

Middlesex South Registry of Deeds  
Electronically Recorded Document

This is the first page of the document - Do not remove

---

Recording Information

Document Number : 120743  
Document Type : DECIS  
Recorded Date : July 31, 2017  
Recorded Time : 11:50:27 AM  
  
Recorded Book and Page : 69694 / 224  
Number of Pages(including cover sheet) : 8  
Receipt Number : 2111083  
Recording Fee : \$75.00

RECEIVED  
Newton City Clerk  
2017 AUG - 2 PM 12:46  
David A. Olson, CMC  
Newton, MA 02459

Middlesex South Registry of Deeds  
Maria C. Curtatone, Register  
208 Cambridge Street  
Cambridge, MA 02141  
617-679-6300  
[www.middlesexsouthregistry.com](http://www.middlesexsouthregistry.com)

#342-16  
143 Rumford Avenue

CITY OF NEWTON

IN CITY COUNCIL

December 19, 2016

2016 DEC 22 PM 3:12

ORDERED:

That the 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 for a three-story, 36 foot tall, 107,397 square foot self-storage facility, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The site is an appropriate location for a building of three stories and 36 feet in height with a floor area ratio (FAR) of 1.35 as the site is an underutilized 79,746 square foot parcel in a commercial zone (§4.1.2.B.3, §4.1.3, and §7.3.3.C.1).
2. The site is an appropriate location for a building of greater than 20,000 square feet as the site is located in the Business 2 (BU-2), is surrounded by commercial uses and abuts the City of Newton Recycling Depot at its western and southern boundaries (§4.3.1.B.1 and §7.3.3.C.1).
3. Access to the site over streets is appropriate for the types and numbers of vehicles involved as the proposed low intensity, transitional use, based on the traffic survey submitted, will have limited impact on the adjacent roadways that also serve the adjacent business neighborhood (§7.3.3.C.4).
4. The site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy as the site is a redeveloped urban site which employs a shared driveway to reduce the amount of paving. The building design will feature high efficiency mechanical systems and overall exceed the requirements of the Massachusetts stretch code. In addition, the proposed site plan lighting will be dark sky compliant and the landscaping will contain primarily drought tolerant native species (§7.3.3.C.5).
5. The requested exceptions related to the number of parking stalls, landscaping and

Property Address: 143 Rumford Avenue, Newton  
Marginal references: Deed Book 34969, Page 504 Notice of Deregistration Book 69677, Page 360

A True Copy  
Attest  
*John H. Olson*  
City Clerk of Newton, Mass.

lighting of the parking facility are appropriate and will be in the public interest because such exceptions will provide for increased open space by reducing the amount of paving on site and because the number of stalls proposed will be sufficient to meet the expected demand (§5.1.9.A.1, §5.1.10.A, and §5.1.13).

PETITION NUMBER: #342-16

PETITIONER: SSG Development II LLC (dba SSG Rumford Newton, LLC)

LOCATION: 143 Rumford Avenue, Ward 4, Auburndale, on land known as Section 41 Block 31 Lot 06, containing approximately 79,746 square feet of land

OWNER: Colt Communications LLC

ADDRESS OF OWNER: 143 Rumford Avenue  
Auburndale, MA 02460

TO BE USED FOR: Three-story, 107,397 square foot self-storage facility

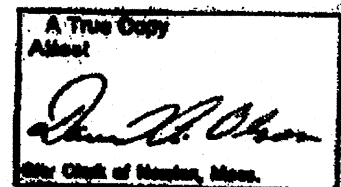
CONSTRUCTION: Masonry

EXPLANATORY NOTES: §4.3.1.B.1 to allow a building greater than 20,000 square feet; §4.1.2.B.3, and §4.1.3 to allow a building with three stories, up to 36 feet in height and a maximum FAR of 1.35; §5.1.4 and §5.1.13 to waive 32 parking stalls; §5.1.9.A.1 and §5.1.13 to waive landscape screening requirements; §5.1.10.A and §5.1.13 to waive lighting requirements.

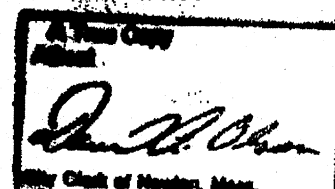
ZONING: Business 2 District

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:
  - a. Land Development Plans prepared by BL Companies, unstamped and unsigned, consisting of twenty-four (2) sheets, as follows:
    - i. Title Sheet; dated October 10, revised November 22, 2016;
    - ii. "ALTA/NSPS Land Title Survey," dated September 16, 2016,
    - iii. "General Notes," dated October 10, 2016 (GN-1 );

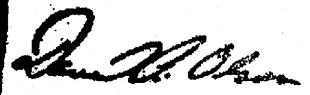


- iv. "Demolition Plan," dated October 10, 2016 (DM-1);
  - v. "Site Plan," dated October 10, 2016 (SP-1);
  - vi. "Grading and Drainage," Plan dated October 10, 2016 (GD-1);
  - vii. "Utility Plan," dated October 10, 2016 (SU-1);
  - viii. "Sedimentation and Erosion Control Plan," dated October 10, 2016 (EC-1);
  - ix. "Sedimentation and Erosion Control Notes," dated October 10, 2016 (EC-2);
  - x. "Landscape Plan," dated October 10, 2016 (LL-1);
  - xi. "Landscape Details," dated October 10, 2016 (LL-2);
  - xii. "Site Lighting Plan," dated October 10, 2016 (LP-1);
  - xiii. "Truck Turning Plan," dated October 10, 2016 (LP-1);
  - xiv. "Details," dated October 10, 2016 (DN-1);
  - xv. "Details," dated October 10, 2016 (DN-2);
  - xvi. "Details," dated October 10, 2016 (DN-3);
  - xvii. "Details," dated October 10, 2016 (DN-4);
  - xviii. "Details," dated October 10, 2016 (DN-5);
  - xix. "Details," dated October 10, 2016 (DN-6);
  - xx. "Details," dated October 10, 2016 (DN-7);
  - xxi. "Exterior Elevations," (Self-Storage) dated October 7, 2016 (A5.01);
  - xxii. "Exterior Elevations," (Retail/Office) dated October 10, 2016 (A5.02);
  - xxiii. "Computer Generated Model" dated October 7, 2016 (A5.03); and
  - xxiv. "Roof Plan" dated October 7, 2016 (A3.01).
2. The petitioner shall, at its expense, repair or replace the sidewalks located along the frontage of the property subject to the approval of the Commissioner of Public Works prior to the issuance of any occupancy permit and keep the same in good repair.
  3. The petitioner shall commit to utilizing building as well as site and landscape features in an effort to contribute to the efficient use and conservation of natural resources and energy. Those features shall include, but are not limited to, white Thermoplastic Polyolefin (TPO) roofing systems with a Solar Reflectance Index (SRI) better than 82. In addition, the building envelope shall achieve Thermal Resistance Values (R-Value) of 30 on the roof and 15 or greater on the exterior wall assemblies. Lastly, all lighting will be LED, and all plumbing fixtures as well as fittings shall have flow rates better than required by building code.
  4. The hours of operation for the office of the facility shall be limited to 9:30 AM to 6:00 PM Monday through Friday and 9:00 AM to 5:30 PM on Saturday and Sunday. Gate access to the building shall be limited to 6:00 AM – 10:00 PM.
  5. The property shall not be used for the rental or sale of any vehicles.
  6. All utilities shall be located underground from the property line.
  7. The petitioner's Lease/Rental Agreement shall prohibit the storage of any explosives or any highly inflammable goods or Hazardous Materials, defined as any hazardous or toxic chemical, gas, liquid, substance, material or waste that is or becomes regulated under any applicable local, state or federal law or regulation. In addition, the petitioner shall not sell

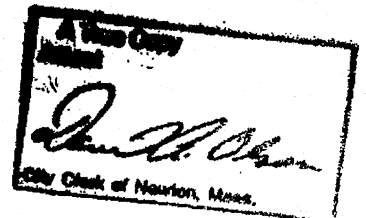


propane or sell or rent propane tanks or other inflammable goods and shall prohibit tenants from storing propane.

8. No site lighting shall be controlled with motion-detection sensors.
9. Prior to the issuance of any Building Permit, the petitioner shall provide a final Approval Not Required Plan (ANR) to the Engineering Division of Public Works for review and approval separating the office/retail building from the self-storage parcel. Once approved, the ANR Plan must be recorded at the Middlesex Registry of Deeds. A certified copy of the ANR Plan shall be submitted to the Engineering Division of Public Works.
10. 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.
11. 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.
12. Prior to the issuance of any Building Permit, the petitioner shall conduct a Closed Circuit Television (CCTV) inspection of the proposed connection to the City's drainage system. This inspection must be witnessed by the Engineering Division, and a video record shall be submitted to the Engineering Division.
13. Prior to the issuance of any Building Permit, the petitioner shall submit a final Construction Management Plan (CMP) to the Commissioner of Inspectional Services, the Director of Urban Forestry, the Engineering Division of Public Works, the Director of the Department of Planning and Development, the Newton Fire Department and Newton Police Department, which plan should include at a minimum:
  - 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 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 3:00 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. 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.
  - d. A tree preservation plan to define the proposed method for protection of existing trees to remain on the site and on abutting properties during construction.
  - e. A plan for site access and traffic control.

  
City Clerk of Newton, Mass.

- f. A plan regulating the delivery of material to the site, including the staging and storage of construction vehicles.
  - g. A plan for rodent control during construction.
  - h. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
14. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
- a. Received final approval from the Director of Planning and Development for the Construction Management Plan.
  - b. Recorded a certified copy of this Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
  - c. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
  - e. Obtained a written statement from the Engineering Division of Public Works that confirms the receipt of a certified copy of the recorded ANR in accordance with Condition #9.
  - f. Obtained a written statement from the Engineering Division of Public Works that confirms the receipt of a certified copy of the recorded O&M Plan in accordance with Condition #10.
  - g. Obtained a written statement from the Engineering Division of Public Works that confirms the receipt of a copy of the CCTV inspection in accordance with Condition #12.
  - h. Filed a final Landscape Plan to the Director of Planning and Development for review and approval.
15. No Final Inspection and/or Occupancy Permit for the buildings constructed pursuant to 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 certifying compliance with Condition #1.
  - b. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
  - c. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.



- d. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, and final landscape features.
- 16. Notwithstanding the provisions of Condition #14 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.
- 17. The landscaping shown on the approved Final Landscape Plan shall be maintained in good condition. The plantings shall be inspected annually and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.

Under Suspension of Rules  
 Readings Waived and Approved  
 22 yeas 0 nays 2 absent (Councilors Gentile and Sangiolo)

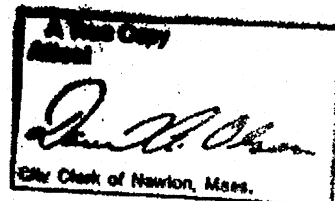
The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on December 22, 2016. The undersigned further certifies 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:

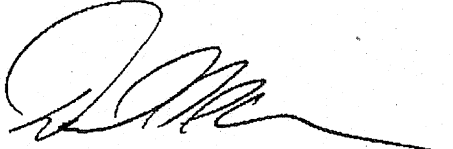


(SGD) DAVID A. OLSON, City Clerk  
 Clerk of the City Council


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 12/22 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

A True Copy  
Attest  
  
of Newton, Mass.