



2015 01696271
 Bk: 01452 Pg: 56 Cert#: 256517
 Doc: DECIS 04/10/2015 02:46 PM

CITY OF NEWTON

IN BOARD OF ALDERMEN

March 16, 2015

ORDERED:

That the Board, 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 and EXTENSION OF A NONCONFORMING STRUCTURE to demolish the existing building and construct a new 2½-story building to be used for an office use and ground floor parking, and to grant a waiver of one parking stall, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

112 Needham Street, Newton
 Title Ref: Doc. No. 1670234
 Out # 256517

1. The waiver of one parking stall and the waiver of the end stall maneuvering space requirement are appropriate, as literal compliance with the parking requirements is impracticable due to the size of the lot and the development patterns in the surrounding neighborhood. (§30-19(d)(11),(d)(15), and (m))
2. The proposed structure, which will extend an additional 2½ feet into the front setback and an additional eight inches into the side setback, will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood. (§30-21(b))
3. The specific site is located on a major commercial corridor and is an appropriate location for the proposed office building and use. The proposed project will improve the streetscape, as there will be new landscaping in front of the building and the front of the building will consist of a brick façade with architectural details. 30-24(d)(1)
4. The proposed building and office use, as developed and operated, is similar to other land uses in the immediate area and will not adversely affect the neighborhood. (§30-24(d)(2))
5. There will be no nuisance or serious hazard to vehicles or pedestrians, as the proposed site plan will eliminate the existing back-out parking on Needham Street and will reduce the existing curb cut by 50 feet. (§30-24(d)(3))
6. Access to the site over streets is appropriate for the types and number of vehicles involved. (§30-24(d)(4))

PETITION NUMBER: #360-14

PETITIONER: 112 Needham Street, LLC

256517-1452-55

#360-14

DAVID A. OLSON, CMC
 Newton, MA 02459
 2015 APR 18 PM 2:55

2015 APR 14 PM 1:20

RECEIVED
 NEWTON CITY CLERK

A True Copy
 Attest

 City Clerk of Newton, Mass.

Unnumb.
Lot

LOCATION: 112 Needham Street, Ward 8, on land known as SBL 83, 12, 7 containing approx. 7,500 sq. ft. of land

OWNER: 112 Needham Street, LLC/Arin Realty Co. Inc.

ADDRESS OF OWNER: 17 Lincoln Street, 2nd Floor
Newton, MA 02461

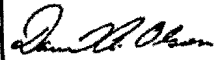
TO BE USED FOR: Office

EXPLANATORY NOTES: §30-15 Table 3, to exceed the Floor Area Ratio of 1.0 but not more than 1.5, to allow a 2½-story building, to allow a building height greater than 24 feet but less than 36 feet; §30-21(b), to allow for the extension and reconstruction of a nonconforming structure as to the side and front setbacks; §30-19(d)(11), §30-19(d)(15) and §30-19(m), to waive one parking stall; §30-19(h)(2)(e) and §30-19(m), to waive the end stall maneuvering space requirement; §30-19, Table of Off-Street Loading Requirements, to waive the off-street loading requirements for structures 5,000 to 50,000 square feet in gross floor area.


ZONING: Mixed Use 2

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. Existing Site Plan, prepared by R.E. Cameron Associates, Inc., signed and stamped by Scott D. Cameron, Professional Land Surveyor, dated August 18, 2014.
 - b. Proposed Plan, prepared by R.E. Cameron Associates, Inc., signed and stamped by Scott D. Cameron, Professional Land Surveyor, dated January 14, 2015.
 - c. Floor Plans and Elevations, prepared by Leavitt Associates, Inc., signed and stamped by Jonathan Leavitt, Registered Architect, dated February 7, 2015, consisting of the following two (2) sheets.
 - i. A1 – Ground Floor and Main Floor Plan; and
 - ii. A2 – Attic and Roof Plan
 - d. Landscape Plan, prepared by Leavitt Associates, Inc., signed and stamped by Jonathan Leavitt, Registered Architect, dated August 20, 2014.
2. The petitioner shall reduce the width of the curb cut and garage entrance to 20 feet, subject to approval by the Massachusetts Department of Transportation. Such reduction shall be included in the final site plan submitted for the building permit.

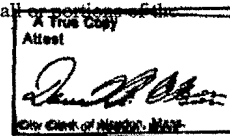
A True Copy
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City Clerk of Newton, Mass.

3. The petitioner shall provide for landscaping in front of the windows facing Needham Street on the ground floor, so that views of the interior parking area from the public way are screened to the greatest extent possible.
4. 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.
5. The petitioner shall submit all proposed signage for review by the Director of Planning and Development and the Urban Design Commission.
6. The petitioner shall either underground the utility lines to its site, or if it is unable to obtain necessary approvals from the responsible utility company, shall at the written request of the Director of Planning and Development, submit funds in the amount of \$9,081, (\$1 per square foot of building not including the parking area) 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 112 Needham Street. This obligation shall run with the land for a period of 25 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 25 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.
7. Prior to the issuance of any building permit 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 Board Order and shall include, but not be limited to, the following provisions:
 - 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 7:00 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. The proposed schedule of the project, including the general phasing of the construction activities.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for delivery vehicles, and location of any security fencing.
 - e. Proposed truck route(s) that minimize travel on local streets.
 - f. 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 dirt or building

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City Clerk of Newton, Mass.

materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.

- g. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - h. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - i. A plan for rodent control during construction.
8. 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 Approval 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 site plans for review and approval by the City Engineer. A copy of such written approval shall be filed with the Clerk of the Board, the Commissioner of Inspectional Services, and the Director of Planning and Development.
 - d. Obtained a written statement from the Planning Department, with the advice of the Transportation Division and the Massachusetts Department of Transportation, approving the location of the driveway on the final site plan.
 - e. Submitted a Construction Management Plan in accordance with Condition #7.
 - f. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
9. 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.
10. Notwithstanding the provisions of Condition #9d. above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all 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
22 yeas 0 nays 1 absent (Alderman Sangiolo) 1 recused (Alderman 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 March 18, 2015. 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.

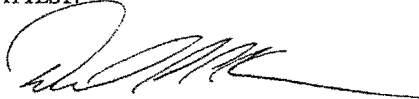
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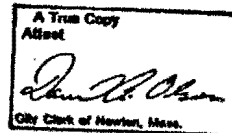
(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

I, David A. Olson, 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 3/18 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen



①

Doc 01696271

Southern Middlesex LAND COURT
Registry District

RECEIVED FOR REGISTRATION

On: Apr 10, 2015 at 02:46P

Document Fee 75.00

Receipt Total: \$75.00

NOTED ON: CERT 256517 BK 01452 PG 88

ALSO NOTED ON:

Schlesinger + Buchbinder
617-965-3625
ADDRESS
CITY/TOWN ZIP