

CITY OF NEWTONIN CITY COUNCIL

## 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 alter/extend the nonconforming multi-family dwelling use (§3.4.1); allow parking in the side setback (§5.1.8.A.1; §5.1.13); reduce the width of parking stalls (§5.1.8.B.1; §5.1.13); reduce the minimum maneuvering aisle width (§5.1.8.C.1; §5.1.8.C.2; §5.1.13); reduce the minimum width for entrance and exit drives for two-way traffic (§5.1.8.D.1; §5.1.13); allow tandem parking stalls (§5.1.8.E.1; §5.1.13); waive perimeter screening requirements (§5.1.9.A; §5.1.13); waive outdoor lighting requirements (§5.1.10.A.1; §5.1.13); and waive the striping requirement (§5.1.10.B.3; §5.1.13), as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site, located in a Multi Residence 2 (MR2) zoning district, is an appropriate location for the changes to the existing three-family dwelling as designed because the dwelling will continue to conform to relevant dimensional requirements and the number of units will remain unchanged. (§7.3.3.C.1)
2. The proposed changes to the existing three-family dwelling as designed will not adversely affect the neighborhood as the floor area ratio (FAR) will be reduced by the removal of the existing garage and reconfiguration of the rear of the dwelling and the number of units will remain unchanged. (§7.3.3.C.2)
3. The proposed changes to the existing three-family dwelling as designed 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)
5. Literal compliance with the requirements for parking facilities related to the location of parking stalls in required side setbacks (§5.1.8.A.1), minimum width of parking stalls (§5.1.8.B), minimum width of maneuvering aisles (§5.1.8.C.1, §5.1.8.C.2), minimum width for entrance and exit drives for two-way traffic (§5.1.8.D.1), creation of tandem parking

stalls (§5.1.8.E.1), perimeter screening requirements (§5.1.9.A), outdoor lighting requirements (§5.1.10.A.1), and parking stall striping requirements (§5.1.10.B.3) is impracticable due to the nature of the continued use of the property for a three-family dwelling and the size, width, and depth of the lot. (§5.1.13)

PETITION NUMBER: #218-21

PETITIONER(S): Alena Shluakova

LOCATION: 38 Richardson Street, on land known as Section 12, Block 13, Lot 7, containing approximately 9,370 sq. ft. of land

OWNER(S): Alena Shluakova

ADDRESS OF OWNER(S): 189 Grove St., #2  
Waltham, MA 02453

TO BE USED FOR: Single-Family Residence

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit per §7.3.3 to:

- alter/extend a nonconforming multi-family dwelling use (§3.4.1)
- allow parking in the side setback (§5.1.8.A.1, §5.1.13)
- reduce the width of parking stalls (§5.1.8.B.1, §5.1.13)
- reduce the minimum maneuvering aisle width (§5.1.8.C.1, §5.1.8.C.2, §5.1.13)
- reduce the minimum width for entrance and exit drives for two-way traffic (§5.1.8.D.1, §5.1.13)
- allow tandem parking stalls (§5.1.8.E.1, §5.1.13)
- waive perimeter screening requirements (§5.1.9.A, §5.1.13)
- waive outdoor lighting requirements (§5.1.10.A.1, §5.1.13)
- waive the striping requirement (§5.1.10.B.3, §5.1.13)

ZONING: Multi Residence 2 (MR2) 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 site plan entitled "38 Richardson Street, Newton, Massachusetts, Civil Plan," prepared by Spruhan Engineering, P.C., dated April 23, 2021, signed and stamped by Christopher C. Charlton, Registered Professional Land Surveyor.
  - b. A set of plans entitled "Proposed Development for 38 Richardson Street, Newton, MA," prepared by Bourque Design, dated March 24, 2021, signed and stamped by Ronald L. Bourque, Registered Architect:
    - i. Basement Floor Plan
    - ii. First Floor Plan
    - iii. Second Floor Plan
    - iv. Attic Floor Plan
    - v. Roof Plan
    - vi. Left Elevation, Rear Elevation, Front Elevation
    - vii. Right Elevation
    - viii. a landscape plan (file named "38 Richardson landscape plan 07-27-2021.pdf")
  - c. A document entitled "Floor Area Ratio Worksheet, Property Address: 38 Richardson Street," indicating a proposed "Total gross floor area" of 5,178 square feet and a proposed "FAR" (floor area ratio) of 0.53.
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 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. At a minimum, it must address the following:
  - a. staging site for construction materials and equipment, parking for construction workers vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of the general contractor. It shall also address anticipated dewatering during construction, site safety & stability, siltation & dust control, and noise impact to abutters.
  - b. Stabilized driveway construction entrance(s) will be required for the duration of the construction which will provide a truck wash to prevent tracking of mud and silt onto City streets.

- c. Catch basins within and downstream of the construction zone will be required to have siltation control installed for the duration of the project and must be identified on the site plan.
4. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
  - a. 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.
  - 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. 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.
  - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. 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, including the as built FAR.
  - b. 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.
  - c. Filed with 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 fencing consistent with the plans referenced in Condition #1.
  - d. Notwithstanding the provisions of Condition #5(c) 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 required on-site landscaping/exterior hardscape improvements required per the approved plans. Prior, however, to issuance of any temporary certificate of occupancy pursuant to this condition, the Commissioner of Inspectional Services shall require that the Petitioner first file a bond, letter of credit, cash or other security in the form satisfactory to the Law Department in an amount not less than 135% of the value of the aforementioned remaining improvements.