



#297-21

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## City of Newton, Massachusetts

Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

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### PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 21, 2021
Land Use Action Date:	December 14, 2021
City Council Action Date:	December 20, 2021
90-Day Expiration Date:	December 20, 2021

DATE: September 17, 2021

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Neil Cronin, Chief Planner for Current Planning  
Katie Whewell, Senior Planner

SUBJECT: **Petition #297-21**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 2.5 story two-unit dwelling with a height of 28.3', ground floor residential use and to allow parking within five feet of the street at 55 Colella Road, Ward 8, Newton Centre, on land known as Section 84 Block 15 Lot 01, containing approximately 7,541 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.3, 4.1.3, 5.1.7.A, 5.1.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



55 Colella Road

## EXECUTIVE SUMMARY

The subject property located at 55 Colella Road consists of 7,541 square feet of land, improved with a single-family dwelling constructed in 1949. The property is located within the Business 1 (the “BU-1”) zone in Oak Hill Park. The petitioner proposes to demolish the existing structure to construct a two-unit structure. Business zones restrict ground floor residential uses, thus the petitioner requires special permit relief to allow the ground-floor residential use, although each of the units span 2.5 stories. The petitioner also requires relief to allow a structure with more than two stories, allow a structure with 28.3 feet in height and parking within five feet of the street.

The Planning Department believes the location to be appropriate for the ground floor residential uses in the BU-1 zoning district. The neighborhood is comprised of a mix of housing styles, including two and a half story structures and residential uses ranging from single, to a multifamily use with 20 units. As the petitioner is seeking relief for parking within five feet of the street for a project that consists of new construction, the Planning suggests that the petitioner explore ways to comply with the requirement and eliminate the relief.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed 2.5 story structure with a height of 28.3 feet and ground-floor residential use (§7.3.3.C.1, §4.1.2.B.3, §4.1.3, §4.4.1).
- The proposed 2.5 story structure with a height of 28.3 feet and ground-floor residential use will adversely affect the neighborhood (§7.3.3.C.2, §4.1.2.B.3, §4.1.3, §4.4.1).
- There will be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3, §4.1.2.B.3, §4.1.3, §4.4.1).
- Access to the sites over streets is appropriate for the types and number of vehicles involved (§7.3.3.C.4, §4.1.2.B.3, §4.1.3, §4.4.1).
- Literal compliance with restricting parking within five feet of the street is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.7.A, §5.1.13).

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

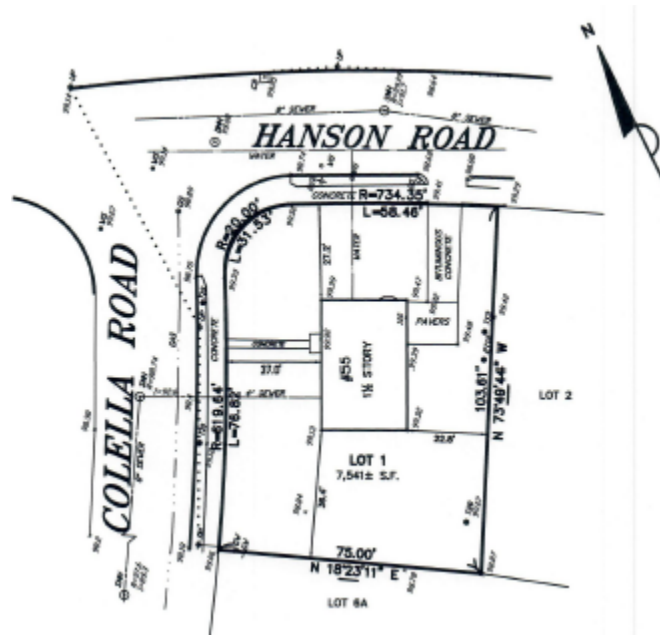
### A. Neighborhood and Zoning

The subject property is located at the corner of Colella and Hanson Roads and is within the Business 1 (BU-1) zone in Oak Hill Park. The BU-1 zone encompasses the properties southwest of Hanson Road, while Single Residence zones extend to the east, north, and west. The Single Residence 3 zone is adjacent to the site, across Colella and Hanson Roads (**ATTACHMENT A**). The area is comprised of single-family residential uses, a nonprofit use, and a multi-family residential use directly to the southwest of the site (**ATTACHMENT B**).

### B. Site

The site consists of 7,541 square feet improved with a single-family dwelling constructed in 1949. The site is accessed by a single curb cut from Hanson Road leading to a driveway with surface parking. Due to its configuration as a corner lot, there are two front setbacks of approximately 27 feet from Colella and Hanson Roads. The site is relatively flat and has overgrown landscaping along the two frontages.

Existing Conditions



## III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

If approved, the land use will change from a single-family use to a two-family residential use.

B. Site and Building Design

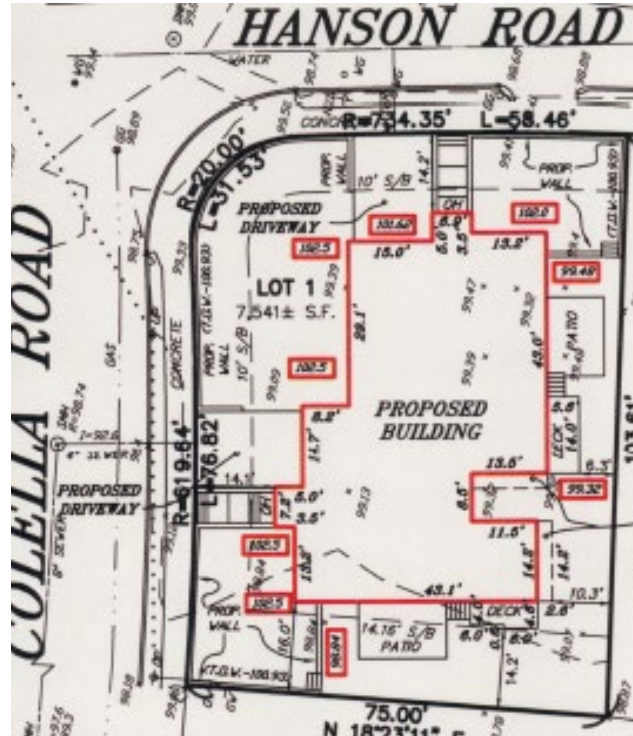
The petitioner is proposing to raze the existing single-family dwelling to construct a two-unit structure. The proposed two-unit dwelling design has garages and dedicated driveways for each unit. The two units will be accessed separately from Colella and Hanson Road. The proposed two-unit structure will measure 28.3 feet tall, and 2.5 stories, where 24 feet and 2 stories are the maximum allowed as of right, thus requiring a special permit. The proposed two-unit structure also requires a special permit for the residential ground-floor use in a business zone.

The required setbacks for buildings in the BU-1 zoning district are a front setback of 10 feet, side setbacks are half of the building height, and the rear setback depends on if the rear property line is abutting a residential or public use district. This site abuts a business zone to the rear, making the required rear setback zero feet. The petitioner is proposing 14-foot front and side setbacks, and 6.5-foot rear setback. For comparison, in the adjacent SR-3 zone, the required setbacks for a dwelling are: 25-foot front setbacks, 7.5 feet from the side, and 15 feet from the rear.

The petitioner did not include the proposed open space and lot coverage within the plans. For comparison in the SR-3 zone, the maximum allowed lot coverage is 30% while the minimum allowed open space is 50%.

The petitioner is proposing retaining walls along the frontage however, the walls do not exceed four feet in height at any point.

Proposed Site Plan



As proposed, the project has a floor area ratio ("FAR") of .66, where 1.0 is the maximum allowed in the BU-1 zoning district. Although this site is within a business zone, a dwelling in an adjacent SR3 zoning district would be allowed an FAR of .47, with the option to obtain a .02 bonus by meeting new lot setbacks for an FAR of .49. An FAR of .47 translates to 3,544 square feet of floor area. Including the garages, each unit contains approximately 2,500 square feet of floor area and spans 2.5 stories. When considering gross floor area and area below grade, each unit contains approximately 3,500 square feet.

Proposed Front Elevations



**COLELLA ROAD ELEVATION**



**HANSON ROAD ELEVATION**



**REAR ELEVATION**



**SIDE ELEVATION**

C. Parking and Circulation

The proposed site design includes one 14-foot-wide curb cut per frontage, resulting in tandem parking with one vehicle in the garage and the other in the driveway. This configuration places the required second parking stall within five feet of the street, requiring a special permit. In an as of right configuration, the driveway length would need to be at least 24 feet in length, accounting for the 19-foot parking stall dimension and the additional five feet of distance between the end of the parking stall and street.

As the petitioner is seeking relief for parking within five feet of the street for a project that consists of new construction, the Planning suggests that the petitioner explore ways to comply with the requirement and eliminate the relief.

D. Landscaping

The petitioner will be required to comply with the Tree Preservation Ordinance. The petitioner submitted a landscape plan that shows landscaping throughout the site, offering screening from abutters. The plan includes the DBH (diameter at breast height) removed (45”) and replaced (47”).

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the proposal regarding zoning. The petitioner is seeking the following relief:

Zoning Relief Required		
Ordinance		Action Required
§4.4.1	Request to allow a residential use with ground floor units	S.P. per §7.3.3
§4.1.2.B.3	To allow a 2.5 story structure at 25.66 feet in height	S.P. per §7.3.3
§4.1.3		
§5.1.7.A	To allow parking within five feet of the street	S.P. per §7.3.3
§5.1.13		

B. Engineering Review

The petitioner submitted the proposed plans and a stormwater report to the Engineering Division. Associate City Engineer John Daghlian reviewed the materials. In the Engineering Memorandum (**Attachment D**), Mr. Daghlian stated an O&M plan will be required prior to the issuance of a building permit, should this petition be approved.

C. Newton Historical Commission

The petition does not meet the minimum threshold for review by the Newton Historical Commission. The Chief Preservation Planner found the structure not historically significant in July 2020 allowing the existing structure to be razed.

V. PETITIONER'S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing, as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memo prior to any future public hearings.

**ATTACHMENTS:**

- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** Engineering Memorandum
- Attachment E:** DRAFT Council Order






# ATTACHMENT A

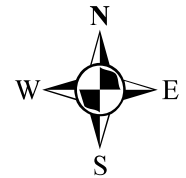
## Zoning

### 55 Colella Road

*City of Newton,  
Massachusetts*

## Zoning

-  Single Residence 2
-  Single Residence 3
-  Business 1

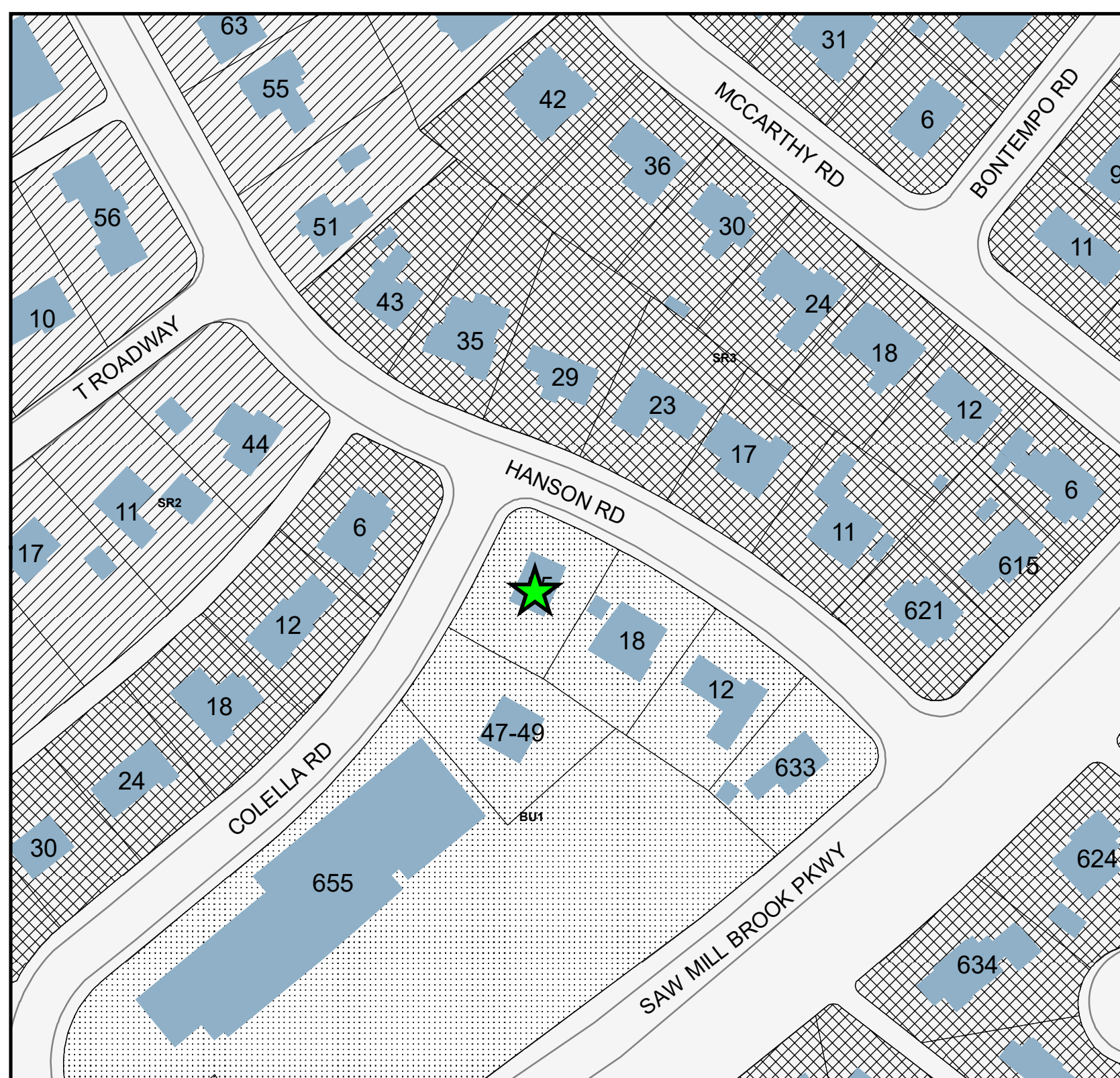


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 Feet

Map Date: September 08, 2021



# ATTACHMENT B




## Land Use

### 55 Colella Road

*City of Newton,  
Massachusetts*

#### Land Use

#### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Nonprofit Organizations

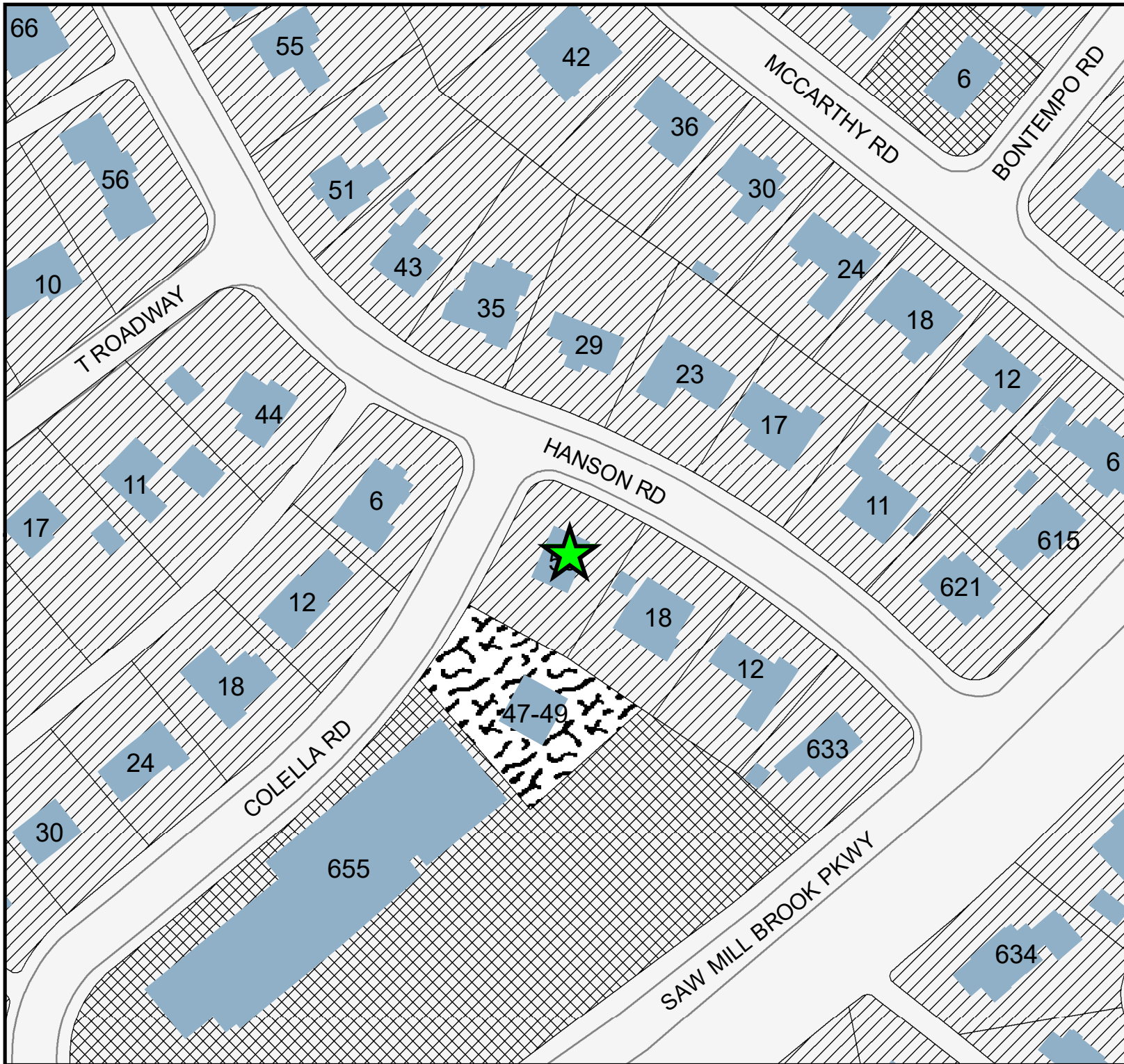


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 Feet

Map Date: September 08, 2021





**Ruthanne Fuller**  
Mayor

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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: July 26, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Neil Cronin, Chief Planner for Current Planning

Cc: 55 Colella Rd LLC, Applicant  
Michael Lohin, Developer  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request for a special permit for a ground floor residential use, height and stories, and to allow parking within five feet of a street**

Applicant: 55 Colella Rd LLC	
<b>Site:</b> 55 Colella Road	<b>SBL:</b> 84015 0001
<b>Zoning:</b> BU1	<b>Lot Area:</b> 7,541 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> 2-unit dwelling

### BACKGROUND:

The property located at 55 Colella Road consists of a 7,541 square foot corner lot improved with a two-story single-family dwelling constructed in 1949 in the Business 1 zoning district. The petitioner proposes to raze the dwelling and construct a two-unit dwelling with two garage parking stalls and two surface stalls. The property will be accessed by two curb cuts, one on Colella Road and the other on Hanson Road. To construct the project as proposed, the petitioner requires a special permit.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Michael Lohin, Developer, dated 7/22/2020, revised 2/17/2021
- Proposed Conditions Plan, signed and stamped by Clifford E. Rober, surveyor, dated 5/11/2020, revised 11/4/2020, 5/11/2021
- Architectural Plans and Elevations, signed and stamped by Timothy B. Mulligan, architect, dated 7/18/2020, revised 11/4/2020, 2/12/2021, 7/23/2021

- FAR worksheet, submitted 7/22/2020, revised 2/18/2021

**ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioner proposes to raze the single-family dwelling and construct a two-unit dwelling. Per section 4.4.1, a special permit is required to allow a residential use on the ground floor in the BU1 zoning district.
2. Section 4.1.3 allows for a maximum height of 24 feet and two stories by right, up to 36 feet and three stories by special permit. The petitioner proposes a 2.5 story structure with 28.3 feet in height, requiring a special permit.
3. The petitioner proposes to construct a single-car garage within each unit, with one surface stall in front of the garage door. The proposed driveways are 19 feet deep. Per section 5.1.7.A parking may not be located within five feet of a street. Where section 5.1.7.B.2 requires 19 feet in length for a parking stall, a waiver per section 5.1.13 is required to allow for parking within five feet of the street.

<b>BU1 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	10,000 square feet	<b>7,541 square feet</b>	No change
Setbacks			
• Front (Colella Rd)	10 feet	27 feet	14.1 feet
• Front (Hanson Rd)	10 feet	NA	14.2 feet
• Side	14.2 feet (1/2 height)	36.4 feet	14.2 feet
• Rear	0 feet	22.5 feet	6.5 feet
Building Height	up to 36 feet (special permit)		<b>28.3 feet</b>
Stories	up to 3 (special permit)	2	<b>2.5 stories</b>
Lot Area Per Unit	1,200 square feet	7,541 square feet	3,770.5 square feet
FAR	1.0	NA	.66

See "Zoning Relief Summary" below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1	Request to allow a residential use with ground floor units	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow a 2.5 story structure at 25.66 feet in height	S.P. per §7.3.3
§5.1.7.A §5.1.13	To allow parking within five feet of the street	S.P. per §7.3.3

CITY OF NEWTON  
Department of Public Works  
ENGINEERING DIVISION

## MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 55 Colella Road

Date: August 25, 2021

CC: Barney Heath, Director of Planning  
Jennifer Caira, Deputy Director  
Lou Taverna, PE City Engineer  
Nadia Khan, Committee Clerk  
Neil Cronin, Chief Planner  
Michael Gleba, Sr. Planner

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In reference to the above site, I have the following comments for a plan entitled:

#55 Colella Road Site Development Plan  
Prepared by: The Jillson Company  
Dated: 24 June 2021

Executive Summary:

This application entails the demolition of a single-family home and construction of a two-family unit. The site is relatively flat, the design takes into account a stormwater drainage collection and infiltration system consistent with eth DPW Stormwater policy, however; an Operations and Maintenance plan is needed for long-term performance, this need to be developed and submitted for approval which maybe done prior to a Building permit if this is approved. An impervious barrier will be required for both infiltration systems as they are less than 10-feet form their respective property lines. The sidewalk and concrete curb shall be replaced with new cement concrete sidewalks and granite curbing following the installation of the new utilities.

Construction Management:

1. 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.
2. 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.

Drainage:

1. An Operations and Maintenance (O&M) plan for the long-term maintenance of the proposed stormwater management facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by the applicant/property owner, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
2. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, trench drains, and pipe(s) are the sole responsibility of the property owner(s).
3. The soil log for the on-site soil testing is needed to verify the design assumptions.

Sanitary Sewer & Domestic Water Service(s):

1. Existing water and sewer services to building(s) shall cut and capped at the respective mains and completely removed from the main(s) and its entire length and properly backfilled. The Engineering Division must inspect and approve this work, failure to having this work inspected will result in delay of issuance of the new Utility Connection or issuance of a Certificate of Occupancy.
2. All new sewer service(s) shall be pressure tested in accordance with the City Construction Specifications & Standards and inspected via Closed Circuit Television CCTV inspection after installation is completed. A copy of the video inspection and written report shall be submitted to the City Engineer or his representative. The sewer service will NOT be accepted until the two methods of inspection are completed AND witnessed

by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until these tests are completed to the satisfaction of the City Engineer.

3. All sanitary sewer manhole(s) shall be vacuum tested in accordance with the City's Construction Standards & Specifications, the sewer service and manhole will NOT be accepted until the manhole(s) pass the testing requirements. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed to the satisfaction of the City Engineer and a written report of the test results is submitted to the City Engineer.
4. With the exception of natural gas service(s), all utility trenches within the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E up to within 18-inches of the asphalt binder level, after which Dense Grade Gravel compacted to 95 % Proctor Testing shall be placed over the CDF. Details of this requirement is the Engineering Division website "Standard Construction Details".
5. All water services shall be chlorinated, and pressure tested in accordance with the AWWA and the City Construction Standards & Specifications prior to coming online. These tests MUST be witnessed by a representative of the Engineering Division.
6. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division, the engineer of record shall submit a plan to the Director of Utilities for approval.

General:

1. 5 Year Moratorium – if at time of construction the roadway is under a 5-year moratorium, the roadway must be milled and paved gutter-to-gutter for a distance of 25 feet in each direction from the outermost trenches.
2. All trench excavation shall comply with Massachusetts General Law Chapter 82A, Trench Excavation Safety Requirements, and OSHA Standards to protect the general public from unauthorized access to unattended trenches or excavations. Trench Excavation Permit is required prior to any construction. This applies to all trenches on public and private property. *This note shall be incorporated onto the final plans.*
3. All tree removal shall comply with the City's Tree Ordinance.
4. The contractor of record is responsible for contacting the Engineering Division and scheduling an appointment 48-hours prior to the date when the utilities will be made available for an inspection of water services, sewer services and drainage system installation. The utility in question shall be fully exposed for the Inspector to view,

backfilling shall only take place when the City Engineer's Inspector has given their approval. *This note shall be incorporated onto the final plans.*

5. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.
6. Before requesting a Certificate of Occupancy, an As Built plan shall be submitted to the Engineering Division in both digital and paper format. The plan shall show all utilities and final grades, any easements and improvements and limits of restoration. The plan shall include profiles of the various new utilities including but not limited to rim & invert elevations (City of Newton Datum), slopes of pipes, pipe materials, and swing ties from permanent building corners. The as built shall be stamped by both a Massachusetts Registered Professional Engineer and Registered Professional Land Surveyor. Once the As built plan is received the Engineering Division shall perform a final site inspection and then make a determination to issue a Certificate of Occupancy. *This note shall be incorporated onto the final plans.*
7. All site work including trench restoration, sidewalk, curb, apron and loam border (where applicable) shall be completed before a Certificate of Occupancy is issued. *This note shall be incorporated onto the final plans.*
8. The contractor of record shall contact the Newton Police Department 48-hours in advanced and arrange for Police Detail to help residents and commuters navigate around the construction zone.
9. If any changes from the final approved design plan that are required due to unforeseen site conditions, the contractor of record shall contact the design engineer of record and submit revised design and stamped full scale plans for review and approval prior to continuing with construction.
10. *The engineer of record shall add the following attestation to the plans when applying for a building permit:*

*I certify that the construction so shown was inspected prior to backfill and that all work conforms with the Approved Plan and meets or exceeds the City of Newton Construction Standards.*

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Signature

Note: If the plans are updated it is the responsibility of the applicant to provide all City Departments [ ISD, Conservation Commission, Planning and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns, please feel free to contact me at 617-796-1023.



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 a structure with 28.4 feet in height and more than two stories, to allow around floor residential uses, and to allow parking within five feet of the street as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site in the Business 1 zoning district is an appropriate location for the proposed 2.5-story structure with a height of 28.3 feet and ground floor residential use because there are similar structures on Colella and Hanson Roads with 2.5 stories and which contain ground floor residential uses. (§7.3.3.C.1, §4.1.2.B.3, §4.1.3, §4.4.1)
2. The proposed 2.5 story structure with a height of 28.3 feet and ground floor residential use will not adversely affect the neighborhood (§7.3.3.C.2, §4.1.2.B.3, §4.1.3, §4.4.1),
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3, §4.1.2.B.3, §4.1.3, §4.4.1),
4. Access to the sites over streets is appropriate for the types and number of vehicles involved because the required parking is contained on site (§7.3.3.C.4, §4.1.2.B.3, §4.1.3, §4.4.1),
5. Literal compliance with restricting parking within five feet of the street is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.7.A, §5.1.13).

PETITION NUMBER: #297-21

PETITIONER: Michael Lohin

LOCATION: 55 Colella Road, on land known as Section 84, Block 15, Lot 01, containing approximately 7,541 square feet of land

OWNER: Brad Cangiamila

ADDRESS OF OWNER: 1 Crest Road  
Wellesley, MA 02482

TO BE USED FOR: Two Unit Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special permit to allow a two unit structure with 28.3' in height and more than two stories and to allow parking within five feet of the street (§7.3.3., §4.1.2.B.3, §4.1.3, §4.4.1, §5.1.7.A, §5.1.13),

ZONING: Business 1 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. Proposed Plot Plan, 55 Colella Road, signed and stamped by Scott C. Lynch, Professional Land Surveyor, dated May 11, 2020.
  - b. 55 Colella Road Site Development Plan, signed and stamped by Kevin E. O'Leary Registered Engineer, Professional Land Surveyor, dated June 24, 2021, revised June 29, 2021
  - c. Architectural Plans and Elevations, prepared by Studio 47 architects, signed and stamped by Timothy Mulligan, dated July 23, 2021 consisting of five (5) sheets:
    - i. A100, First Floor Plan
    - ii. A101, Second Floor Plan
    - iii. A102, Basement Plan
    - iv. A200, Exterior elevations showing the front elevations from Colella Road and Hanson Road
    - v. A201, Rear and Side Elevations
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
3. The petitioner shall comply with the City of Newton Tree Ordinance.
4. Prior to the issuance of any building permit for the Project, the petitioner shall provide a landscape plan for review and approval by the Director of Planning and Development.
5. The Petitioner shall do the following to remediate pest and rodent activity:

- a. Prior to issuance of any demolition permit, the petitioner shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity prior to demolition, and plan for preventing pest migration off-site during demolition and construction.
  - b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Planning and Development Department, Inspectional Services Department, and the Health and Human Services Department for review and approval prior to issuance of any demolition or building permit.
  - c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action necessary to control pest infestation and migration. The Pest Control Operator shall maintain a written record of all pest control measures performed and shall provide progress reports to Inspectional Services Department and the Health and Human Services Department upon request.
  - d. Prior to issuance of any temporary certificate of occupancy, the Pest Control Operator shall file a final report with the Inspectional Services Department and the Health and Human Services Department summarizing the methods used, whether off-site migration occurred, the frequency and dates of service, and a post-construction site and neighborhood assessment.
  - e. In the event any demolition or construction activity causes off-site pest migration, prior to the issuance of any certificates of occupancy (temporary or final) ,the petitioner shall offer rodent abatement services on an as needed basis for all properties within a 300 foot radius of the site, subject to owner authorization of such properties and a waiver of liability.
6. 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 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
  - d. The petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management, should such a system be required, to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioner at the Middlesex South District Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.

5. 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 statements by a registered architect and professional land surveyor certifying compliance with Condition #1.
  - 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 Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.