

#437-03

2003 DEC -4 PM 2:51
CITY CLERK
NEWTON, MA. 02459CITY OF NEWTONIN BOARD OF ALDERMEN

December 1, 2003

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, hereby grants the following SPECIAL PERMIT and SITE PLAN APPROVAL to locate required parking off-site and to waive certain dimensional parking facility design requirements for existing non-conforming parking 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:

1. The Board finds that the public convenience and welfare will be served through the use of an existing parking lot located to the rear of 133 and 135 Winchester Street to provide some of the required parking stalls for businesses located at 60 Needham Street because:
 - a. The location of some of the required parking stalls off-site will further the goals of the Needham Street Redevelopment Plan by removing parking stalls from the front of the building at 60 Needham Street, resulting in the addition of greenspace and improved pedestrian access.
 - b. The relocation of 14 required parking stalls off-site will permit the existing non-conforming parking facility at 60 Needham Street to be improved by eliminating some of the existing non-conformities such as stacked parking stalls.
 - c. The petitioner has a long-term lease until the year 2024 for the existing non-conforming parking lot adjacent to 60 Needham Street, which lot has sufficient capacity to accept the parking stalls being relocated.
 - d. The existing handicapped parking stalls on the adjacent leased parking facility will be improved by creating conforming stall dimensions and are appropriately located to the rear of the building near the existing handicapped ramp.

PETITION NUMBER: #437-03

PETITIONER: Sullivan Realty Trust, Jean Greer, Trustee/Winchester Realty Trust, and James McDonald, Trustee

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LOCATION: 60-64 Needham Street, Ward 8, Newton, on land known as Section 83, Block 11, Lot 18, containing approximately 25,731 square feet of land; rear of 133-135 Winchester Street, on land known as Section 83, Block 11, Lot 17 and a portion of Lot 12.

OWNER: Sullivan Realty Trust, Jean Greer, Trustee (60-64 Needham Street)/Winchester Realty Trust, James McDonald, Trustee (133-135 Winchester Street)

ADDRESS OF OWNER: Three Newton Executive Park, Newton, MA 02462

TO BE USED FOR: Use of 15 parking stalls located in an adjoining parking facility on land leased at the rear of 133-135 Winchester Street to satisfy the required parking demand for 60-64 Needham Street; the proposed and current businesses at 60 Needham Street (branch bank and framing store) have a parking requirement of 32 stalls.

CONSTRUCTION: Restripe a portion of existing paved parking; no new parking

EXPLANATORY NOTE: Section 30-19(f)(2) allows the Board of Aldermen to grant a special permit to allow required parking to be located on an off-site parking facility that is under lease; Section 30-19(f)(3) allows the Board to grant a special permit to allow the use of residence-zoned land for accessory business parking. Section 30-19(m) allows the Board to grant a waiver of certain parking facility standards. The total on and off-site parking stalls provided pursuant to this special permit is 33.

Land referred to is located in Mixed Use 2 and Multi-Residence 1 zoning districts.

Approved, subject to the following conditions:

1. All buildings, structures, and other site features associated with this special permit shall be located and constructed consistent with the following plan:
 - a. "Layout and Materials Plan" prepared by SMMA, consisting of one sheets, dated 14 October 2003, revised 26 November 2003;
2. The existing vegetated hillside between the site and the residences to the rear should be maintained to ensure adequate screening of the off-site parking area.
3. If Mass Highway approves a temporary curb cut barrier, the petitioner shall install this temporary improvement and install plantings consistent with the narrowed curb cut.

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4. No building permit shall be issued pursuant to this SPECIAL PERMIT and SITE PLAN APPROVAL until:
 - a. The petitioners shall have applied to Mass Highway to install a temporary curb barrier, designed in conjunction with the City Traffic Engineer and Fire Department, to reduce to curb cut at the entrance driveway to the property. The filing of a request with Mass Highway shall satisfy this condition.
 - b. The petitioners shall have submitted a final landscape plan, consistent with the landscape concept depicted in the "Layout and Materials Plan" approved by Board of Aldermen, listed in Condition 1, to the Director of Planning and Development for review and approval.
 - c. The petitioners 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 and SITE PLAN APPROVAL.
 - d. A certified copy of such recorded notices shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.
5. No portion of the building that requires the off-site parking stalls permitted by this SPECIAL PERMIT and SITE PLAN APPROVAL shall be occupied until:
 - a. The petitioners shall have filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or registered engineer certifying that Condition 1 has been complied with.
 - b. 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, and other site improvements related to this special permit.
 - c. Notwithstanding the provisions of Condition 5(b), the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy 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.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 excused (Ald. Hess-Mahan)

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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 December 4, 2003. 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.

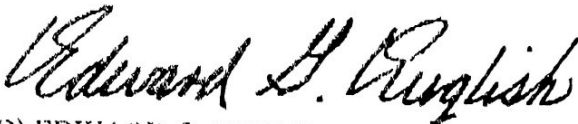
ATTEST:



(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 12/4/03 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:



(SGD) EDWARD G. ENGLISH, City Clerk
Clerk of the Board of Aldermen

#437-03(2)

2005 APR 21 PM 3:34
CITY CLERK
NEWTON, MA. 02459

CITY OF NEWTON

IN BOARD OF ALDERMEN

April 19, 2005

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, hereby grants the following **SPECIAL PERMIT** for a freestanding sign and **AMENDMENT OF A PREVIOUSLY APPROVED SITE PLAN** in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman George Mansfield:

1. The Board finds that the proposed amendment to Board Order #437-03 to allow for a free standing sign is appropriate for this site because:
 - a. The angle of the building on the subject property and the siting of the adjacent buildings limit the visibility of the secondary wall sign for tenant space in the building (which space is currently occupied by Sovereign Bank).
 - b. The new sign will help the traveling public identify the businesses at this site in advance of the driveway access point.
 - c. The proposed landscaping will improve the streetscape.

PETITION NUMBER: #437-03(2)

PETITIONER: Jason Parillo/Back Bay Signs

LOCATION: 60-64 Needham Street, Ward 8, Newton Highlands, Section 83, Block 11, Lot 18, and containing approximately 25,731 sq. ft. of land.

OWNER: Jean E. Grier for Sullivan Realty Trust

ADDRESS OF OWNER: 115 Walnut Street
Marstons Mills, MA 02648

TO BE USED FOR: 33.8 sq. ft. freestanding sign

CONSTRUCTION: Double faced illuminated lexan panel sign with applied vinyl graphics.

EXPLANATORY NOTE: Section 30-20(1) allows the Board of Aldermen to grant a special permit to allow freestanding signs in commercial districts.

Land referred to is located in a Mixed Use 2 District.

Approved, subject to the following conditions:

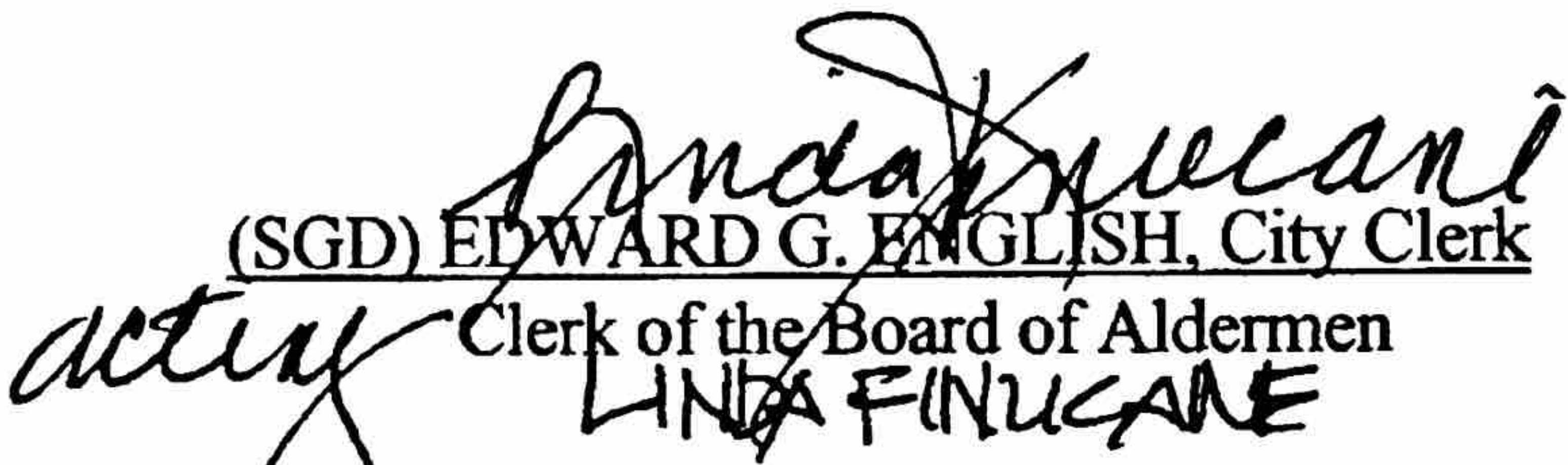
1. The freestanding sign associated with this special permit shall be located and constructed consistent with the following plans, except as amended in Conditions 3. and 4., below:
 - a. Site Plans, dated 12/20/04, as prepared by Symmes Maini & McKee, including the following 2 sheets:
 - i. "Layout & Materials Plan," and
 - ii. "Planting Plan"
 - b. Sign Detail Plans, dated 12/6/2004, prepared by Back Bay Sign
 - i. Drawing 1, "Propose Monument Sign," and
 - ii. Drawing 2, "Proposed Monument Sign, Lighting Details."
2. Except as amended by this board order, all conditions of Board Order # 437-03 shall remain in effect.
3. Prior to the issuance of a building permit, the petitioner shall submit a revised site plan that shows the proposed sign location set back a minimum of 7'-0" from the front property line.
4. Prior to the issuance of a building permit, the petitioner shall submit a revised "Planting Plan" with the following changes:
 - a. Eliminate the six (6) Taxus 'Densiformis' from along the base of the sign, and replacement with ground cover type landscaping; and
 - b. Limit to a maximum height of 20" all other proposed Taxum 'Densiformis' plantings.

5. Prior to the issuance of a building permit, the petitioner shall submit revised lighting and sign face details that include lower wattage lamps and/or diffusers on the back of the panels to minimize the intensity of the lighted sign.
6. All landscaping proposed in connection with this special permit amendment shall be maintained at a maximum height of 20" to assure clear sight lines for drivers of vehicles exiting the site.
7. The sign shall not be lighted earlier than one-half hour prior to the opening of the business or later than one-half hour after the closing of the business.
8. No building permit for the freestanding sign shall be issued pursuant to this AMENDMENT TO A SPECIAL PERMIT/SITE PLAN APPROVAL until:
 - a. 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 amendment to a special permit and site plan approval.
 - b. A certified copy of such recorded notices shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.
 - c. The petitioner has submitted a final site plan, planting plan, and sign details, in accordance with conditions 3., 4., and 5., above, for review and approval by the Director of Planning and Development.
9. No Certificate of Occupancy for the freestanding sign shall be issued pursuant to this AMENDMENT TO A SPECIAL PERMIT/SITE PLAN APPROVAL until:
 - a. 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 and final landscape features and final location of the sign in accordance with Conditions 1., 3., and 4., above.
 - b. Notwithstanding the provisions of Condition #9a hereof, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for the sign 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 and sidewalk improvements.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Ald Hess-Mahan)

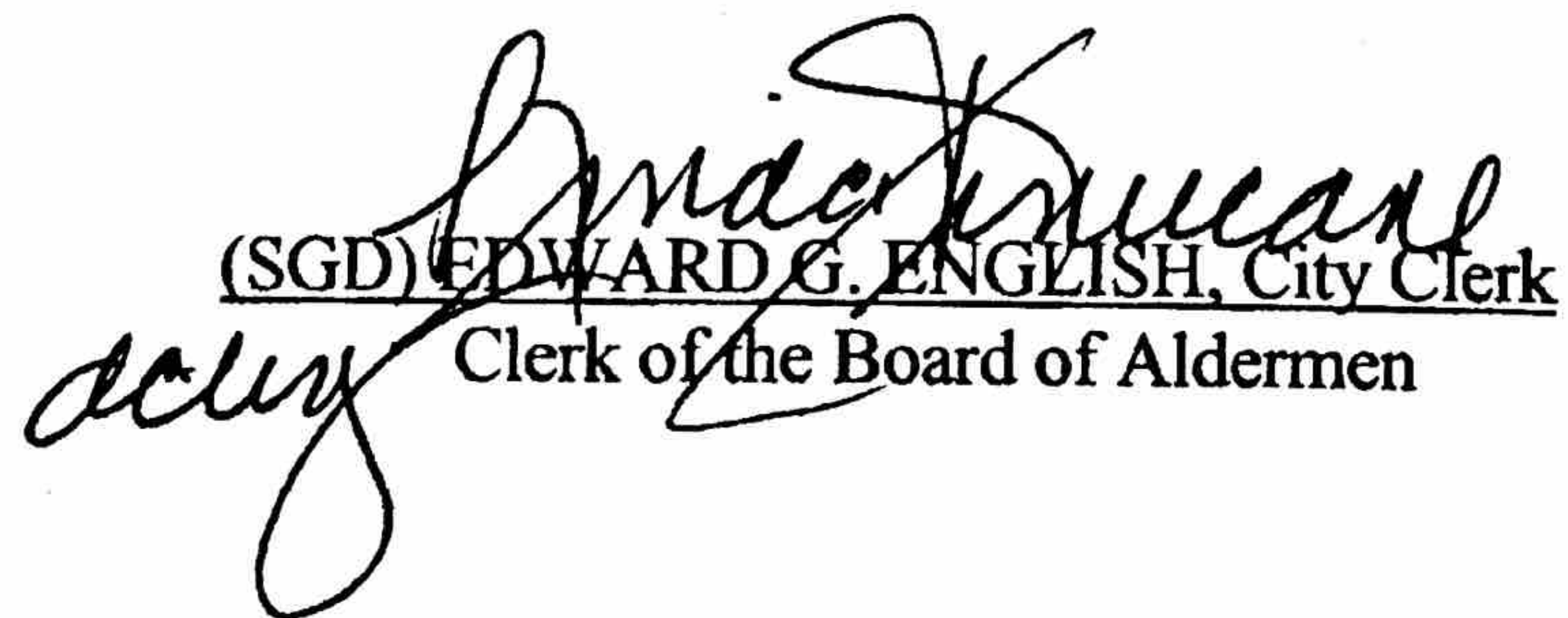
The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on April 26, 2005. The undersigned further certifies that 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
LINDA FINUCANE

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 _____ and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:


(SGD) EDWARD G. ENGLISH, City Clerk
Clerk of the Board of Aldermen



#437-03(2)

CITY CLERK
NEWTON, MA. 02159

2005 APR 21 PM 3:34

RT

CITY OF NEWTON

IN BOARD OF ALDERMEN

April 19, 2005

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, hereby grants the following SPECIAL PERMIT for a freestanding sign and AMENDMENT OF A PREVIOUSLY APPROVED SITE PLAN in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman George Mansfield:

1. The Board finds that the proposed amendment to Board Order #437-03 to allow for a free standing sign is appropriate for this site because:
 - a. The angle of the building on the subject property and the siting of the adjacent buildings limit the visibility of the secondary wall sign for tenant space in the building (which space is currently occupied by Sovereign Bank).
 - b. The new sign will help the traveling public identify the businesses at this site in advance of the driveway access point.
 - c. The proposed landscaping will improve the streetscape.

PETITION NUMBER: #437-03(2)

PETITIONER: Jason Parillo/Back Bay Signs

LOCATION: 60-64 Needham Street, Ward 8, Newton Highlands, Section 83, Block 11, Lot 18, and containing approximately 7,311 sq. ft. of land.

OWNER: Jean E. Grier for Sullivan Realty Trust ✓

ADDRESS OF OWNER: 115 Walnut Street
Marstons Mills, MA 02648

2005 JUN 30 PM 4:43
CITY CLERK
NEWTON, MA. 02159

T. Ref: 23891-81
25753-104

*Back Bay Sign
236 Pearl St.
Somerville, Ma 02145*

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

TO BE USED FOR: 33.8 sq. ft. freestanding sign

CONSTRUCTION: Double faced illuminated lexan panel sign with applied vinyl graphics.

EXPLANATORY NOTE: Section 30-20(1) allows the Board of Aldermen to grant a special permit to allow freestanding signs in commercial districts.


Land referred to is located in a Mixed Use 2 District.

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 - b. Limit to a maximum height of 20" all other proposed Taxum 'Densifomis' plantings.

A True Copy
Attest
Richard M. Reginald
City Clerk of Newton, Mass.

5. Prior to the issuance of a building permit, the petitioner shall submit revised lighting and sign face details that include lower wattage lamps and/or diffusers on the back of the panels to minimize the intensity of the lighted sign.
6. All landscaping proposed in connection with this special permit amendment shall be maintained at a maximum height of 20" to assure clear sight lines for drivers of vehicles exiting the site.
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 - b. A certified copy of such recorded notices shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.
 - c. The petitioner has submitted a final site plan, planting plan, and sign details, in accordance with conditions 3., 4., and 5., above, for review and approval by the Director of Planning and Development.
9. No Certificate of Occupancy for the freestanding sign shall be issued pursuant to this AMENDMENT TO A SPECIAL PERMIT/SITE PLAN APPROVAL until:
 - a. 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 and final landscape features and final location of the sign in accordance with Conditions 1., 3., and 4., above.
 - b. Notwithstanding the provisions of Condition #9a hereof, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for the sign 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 and sidewalk improvements.

Attest

City Clerk of Newton, Mass.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Ald Hess-Mahan)

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ATTEST:

Edward G. English
(SGD) EDWARD G. ENGLISH, City Clerk
Linda Finucane
Clerk of the Board of Aldermen

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ATTEST:

Edward G. English
(SGD) EDWARD G. ENGLISH, City Clerk
Linda Finucane
Clerk of the Board of Aldermen

Laura C. Brown
Attest. Middlesex S. Registrar

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