

CITY OF NEWTON
IN CITY COUNCIL

June 19, 2017

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 bank use on the subject property *and to amend* Board Order #229-13 so as to allow bank use on said property as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The site in an MU1 district is an appropriate location for bank as the subject property and the surrounding neighborhood along Needham Street are characterized by commercial uses (§7.3.3.C.1);
2. The proposed bank will not adversely affect the neighborhood (§7.3.3.C.2);
3. The proposed bank will not create a nuisance or serious hazard to vehicles or pedestrians (§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).

PETITION NUMBER: #127-17

PETITIONER: Rockland Trust Company

LOCATION: 170 Needham Street, Section 83, Block 28, Lot 2 containing approximately 27,179

OWNER: Needham Chestnut Realty, LLC

ADDRESS OF OWNER: 1234 Boylston Street
Chestnut Hill, MA 02467

TO BE USED FOR: Retail, restaurant and bank space.

CONSTRUCTION: Single-story, multi-tenant, commercial building.

RECEIVED
NEWTON CITY CLERK
2017 JUN 21 PM 4:14
DAVID A. OLSON, CLIC
NEWTON, MA 02459

EXPLANATORY NOTES: Amend Board Order #229-13 to allow bank use;
Special permit per Sec. 7.7.3 to allow bank use in a Mixed Use 1
(MU1) zoning district (§4.4.1)

ZONING: Mixed Use 1 District

This special permit supersedes, consolidates, and restates provisions of prior special permit #229-13 to the extent that those provisions remain applicable. Only those conditions and provisions from such prior special permit set forth below that remain applicable, and still in full force and effect, are set forth in this special permit. Any conditions in such prior special permit not set forth in this special permit are null and void.

Approved subject to the following conditions:

Conditions associated with this Special Permit/Site Plan Approval, Order #127-17

For the purposes of the following conditions associated with Special Permit/Site Plan Approval, Council Order #127-17, the term "petitioner" shall refer to the "Petitioner" referenced above, Rockland Trust Company and its successor and assigns.

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) An engineering plan entitled "Needham Chestnut Realty, LLC, 170 Needham Street, Newton, Massachusetts, As-Built Site Plan," prepared by Kelly Engineering Group, Inc., dated July 29, 2016, signed and stamped by Steven M. Horsfall, Professional Land Surveyor.
 - b) An architectural plan entitled "Proposed New Branch, 170 Needham Street, Newton, MA- Proposed Floor Plan Layout 03," prepared by DRL Architects PC, signed and stamped by Gerald Francis Blake, Registered Architect, dated March 20, 2017.
2. Prior to the issuance of a building permit, the petitioner shall submit a Lighting Plan for any and all lighting related to the automatic teller machine (ATM) vestibule to be located at the rear of the building to the Director of Planning and Development for review and approval. This plan shall establish the allowed intensity and hours of operation of any such lighting and be consistent with the plan referenced below as Condition 1.a.6 associated with Board Order #229-13.
3. No 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 Commissioner 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 Department of Planning and Development, Commissioner of Inspectional Services and the City Engineer, a final as-built survey plan in digital format.

Conditions associated with Special Permit/Site Plan Approval, Board Order #229-13:

For the purposes of the following conditions associated with Special Permit/Site Plan Approval, Board Order #229-13, the term "petitioner" shall refer to the "Owner" referenced herein, Needham Chestnut Realty, LLC and its successor and assigns.

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 Development Plans for 170 Needham Street, Newton, MA" dated June 26, 2013 with revisions through September 23, 2013, containing the following sheets:
 1. Sheet 2, Locus Plan, Stamped by David Noel Kelly, Professional Engineer, on September 16, 2013
 2. Sheet 3, Existing Conditions, Stamped by Steven M. Horsfall, Professional Land Surveyor, on September 16, 2013
 3. Sheet 4, Layout Plan, Stamped by David Noel Kelly, Professional Engineer, on September 16, 2013
 4. Sheet 5, Grading, Utility & Drainage Plan, Stamped by David Noel Kelly, Professional Engineer, on September 16, 2013
 5. Sheet 6, Detail Sheet, Stamped by David Noel Kelly, Professional Engineer, on September 16, 2013
 6. Sheet L2, Lighting Plan, by Hawk Design, Inc. on August 16, 2013
 7. Sheet L1, Planting Plan, by Hawk Design, Inc. Stamped by Thomas E. Minor, Registered Landscape Architect on September 24, 2013.
 8. Sheet D1 & D2, Planting Details and Notes by Hawk Design Stamped by Thomas E. Minor on September 24, 2013
 9. Sheet A 1.0 Schematic Floor Plan by HDS Architecture stamped by Hans D. Strauch dated June 26, 2013
 10. Sheet A 1.1 Needham Street Elevation by HDS Architecture stamped by Hans D. Strauch dated June 26, 2013
 11. Sheet A 1.2 Jaconnet Street Elevation by HDS Architecture stamped by Hans D. Strauch dated June 26, 2013
 12. Sheet A 1.3 Parking Lot Elevation by HDS Architecture stamped by Hans D. Strauch dated June 26, 2013
 13. Sheet A 1.4 Side Elevation by HDS Architecture stamped by Hans D. Strauch dated June 26, 2013
 14. Sheet S 1.0 Signage Diagram by HDS Architecture stamped by Hans D. Strauch dated June 26, 2013

15. Sheet S 1.1 Signage Diagram Needham Street Elevation and Jaconnet Street Elevation by HDS Architecture stamped by Hans D. Strauch dated June 26, 2013
16. Sheet S 1.2 Signage Diagram Side Elevation and Parking Lot Elevation by HDS Architecture stamped by Hans D. Strauch dated June 26, 2013.

2. The petitioner shall maintain all landscaping associated with this Special Permit/Site Plan approval in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
3. Rooftop mechanical equipment shall be centrally located so as to minimize the view from the street, as is practical and with approval by the Director of Planning and Development and the Commissioner of Inspectional Services.
4. The trash enclosures shall be maintained in sanitary condition with the gate remaining closed at all times when not in use.
5. The petitioner shall submit all proposed signage for review by staff and the Urban Design Commission.
6. The petitioner shall adhere to the Order of Conditions approved by the City's Conservation Commission for this project, also referenced as Department of Environmental Protection #239-687, as it may be amended from time to time.
7. The petitioner shall grant at no cost to the City of Newton an easement in favor of the City of Newton, which allows vehicular access across the Petitioner's property for maintenance vehicles to access the trash gate and inlet of the box culvert in South Meadow Brook lying between the Petitioner's property and the adjacent property at 180 Needham Street.
8. The petitioner shall grant at no cost to the City of Newton an easement in favor of the City of Newton for location, maintenance, repair and replacement at sole cost of the City of Newton of a storm drainage line across the property in the location shown on the approved plans for the provision of storm drainage service from Jaconnet Street to South Meadow Brook. The Petitioner, at its sole cost, shall remove the existing 15" concrete pipe and replace such pipe in the manner and at the location shown on the approved plans. The petitioner at its sole cost shall construct a water quality structure at the end of the new pipe where such pipe outflows into the South Meadow Brook.
9. At the written request of the Director of Planning and Development, the petitioner shall submit funds in the amount of \$7,140 (\$1 per square foot of building) to be paid towards undergrounding of utilities along Needham Street at such time as either the City of Newton or the Commonwealth commences a project of undergrounding the utility lines with sufficient funding in place or committed from governmental or private sources to undertake the project for at least a distance of a quarter mile, inclusive of the section of Needham Street fronting the subject property at 170 Needham Street. This obligation shall run with the land for a period of 11 years from the date of this special permit. These funds shall be used by the City or the Commonwealth for the purpose of undergrounding utilities on Needham Street within the 11 year time period identified above. Any funds collected under

this condition and not spent in accordance with this condition at the end of this time period shall be returned to the petitioner or its successors or assigns.


11. 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. Filed final engineering plans for review and approval by the City Engineer. A copy of such written approval shall be filed with Clerk of the Board, the Commissioner of Inspectional Services, and the Director of Planning and Development.
 - d. Submitted a Construction Management Plan in accordance with Condition #10.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
12. No 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 Commissioner 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 Department of Planning and Development, Commissioner of Inspectional Services and the City Engineer, a final as-built survey plan in 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.
 - e. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Law Department confirming that the easements described in Conditions #7 and #8 have been provided to the City.
13. Notwithstanding the provisions of Condition #12d. above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building 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.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Councilor Brousal-Glaser)

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 June 21, 2017. 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.

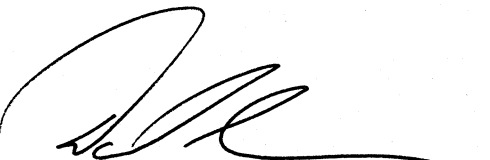
ATTEST:



(SGD) DAVID A. OLSON, City Clerk
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 6/21 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
Clerk of the Council