing of the structure on Washington Street.
5. There shall be no trash pickup before 7:00 a.m. and no other deliveries or pick-ups between the hours of 10:00 p.m. and 8:00 a.m.
6. The petitioner agrees to turn off the lights one-half hour after closing including lights in the parking area.
7. In order to assure future uses are similar in their demand for parking, the following uses shall not be permitted to occupy the subject property: restaurant, retail food establishment, drug store, hair salon/barbershop/spa, Laundromat, dry cleaning, public assembly, convenience store, liquor store, grocery store, medical office such as pediatrician or dentist, or any other uses for which the aggregate number of parking spaces for all uses in the building required by the Zoning Ordinance exceeds 16 spaces. Potential uses that exceed this demand will not be allowed unless a further parking space waiver is approved.
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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
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, the City Engineer and the Department of Planning and Development a final as-built survey plan in paper and digital format.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.

10. Notwithstanding the provisions of Condition #9(c). above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building 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 (Aldermen Kalis and Merrill)

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 said decision, the original of which having been filed with the CITY CLERK on December 20, 2012. 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 12/20 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