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#67-18
336 Newtonville Avenue



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CITY OF NEWTON

IN CITY COUNCIL

March 5, 2018

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CITY CLERK

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 Vice Chairman, Councilor Richard A. Lipof:

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)

69905-272

PETITION NUMBER: #67-18

PETITIONER: 336 Newtonville Ave LLC

LOCATION: 336 Newtonville Avenue, Ward 2, on land known as Section 22, Block 7, Lot 19, containing approximately 29,896 sq. ft. of land

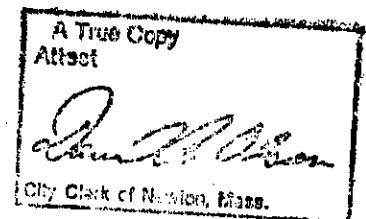
OWNER: 336 Newtonville Ave LLC

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:

Rosenberg, Freedman & Lee LLP
246 Walnut St.
Newton, MA 02460-1639



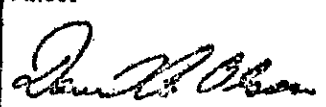
336 Newtonville Avenue, Newton MA

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

ZONING: Multi-Residence 1 district

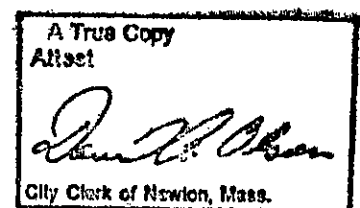
Approved subject to the following conditions:

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. The petitioner shall preserve the existing proportions, substrate (underlying shell) and architectural details that contribute to the historic significance of the original structure including but not limited to all exterior walls, roof structure, and window openings. Any unforeseen changes to the existing proportions or substrate of the original structure or the planned relocation of the existing house shall not be made without approval by the Newton Historical Commission. Any replacement in kind or deviation regarding the materials shown

A True Copy
Attest

City Clerk of Newton, Mass.

on the plans referenced in Condition #1 above shall require the prior approval by the Preservation Planner and ISD staff prior to such replacement.

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



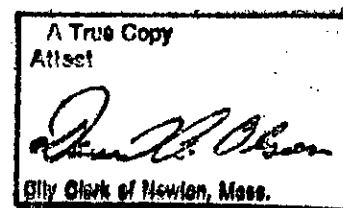
- g. anticipated dewatering during construction,
 - h. site safety & stability, and
 - i. impacts to abutting properties.
7. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. 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 #8d 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.

Under Suspension of Rules

Readings Waived and Approved

18 yeas 2 nays (Councilors Auchincloss and Laredo) 4 absent (Councilors Ciccone, Danberg, Gentile, and Lipof)

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 March 7, 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:

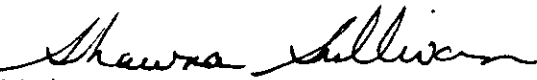


(SGD) ~~DAVID A. OLSON~~, City Clerk

Acting 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 3/2/18 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

