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Page: 1 of 4 11/14/2012 01:23 PM

#208-12

CITY OF NEWTON

IN BOARD OF ALDERMEN

October 15, 2012

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 to extend a nonconforming building and use and to amend prior special permit #270-97, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

- 1) The expanded clubhouse footprint and outside seating areas are not inconsistent with the 2007 Newton Comprehensive Plan, and will serve the existing country club membership on a seasonal basis.
- 2) The proposed expansion and amendment to Board Order #270-97 will not be substantially more detrimental to the neighborhood in that there will be no increase in parking or traffic; the facade changes are minor and are in keeping with the style of the clubhouse building; and the interior and exterior alterations are sufficiently distant from residential neighbors.

PETITION NUMBER: 208-12

PETITIONER: Brae Burn Country Club

LOCATION: 326 Fuller Street, Newton, MA 02465
Containing approximately 193.5 acres

OWNER: Brae Burn Country Club ✓

ADDRESS OF OWNER: 326 Fuller Street, ✓
Newton, MA 02465

TO BE USED FOR: Expansion of ground level restaurant, lounge and grille room, and new outdoor dining area increasing seasonal seating by 32 seats

CONSTRUCTION: wood, concrete and metal

RECEIVED
 Newton City Clerk
 2012 OCT 22 AM 11:13
 David A. Olson, CMC
 Newton, MA 02459

PROPERTY ADDRESS: 326 Fuller St, Newton 02465
 TITLE REFERENCES: BK 3599, PG 417, BK 2607, PG 258;
 BK 3780, PG 269

Rosenberg, Frederick Goldstein
 246 Walnut St
 Newton, MA 02460

A True Copy
 Attest

 City Clerk of Newton, Mass.

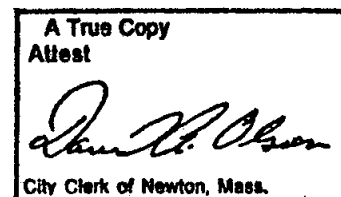
EXPLANATORY NOTES: Amend Board Order #270-97 to expand the clubhouse footprint and alter outside eating areas and associated landscaping

ZONING: Single Residence 1 District

This Board Order supersedes Board Order #270-97 and consolidates and incorporates herein those conditions and provisions from such prior special permit that remain applicable, are still in full force and effect, and are set forth in this special permit. Any conditions in special permits prior to Board Order #270-97 are still valid and in effect.

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:
 - Existing Conditions Site Plan, signed and stamped by Robert E. Weidknecht, Registered Landscape Architect, dated 4/4/12 and revised on 5/24/12
 - Proposed Site Plan, signed and stamped by Robert E. Weidknecht, Registered Landscape Architect, dated 4/4/12 and revised on 5/24/12
 - Proposed Landscape Plan, signed and stamped by Robert E. Weidknecht, Registered Landscape Architect, dated 5/7/12 and revised on 5/24/12
 - Architectural plans, signed and stamped by William M. Soupcoff, Registered Architect, and dated 7/9/12 including
 - Lower Level Floor Plan
 - South and East Elevations
2. The clubhouse facility shall be used for club functions, member events and member services; there shall be no renting the facility to outside groups.
3. During large events at which more than 200 people are expected to attend, the petitioner shall provide at least one police detail to monitor traffic flow, pedestrian crossings and the site entrance.
4. If it is anticipated that a parking shortfall could occur, the club shall implement stacked parking with valet control in accordance with the Brae Burn Country Club Parking Management Plan on file with the Planning Department.
5. 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.
6. The club shall continue any applicable and ongoing corrective actions subject to the approval of the Newton Conservation Commission to control the causes of and eliminate



- the noxious odors emanating from the pond caused by periodic algae blooms, and shall continue said control measures on an on-going basis.
7. There shall be no deliveries or trash pickup before 7:00 A.M. or after 7:00 P.M.
 8. Landscaping associated with this special permit shall be maintained in good condition and any plant material that becomes diseased or dies shall be replaced with similar material.
 9. The club shall schedule the use of lawn mowing equipment to minimize noise to the abutting neighbors.
 10. When purchasing new lawn maintenance equipment, the club shall select equipment which makes as little noise as possible.
 11. 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.
 12. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - 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. submitted final plans to the Planning Department to review for consistency with the plans listed in Condition #1.
 13. No 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 or engineer certifying compliance with Condition #1.
 - b. submitted to the City Engineer final as-built, record site engineering, utilities, grading and drainage plans in both digital format and hard copy.
 - c. submitted to the Commissioner of Inspectional Services and the Director of Planning and Development, final as-built plans both digital format and hard copy.
 - 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, fencing and parking areas associated with this special permit.
 14. Notwithstanding the provisions of Condition #13.d. above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of landscaping provided 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 site improvements to ensure their completion.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Alderman Lappin)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 October 22, 2012. 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:

Linda Filucane, acting
(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

LINDA FILUCANE

I, David A. Olson, 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 10/22/12 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

Linda Filucane, acting
(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

A True Copy
Attest
David A. Olson
City Clerk of Newton, Mass.