

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 dwellings, (§3.4.1) with reduced side and rear setbacks (§3.2.4), allow a driveway within 10 feet of the side lot line and parking within 20 feet of a boundary (§6.2.3.B.2); waive two parking stalls (§5.1.4; §5.1.13), allow for reduced parking stall widths (§5.1.7.B.1; §5.1.13) and allow for a reduced parking stall depth (§5.1.7.B.2; §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 in a Multi Residence 1 zoning district is an appropriate location for the proposed four single-family attached dwellings in two structures as designed with reduced side and rear setbacks as the structures will be preserved and not expanded or relocated, and the lot area per unit of 4,858 square feet will exceed the minimum 4,000 square feet required. (§7.3.3.C.1)
2. The proposed four single-family attached dwellings in two structures as designed with reduced side and rear setbacks will not adversely affect the neighborhood as they will be created in existing structures that will be preserved and not expanded or relocated. (§7.3.3.C.2)
3. The proposed four single-family attached dwellings in two structures 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 requirements not allowing the location of a driveway within 10 feet of the side lot line and/or parking within 20 feet of a boundary is impractical due to the size and shape of the lot, and such exceptions would be in the public interest as it would allow the preservation of the existing structures on the property. (§3.2.4; §6.2.3.B.2)
6. Literal compliance with requirements pertaining to parking stall widths and depths

(§5.1.7.B.1; §5.1.7.B.2); and the number of required parking stalls (§5.1.4), is impracticable due to the size and the shape of the lot, and such exceptions would be in the public interest as it would allow the preservation of the existing structures on the property. (§5.1.13)

PETITION NUMBER: #333-21

PETITIONER: Whiteacre Properties, LLC

LOCATION: 34 Prescott Street, Ward 2, on land known as Section 23, Block 12, Lot 4, containing approximately 19,432 sq. ft. of land

OWNER: 336 Newtonville Ave LLC

ADDRESS OF OWNER: Whiteacre Properties, LLC  
150 Speen Street, Suite 302  
Natick, MA 01750

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

EXPLANATORY NOTES: Special permit as per §7.3.3:

- allow single-family attached dwellings (§3.4.1)
- reduce required side and rear setbacks (§3.2.4)
- allow a driveway within 10 feet of the side lot line and parking within 20 feet of a boundary (§6.2.3.B.2)
- waive two parking stalls (§5.1.4; §5.1.13)
- allow for a reduced parking stall width (§5.1.7.B.1; §5.1.13)
- allow for a reduced parking stall depth (§5.1.7.B.2; §5.1.13)

ZONING: Multi-Residence 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. A site plan, entitled "Civil Site Plan, Prescot (*sic*) St., Newton, MA, "prepared by Columbia Design Group, LLC," dated July 30, 2021 Revised October 7, 2021, signed and stamped by Peter Gammie, Registered Professional Engineer.

- b. A site plan, entitled "Zoning Plan, 34 Prescot (*sic*) St., Newton, MA, "prepared by Columbia Design Group, LLC," dated October 7, 2021, signed and stamped by Peter Gammie, Registered Professional Engineer.
  - c. A set of architectural plans entitled "34 Prescott, WhiteAcre Properties, prepared by Context, undated, consisting of the following sheets:
    - i. Proposed Site Plan (A-02)
    - ii. Proposed Front Elevation, Proposed Left Side Elevation, Proposed Rear Elevation and Proposed Right Side Elevation, dated August 5, 2021 (A-30)
    - iii. Level 1 Plan, Level 2 Plan (note: carriage house), dated August 5, 2021 (A-10), revised October 1, 2021
    - iv. Prescott St. Elevation, Rear Elevation (undated) (X-A2)
    - v. Side Elevation, Central Ave. Elevation (undated)(X-A3)
    - vi. Level 2 Plan, Level 3 Plan (undated) (X-A2)
    - vii. Basement Plan, Existing Level 1 Plan (undated)(X-A2)
    - viii. Level 1 Plan, Level 2 Plan (02)
  - b. A landscape plan entitled "34 Prescott Street, Landscape Planting Plan," dated July 30, 2021, prepared by Context – Michael D'Angelo Landscape Architecture,
2. All lighting fixtures shall be residential in scale.
  3. The petitioner shall comply with the Tree Preservation Ordinance.
  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, and the Engineering Division of Public Works.
    - d. Provided a Final Landscape Plan for review and approval by the Director of Planning and Development.
    - e. 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. 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 a statement by a registered architect or engineer certifying compliance with Condition #1.

- b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and digital format.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
  - d. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
6. Notwithstanding the provisions of Condition #5 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provided that the petitioner shall first have filed 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 landscaping to secure installation of such landscaping.