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

#215-18
156 Otis Street

CITY OF NEWTON

IN CITY COUNCIL

July 9, 2018

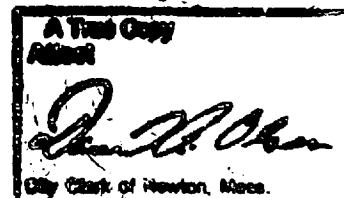
RECEIVED
CITY CLERK
2018 JUL 11 PM 4:24
BEVERLY A. CHASE, CLERK
NEWTON, MA 02459

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 rear lot subdivision by allowing the frontage of the rear lot to be measured along the rear lot line of the lot in front, and to construct one single family dwelling on each of the resulting lots, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for the proposed use and structures as the proposed new front and rear lots will be used as single-family dwellings in a Single Residence 2 (SR2) district. (§7.3.3.C.1)
2. As single-family dwellings in a Single Residence 2 (SR2) district, the proposed residential use as will not adversely affect the neighborhood. (§7.3.3.C.2)
3. The proposed shared 20 foot wide driveway will provide adequate sight lines and there will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. At 30.37' the height of the proposed rear dwelling will not exceed the respective average height of abutting residential buildings and any structures used for accessory purposes. (§7.3.4.B.1)
6. The two proposed single-family dwellings are designed in such a manner that their massing and scale will be in character and consistent with adjacent existing and allowed residential structures in the surrounding Single Residence 2 (SR2) zoning district. (§7.3.4.B.2)

Deed at BK 69775 Pg. 34



7. Differences in the relative dwelling heights between the proposed rear dwelling and structures on abutting properties are largely reflect the neighborhood's topography. (§7.3.4.B.3)
8. The proposed landscape plan includes the extensive installation of trees and other vegetation which will largely screen the new dwellings from abutting properties. (§7.3.4.B.4)
9. The common driveway along the east property line is adequate for vehicular access. (§7.3.4.B.5)
10. A portion of the rear lot will be improved and maintained as a Conservation Commission approved Enhancement Area. (§7.3.4.B.6)
11. The siting of the proposed front dwelling in the general area of an existing dwelling, and that of the rear dwelling structure near the center of a large lot, are appropriate given the scales and locations of abutting residential structures. (§7.3.4.B.8)
12. The proposed lighting will be residential in character and will not impact abutting properties. (§7.3.4.B.9)

PETITION NUMBER: #215-18

PETITIONER: 156 Otis Street LLC

LOCATION: 156 Otis Street, on land known as Section 24 Block 13 Lot 14A, containing approximately 43,700 square feet of land

OWNER: 156 Otis Street LLC

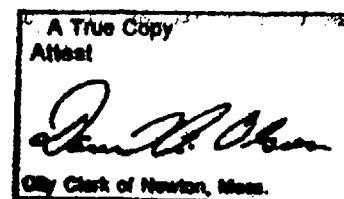
ADDRESS OF OWNER: 20 Morton Street
Newton, MA 02459

TO BE USED FOR: Rear lot subdivision and construction of two new single-family dwellings, one on the resulting 18,456 square foot front lot, the other on the resulting 25,244 square foot rear lot.

CONSTRUCTION: Wood frame

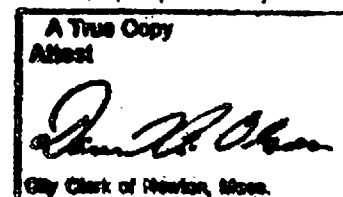
EXPLANATORY NOTES: §3.1.10 to allow a rear-lot subdivision with the frontage of the rear lot measured along the rear line of the front lot. §5.4.2.B to allow for retaining walls greater than 4 feet within a setback.

ZONING: Single Residence 2 (SR2) District



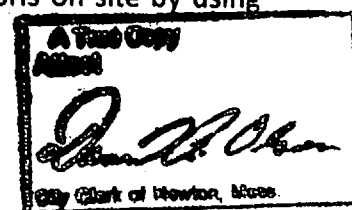
Approved subject to the following conditions:

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. A set of plans prepared by VTP Associates, Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor:
 - i. "Area Plan, Newton, Massachusetts, at 156 Otis Street," , dated February 15, 2018, as revised through May 31, 2018;
 - ii. "Topographic Site Plan, Newton, Massachusetts, Showing Existing Conditions at #156 Otis Street, Sheet 1 of 1," , dated September 12, 2017;
 - iii. "Tree Removal Plan, Newton, Massachusetts, Showing Existing Conditions at #156 Otis Street, Sheet 1 of 1," , dated February 26, 2018, as revised through April 3, 2018;
 - iv. "Zoning Plan, Newton, Massachusetts, Showing Proposed Conditions at #156 Otis Street, Sheet 1 of 5," dated February 23, 2018, as revised through June 13, 2018;
 - v. "Grading Drainage and Utility Plan, Newton, Massachusetts, Showing Proposed Conditions at #156 Otis Street, Sheet 2 of 5," dated February 23, 2018, as revised through June 13, 2018 ;
 - vi. "Erosion & Sediment Plan, Newton, Massachusetts, Showing Proposed Conditions at #156 Otis Street, Sheet 3 of 5," dated February 23, 2018, as revised through June 13, 2018;
 - vii. "Detail-1, Newton, Massachusetts, Showing Proposed Conditions at #156 Otis Street, Sheet 4 of 5," dated February 23, 2018, as revised through March 21, 2018;
 - viii. "Detail-2, Newton, Massachusetts, Showing Proposed Conditions at #156 Otis Street, Sheet 5 of 5," dated February 23, 2018, as revised through March 21, 2018.
 - b. A plan entitled "Tree Plan," prepared by Michelle Crowley Landscape Architecture, signed and stamped by Naomi J. Cottrell, Registered Landscape Architect, dated May 31, 2018.
 - c. A set of architectural drawings for the new one-family dwelling and attached garage, entitled "Glenside Properties- Front Lot, 156 Otis Street, Newton MA," prepared by LDa Architecture and Interiors, LLP, signed and stamped by Treffle E. LaFleche, Registered Architect dated April 6, 2018:
 - i. "Basement Plan," (Sheet A100), as revised through May 31, 2018;
 - ii. "First Floor Plan," (Sheet A101);
 - iii. "Second Floor Plan," (Sheet A102);
 - iv. "Exterior Elevations," (Sheet A200).
 - d. A set of architectural drawings for the new one-family dwelling and attached garage, entitled "Glenside Properties- Rear Lot, 156 Otis Street, Newton MA," prepared by

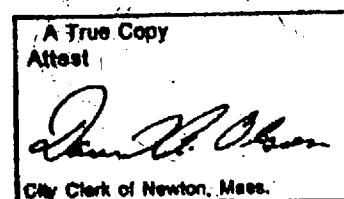


LDa Architecture and Interiors, LLP, signed and stamped by Treffle E. LaFleche, Registered Architect revised through June 22, 2018:

- i. "Basement Plan," (Sheet A100);
 - ii. "First Floor Plan," (Sheet A101);
 - iii. "Second Floor Plan," (Sheet A102);
 - iv. "Exterior Elevations," (Sheet A200).
- e. A document entitled "Floor Area Ratio Worksheet, Property Address: 156 OTIS STREET- FRONT LOT"
 - f. A document entitled "Floor Area Ratio Worksheet, Property Address: 156 OTIS STREET- REAR LOT"
2. All utilities shall be located underground from the property line.
 3. All lighting fixtures shall be residential in scale.
 4. The landscaping shown on the approved Final Landscape Plan shall be maintained in good condition and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.
 5. Prior to the issuance of any Occupancy Permit for either of the dwellings, 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.
 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 Permits, the petitioner shall provide a Final Landscape Plan showing all new plantings, for review and approval by the Director of Planning and Development.
 8. 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 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 rodent control during construction.
 - f. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
 - g. To ensure emergency vehicle access there shall be no parking in the driveway.
 - h. The CMP shall also address the following:
 - i. location(s) of a staging site for construction equipment and parking for construction workers vehicles;
 - ii. identification of building materials;
 - iii. phasing of the project with anticipated completion dates and milestones;
 - iv. safety precautions;
 - v. anticipated dewatering during construction;
 - vi. site safety and stability;
 - vii. impacts on abutting properties, including any on the retaining wall located on the adjacent property to the west.
9. No Building Permit for one or both of the dwellings shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has, as such relates to the dwelling(s) for which the such building permit is requested:
- 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. Filed a final Landscape Plan to the Director of Planning and Development for review and approval.
 - f. Recorded a certified copy of an Approval Not Required (ANR) plan showing the division of the property consistent with the plans referenced in Condition #1 with the Registry of Deeds for the Southern District of Middlesex County and has filed a copy of such recorded ANR plan with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
10. No Final Inspection and/or Occupancy Permit for one or both of the dwellings constructed pursuant to this Special Permit/Site Plan Approval shall be issued until the petitioner has,



as such relates to the dwelling(s) for which the such Final Inspection and/or Occupancy Permit is requested:

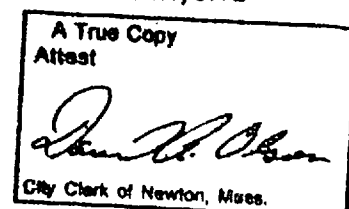
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Obtain a written statement from the Engineering Division of Public Works that confirms the receipt of a certified copy of the recorded O&M in accordance with Condition #5.
 - 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, final landscape features and fencing.
 - e. Filed with the Clerk of the Council, 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.
11. No Final Inspection and/or Occupancy Permit for one or both of the dwellings constructed pursuant to this Special Permit/Site Plan Approval shall be issued until the petitioner has, as such it relates to the such dwelling(s) for which the such Final Inspection and/or Occupancy Permit is requested, has filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that the stormwater and drainage improvements identified in the provisions of Condition #1 above have been constructed to the standards of the City of Newton Engineering Department.
12. Notwithstanding the provisions of Condition #10 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

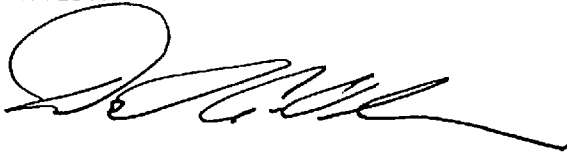
21 yeas 2 nays (Councilors Brousal-Glaser and Gentile) 1 absent (Councilor Laredo)

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 July 11, 2018. 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 7/11/18 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
acting Clerk of the Council

A True Copy
Attest

City Clerk of Newton, Mass.