



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 14, 2016
Land Use Action Date: August 23, 2016
City Council Action Date: September 5, 2016
90-Day Expiration Date: September 12, 2016

DATE: June 10, 2016

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #178-16**, for SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND THE NONCONFORMING FAR to add a 227 sq. ft. addition over existing living space and to construct a 672 sq. ft. detached garage at 39 Hawthorne Avenue, Ward 4, Auburndale, on land known as SBL 43034 0012, containing approximately 9,602 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref 3.1.9, 7.8.2.C.2, 7.3.3, 7.4 of Chapter 30 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 that the Land Use Committee of the City Council can consider at a subsequent working session.



39 Hawthorne Avenue

EXECUTIVE SUMMARY

The property at 39 Hawthorne Ave consists of a 9,602 square foot lot at the corner of Hawthorne Ave and Unity Street. The site is improved with a 2½-story single-family residence constructed in 1848 and moved to the present location in 1906. The house was used as a student dormitory for Lasell Female Seminary from 1907 to 1974, when it was converted back to a single-family residential use. The applicant proposes to construct 256 square feet of additional living space in the dwelling and a 672 square foot detached garage structure. If approved, the proposed additional space and garage will result in a net increase of the existing dwelling floor area ratio (FAR) by 928 square feet for a total dwelling size of 4,655 square feet.

In order to construct the additional living space and the garage, the applicants are seeking a special permit to increase the currently nonconforming floor area ratio (FAR) from 0.39 to 0.48, where 0.34 is the maximum allowed by right.

The site is within the Auburndale local historic district. The Auburndale Historic District has reviewed and approved the proposed additions an garage structure.

The Planning Department is not concerned about the construction of the additional living space in this single-family dwelling. Most of it (228 square feet) would be located at the rear of the home, and has been designed to be sensitive to the structure's architecture and residential context of the area and will be minimally visible from the street. Furthermore, the Planning Department believes the minimally expanded residence is consistent with and not in derogation of the size, scale, and design of other residential structures in the neighborhood.

Regarding the proposed garage, the Planning Department does have some concerns regarding its scale and recommends the petitioner consider reducing the size of the proposed garage as well as additional screening from adjacent properties.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the City Council should consider whether:

- The proposed increase of FAR from 0.39 to 0.48, where 0.34 is the maximum allowed by right, is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood. (§3.1.9)
- The site is an appropriate location for the proposed additional living space which would enlarge floor area of the existing single family dwelling by a total of 256 square feet. (§7.3.3.C.1)
- The site is an appropriate location for the proposed garage, which will increase the total floor area of the property by of 672 square feet. (§7.3.3.C.1)
- The proposed additional living space will not adversely affect the neighborhood. (§7.3.3.C.2)

- The proposed garage will not adversely affect the neighborhood. (§7.3.3.C.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located at the corner of Hawthorne Avenue and Unity Street, which is unpaved. The site is developed with a single-family residence; a 15,734 square foot undeveloped parcel located adjacent to this parcel to the north is apparently also owned by the owners of 39 Hawthorne Avenue. The site is surrounded by residential land predominantly occupied by single family residences, with an exception being a condominium on a large lot directly across Hawthorne Avenue. Lasell College occupies several properties about a block away to the north and west of the property. (**Attachment A**).

The site and immediate surrounding area are zoned Single Residence 1, including much of the nearby Lasell College property (**Attachment B**).

B. Site

The property at 39 Hawthorne Ave consists of a 9,602 square foot lot at the corner of Hawthorne Ave and the unpaved Unity Street. The site is improved with a single-family residence that was constructed in 1848 and moved to the present location in 1906. The house was used as a student dormitory for Lasell Female Seminary from 1907 to 1974, at which time it was converted back to a single-family residential use.

The topography of the site slopes upward from the Hawthorne Street and Unity Street frontages toward the rear of the property. There is currently no vehicular access to the property as there is no driveway or garage.

Much of the site's vegetation appears to have been recently removed, along with that on the adjacent property on Unity Street, with exceptions being two mature trees, one near the Hawthorne Street frontage to the right of the dwelling, and another to the rear of the dwelling.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will remain a single-family residence, improved with a new detached two-car garage.

B. Building and Site Design

The property is improved with a 3,773 square foot, 2½-story single-family residence.

The applicant proposes to construct 256 square feet of additional living space in the dwelling, all of which would be located above existing living space. Two hundred and twenty eight feet of space would be added to the second floor, and 28 feet of space would be added to the third floor within a new dormer on the front of the house. The applicant also proposes an approximately 21 foot tall, high, 28 by 24 foot, 672 square foot detached garage to be located in the rear of the property and accessed via a new curb cut and crushed stone driveway along the right side of the property. The petitioners are also proposing new two new decks, one each on the rear and left sides of the dwelling, which in the aggregate are less than 200 square feet.

If approved, the proposed additions will result in a net increase of 928 gross square feet for a total dwelling size of 4,655 square feet, including the proposed new garage. In order to construct the additional space and the garage the applicants are seeking a special permit to increase the floor area ratio (FAR) from 0.39 to 0.48, where 0.34 is the maximum allowed by right.

Approximately two-thirds of the increase in the FAR is accounted for by the proposed new garage, not habitable dwelling space. At present the property lacks a garage or any other provision for off street parking. Many homes in the neighborhood include garages.

The Planning Department has no concerns with the proposed additions to the single-family dwelling as they are modest in size and in keeping with the residential character of this and neighboring houses. Furthermore, the largest addition, the 188 square foot addition to the rear of the second floor, would be minimally visible from any public way.

Regarding the proposed garage, the Planning Department recognizes that its construction would create enclosed, off-street parking for the existing dwelling. However, the Department does have some concerns regarding its scale and recommends additional screening from adjacent properties and/or the applicant consider reducing the size of the footprint and the height of the proposed structure.

C. Landscape Screening

As noted above, much of the site's previous vegetation seems to have been recently removed. Of the two remaining large mature trees, the one located near the Hawthorne Street frontage is slated to be retained between the proposed driveway and the abutter to the east. The site plan does not show the other as being retained. The Planning Department strongly recommends that the applicant explore retaining the latter tree as well and integrate it into the site plan.

Another area of concern for the Planning Department is the screening of the proposed driveway and garage from abutting properties. The current site plan

shows 12 trees to be installed along the property's boundary line with 29 Hawthorne Street at approx. five foot intervals, stopping at the front façade of the proposed garage. The Planning Department recommends that: the proposed trees be specifically identified as evergreen species that provide year-round screening; that additional trees be installed so the screening runs all the way to the rear property line; and that the area behind the garage (at the "prow" of the property) be densely planted with evergreens to screen the proposed garage from abutters.

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 of Section 30, to further increase the dwelling's nonconforming Floor Area Ratio (FAR) (§3.1.9, §7.8.2.C.2).

B. Engineering Review

The Associate City Engineer submitted an Engineering Review Memorandum (**Attachment D**) providing an analysis of the project proposal with regard to engineering issues. Among other comments, it was suggested that the applicant, if the project is approved, make certain sidewalk improvements in connection with the construction of the proposed new driveway.

C. Historic Review

The Auburndale Historic District Commission held a public hearing on the project voted 5-0 to issue a Certificate of Appropriateness on April 19, 2016.

V. PETITIONER'S RESPONSIBILITIES

At the time of the writing of this memorandum the applicants are not the property's owners of record. The Planning Department has requested that the applicants' provide evidence of the current owners' assent to this application and is awaiting that documentation.

Also, the analysis represented in this memorandum was conducted based upon the lot qualifying as an "old lot." During the review of this petition, a question arose as to the property's status as an "old" or "new" lot. As such, it is recommended that the applicant provide a "lot history" detailing any changes to the extent of the property since at least 1953, including an explanation of how the lot may have been altered in 1974 when it was

conveyed from the then-Lasell Junior College to the current owners of records' predecessor in title.

ATTACHMENTS:

- ATTACHMENT A:** Land Use Map
- ATTACHMENT B:** Zoning Map
- ATTACHMENT C:** Zoning Review Memorandum
- ATTACHMENT D:** Associate City Engineer's Report
- ATTACHMENT E:** Draft Board Order

178-16
Attachment A
Land-Use Map
39 Hawthorne Ave.

*City of Newton,
 Massachusetts*

Legend

Land Use

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Mixed Use
- Open Space
- Private Educational
- Nonprofit Organizations
- Vacant Land
- Building Outlines
- Surface Water
- Property Boundaries

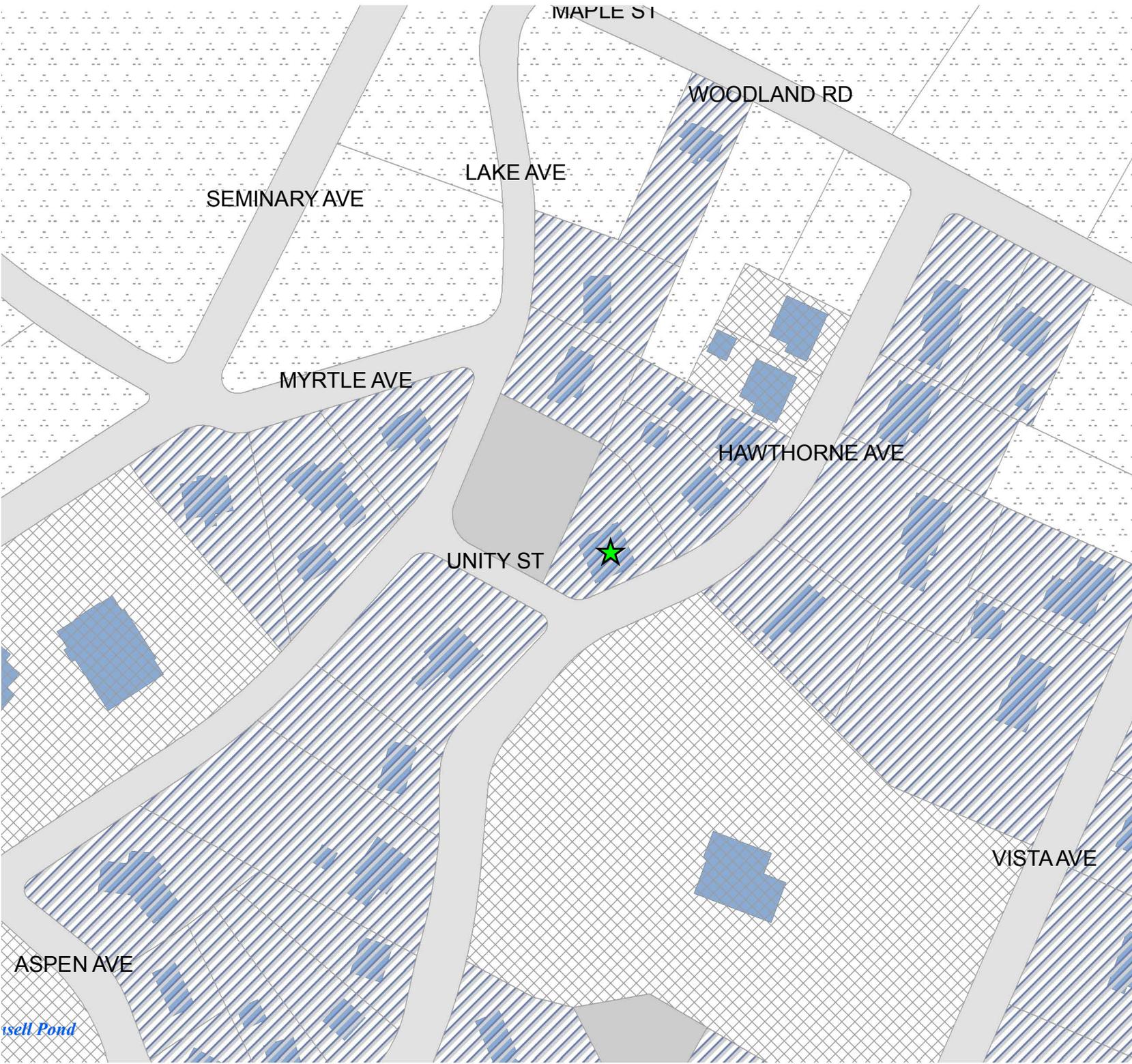


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 50 100
 Feet

Map Date: June 10, 2016



tsell Pond

178-16
Attachment B
Zoning Map
39 Hawthorne Ave.

*City of Newton,
 Massachusetts*

Legend

- Single Residence 1
- Single Residence 2
- Single Residence 3
- Public Use
- Building Outlines
- Surface Water
- Property Boundaries

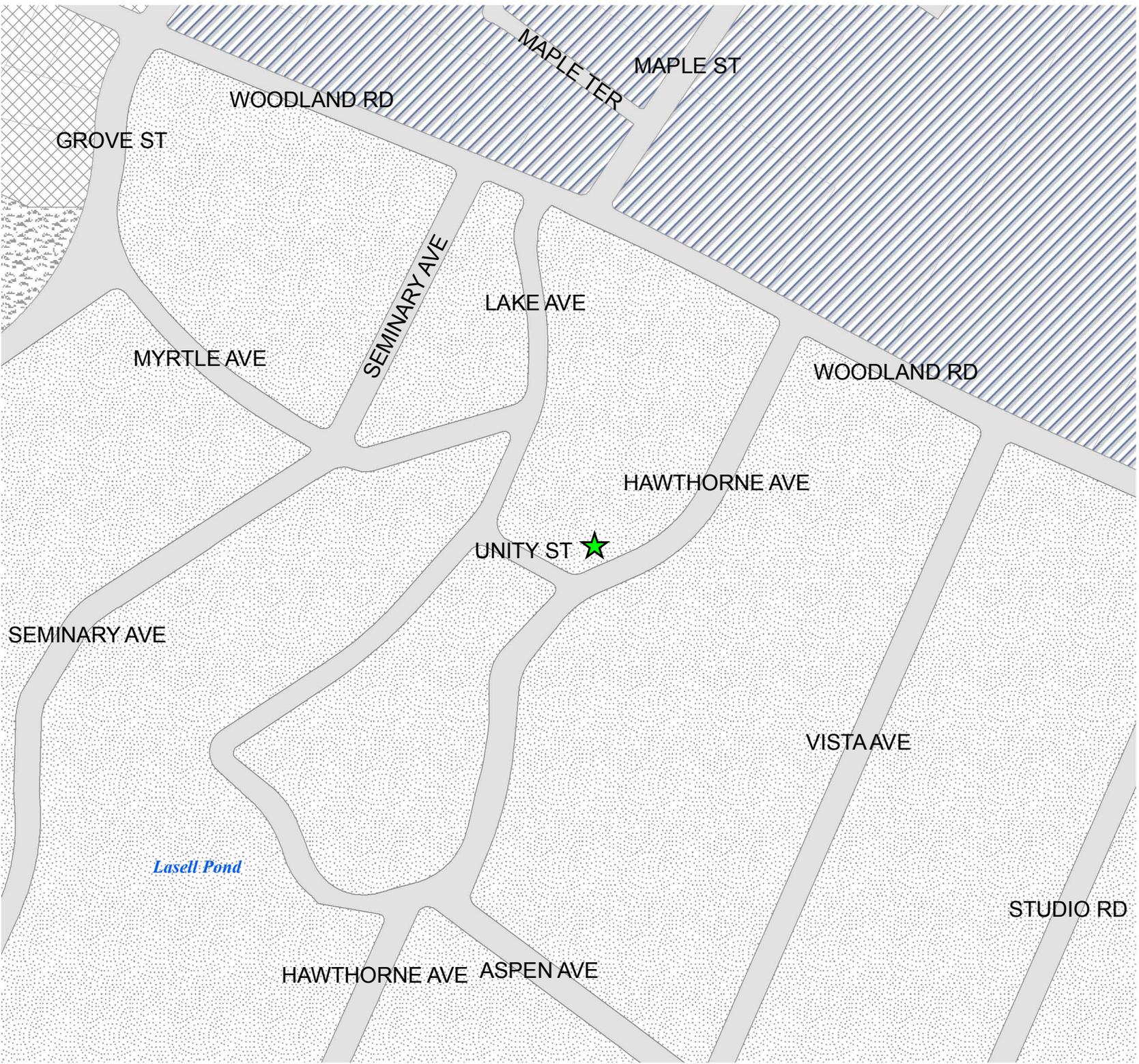


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CITY OF NEWTON, MASSACHUSETTS
 Mayor - Setti D. Warren
 GIS Administrator - Douglas Greenfield

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 Feet

Map Date: June 10, 2016





Setti D. Warren
Mayor

ATTACHMENT C

City of Newton, Massachusetts
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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: April 25, 2016

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: John B. Arone and Daniel A. Arone, applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to further increase nonconforming FAR

Site: 39 Hawthorne Ave

SBL: 43034 0012

Zoning: SR-1

Lot Area: 9,602 square feet

Current use: Single-family dwelling

Proposed use: No change

BACKGROUND:

The property at 39 Hawthorne Ave consists of a 9,602 square foot lot at the corner of Hawthorne Ave and Unity Street. The site is improved with a single-family residence constructed in 1848, and moved to the present location in 1906. The house was used as a student dorm for Lasell Female Seminary from 1907 to 1974, when it was converted back to a single-family residential use. The applicant proposes a 227 square foot second story addition over existing living space, and to construct a 672 square foot detached garage structure. These additions will further increase the nonconforming FAR requiring a special permit.

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

- Zoning Review Application, prepared by John Arone, applicant, submitted 3/23/2016
- FAR Worksheet, submitted 3/23/2016, revised
- Plot Plan, prepared by Paul Finicchio, PJF & Associates, dated 2/28/2016
- Plot Plan with proposed conditions, prepared by Paul Finicchio, PJF & Associates, dated 2/28/2016
- Worksheet of Lake Ave, prepared by Paul Finicchio, PJF & Associates, dated 3/4/2016
- Architectural Plans
 - Existing floor plans
 - Proposed floor plans
 - Elevations

ADMINISTRATIVE DETERMINATIONS:

1. The applicants’ existing FAR is .41, where .32 is the maximum allowed. The proposed addition adds 227 square feet to the dwelling, as well as an additional 672 square feet in a detached garage, resulting in an FAR of .48. A special permit pursuant to Sections 3.1.9 and 7.8.2.C.2 is required to further increase the already nonconforming FAR.
2. The existing structure has a nonconforming rear setback of 10.6 feet, where 25 feet is required. The applicant is proposing a second story addition consisting of 227 square feet, which extends the nonconforming rear setback vertically. The proposed 227 square foot addition is less than the 400 square feet allowed in Section 7.8.2.D.2.d by de minimus, and therefore does not require relief for the vertical extension of the nonconforming setback.
3. The applicant is proposing to construct a 672 square foot detached garage structure which creates a lot coverage of 25.9% from the existing 18.9%, where the maximum allowed is 20%. Section 1.5.2.D.2 provides that the lot coverage requirements of Section 3.1 shall not apply to the construction of a private garage in connection with a single-family dwelling in existence on December 27, 1922. The dwelling was constructed in 1848, therefore the lot coverage provisions do not apply to the proposed garage.

SR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	9,602 square feet	No change
Frontage	100 feet	102.4 feet	No change
Setbacks – Principal			
• Front	25 feet	10.2 feet	No change
• Side	12.5 feet	32.9 feet	No change
• Rear	25 feet	10.6 feet	No change
Setbacks – Accessory			
• Front	25 feet		+/- 70 feet
• Side	5 feet		7.3 feet
• Rear	5 feet		6.1 feet
• Height	22 feet		20.8 feet
Building Height	36	26 feet	No change
Max Number of Stories	2.5	2.5	No change
FAR	.32	.41	.48
Max Lot Coverage	20%	18.9%	25.9%
Min. Open Space	65%	NA	65%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§3.1.9, §7.8.2.C.2	Request to further increase nonconforming FAR	S.P. per §7.3.3

ATTACHMENT D

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 39 Hawthorne Avenue

Date: June 9, 2016

CC: Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Alexandria Ananth, Chief Planner
Michael Gleba, Sr. Planner

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

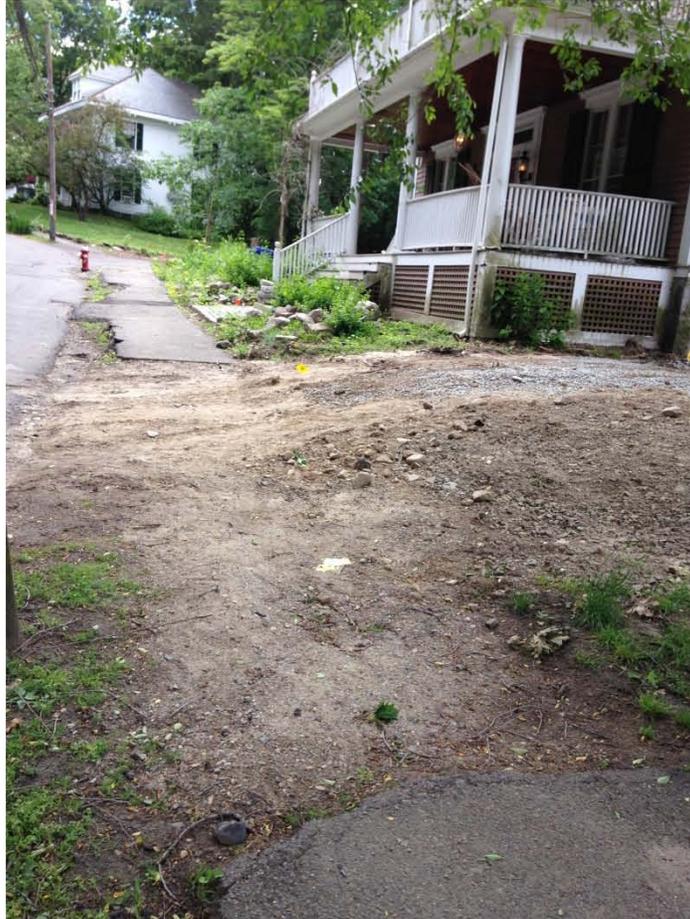
*39 Hawthorne Avenue
Newton, MA
Prepared by: PJF & Associates
Dated: May 1, 2016*

Executive Summary:

This application entails the a proposed garage and new driveway on a 9,602 square foot lot. Since the total Impervious surfaces being added triggers on site collection of stormwater runoff, the engineer of record has designed an on-site infiltration system, however no drainage calculation were provided for evaluation. On site soil testing is required to

The site has a slight change in grade of approximately 8-feet in the vicinity of the proposed garage and driveway. The foundation of the garage will act as a retaining wall and foundation of the garage. A 40" deciduous tree is located near the southeast corner of the lot near the proposed driveway which is not shown of the site plan but should be indicated on the final plans as the driveway location and conflict with the tree. As a public benefit in concert with the driveway apron construction the sidewalks should be updated to match the two abutting sidewalks' on both sides of this property.





Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, for the project. The design of the proposed on site drainage system needs to comply with the MassDEP Stormwater Regulations and City Ordinances.
2. An on-site soil evaluation needs to be performed to obtain the seasonal high groundwater elevation, percolation rate in accordance to Title V. This information must be submitted with the drainage study. The locations of these tests need to be shown on the site plan and must be performed within 25-feet of a proposed system.
3. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to 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.

4. 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).

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 drainage system installation. The system 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 a Building Permits with the Department of Inspectional Service prior to any construction.
5. 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. *This note must be incorporated onto the site plan.*
6. All site work including trench restoration must being 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

DRAFT #178-16
39 Hawthorne Avenue

CITY OF NEWTON
IN CITY COUNCIL

June 20, 2016

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 construct 256 square feet of additional space in the dwelling and a 672 square foot detached garage structure which will further increase the non-conforming Floor Area Ratio (FAR) from 0.39 to 0.48, where 0.34 is the maximum allowed by right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The proposed extension of the nonconforming structure will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§7.8.2.C.2.);
2. The proposed additional dwelling space will not adversely affect the neighborhood, as it will not increase the footprint of the structure and will be minimally visible from any public way. (§7.3.3.C.2.)
3. The proposed detached garage will not adversely affect the neighborhood as it will provide the property with enclosed off-street parking. (§7.3.3.C.2.)

PETITION NUMBER: #178-16

PETITIONER: John B. Arone

LOCATION: 39 Hawthorne Street on land known as Section 43, Block 34, Lot 12, containing approximately 9,602 square feet of land

OWNER: John B. Arone

ADDRESS OF OWNER: 35 Fair Oaks Avenue
Newton, MA 02460

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9. and §7.8.2.C.2., to further increase a nonconforming structure with respect to FAR.

ZONING: SR- 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. A plan entitled "Site Plan of 39 Hawthorne Avenue in Newton, MA" prepared by P.J.F. and Associates, dated May 1, 2016, as revised through June 4, 2016, stamped and signed by John D. Sullivan III, Registered Professional Engineer and Paul J. Finocchio, Professional Land Surveyor,.
 - b. A set of architectural plans entitled "Proposed Renovations to Existing Historic House, Arone Bros, LLC, 39 Hawthorne Ave. Newton, Mass."
 - i) Title sheet and general notes (T-1);
 - ii) Existing basement and first floor plans (A-1);
 - iii) Existing second & third floor plans (A-2);
 - iv) Basement & first floor demo plans (A-3);
 - v) Second and third floor demo plans (A-4);
 - vi) Existing/proposed basement floor plans (A-5);
 - vii) Existing/proposed first floor plan (A-6);
 - viii) Existing/proposed second & third floor plans (A-7);
 - ix) Existing/proposed roof plan (A-8);
 - x) Existing elevations (A-9);
 - xi) Existing/proposed front and right elevations (A-10);
 - xii) Existing/proposed rear & left elevations (A-11);
 - xiii) Siteplan showing perimeter wall (A-12).
2. 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 adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
3. Prior to the issuance of any Building Permit, 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.

4. Prior to the issuance of any Building Permits, the petitioner shall provide 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.
5. Prior to the issuance of any Building Permit, the petitioner shall submit a final Construction Management Plan (CMP) to the Commissioner of Inspectional Services, the Director of Urban Forestry, the Engineering Division of Public Works, the Director of the Department of Planning and Development, the Newton Fire Department and Newton Police Department, which plan should shall include at a minimum:
 - a. 24-hour contact information for the general contractor of the project.
 - b. 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.
 - c. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - d. A tree preservation plan to define the proposed method for protection of existing trees to remain on the site and on abutting properties during construction.
 - e. A plan for rodent control during construction.
 - f. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
6. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Received final approval from the Director of Planning and Development for the Construction Management Plan.
 - b. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - c. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - 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. Filed a final Landscape Plan to the Director of Planning and Development for review and approval.
 - f. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.

7. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect and certifying compliance with Condition #1.
 - b. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton Engineering Department (as necessary).
 - c. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - d. Submitted to the Director of Planning and Development a statement from the Auburndale Historic District Commission that the improvements authorized by this Board Order have been constructed in compliance with the relevant Certificate of Appropriateness.
8. Notwithstanding the provisions of Condition #7 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.
9. The landscaping shown on the approved plan shall be maintained in good condition. The plantings shall be inspected annually and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.