

CITY OF NEWTON
IN CITY COUNCIL

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 to allow a three-unit multifamily dwelling, allow a private garage in excess of 700 square feet, allow a retaining wall of four feet in the setback, and waivers to the parking requirements, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the proposed three-unit, multi-family dwelling because multi-family dwellings are an allowed use in the Multi-Residence 2 zone and the proposed structure is compliant with the dimensional standards. (§7.3.3.C.1)
2. The proposed multi-family dwelling as developed and operated will not adversely affect the surrounding neighborhood given the presence of other multi-family structures in the neighborhood and because parking is accommodated on site. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. The Council finds the proposed structure is centered on the lot which will allow for greater visibility for vehicles and pedestrians while navigating the bend in Orchard Street. (§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. The Council finds the site is an appropriate location for a private garage in excess of 700 square feet because the garage will remove three of the required six vehicles from view thereby preserving open space. (§3.4.2.C.1 and §7.3.3)
6. The Council finds the site is an appropriate location for a retaining wall of four feet in the setback distances due to the grade of the lot. (§5.4.2 and §7.3.3)
7. Literal compliance with the parking standards, including allowing parking within the front setback, and allowing a driveway entrance greater than 20 feet, are in the public interest because the concentration of parking along the Orchard Street frontage will reduce the number of curb cuts on site and preserve open space on other portions of the lot. (§5.1.7, §5.1.7.A, and §5.1.13)

PETITION NUMBER: #23-18

PETITIONER: 19-21 Orchard Street, LLC

LOCATION: 19-21 Orchard Street, Ward 1, on land known as Section 71, Block 16, Lot 01, containing approx. 12,320 sq. ft. of land

OWNER: 19-21 Orchard Street, LLC

ADDRESS OF OWNER: 12 Morse Lane
Natick, MA 01760

TO BE USED FOR: Three unit, multi-family dwelling

EXPLANATORY NOTES: §3.4.1 and §7.3.3 to allow a multi-family residential use in an MR-2 zoning district; §3.4.2.C.1 and §7.3.3 to allow a private garage in excess of 700 square feet; §5.1.7.A and §5.1.13 to allow parking within the front setback ; §5.1.7 §5.1.13 to allow a driveway width in excess of 20 feet; §5.4.2.B and §7.3.3 to allow a retaining wall of four feet or greater in a setback

ZONING: Multi-Residence 2 (MR-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. Civil plans entitled "19-21 Orchard Street, Newton, MA" prepared by Peter Nolan & Associates, signed and stamped by Peter Nolan Professional Land Surveyor, and stamped by Edmund Spruhan, Professional Engineer, consisting of the following five (5) sheets:
 - i. Civil Plan, dated 12/8/17, revised 1/2/18
 - ii. Detail Sheet, dated 12/8/17, revised 1/2/18
 - iii. Plot Plan, dated 12/8/17, revised 1/2/18
 - iv. Watershed Maps, dated 12/29/17
 - v. Landscape Plan, dated 12/8/17
 - b. Architectural drawings entitled "19-21 Orchard Street, Newton, MA" prepared by Civico Development, signed and stamped by Andrew Consigli, Registered Architect, dated January 3, 2017, consisting of the following fourteen (14) sheets:
 - i. Title Sheet
 - ii. Street Level View

- iii. Street Level View
 - iv. Basement Floor Plan
 - v. Basement/First Floor Plan
 - vi. First/Second Floor Plan
 - vii. Third Floor Plan
 - viii. Diagrammatic Plan/Elevation
 - ix. South Elevation
 - x. North Elevation
 - xi. East Elevation
 - xii. West Elevation
 - xiii. Street Level View
 - xiv. Street Level View
2. The petitioner shall comply with the Tree Preservation Ordinance.
 3. All utilities shall be located underground from the property line.
 4. Prior to the issuance of any building permit for the Project, 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.
 5. Prior to the issuance of any Building Permit, the petitioner shall provide a Final Landscape Plan for review and approval to the Director of Planning and Development.
 6. 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 recorded by the petitioners at the Middlesex South District Registry of Deeds and implemented. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 7. 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 Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Obtained a written statement from the Engineering Division of Public Works that confirms receipt of a certified Copy of the O&M Plan in accordance with Condition #6.
 - e. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.

- f. Submitted a Final Landscape Plan to the Director of Planning and Development for review and approval.
9. No Final Inspection/Occupancy Permit for the use covered by 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 or engineer 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. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Engineering Division of Public Works a statement from the Department of Planning and Development approving the final location, number and type of plant materials and final landscape features.
 10. All landscaping shall be maintained in good condition and shall be replaced with similar material as necessary.
 11. Notwithstanding the provisions of Condition #9d 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.