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Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.cambridgedeeds.com

#317-14

CITY OF NEWTON

IN BOARD OF ALDERMEN

October 20, 2014

RECEIVED
NEWTON CITY
2014 OCT 23 PM
DANIELA G. SMITH
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, to allow for three tandem parking stalls, and to legalize a nonconforming parking lot, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

Property Address: 1175 Walnut Street, Newton

1. The proposed parking waiver is appropriate, as literal compliance with the parking requirements is impractical due to the size and slope of the lot. The site is located in a village center proximate to public transportation options. (§30-19(d)(11)), (§30-19(m))
2. The site is an appropriate location for the proposed office use, as it is located in a village center with other commercial uses and is adjacent to public transportation options. (§30-24(d)(1))
3. The proposed office use as developed and operated will not adversely affect the neighborhood. (§30-24(d)(2))
4. The proposed parking layout will not create a nuisance or serious hazard to vehicles or pedestrians, as the new tandem parking spaces will be marked for employees only and the existing parking area will be upgraded with one-way signage. (§30-24(d)(3))
5. Access to the site over streets is appropriate for the types and number of vehicles involved. (§30-24(d)(4))

PETITION NUMBER: #317-14

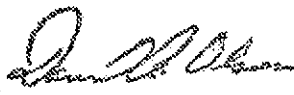
PETITIONER: Heamee Inc.

LOCATION: 1175 Walnut Street, Ward 6, on land known as SBL 61, 38, 5 & 6 containing approx. 10,921 sq. ft. of land

OWNER: Heamee, Inc.

ADDRESS OF OWNER: 1 Terrace Road

RETURN TO: Terrence P. Morris, Esq. TITLE REF. Book 31483 Page 322
57 Elm Road, Newton MA 02460

A True Copy
Attest

City Clerk of Newton, Mass.

Weston, MA 02493

TO BE USED FOR: Office

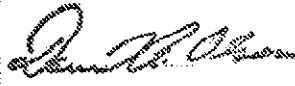
EXPLANATORY NOTES: §30-19(d)(11) and §30-19(m), to waive the requirement of two parking stalls; §30-19(h)(1), to allow parking within a setback; §30-19(h)(2), to waive dimensional requirements for parking stalls; §30-19(h)(3), to waive the dimensional requirements for maneuvering aisles; §30-19(h)(5)(a), to allow tandem parking; §30-19(i)(1), to waive perimeter landscaping requirements §30-19(i)(2), to waive interior landscaping requirements; §30-19(j), to waive lighting requirements

ZONING: Business 2

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. Area Plan, Prepared, Signed and Stamped by Frank Iebba, Land Surveyor, Dated August 4, 2014.
 - b. Site Plan, Prepared, Signed and Stamped by Frank Iebba, dated May 7, 2014, and revised on July 9, 2014, August 14, 2014, and September 6, 2014.
 - c. Floor Plan, prepared by DSH Design Group, dated June 26, 2013.
2. Prior to the issuance of a building permit the petitioner shall revise the Site Plan referenced in Condition #1 for the following changes, which site plan shall be subject to the review and approval of the Planning Department.
 - a. The petitioner shall mark the tandem parking stalls as employee only.
 - b. The petitioner shall remove one of the proposed tandem parking stalls.
 - c. The petitioner shall relocate the dumpster to the northwestern corner of the site near the entrance to the basement. The dumpster shall be screened with fencing.
 - d. The petitioner shall review the location and dimensions of the handicap accessible parking stall on the site plan with the Planning Department and the City's Commission on Disabilities. After such review, the petitioner may relocate the handicap stall, subject to the approval of the Planning Department as to the final location and dimensions of the handicap accessible parking stall. The relocation of, and the adjustments to the dimensions of the handicap stall, may cause the removal of one parking stall from the site plan, the removal of which has been taken into account and authorized by the parking waiver of two stalls approved by this board order.
3. The petitioner shall plant vegetation along the southern property line to screen the new tandem parking stalls. The petitioner shall also install planter boxes along Floral Street. Both the vegetative screening and the planter boxes shall be installed within eight months

Attest



City Clerk of Weston, Mass.

from the date of this board order. The type and number of plants proposed for the vegetative screen and the type and location of the planter boxes along Floral Street must be reviewed and approved by the Planning Department, and both the vegetative screen and planter boxes shall be maintained in good condition by the petitioner.

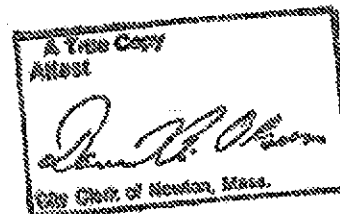
4. The petitioner shall encourage employees to use public transportation.
5. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval with the 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, and the changes to such site plan identified in Conditions #2.
6. No Final Inspection/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 a statement by a registered architect or engineer certifying compliance with Condition #1, and the changes to such site plan identified in Conditions #2.
 - b. Submitted to the Commissioner of Inspectional Services and City Engineer, and the Department of Planning and Development, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Alderman Harney)

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 October 23, 2014. 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.

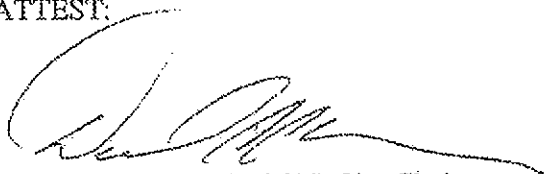
ATTEST:


(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 10/23 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

