

CITY OF NEWTON

IN 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 allow four single family attached dwelling units in two buildings with reduced side setbacks, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed four single-family attached dwellings in two buildings with reduced side setbacks because the project meets all other dimensional standards of the single-family attached dwellings building type and the proposed setbacks for the new construction are greater than the existing setback that does not meet the standard for single family attached dwellings. (§7.3.3.C.1)
2. The proposed four single-family attached dwellings in two buildings with reduced side setbacks will not adversely affect the neighborhood because the design of the single family attached dwellings breaks up the massing with two structures and meets the lot area per unit. (§7.3.3.C.2)
3. The proposed four single-family attached dwellings in two buildings with reduced side setbacks will not create a nuisance or serious hazard to vehicles or pedestrians because the proposed site plan maintains the driveway location. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the required number of parking stalls is accommodated on site. (§7.3.3.C.4)
5. Literal compliance with the dimensional standards for the side setbacks is impractical because the project as designed retains the existing historically significant structure and the new construction reflects the architecture of the existing historic structure. (§3.2.4)

PETITION NUMBER: #59-21

PETITIONER: 1092-1094 Chestnut Street Realty Trust

LOCATION: 1092-1094 Chestnut Street, on land known as Section 51 Block 41 Lot 4, containing approximately 20,291 sq. ft.

OWNER: 1092-1094 Chestnut Street Realty Trust

ADDRESS OF OWNER: P.O. Box 95092
Newton, MA 02495

TO BE USED FOR: Four single-family attached dwelling units in two structures

CONSTRUCTION: Wood Frame

EXPLANATORY NOTE: Special permit per §7.3.3 to allow four single-family attached dwelling units with reduced side setbacks (§3.4.1, §3.2.4)

ZONING: Multi Residence 1

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with:
 - a. A set of plans prepared by Spruhan Engineering, P.C., signed and stamped by Edmond Spruhan, Professional Land Surveyor:
 - i. "Proposed Conditions Site Plan" showing proposed conditions at 1092-1094 Chestnut Street, dated November 23, 2020, most recently revised August 17, 2021
 - ii. "Proposed Drainage and Utilities Plan" showing proposed conditions at 1092-1094 Chestnut Street, dated January 30, 2021
 - b. Architectural plans entitled "at 1092-1094 Chestnut Street" signed and stamped by Ronald Jarek, Registered Architect, dated June 17, 2021:
 - i. Front Elevation, Building 1, SD.06
 - ii. Right Elevation, Building 1, SD.07
 - iii. Left and Rear Elevations, Building 1, SD.08
 - iv. Front Elevation, Building 2, SD.09
 - v. Right, Left, and Rear Elevations, Building 2, SD.10
 - vi. Building 1 First Floor Plan, SD.11
 - vii. Building 2 First Floor plan, SD.12

- viii. Building 1 Second Floor Plan, SD.13
 - ix. Building 2 Second Floor Plan, SD.14
 - x. Building 1 Basement, SD.15
 - xi. Building 2 Basement, SD.16
 - xii. Building 1 Attic, SD.17
 - xiii. Building 2 Attic, SD.18
- c. Landscape Plan signed and stamped by Ronald Jarek, Registered Architect, dated June 17, 2021:
- i. Landscape Plan, SD.03
 - ii. Landscape Vegetation and Materials, SD.04
2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Director of Planning and Development, City of Newton Fire Department, Department of Planning and Development, Department of Engineering, and Department of Inspectional Services.
3. Prior to the issuance of a 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 Registry of Deeds for the Southern District of Middlesex County. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
4. 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. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - 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. Provided 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.
 - f. Provided 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 Registry of Deeds for the Southern District of Middlesex County. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.

- g. Submitted a final Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, the City Engineer, and the Director of Transportation.
 - h. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
5. The petitioner shall comply with the Tree Preservation Ordinance.
6. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
7. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking and shall comply with the City's Noise Control Ordinance.
8. Prior to the issuance of any building permit for the Project the Petitioner shall submit a Construction Management Plan (CMP) 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 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 from 8:00 a.m. to 7:00 p.m. on Saturdays. No construction is permitted on Sundays, or holidays except in emergencies, and only with prior approval from the Mayor.
 - c. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - 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 construction and delivery vehicles, and location of any security fencing.
 - e. 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.
 - f. Proposed methods of noise and vibration 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.
 - g. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.

- h. A plan for rodent control prior to demolition, during demolition, and during construction.
 - i. The CMP shall also address the following:
 - safety precautions;
 - anticipated dewatering during construction;
 - site safety and stability;
 - impacts on abutting properties.
9. 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 Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.
 - c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.
 - d. 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, fencing, and parking areas.
10. Notwithstanding the provisions of Condition #9 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, and/or benches provided that the Petitioner shall first have filed with the Director of Planning and Development 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 site work to secure installation of such landscaping, fencing, signage and parking areas. This condition shall not apply to the public footpath.