



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

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Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	February 6, 2018
Land Use Action Date:	April 10, 2018
City Council Action Date:	April 16, 2018
90-Day Expiration Date:	May 7, 2018

DATE: February 2, 2018

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #67-18**, for SPECIAL PERMIT/SITE PLAN APPROVAL APPROVAL to relocate an existing dwelling, add a unit to the rear of the dwelling and construct two additional single-family attached dwellings in an MR-1 district, requiring a special permit at **336 Newtonville Avenue**, Ward 2, Newtonville, on land known as Section 22, Block 07, Lot 19, containing approximately 29,896 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1 of the City of Newton Rev Zoning Ord, 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



336 Newtonville Avenue

EXECUTIVE SUMMARY

The property at 336 Newtonville Avenue is a 29,896 square foot lot located in a Multi-Residence 1 (MR1) zoning district. The lot is improved with a single family residence constructed circa 1850 that was converted into a two-family dwelling in 1948. A variance allowing for three units on the site granted in 1978 was never exercised, and the property was converted back to a single-family use in 1996.

The petitioners propose to preserve the existing single-family dwelling and relocate it approximately 40 feet closer to Newtonville Avenue. A second unit would be attached to the rear of that structure, and a new second structure containing two attached single family dwellings would be constructed at the rear of the parcel, resulting in four attached single-family dwelling units (two in each of the two structures) being located on the site. Each of the four units will have two garage parking spaces, with those for one dwelling being located in a detached garage. To construct single-family attached dwellings in the MR1 zoning district requires a special permit.

The Planning Department is not generally concerned with the location of the proposed attached single family dwellings on this property given the size of the parcel, that the project will preserve a historic (if relocated) structure, and that they will conform with relevant dimensional requirements. Furthermore, the project is designed with sensitivity to abutting properties, will not detract from the neighborhood's streetscape and, consistent with the goals of the 2007 Comprehensive Plan, will further diversify Newton's housing stock.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The site in a Multi-Residence 1 (MR1) district is an appropriate location for the two proposed two-unit attached single-family dwellings (§7.3.3.C.1);
- The two proposed two-unit attached single-family dwellings will adversely affect the neighborhood (§7.3.3.C.2);
- The two proposed two-unit attached single-family dwellings will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The neighborhood is predominantly comprised of two family dwellings with several

single family dwellings (including the subject property) interspersed throughout. Exceptions include a three-family dwelling abutting to the east, a four unit condominium dwelling, and the Benchmark assisted living facility and its associated parking facilities (both to the east), as well as and several industrial/commercial properties to the north and east (generally adjacent to the Massachusetts Turnpike and/or along Newtonville Avenue). There are also four small (approx. 1,350 square feet each) lots that directly abut the site to the south, each occupied by small garages (**Attachment A**). The subject property and the immediate vicinity are zoned MR1, with several Multi Residence 3 (MR3) and Manufacturing parcels associated with the assisted living and industrial/commercial properties referenced above (**Attachment B**).

B. Site

The property consists of a generally rectangular 29,896 square foot lot (one of the largest residential parcels in the vicinity) with 120 feet of frontage. Improved with a single family dwelling constructed circa 1850, the site is generally level, rising slightly near its center at the location of said dwelling. The property is accessed via a driveway on the right side of the dwelling, and there is also an approximately 20 by 30 foot paved parking area at the back of the sidewalk adjacent to the right (west) property line. The remaining portions of the site feature lawn and mature trees and shrubs, a paved brick patio off the rear of the dwelling, a play structure and a small accessory structure. There is also an existing retaining wall close to, and largely parallel with, the rear (southern) property line that delineates the site from several small adjacent lots referenced above that each contain a garage structure and are a few feet lower in grade than the subject parcel.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The proposed use of the site is four attached single-family dwellings (two in each of two structures) with eight parking spaces; of the spaces, four are within the front structure's first floor level, two are within the rear structure's first floor level, and two are in a garage located in the rear right of the property.

B. Building and Site Design

The petitioner is proposing to create four attached dwelling units, two within each of two structures. One structure would be the existing single-family dwelling relocated approximately 41 feet toward Newtonville Avenue and expanded with a new single family dwelling attached to its rear (Units 1 & 2); attached two-car garages would be provided for each of the units. The other structure, also containing two attached dwellings (Units 3 & 4), would be constructed to the rear of the property. It would

include an attached two-car garage for Unit 3, while one of its two units; parking for Unit 4 would be provided in a 522 square foot detached two-car garage located at the rear right of the property.

The proposal's lot area per unit is 7,474 square feet, almost twice the minimum 4,000 square feet required. The property's front, side and rear setbacks of 33.5, 26.5 and 25.5 feet, respectively, exceed the 25 foot requirement for each.

Both of the structures would have 2½ stories. The relocated and expanded front dwelling (Units 1 and 2) would measure 28.3 feet in height, below the allowed 36 feet. The proposed rear dwelling (Units 3 and 4) would measure 28.0 feet in height, also below the allowed 36 feet.

Although the NZO does not establish FAR requirements for single family attached dwellings, the petitioner has indicated that the project's floor area ratio (FAR) is 0.407 (non-inclusive of attic space). The Planning Department notes, for comparison, that the allowable FAR for single- and two- family structures on a similarly sized lot in an MR1 district would be of 0.38 with a possible bonus of 0.02 for new construction that complies with the "new lot" front, side and rear setback requirements of 30, 10 and 15 feet.

The property's lot coverage would be 22.9%, significantly higher than the 6.1% that currently exists, but below the maximum 25% allowed. Open space on the lot would decrease from the previously existing 85.1% to 58.8%, but remain above the required 50%.

As designed, the project would also include the replacement of the existing wooded retaining wall along the rear (south) property line shared with the small garage lots referenced above with a new concrete retaining wall that would measure less than four feet in height. It would also extend along a small adjacent portion of the left (west) boundary.

C. Parking and Circulation

The petitioners are proposing to provide eight parking spaces- four within garages attached to the front structure, two within a garage attached to the rear structure, and two in a detached garage located in the rear right of the lot. All eight spaces would be accessed via an approximately 18 foot wide paved driveway and circulation area along the right (west) side of the property. As designed, the wide existing curb cut (which extends into the adjacent property's frontage), would be narrowed, allowing for landscaping to be provided at the back of the sidewalk between the driveway and the adjacent property.

D. Landscaping

According to the submitted landscape plan, numerous existing mature trees, mostly

in the front of the property and along the side and rear property lines would be retained; approximately 13 trees would be removed to facilitate the proposed construction and site changes. The loss would be balanced by the addition of approximately 30 new arborvitae and three new deciduous trees along the left (east) property line, 15 new arborvitae along the right (west) property line, and several new deciduous trees adjacent to the dwellings. The petitioner has also indicated that the site will be fenced along its sides and rear.

The Planning Department generally believes that the proposed additional trees and fencing, in concert with the existing vegetation will adequately screen the site from adjacent properties. That said, the Planning Department suggests that the location of said fencing along the rear and left (west) property lines be denoted more explicitly on the final landscape plan.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Special Permit per §7.3.3 to allow attached single-family dwellings in an MR1 zoning district (§3.4.1).

B. Engineering Review

The Engineering Division Memorandum (**Attachment D**) provides an analysis of the proposal with regard to engineering issues. The memorandum raised several issues and the petitioner has been in contact with the Engineering Division to resolve them.

The memo also notes that a construction management plan (CMP) will be required for this project and such requirement should be included in any Order for this petition. The Engineering Division will also review the project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit for the proposed work in the event this petition is approved.

C. Fire Department Review

The petitioner has indicated that the proposal has been reviewed and approved by the Fire Department.

D. Historic Preservation Review

On January 11, 2018, the Newton Historical Commission (NHC) waived the demolition delay based on approved plans and conditioned upon certain material and design requirements (**Attachment E**). Further, the NHC reiterated its support for the project, including for the proposed relocation of the existing dwelling closer to the street. Lastly, it recommended that any “unforeseen changes” related to the proposed relocation or renovation of the historic house be reviewed by the NHC.

V. PETITIONER’S RESPONSIBILITIES

The petition is considered complete at this time.

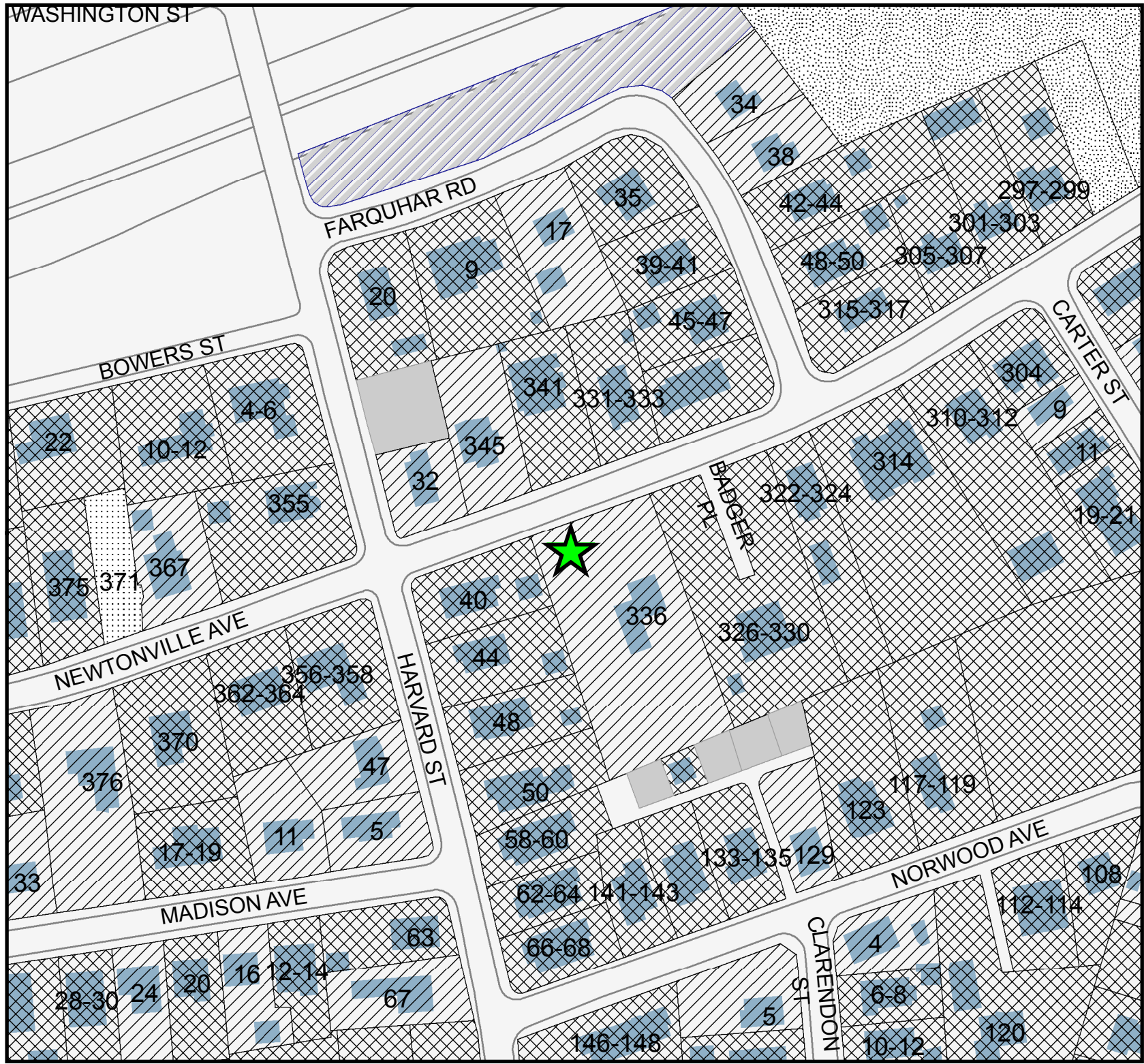
ATTACHMENTS:







- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** Engineering Review Memorandum
- Attachment E:** Newton Historic Commission Decision, dated January 22, 2018
- Attachment F:** DRAFT Order

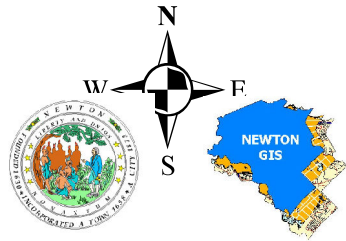
Land Use

336 Newtonville Ave.

City of Newton,
Massachusetts

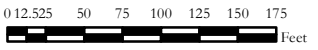


- Land Use**
-  Single Family Residential
 -  Multi-Family Residential
 -  Commercial
 -  Industrial
 -  Mixed Use
 -  Vacant Land



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
 Mayor - Setti D. Warren
 GIS Administrator - Douglas Greenfield



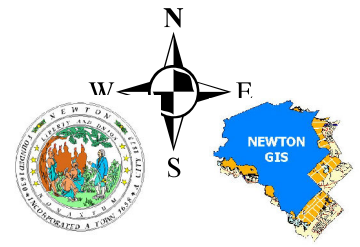
Zoning

336 Newtonville Ave.

City of Newton,
Massachusetts

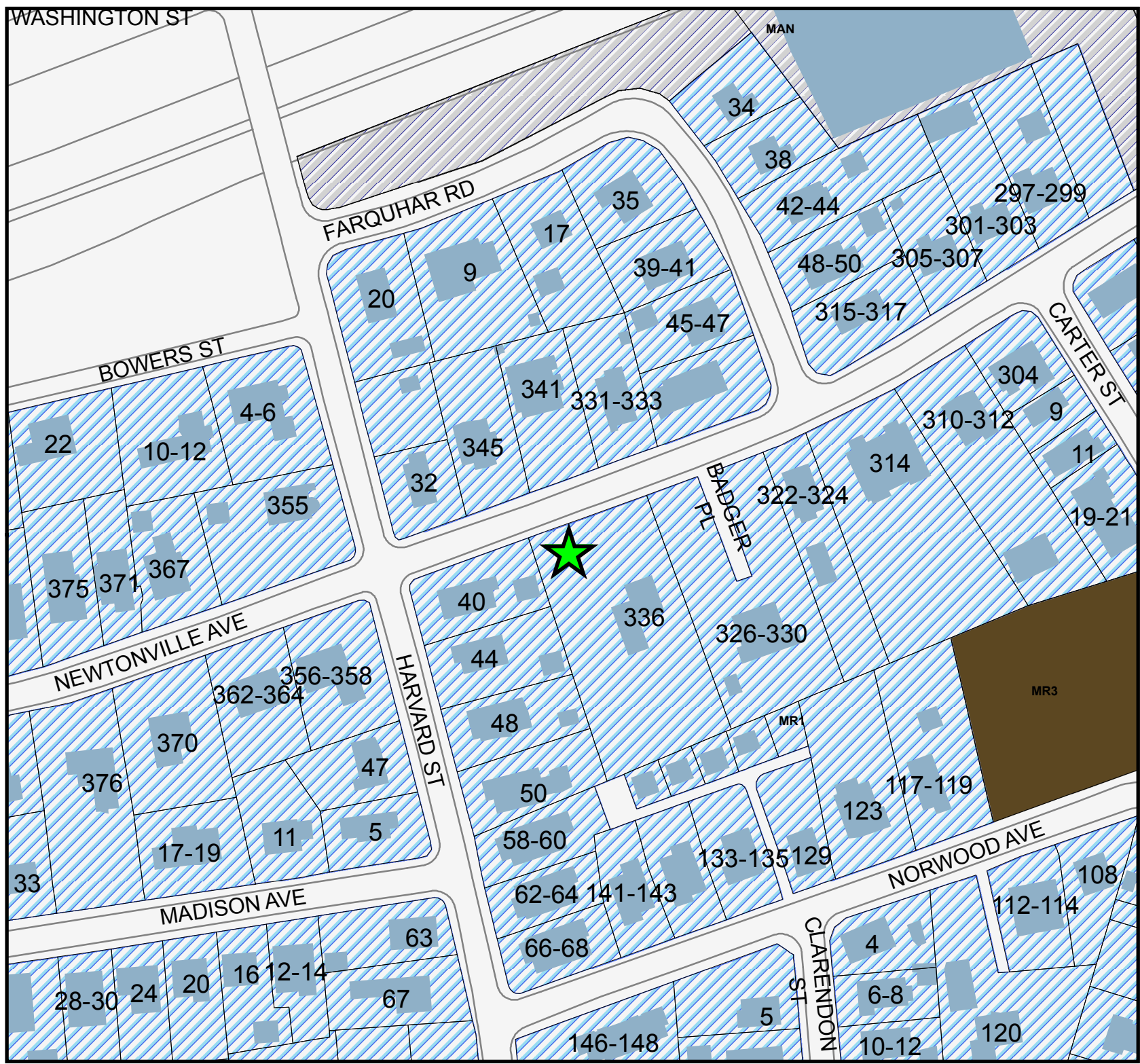
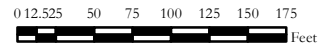
Legend

-  Multi-Residence 1
-  Multi-Residence 3
-  Business 2
-  Manufacturing



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield





Setti D. Warren
Mayor

ATTACHMENT C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 5, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Donald and Linda Stanton, Applicants
Laurence Lee, Attorney
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to allow two two-unit attached single-family dwellings**

Applicant: Donald and Linda Stanton	
Site: 336 Newtonville Avenue	SBL: 22007 0019
Zoning: MR1	Lot Area: 29,896 square feet
Current use: Single family dwelling	Proposed use: Two two-unit attached dwellings

BACKGROUND:

The property at 336 Newtonville Avenue consists of 29,896 square feet and is improved with a single family residence constructed circa 1850. The dwelling was converted into a two-family in 1948 and received a variance in 1978 to allow for three units. That variance was never filed and exercised, as the owner at the time was unable to meet one of the conditions. The property reverted to a two-family use, and then was converted back to a single-family use in 1996 by the current owners. The applicants have received approval from Newton Historical Commission to relocate the existing dwelling closer to the street and add a second attached unit to back of the dwelling. Another two attached units will be constructed at the rear of the property. To construct single-family attached dwellings in the MR1 zoning district requires a special permit.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Laurence Lee, attorney, dated 6/30/2017
- Existing Conditions Plan, signed and stamped by Bruce P. Eaton, surveyor/engineer, dated 2/16/2016
- Site Plan, signed and stamped by James A. Herrick, engineer, dated 5/4/2017
- Landscape Plan, prepared by Sangiolo Associates, architect, dated 2/14/2017
- Elevations, prepared by Sangiolo Associates, architect, dated 4/3/2017

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to relocate the existing dwelling to the front of the property and construct a second attached unit. Two additional attached units are proposed at the rear of the property, for a total of four single-family attached dwellings in two buildings on the site. Three of the units will have attached garages, and the fourth will have a detached two-car garage. Per Section 3.4.1 a special permit is required to construct attached single family dwellings in the MR1 zoning district.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	29,896 square feet	No change
Frontage	80 feet	120 feet	No change
Setbacks			
• Front	25 feet	74.3 feet	33.5 feet
• Side	25 feet	23.2 feet	25.6 feet
• Rear	25 feet	98.7 feet	25.5 feet
Building Height	36 feet	30 feet	31.43 feet
Max Number of Stories	2.5	2.5	2.5
Lot Coverage	25%	6.1%	22.9%
Open Space	50%	85.1%	58.8%
Lot Area Per Unit	4,000 square feet	29,896 square feet	7,474 square feet

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings in an MR1 zoning district	S.P. per §7.3.3

ATTACHMENT D

CITY OF NEWTON Department of Public Works ENGINEERING DIVISION

MEMORANDUM

To: Council Marc Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 336 Newtonville Avenue

Date: October 20, 2017

CC: Barney Heath, Director of Planning
Jennifer Caira, Chief Planner
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Michael Gelba, Sr. Planner

In reference to the above site, I have the following comments for a plan entitled:

*Proposed Site Plan
336 Newtonville Avenue
Prepared By: Civil Environmental Consultants
Dated: 5-4-'17*

Executive Summary:

The plans submitted were not to scale and difficult to read, they need to be at full scale. Additionally the drainage report was not complete, and it included a survey plan for a site in Revere, MA (Albert Avenue)?

The drainage summary indicated that the pre-development runoff rate is 1.74 cubic feet per second (cfs) ; and post-development is 3.34 cfs, resulting in an increase of 1.6 cfs not 0.59 cfs as reported. The drainage report needs to be corrected & resubmitted; the City standard is to study and report both volume (acre-feet) and rate of runoff (cubic feet/sec) for the net increase of impervious surfaces for the 100-year storm of 8.78" over a 24-hour period. The net increase is what must be collected and infiltrated on site there must be zero increase in volume & rate to any abutter or City road.

The sanitary sewer layout is unacceptable. Two additional manholes are required where the direction of flow changes. A profile of the proposed sanitary sewer is required, showing the finished surface grade, the pipe material (6"SDR 35 PVC) minimum slope of 25 and maximum slope of 10%; rim and invert elevations of manholes need to be labeled. Two manholes of the existing sewer main within Newtonville Avenue showing rim and invert elevation must be shown in order to verify the proposed sanitary sewer design.

The Fire Department may require a hydrant on the property; additionally consideration should be given to include fire sprinkler system for each of the units, this is an excellent selling point and allows for a reduction of homeowners insurance rates.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.
2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean.

Drainage:

1. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
2. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Sewer:

1. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
2. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the City of Newton Construction Standards Detail Book.
3. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
4. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer.

Water:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.
2. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
3. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility in question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading, improvements

and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. ***This note must be incorporated onto the final contract plans.***

7. All site work including trench restoration must be completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

ATTACHMENT E



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RECORD OF ACTION:

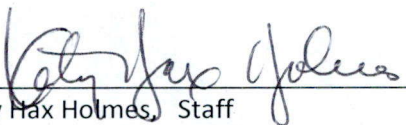
DATE: January 22, 2018
SUBJECT: 336 Newtonville Avenue

At a scheduled meeting and public hearing on January 11, 2018, the Newton Historical Commission, by a vote 6-0:

RESOLVED to waive the demo delay on 336 Newtonville Avenue based on approved plans, and on the condition that the window replacement plan using SDLs with exterior muntins and spacer bars be implemented as presented; that a flagstone veneer be installed over the newly poured foundation beneath the historic home and ell only; that the east side chimney be replicated in its original location; and that the Commission reiterates its approval for moving the house closer on the same lot to the street. The clapboard siding will also be painted. The Commission also confirmed its support for this project and appreciated the level of planned effort to restore the historic building. The Commission also made a recommendation to the Land Use Committee that any unforeseen changes requested by the owner or his agent, with respect to the planned move or restoration of the historic house, be vetted through the Newton Historical Commission.

Voting in the Affirmative: Voting in the Negative: Abstained:
Nancy Grissom, Chairman
Peter Dimond, Member
Doug Cornelius, Member
Jean Fulkerson, Member
Mark Armstrong, Member
Laura Fitzmaurice, Member

Title Reference: Owner of Property: 336 Newtonville Ave LLC
Deed recorded at: Middlesex (South) Registry of Deeds
Book 69905, Page 272
Date 9/8/2017


Katy Max Holmes, Staff



Setti D. Warren
Mayor

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Barney S. Heath
Director

Newton Historical Commission Demolition Review Decision

Date: 1/22/18

Zoning & Dev. Review Project# 16120005

Address of structure: 336 Newtonville Avenue

Type of building : House

If partial demolition, feature to be demolished is _____

The building or structure:

is _____ is not x in a National Register or local historic district not visible from a public way.

Is _____ is not x on the National Register or eligible for listing.

is _____ is not x importantly associated with historic person(s), events, or architectural or social history

is X is not _____ historically or architecturally important for period, style, architect, builder, or context.

is _____ is not x located within 150 feet of a historic district and contextually similar.

is _____ **NOT HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance.

Demolition is not delayed and no further review is required.

is X **HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

_____ **APPROVES** the proposed project based upon materials submitted see below for conditions (if any).

Demolition is not delayed, further staff review may be required.

X **DOES NOT APPROVE** and the project requires
Newton Historical Commission review (See below).

The Newton Historical Commission finds the building or structure:

is _____ **NOT PREFERABLY PRESERVED**

Demolition is not delayed and no further review is required.

is X **PREFERABLY PRESERVED – (SEE BELOW).**

Delay of Demolition:

_____ is in effect until _____

X **has been waived - see attached for conditions**

Determination made by:

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.

ATTACHMENT F

DRAFT- #67-18
336 Newtonville Avenue

CITY OF NEWTON

IN CITY COUNCIL

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 allow four single-family attached dwellings, 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 four attached single-family dwellings in two structures as it is located in a neighborhood with a mix of single-, two- and multi- family dwellings and the lot area per unit of the proposed development is 7,474 square feet, exceeding the minimum 4,000 square feet required (§7.3.3.C.1; §3.4.1);
2. The proposed project as developed and operated will not adversely affect the surrounding neighborhood (§7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
4. Access to site is appropriate for the number and types of vehicles involved. (§7.3.3.C.4).

PETITION NUMBER: #67-18

PETITIONER: 336 Newtonville Ave LLC

LOCATION: 366 Newtonville Avenue, Ward 2, on land known as Section 22, Block 7, Lot 19, containing approximately 29,896 sq. ft. of land

OWNER: 336 Newtonville Ave LLC

ADDRESS OF OWNER: 28 Brooks Street
Brighton, MA 02135

TO BE USED FOR: Four single-family attached dwellings

EXPLANATORY NOTES: Special permit as per §7.3.3:

- to allow four attached single-family dwellings in an MR1 zoning district (§3.4.11).

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. Site plans, prepared by Civil Environmental Consultants, L.L.C., signed and stamped by Bruce P. Eaton, Professional Engineer and Professional Land Surveyor, consisting of the following three (3) sheets:
 - i. "Existing Conditions Plan for Patrick McKenna at 336 Newtonville Ave., Newton, MA," dated February 16, 2016;
 - ii. "Proposed Site Plan, 336 Newtonville Avenue Newton, MA for Patrick McKenna," dated May 4, 2017;
 - b. A plan, entitled "Detail Sheet, 336 Newtonville Avenue Newton, MA for Patrick McKenna," signed and stamped by James A. Herrion, Professional Engineer dated May 4, 2017.
 - c. Architectural plans entitled "4 Unit Development for 336 Newtonville Ave, Newton, MA," prepared by Sangiolo Associates Architects, consisting of the following ten (10) sheets:
 - i. Area Plan and Density (A1), dated April 3, 2017;
 - ii. First Floor Plans (A2), dated June 28, 2017;
 - iii. Second Floor and Attic Plans (A2.1), dated June 28, 2017;
 - iv. Front Elevation (A3), signed and stamped by Mark Sangiolo, Registered Architect, dated April 3, 2017;
 - v. Elevations (North (Street) Elevation and South Elevation)(A4), signed and stamped by Mark Sangiolo, Registered Architect, dated April 3, 2017;
 - vi. Elevations (West Elevation and East Elevation)(A5), signed and stamped by Mark Sangiolo, Registered Architect, dated April 3, 2017;
 - vii. Landscape Plan, dated February 14, 2017.
2. Any modifications to the plans referenced in Condition #1 related to the proposed relocation and/or renovation of the historic house shall be submitted to the Newton Historic Commission for its review and approval.
3. The petitioner shall comply with the Tree Preservation Ordinance.

4. All lighting fixtures shall be residential in scale.
5. 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. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - d. 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.
 - e. Provided a Final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
 - f. Provided 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, incorporated into the deeds; and recorded at the Registry of Deeds for the Southern District of Middlesex County. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 - g. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
6. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall submit a Construction Management Plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
 - a. staging site for construction equipment,
 - b. construction materials,
 - c. parking of construction workers' vehicles,
 - d. phasing of the project with anticipated completion dates and milestones,
 - e. safety precautions,
 - f. emergency contact personnel of contractor
 - g. anticipated dewatering during construction,
 - h. site safety & stability, and
 - i. impacts to abutting properties.

7. 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.
8. 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 Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - 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 and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
9. Notwithstanding the provisions of Condition #8 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 provided 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.
10. All landscaping shall be maintained in good condition and shall be replaced with similar material as necessary.