

CITY OF NEWTON
IN CITY COUNCIL

June 19, 2017

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 further increase the nonconforming floor area ratio from .90 to .93, where .58 is the maximum allowed by right and to further decrease the nonconforming open space from 46.5% to 44.6%, where 50% is the minimum allowed, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed increase in floor area ratio from .90 to .93, where .58 is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood and will not substantially more detrimental than the existing non-conforming floor area ratio is to the surrounding neighborhood because the proposed dormers will add 167.35 square feet and are within the existing footprint of the structure (§3.2.11 and §7.8.2.C.2).
2. The proposed decrease in the nonconforming open space from 46.5% to 44.6%, where 50% is the minimum allowed, will not be substantially more detrimental than the existing non-conforming open space is to the surrounding neighborhood because the proposed decks do not increase the footprint of the structure (§3.2.3 and §7.8.2.C.2).

PETITION NUMBER: #128-17
PETITIONER: EMJ Prime Build LLC
LOCATION: 15 Ricker Road, on land known as Section 71 Block 21 Lot 09, containing approximately 4,776 square feet of land
OWNER: EMJ Prime Build LLC
ADDRESS OF OWNER: 44 Production Road
Walpole, MA 02081

RECEIVED
NEWTON CITY CLERK
2017 JUN 21 PM 4:14
DAVID A. OLSON, CLERK
NEWTON, MA 02459

TO BE USED FOR: Two-Family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.2.11 and §7.8.2.C.2 to further increase the nonconforming floor area ratio; and §3.2.3 and §7.8.2.C.2 to further decrease the minimum open space

ZONING: Multi Residence 1 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. Topographic Site Plan, prepared by VTP Associated, unsigned and unstamped, dated January 18, 2017 Revised March 3, 2017
 - b. Architectural Plans and Elevations, signed and stamped by Charles Navratil, Registered Architect, dated February 23, 2017 consisting of ten (10) sheets:
 - i. A1.0 Proposed Basement Plan;
 - ii. A1.1 Proposed First Floor Plan;
 - iii. A1.2 Proposed Second Floor Plan;
 - iv. A1.3 Proposed Third Floor Plan;
 - v. A2.1 Proposed Front Elevation;
 - vi. A2.2 Proposed Left Elevation;
 - vii. A2.3 Proposed Rear Elevation;
 - viii. A2.4 Proposed Right Elevation;
 - ix. A3.1 Proposed Section A; and
 - x. A3.2 Proposed Section B.
2. 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.
3. 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.
4. Prior to the issuance of any Building Permits, the petitioners 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 shall 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 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. 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.
 - 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.
5. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
- 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.
 - d. Submitted a landscape plan to the Director of Planning and Development for review and approval.
6. No Final Inspection/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 and land surveyor certifying compliance with Condition #1, including the as built FAR of the structure.
 - 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 Council 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.
- 7. Notwithstanding the provisions of Condition #6 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
23 yeas 0 nays 1 absent (Councilor Brousal-Glaser)

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 21, 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 6/21 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