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Newton, MA 02460
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March 1, 2017

By electronic transmission: dolson@newtonma.gov

David A. Olson, Clerk of the Board
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Re: Board Order #430-16: 15 Southgate Park
Special Permit Conditions 10(a) and 10(b)

Dear Mr. Olson:

Enclosed please find a certified copy of the recorded Council Order in accordance with Condition 10(a) of the above-referenced special permit, which states that no building permit shall be issued "until the petitioner has 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."

This filing, with copies to ISD and Planning, will also satisfy Condition 10(b), which states that no building permit shall be issued "until the petitioner has filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development."

Thank you for your attention to this matter.

Sincerely,

Terrence P. Morris

Terrence P. Morris

Enclosure

Cc: Barney Heath, Director ***via email***
Planning and Development
John Lojek, Commissioner ***via email***
Inspectional Services
Neil Cronin, Senior Planner ***via email***
Planning and Development

Middlesex South Registry of Deeds
Electronically Recorded Document

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Recording Information

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Receipt Number	: 2058777
Recording Fee	: \$75.00

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

15 South Gate Park
#430-16

CITY OF NEWTON

CITY COUNCIL

February 6, 2017

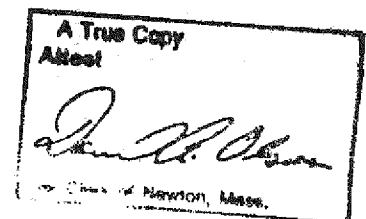
2017 FEB -0 11:31:56

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 change a nonconforming clubhouse use to a multi-family use to allow parking in the front setback, and to allow a two-way entrance and exit drive less than 20 feet wide as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. Literal compliance with the requirements that the two-way entrance and exit drive is 20 feet wide and that the two required parking stalls not be located within the front setback (§5.1.8.A.1 and §5.1.8.D.1) are impracticable due to the shape of the lot, and furthermore, granting an exception would be in the public interest as the drive and spaces will provide off-street parking for tenants and visitors of the multi-family dwelling while preserving open space and not disrupting the proposed sidewalk (§5.1.13)
2. The proposed three unit multi-family dwelling is not substantially more detrimental than the existing nonconforming clubhouse use is to the neighborhood, as the proposed residential use is in keeping with the residential character of the neighborhood, parking will be accommodated on site, and the amount of open space will increase (§7.8.2.C.2).
3. The specific site is an appropriate location for the proposed multi-family dwelling, as it is located in a residential neighborhood with properties that have a similar lot area per unit (§7.3.3.C.1).
4. The proposed multi-family dwelling, as developed and operated, will not adversely affect the neighborhood, as the use will be more consistent with the surrounding neighborhood than the clubhouse use, the footprint of the existing structure will be maintained, the open space percentage will be increased, and curbing will be installed along its frontage (§7.3.3.C.2).

Property Address: 15 South Gate Park, Newton



- 5. There will be no nuisance or serious hazard to vehicles or pedestrians, as the parking will be located on the site and the project will result in a new sidewalk along the frontage of the property (§7.3.3.C.3).
- 6. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).
- 7. The applicant's proposed construction of a sidewalk along the frontage of the property is a public benefit to the City that will enhance the safety of pedestrians and improve vehicular circulation in the immediate neighborhood.

PETITION NUMBER: #430-16

PETITIONER: Anthony DePasquale

LOCATION: 15 South Gate Park, on land known as Section 33, Block 31, Lot 9, containing approx. 14,120 square feet of land

OWNER: Anthony DePasquale

ADDRESS OF OWNER: 30 Wildwood Avenue
Newton, MA 02465

TO BE USED FOR: To allow a multi-family dwelling

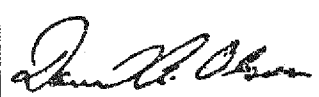
EXPLANATORY NOTES: §3.4.1 and §7.8.2.C.2 to change a nonconforming clubhouse use to a multi-family use ; §5.1.8.A.1 and §5.1.13, to allow parking within the front setback; and §5.1.8.D.1 and §5.1.13 to allow and entrance and exit drive less than 20 feet wide

ZONING: Single Residence 3 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:
 - a. Civil Plan Set, prepared, stamped and signed by Verne T. Porter Jr., Professional Land Surveyor, and Paul J. Tyrell, Registered Professional Engineer, entitled "Proposed Grading and Building Location", dated September 11, 2015, revised on December 12, 2016 and January 13, 2017;
 - b. Architectural Plan Set, titled 15 South Gate Park, West Newton, MA 02465 – Residential Renovation and Alternation, prepared, signed, and stamped by Ronald F.

A True Copy
Attest



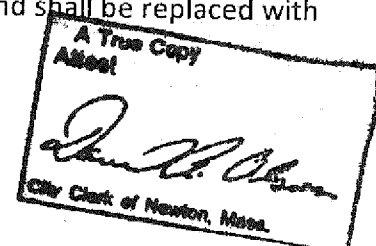
City Clerk of Newton, Mass.

Jarek, Registered Architect, dated November 28, 2016, consisting of the following nineteen (19) sheets:

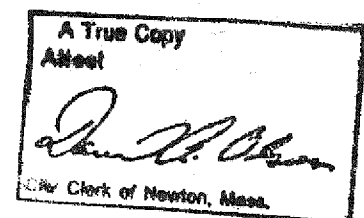
- i. A-0 - Title Sheet;
- ii. A-1 – Notes & Materials, dated November 29, 2016;
- iii. A-2 – Basement/Garage;
- iv. A-3 – Proposed First Floor Plan;
- v. A-3 – First Floor Plan;
- vi. A-4 – Second Floor Plan;
- vii. A-5 – Attic Plan;
- viii. A-6 – Roof Plan;
- ix. A-7 – Front Elevation;
- x. A-8 – Right Elevation;
- xi. A-9 – Left Elevation;
- xii. A-10 – Rear Elevation;
- xiii. A-11 – Cross Section;
- xiv. F-6 – Details;
- xv. X-0 – Existing Basement Plan;
- xvi. X-1 – Existing Front Elevation;
- xvii. X-2 – Existing Right Side Elevation;
- xviii. X-3 – Existing Left Side Elevation; and
- xix. X-4 – Existing Rear Elevation.

c. Landscape Plan, prepared, signed and stamped by Ron F. Jarek, dated November 29, 2016

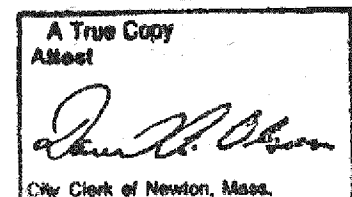
2. The petitioner shall preserve the existing proportions, substrate (underlying shell) and architectural details that contribute to the historic significance of the original structure including but not limited to all exterior walls, roof structure, and window openings. Changes to the existing proportions or substrate of the original structure shall not be made without an amendment to this special permit. The materials for the structure shall consist of those approved by the Newton Historical Commission (NHC) which are listed on Sheet A-1 of the I plans referenced in Condition #1 above. Any replacement in kind or deviation regarding said materials shall be by prior approval only by Preservation Planning and ISD staff.
3. The petitioner shall design the fire suppression system in accordance with the criteria of a 13-R system and install fire department connections (FDC) to the satisfaction of the Newton Fire Department.
4. The petitioner shall comply with the City's Tree Preservation Ordinance.
5. All landscaping and fencing shall be maintained in good condition and shall be replaced with similar materials as necessary.



6. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
7. Prior to the issuance of any Building Permit, the petitioner shall provide a Final Landscape Plan for review to the Director of Planning and Development.
8. Prior to the issuance of any Building Permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
9. Prior to the issuance of any building permit the petitioner shall submit a Construction Management Plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Board Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor of the project.
 - 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 between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
 - c. The proposed schedule of the project, including the general phasing of the construction activities.
 - 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 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 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. De-watering methodology.
 - h. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - i. A plan for rodent control during construction.



10. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
- 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.
 - Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - Obtained a written statement from the Engineering Division of Public Works that confirms receipt of a certified Copy of the O&M Plan in accordance with Condition #6.
 - Received final approval from the Director of Planning and Development for the Final Landscape Plan.
 - Received final approval from the Director of Planning and Development for the Construction Management Plan.
 - Received approval from the Newton Fire Department for the proposed fire suppression system in accordance with Condition #3.
11. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
- 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.
 - Submitted to the Department of Inspectional Services and the Department of Planning and Development, a final as-built survey plan in paper and digital format by a licensed surveyor.
 - Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
 - Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
12. Notwithstanding the provisions of Condition #11d. above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings 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
21 yeas 0 nays 3 absent (Councilors, Lipof, Norton and Sangiolo)

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 February 8, 2017. 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 2/8 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

