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#270-97

CITY OF NEWTON
IN BOARD OF ALDERMEN

November 3, 1997

1997 NOV 18 PM 12:42
CITY CLERK
NEWTON, MA. 02159

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action 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, the following SPECIAL PERMIT/SITE PLAN APPROVAL AND EXTENSION OF NON-CONFORMING USE AND STRUCTURE is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

For Title
see deeds
at Book
2607, Page
258 and
Book 3599,
at Page 41

1. The Board finds that the proposed addition is not substantially more detrimental to the neighborhood than the existing structure.
2. The Board finds that the proposed addition is consistent with the character of the historic clubhouse.
3. The Board finds that the addition will enhance handicapped accessibility to the building.
4. The Board finds that the imposition of parking restrictions and improvements to the alignment on Fuller Street will remove a safety hazard on the street.
5. The Board finds that the club has made an effort to accommodate neighborhood concerns.

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12.00

PETITION NUMBER: 270-97

PETITIONER: Brae Burn Country Club

LOCATION: 326 Fuller Street, Section 53, Block 40, Lot 13, containing approximately 5,932,256 square feet of land.

OWNER: Brae Burn Country Club

ADDRESS OF OWNER: 326 Fuller Street
West Newton, MA.

A True Copy
Attest
Edward J. English
City Clerk of Newton, Mass.

TO BE USED FOR: Expansion of club house and construction of pro shop building

CONSTRUCTION: Wood and stone

EXPLANATORY NOTE: Section 30-21(b) allows the Board of aldermen to grant a special permit for an extension of a non-conforming use.

Section 30-8(b)(3) allows the Board of Aldermen to grant a special permit for a club in a Single Residence District.

Section 30-19(m) allows the Board of Aldermen to grant a special permit for a parking waiver.

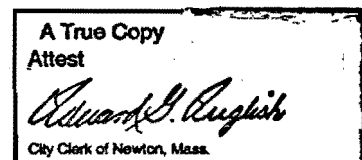
Land referred to is in a Single Residence 1 District.

Approved, subject to the following conditions:

1. That all buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with a set of five plans entitled "Site Plan of Land in Newton, Mass. - Petitioner: Brae Burn Country Club" dated August 1, 1997, revised October 7, 1997, by Everett M. Brooks Company; a set of two plans entitled "Planting Plan" dated August 5, 1997, by Gates, Leighton & Associates, Inc.; "Electrical Site Plan E-1" by South Shore Engineering Team, Inc.; a set of three floor plans dated 9/26/97, a set of two exterior elevations dated August 4, 1997 and "Pro Shop Floor Plans and Elevations" dated August 4, 1997 by Jefferson Group Architects, submitted by the petitioner and filed herewith.
2. That during large events at which at least 200 people are expected at a single event, the petitioner shall provide at least one police detail to monitor traffic flow, pedestrian crossings and the new site entrance.
3. That the clubhouse facility shall be used for club functions, events and member services; there shall be no renting of the facility to outside groups.
4. That the club implement the recommendations proposed by the environmental scientist, Waterflowers, dated October 21, 1997 (summary on file in the Planning Department) regarding improvements to the ponds and that any corrective action take place in accordance with the approval of the Conservation Commission; and further, that the club take those immediate steps recommended by Waterflowers to control the causes of and eliminate the noxious odors emanating from the pond caused by periodic algae blooms and continue said control measures on an on-going basis.

A True Copy
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Edward J. English
City Clerk of Newton, Mass.

5. That when the club anticipates that more than 253 cars will be parked on the site at any one time, stacked parking with valet control shall be implemented.
6. That during special events (events that draw a crowd other than the club's own members and guests such as major golf tournaments as Ladies Amateur Golf Tournament), the club shall implement a traffic and parking management plan which shall be submitted to the Police and Planning Departments for review.
7. That there shall be no deliveries before 7 am or after 7 pm. seven (7) days a week.
8. That there shall be no trash pickup before 7 am or after than 7 pm. Monday through Saturdays and before 10 am. or after 6 pm. on Sundays.
9. That the Planning Department shall review and approve lattice work with climbing plant material to be affixed to the storage buildings along Fuller Street which shall be installed prior to the issuance of a Building Permit.
10. That the club shall use diligent efforts to keep members, vendors and guests from parking in the restricted area on Fuller Street in front of the club entrance, including but not limited to, periodically giving written notices and monitoring those areas.
11. That the landscaping approved by this board order shall be maintained in good condition and that any plant material that becomes diseased or dies shall be replaced with similar material.
12. That the club, when purchasing new lawn maintenance equipment, shall select equipment which make less noise and without any subsequent limitation being intended, the club shall replace current equipment with said reduced noise equipment within four years of the date of approval of this board order.
13. That the club shall schedule the use of lawn mowing equipment to minimize noise to the abutting neighbors.
14. That the club shall keep the peripheral areas of the property free from trash, shall remove dead and diseased plant material, maintain the areas on its property along the perimeter fence, and trim trees overhanging and interfering with pedestrian passage along the fence.
15. That the any alterations, construction or activities shall be in conformance with any applicable environmental and wetland laws and regulations, and, where applicable, the petitioner shall submit applications to the Newton Conservation Commission for review and approval.



16. That the club shall not mow the 18th green on the championship course until 7 am. and that newly acquired noise reducing mowing equipment shall be used first on exterior greens of holes numbered 3, 4, 11, 12, 18, and 2 of the championship course and on the exterior greens numbered 2, 3, 4, 7, and 8 on the highlands course in place as of the date of this board order.
17. That the petitioner shall locate a bike rack adjacent to the pool.
18. That the petitioner shall use best reasonable effort to recycle all materials used in the operation of the site.
19. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE and STRUCTURE until:
 - a. A final landscape plan including lighting and fixture design, indicating the location, number, size and type of landscaping and landscape materials to be installed shall have been submitted to and approved by the Director of Planning and Development and statement of certifying such approval for consistency with the plans cited in Condition #1 shall have been filed with the City Clerk and the Department of Inspectional Services.
 - b. The City Engineer has reviewed and approved site grading and drainage, and the installation of sidewalk and curbing improvements along street frontages and has certified such approval by filing a statement with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
 - c. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
 - d. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.
20. That no building or structure, or portion thereof subject to this SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE and STRUCTURE shall be occupied until:
 - a. The Petitioner shall have filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development a *registered architect or registered engineer certifying that Condition No. 1 has been complied with.*

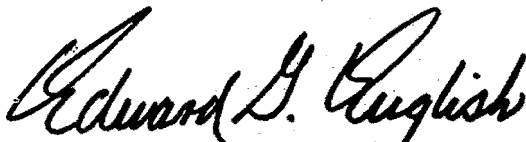
A True Copy
Attest
[Signature]
Registered Architect

- b. There shall have been filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that the finished grades and final construction details of the driveways, parking area, drainage systems, sidewalks, curbing and utility installations have been constructed to standards of the City of Newton Engineering Department.
- c. There shall have been 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, parking areas, and lighting installation.
- d. Notwithstanding the provisions of Section 20c, hereof, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy of all or portions of the buildings prior to installation of final landscaping provided that the Petitioner shall first have filed with the Director of Planning and Development 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.

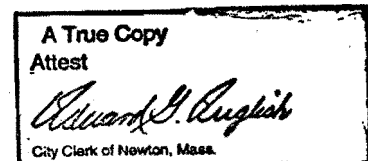
Motion to Reconsider filed on November 3, 1997;
Reconsideration Failed to Carry 23-0 on November 17, 1997; Vote of November 3 stands.
Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Ald. Antonellis)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT and SITE PLAN APPROVAL and is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on November 18, 1997. 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) EDWARD G. ENGLISH, City Clerk
Clerk of the Board of Aldermen



I, Edward G. English, 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 Nov. 18, 97 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST

Edward G. English
EDWARD G. ENGLISH, City Clerk

