

CITY OF NEWTON

IN CITY COUNCIL

April 17, 2018

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Newton City Clerk
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David A. Olson, CMC
Newton, MA 02459

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 a SPECIAL PERMIT/SITE PLAN APPROVAL to further extend the non-conforming four story structure, further extend the non-conforming use, and amend the previously approved site plan, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for the proposed amendments to Board Orders #147-79(2), #147-79(3), and #292-93 as the proposed addition complements the existing building and complies with the conditions of all prior board orders. (§7.3.3.C.1)
2. The proposed amendments to Board Orders #147-79(2), #147-79(3), and #292-93 will not adversely affect the neighborhood as the project is not visible from a public right of way and located in the rear of the building. (§7.3.3.C.2)
3. The proposed amendments to Board Orders #147-79(2), #147-79(3), and #292-93 will not create a nuisance or serious hazard to vehicles or pedestrians as the proposed expansion is not impacting existing parking or traffic conditions. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles as the site will continue to have adequate access. (§7.3.3.C.4)
5. The proposed addition will not be substantially more detrimental than the existing nonconforming multi-purpose community facility is to the neighborhood as there will be no change in the intensity of the use of the site. (§7.8.2.C.2)

PETITION NUMBER: #175-18

PETITIONER: Jewish Community Center of Boston, Inc.

LOCATION: 333 Nahanton Street, on land known as Section 83, Block 35, Lot 04, containing approximately 1,225,397 square feet of land

OWNERS: Jewish Community Center of Boston, Inc.

ADDRESS OF OWNER: 333 Nahanton Street
Newton, MA 02459

TO BE USED FOR: Multi-purpose community facility, including cultural, education, athletic and recreational activities (clubhouse).

CONSTRUCTION: Masonry, steel, glass.

EXPLANATORY NOTES: Extend the nonconforming use and four story structure to renovate and expand existing gymnasium (§3.1.3 and §7.8.2.C.2); and amend Board Orders #147-79(2), #147-79(3), and #292-93.

ZONING: Single Residence 1 (SR-1) district

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #175-18 are null and void.

Approved subject to the following conditions:

Conditions associated with this Special Permit/Site Plan Approval, Order #175-18:

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 set of plans, entitled "JCC Greater Boston Facility Renovation" prepared by Fabiano Designs, stamped and signed by Dylan Stevens, registered landscape architect, dated February 12, 2018:
 - i. Zoning Plan (L.0.1)
 - ii. Site Plan (L.1.1)
 - iii. Grading Plan (L.2.1)
 - iv. Utility Plan (L.3.1)
 - v. Utility Details (L.4.1)
 - b. A set of plans, entitled "JCC of Greater Boston, Newton, MA" prepared by Fabiano Designs International, unsigned and unstamped, dated October 25, 2017:
 - i. Site Plan
 - ii. Floor Plan Lower Level
 - iii. Floor Plan First Floor
 - iv. Floor Plan Second Floor
 - v. Exterior Elevation South

- vi. Exterior Elevation West
2. 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. Submitted final engineering, utility and drainage plans, an Operation and Maintenance plan for Stormwater Management, for review and approval by the City Engineer. A statement certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services and the Director of Planning and Development.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the buildings 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 land surveyor or engineer certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving the final site plan.

Conditions incorporated from Board Order #147-79(2):

4. That, except for emergency vehicular access, there shall be no general vehicular access to or from the site onto Winchester Street. The existing driveways onto Winchester Street shall be closed by chains of a tensile strength to be approved by the Newton Fire Chief and attached to bollards.
5. That all utilities, including telephone and electrical service, shall be installed underground from the street line and any transformer locations shall be approved by the Department of Planning and Development.
6. That all construction vehicles shall enter and leave the site via Nahanton Street west to the Newton-Needham municipal boundary. No such vehicle shall utilize Winchester Street.
7. That, except for ordinary care and maintenance, including removal of dead vegetation and trees, and subsequent to the installation of drainage systems, underground utilities, driveways and parking areas, the petitioner shall preserve the existing topography and natural vegetation for the entire length of Winchester Street to a depth of 80 feet from the westerly side of Winchester Street and in the area bounded by the two existing driveways to Winchester Street.

8. That the petitioner shall not erect a perimeter fence or barrier of any kind around the so-called ball field west of Parcel A or along any easements which connect the petitioner's site with the Charles River as shown on the plan entitled "Revised Site Plan and Proposed Property Line Adjustment, Affiliated Jewish Community Facility, Newton, Mass. dated March 15, 1979, revised April 19, 1979, and revised to February 9, 1981 by Wallace, Floyd, Ellensweig, Moore, Inc., Architects/Planners, Robert A. Carleo, P.E." cited in Condition 2 of Board Order #147-79(2).

Conditions incorporated from Board Order #147-79(3):

9. That the site plan referenced in Condition 2 of Board Order #147-79(2) and in Condition 8 hereinabove, is hereby substituted by a plan entitled "JEWISH COMMUNITY CAMPUS, Newton, Massachusetts, revised Site Plan and Proposed Property Line Adjustment, Affiliated Jewish Community Facility" dated March 15, 1979 and Revised to January 25, 1983, by Wallace, Floyd, Ellensweig, Moore, Inc., Architecture/Planners, Robert E. Carleo, P.E. submitted by the petitioner to the Land Use Committee of the Board of Aldermen and the Newton Zoning Board of Appeals meetings of January 25, 1983 and filed herewith. The revised property line shown on said plan shall be line "C" containing approximately 147,000 square feet more or less with 310 feet more of less frontage on Winchester Street.
10. That the landscaping plan entitled "Planting and Materials, Affiliated Jewish Community Facility Newton, MA" dated March 15, 1979, referenced in Condition 3, of Board Order #147-79(2), shall be amended to permit the plantings of at least eighty (80) white pine trees along and near the Winchester Street and Nahanton Street corner of the site. Said location and size of trees shall be subject to the approval of the Director of Planning and Development.
11. That Condition 9 of Board Order #147-79(2) which is Condition 7 hereinabove, shall be amended to include the area of the site known as the "Oak Grove" between the area designated as Parcel A, City of Newton, as shown on the plan cited in Condition 2 of Board Order #147-79(3) and Condition 9 hereinabove, easterly to the row of Hemlock hedges west of the overflow grass parking area and northerly along the hedgerow and along the Parcel A boundary to the northerly boundary line of the site. The topography and vegetation of said area shall, except for ordinary care and maintenance, including removal of dead vegetation and trees, be preserved by the petitioner.
12. That, subject to all other applicable restrictions, coverage for all existing and future buildings, if any, parking lots, and paved drives shall not exceed 30 percent of the site area.
13. That none of the following facilities shall be permitted nor shall permission be requested to be built by the petitioner for:
 - (a) Private, for-profit housing of any type.
 - (b) A nursing home.
 - (c) Dormitories of any kind, including without limitation, dormitories to house students or teachers.
 - (d) A hospital, in-patient medical facility or primary health care center.
 - (e) Removal of gravel for commercial purposes.
 - (f) Any structure to be located on the gravel area of the site near Winchester Street and Nahanton Street to exceed 3 stories or 40 feet whichever is greater.

14. That, except for emergency vehicle access, all uses shall be accessible from internal roadways reached only from the single access point at Nahanton Street across from Wells Avenue.
15. No structures shall be entirely visible from Nahanton Street and Winchester Street and no structure shall be located closer than 80 feet from either street.
16. None of the "gravel pit" area shall be sold for development except to a constituent or affiliated agency of the Combined Jewish Philanthropies and then only for the use and purposed consistent with this order by the Newton Zoning Board of Appeals.
17. That the entire area of the adjacent City park land identified as Parcel B as shown on the plan cited in Condition 2 of Board Order 147-79(3) and Condition 9 hereinabove, shall be maintained by the petitioner at its own expense. Said maintenance shall include the periodic removal and cleaning of any rubbish and debris in parcel B and any work required for its use and maintenance in its natural state.

Conditions incorporated from Board Order #292-93:

18. That all buildings, parking areas, driveways, walkways, landscaping and other site features relating to the outdoor recreation area, shall be located and constructed consistent with plans dated September 1, 1993 by Bruner/Cott Architects and Geller Associates, Inc. Landscape Architects for the Outdoor Family recreation center entitled "LR-01 Existing Conditions"; "LR-02 Overall Site Plan"; "LR-03 Layout & Materials" revised date September 21, 1993; "LR-04 Grading & Utilities"; revised date September 21, 1993; "LR-05 Planting Plan"; "LR-06 Site Details"; "LR-07 Sections"; "A-1 Basement Floor Plan"; "A-2 First and Second Floor Plans"; and "A-3 Front & Rear Elevations"; and Addendum to Planting Plan dated November 24, 1993, submitted by the petitioner and filed herewith.
19. That the normal hours of operation of the outdoor pool will be 9:00 am. (6:00 am for lap swimmers only) to 10:00 pm., Sunday through Thursday and 9:00 am. To dusk on Fridays with earlier opening hours for lap swimmers only, noon to 10:00 pm. on Saturdays. Occasional events on Saturday and holiday evenings may run to midnight upon prior notice to the management staff of Campus House. The snack bar shall be open only when the pool is open.
20. That the petitioner will identify a staff person by title to handle any issues with regard to special events, noise or other issues.
21. That noise levels and times for any outdoor public address system shall comply with the provisions of the City of Newton Noise Ordinance.
22. That the facilities shall be used by members and their guests and shall not be rented to non-members.
23. That a charcoal ventilation/filtration system be used to eliminate cooking exhaust odors and smoke emanating from the snack bar grill.
24. That lighting for the site shall be downlit and that portion of lighting fixtures which emits light shall not be visible off-site.
25. That the petitioner shall use best efforts to recycle materials used in the operation of the facility.

Under Suspension of Rules
Readings Waived and Approved
20 yeas 0 nays 4 absent (Councilors Auchincloss, Lipof, Norton, and Schwartz)

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 April 19, 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
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 4/19/18 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