

CITY OF NEWTON
IN CITY COUNCIL

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 to amend Council Order #480-14(4) to waive certain requirements of parking facilities containing more than five stalls and to amend Condition #27 regarding changes to the dwelling unit sizes, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Rick Lipof:

1. The specific site is an appropriate location for the amendments to Council Order #480-14(4) because the site is governed by a special permit including a below-grade parking facility. (§7.3.3.C.1)
2. The use as developed and operated resulting from the proposed amendments to Council Order #480-14(4) will not adversely affect the neighborhood because the structure will still contain the required number of parking stalls. (§7.3.3.C.2)
3. The amendments to Council Order #480-14(4) will not create a nuisance or serious hazard to vehicles or pedestrians because the amendments only affect the below-grade parking facility. (§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. The proposed waivers to the dimensional requirements for parking facilities containing more than five stalls are in the public interest because the facility will still contain the number of required parking stalls and the users of the facility will be residents who will become familiar with the internal workings and will be able to safely navigate the facility.
6. The Council finds the changes to the dwelling unit sizes are not substantial and the project will comply with the inclusionary zoning provisions.

PETITION NUMBER: #327-21

PETITIONER: Turtle Lane, LLC

LOCATION: 283 Melrose Street

OWNER: Turtle Lane, LLC

ADDRESS OF OWNER: 77 Oldham Road, Newton, MA 02465

TO BE USED FOR: Dimensional waivers to the below-grade parking facility

CONSTRUCTION: Not Applicable

EXPLANATORY NOTES: Amend Council Order #480-14(4) to: reduce the minimum stall width (§5.1.8.B.1, §5.1.13, and §7.3.3); waive the maneuverability space required of restricted end stalls (§5.1.8.B.6, §5.1.13, and §7.3.3); and amend Condition #37.

ZONING: Multi Residence 1 District

Approved subject to the following conditions:

This Special Permit/Site Plan Approval amends Council Order #480-14(4) by waiving the aforementioned dimensional requirements of parking facilities containing more than five stalls and by amending Condition #27. All other conditions of Council Order #480-14(4) remain in full force and effect.

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. Sheet A1 Foundation Plan and Details, Sheet Revised as Parking Layout, signed and stamped by Ronald F. Jarek, Registered Architect, last revised April 7, 20201.
2. Condition #27 of Council Order #480-14(4) is hereby amended to state: "The initial sizes of the dwelling units in Building C shall be consistent with the sizes set forth in the plans dated July 27, 2015, provided any changes comply with the inclusionary zoning provisions.
3. 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 Council Order with the Registry of Deeds for the Southern District of Middlesex County.

- b. Filed a copy of such recorded council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
- c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.