



#380-21

Telephone
(617) 796-1120

Telefax
(617) 796-1142

TDD/TTY
(617) 796-1089

www.newtonma.gov

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

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: December 7, 2021
Land Use Action Date: March 1, 2021
City Council Action Date: March 7, 2021
90-Day Expiration Date: March 7, 2021

DATE: December 3, 2021

TO: City Council

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

SUBJECT: **Petition #380-21**, for SPECIAL PERMIT/SITE PLAN APPROVAL to construct additions to the maintenance building and associated parking, to waive interior landscaping, lighting and bicycle parking facilities and to amend Special Permit #236-13 to extend a non-conforming use at 483 Dedham Street, Ward 8, Newton Centre, on land known as Section 83 Block 36 Lot 04, containing approximately 6,446,022 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 7.8.2.C.2, 5.1.9.B, 5.1.13, 5.1.10.A, 5.1.11 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



483 Dedham Street

EXECUTIVE SUMMARY

The subject property located at 483 Dedham Street consists of approximately 150 acres in the Single Residence 1 district (the “SR-1 zone”) in Newton Centre. The site is improved with a club in the form of a golf course and associated facilities. The club is a legal nonconforming use because it was not constructed pursuant to a special permit. The petition is limited to the maintenance structure accessed from Winchester Street, adjacent to 499 Winchester Street and to Nahanton Park. The petitioner is seeking to construct additions to the maintenance structure along with associated structures for maintenance equipment and supplies as well as to construct a surface parking facility. As a result, the petitioner requires special permits to extend the nonconforming use to construct the additions and structures and to waive certain requirements of parking facilities containing more than five parking stalls. The Planning Department is unconcerned with the requested special permits. However, staff suggests the petitioner work to develop landscape plan to screen the proposed structure and improvements from Winchester Street.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed amendments to Council Order #236-13. (§7.3.3.C.1)
- The site resulting from the amendments to Council Order #236-13 will adversely impact the neighborhood. (§7.3.3.C.2)
- The site resulting from the amendments to Council Order #236-13 will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- The extension of the nonconforming use will be substantially more detrimental than the existing nonconforming use is to the neighborhood (§7.8.2.C.2)
- Literal compliance with the parking requirements, specifically the interior landscaping, the number of bicycle parking stalls, and parking facility lighting 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 (§5.1.4, §5.1.8.B.6, §5.1.8.C.1, §5.1.8.C.2, §5.1.10, and §5.1.13).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

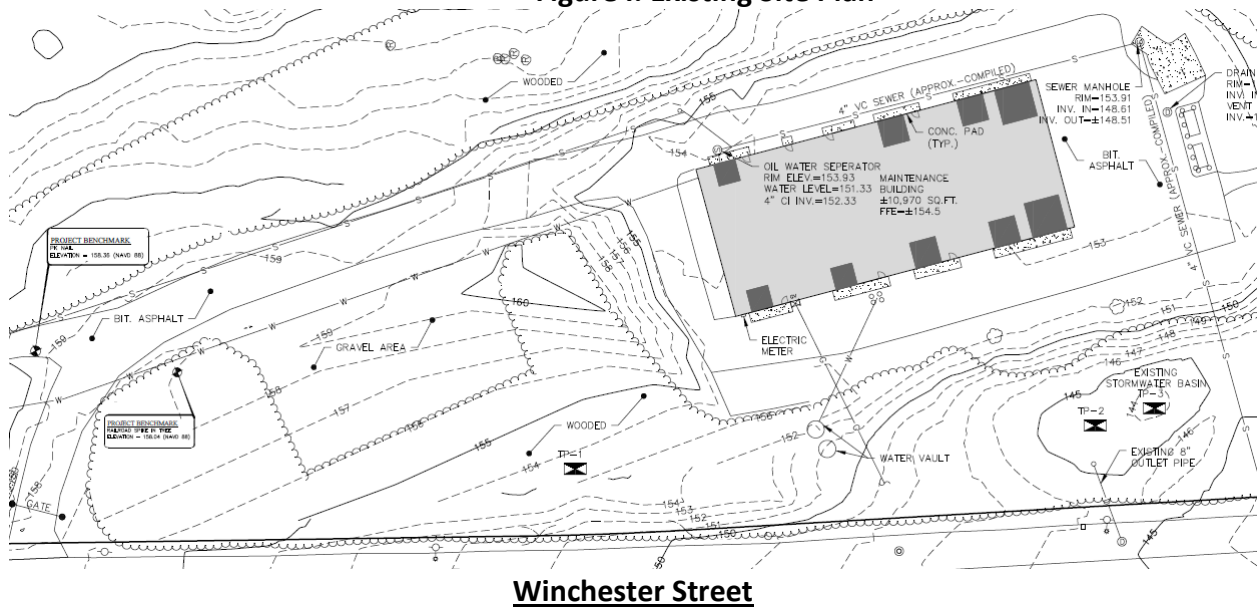
A. Neighborhood and Zoning

The subject property is located on Dedham Street in the SR-1 zone in Newton Centre. However, the club extends westward from Dedham Street to the Charles River and southward from Wallace Street to Carlson Avenue. The area contains an array of zones from the Multi Residence 1 and 3 zones, to a Public Use District, and to a Single Residence 3 zone (**Attachment A**). As such, the area consists of single- and multi-family residential uses as well as open space parcel in the form of Nahanton Park (**Attachment B**).

B. Site

The site consists of approximately 150 acres and it is improved with a club and associated structures and facilities. The petition is limited to the area of the maintenance structure along the Winchester Street frontage, adjacent to 499 Winchester Street and to Nahanton Park. The maintenance structure contains one-story structure and is used for storage and office space approved by Board Order #509-87. The structure is accessed by a driveway from Winchester Street and the area is improved with gravel and dirt areas.

Figure I: Existing Site Plan



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

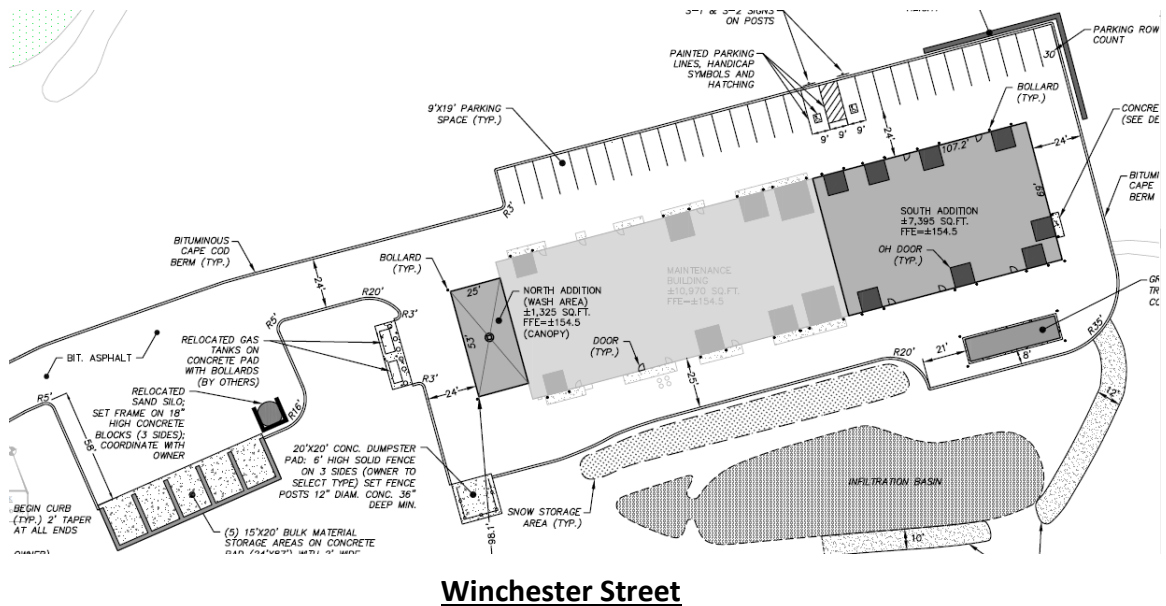
The principal use of the site is and will be a club.

B. Building and Site Design

The petitioner is proposing to construct additions to the maintenance structure along with associated structures for maintenance equipment and supplies as well as to construct a surface parking facility. The additions would house equipment and storage that is already on site, while the parking stalls would mitigate vehicles parking on the driveway. The northern addition is approximately 25 feet wide by 53 feet long and would be used as a wash area for carts, while the southern addition is approximately 107 feet wide by 69 feet wide and would be used for cart and equipment storage. Both additions would consist of one story and would not be any closer to Winchester Street than the existing structure.

To the north of the structure, the petitioner is proposing bulk material storage areas, while to the south a dumpster enclosure, as well as an enlarged stormwater management area, and a 45 foot long by 11-foot-wide storage trailer are proposed. To the east, the petitioner is proposing to extend the pavement to construct 30 parking stalls with a 24-foot-wide drive aisle. At the southeast corner, the petitioner is proposing a retaining wall that would reach 11 feet in height.

Figure II: Proposed Site Plan



Winchester Street

C. Parking and Circulation

The petitioner is proposing to construct 30 surface parking stalls to the east of the structure. The parking stalls would be accessed via the existing driveway from Winchester Street, the stalls and the drive aisle would comply with the zoning ordinance. The petitioner is requesting waivers from the lighting requirements, that the stalls be lighted to a minimum intensity of one-foot candle, and from the bicycle parking requirement, three stalls. The Planning Department is unconcerned with these waivers because the area would only be accessible to employees.

D. Landscaping

The petitioner is seeking a waiver of the internal landscaping requirement for parking facilities containing at least 20 stalls. Per the zoning ordinance, the petitioner is required to construct approximately 256 square feet of landscaping area, containing at least three trees. Given the layout of the parking facility and given it is screened by the proposed structure, staff is not concerned with the waiver. However, staff suggests the petitioner develop a landscape plan to screen the proposed structure and the associated improvements from Winchester Street.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Amend Council Order #236-13;
- §7.8.2.C.2 of Section 30, to extend the nonconforming use;
- §5.1.9.B and §5.1.13 of Section 30, to waive interior landscaping;
- §5.1.10.A and §5.1.13 of Section 30, to waive lighting; and
- §5.1.11 and §5.1.13 of Section 30, to waive bicycle parking facilities.

B. Engineering Review

Associate City Engineer, John Daghlian, reviewed the petition regarding stormwater management (**Attachment D**). Mr. Daghlian notes a pre- and post-construction drainage analysis will be required prior to the issuance of a building permit, should the petition be approved. The attached draft council order includes the standard conditions regarding stormwater management.

C. Historic Preservation Review

This petition does not meet the minimum threshold for review from the Newton Historical Commission.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Zoning Review Memorandum, dated August 24, 2021
- Attachment D:** Engineering Division Memorandum, dated December 3, 2021
- Attachment E:** DRAFT Council Order







ATTACHMENT A

Zoning

483 Dedham Street

*City of Newton,
Massachusetts*


Legend

-  Single Residence 1
-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 3
-  Public Use

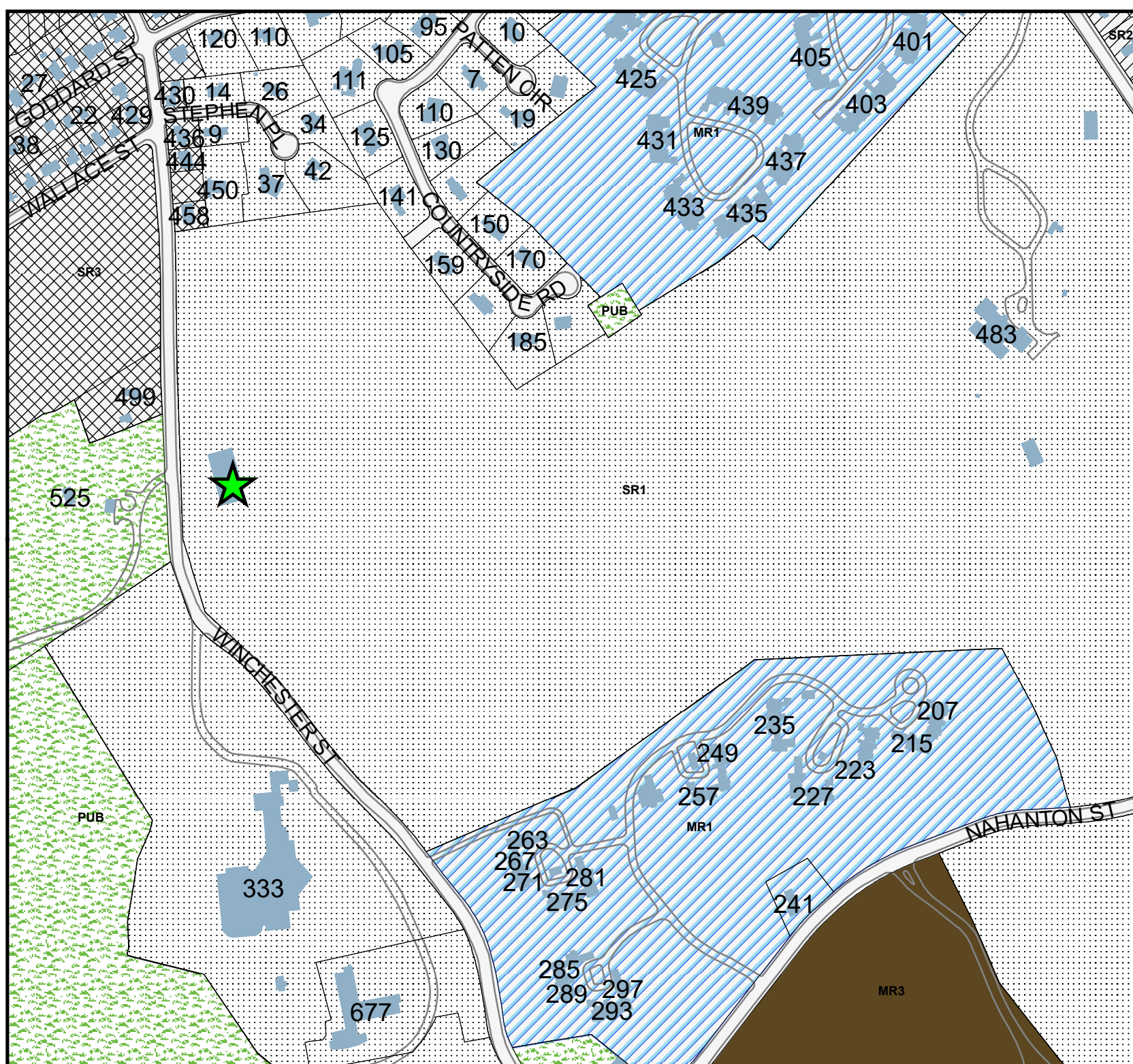


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

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Map Date: November 30, 2021



ATTACHMENT B

Land Use

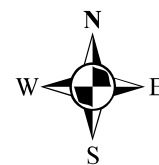
483 Dedham Street

*City of Newton,
Massachusetts*

Legend

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Nonprofit Organizations

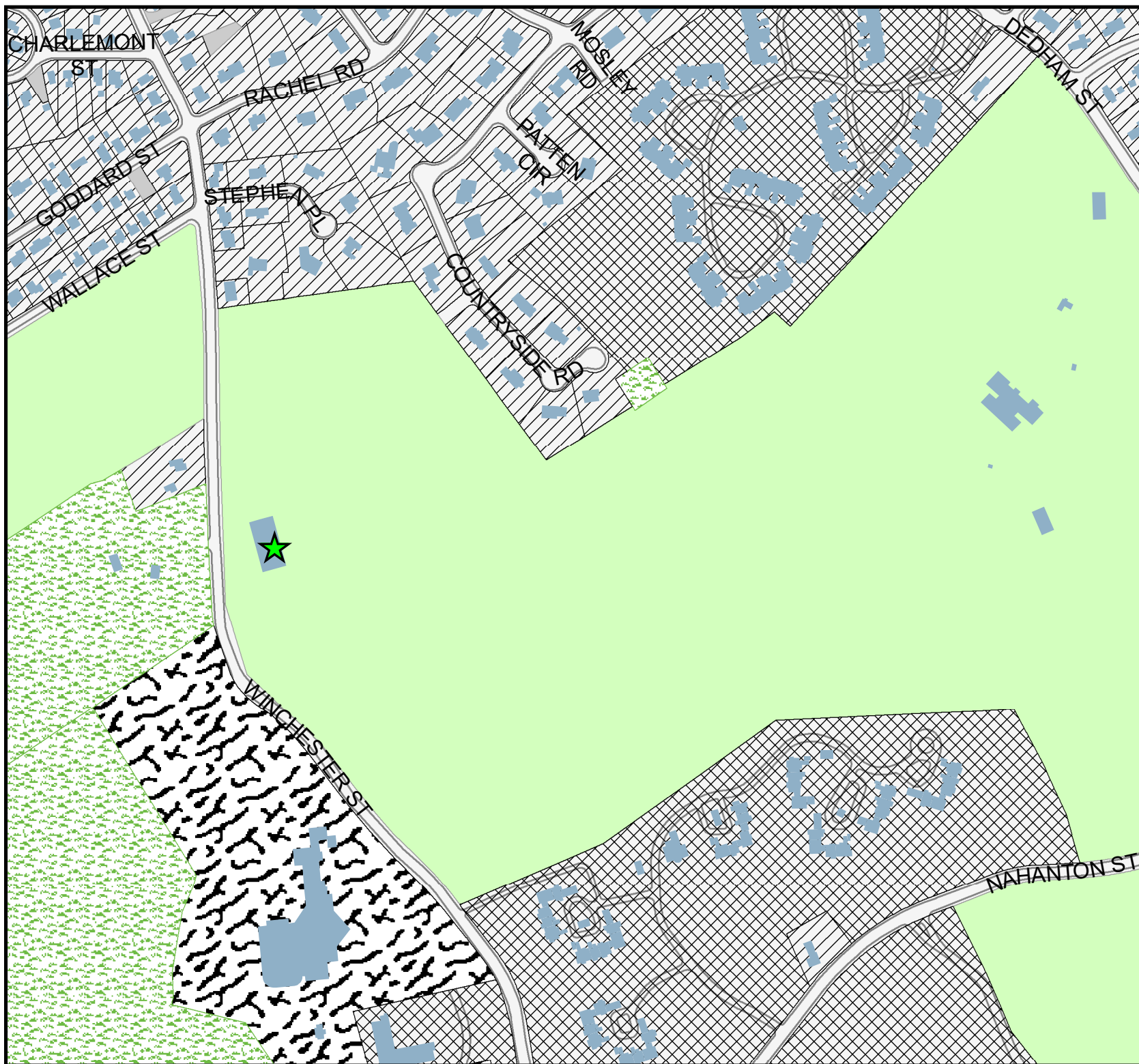


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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Map Date: November 30, 2021





Ruthanne Fuller
Mayor

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

Attachment C
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov
Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 24, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Charles River Country Club, Applicant
Jack Harney, Charles River Country Club
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to amend Special Permit #236-12 to build an addition to the maintenance building and parking

Applicant: Charles River Country Club	
Site: 483 Dedham Street	SBL: 83036 0004
Zoning: SR1	Lot Area: 6,446,022 square feet
Current use: Country club/golf course	Proposed use: No change

BACKGROUND:

The site at 483 Dedham Street consists of approximately 150 acres and is improved with numerous structures related to the operations of the Charles River Country Club. The Club began operations in 1921 and is a legally nonconforming use in the SR1 zone as the use now requires a special permit. Over the years the Club has obtained numerous special permits for its facilities and operations. The Club proposes to construct additions to the maintenance building and associated parking.

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

- Zoning Review Application, prepared by Jack Harney, Charles River Country Club, dated 6/25/2021
- Request for Consistency, dated 2/21/2019
- Schematic Design Plan, prepared by Graves Engineering, engineer, dated 2/23/2021, revised 6/2/2021, 6/23/2021
- Special Permit #236-13

ADMINISTRATIVE DETERMINATIONS:

1. Special Permit #236-13 was granted in 2013 to allow for expansion of the clubhouse building and to amend the site plan. The petitioner seeks to amend the special permit to construct additions to the maintenance building. The addition on the western portion of the building consists of 1,725 square feet and the eastern addition consists of 7,395 square feet. The petitioner intends to construct 25 parking stalls accessory to the maintenance building.

The proposed construction requires an amendment to Special Permit #236-13 per section 7.8.2.C.2 to extend the nonconforming country club use in the Single Residence 1 zoning district.

2. The petitioner proposes to construct 25 parking stalls adjacent to the maintenance building where informal parking exists now. Per section 5.1.9.B, interior landscaping is required for outdoor parking facilities with 20 or more stalls. The petitioner does not propose any interior landscaping, requiring a waiver per section 5.1.13.
3. Section 5.1.10.A requires outdoor parking facilities which are used at night to provide security lighting. No lighting is indicated on the submitted plans, requiring relief per section 5.1.13.
4. Section 5.1.11 requires bicycle parking for parking facilities with 20 or more stalls. No bike parking is indicated on the plans, requiring relief per section 5.1.13.

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§7.8.2.C.2	Amend Special Permit #236-13 to extend a nonconforming use	S.P. per §7.3.3
§5.1.9.B §5.1.13	To waive interior landscaping	S.P. per §7.3.3
§5.1.10.A §5.1.13	To waive lighting	S.P. per §7.3.3
§5.1.11 §5.1.13	To waive bike parking facilities	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 – 483 Dedham Street

Date: December 3, 2021

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

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

Maintenance Facility Expansion
Charles River Country Club
483 Dedham Street
Newton, MA
Prepared by: Graves Engineering
Dated: September 27, 2021

Executive Summary:

This permit entails an addition onto the existing maintenance facility building located off Winchester Street towards the west, and the golf course along the north, east, and south. The expansion includes a paved parking lot of 30 parking stalls, two of which are dedicated handicap parking, a five [exterior] materials bins, a wash bay on the north side of the existing building, and a 7,395 square foot addition on the south side of the existing building. To accommodate the construction of the parking lot a segmental block retaining wall is to be constructed in the southeast corner of the parking lot. The wall heights vary from 11-feet at the corner of the wall and tapers down to 0.80 feet at the north end and 2.5 feet at the west end.

The site is heavily wooded, and the topography varies in the immediate area of the existing building from a high point at elevation 155 feet to a lower elevation of 145 feet near Winchester Street. The proposed addition will be placed over an existing sanitary sewer service; prior to Building Permit filing the applicant shall verify with the Inspectional Services particularly with the State Plumbing code if placing the building over the sewer service is permitted in accordance with the Plumbing Code.

The engineer of record has designed a stormwater collection system that includes a series of catch basins and manholes that will collect and direct the stormwater to an expanded infiltration basin. At the time of this review no drainage study or calculation were provided for evaluation.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: 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.
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. A Pre & Post Construction drainage analysis is required. All stormwater runoff from the site shall be captured on-site and infiltrated in accordance with the Massachusetts Department of Environmental Protection standards and the City of Newton Department of Public Works policy. This policy states that stormwater runoff shall be retained from the 100-year storm event of 8.78-inches over a 24-hour period and shall be infiltrated to the maximum practicable extent. Pre & Post watershed maps (at a proper scale that is legible) are required that delineate control points and limits of the sub-basins. On-site soil evaluation is required to determine the seasonal high groundwater elevation, soil types and to identify any and all unsuitable soils (such as ledge, clay, peat, fill and others). On site soil testing that will include test pit(s) within 25 -feet of each proposed system and percolation test(s) must be schedule and witnessed by a representative of the Engineering Division. Soil logs shall be submitted on the site plan or drainage report

and shall be certified by a Massachusetts Licensed Soil Evaluator and/or Professional Civil Engineer.

2. 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.
3. 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).

Environmental:

1. Has a 21E Investigation and report been performed on the site, if so, copies of the report should be submitted to the Newton Board of Health and Engineering Division.
2. Are there any existing underground oil or fuel tanks? Have they been removed, if they have been, evidence of the proper removal should be submitted to the Newton Fire Department and the Board of Health.

Sanitary Sewer & Domestic Water Service(s):

1. 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.
2. All sanitary sewer manhole(s) shall be vacuum tested in accordance to 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.

3. 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".
4. 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.
5. 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.

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 amend Council Order #236-13, to extend the nonconforming use and to waive certain requirements of parking facilities containing more than five stalls, 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 amendments to Council Order #236-13 because the site is improved with a nonconforming use. (§7.3.3.C.1)
2. The site resulting from the amendments to Council Order #236-13 will not adversely impact the neighborhood because the activity already occurs on site and the improvements will remove certain activity from view from the public way. (§7.3.3.C.2)
3. The site resulting from the amendments to Council Order #236-13 will not create a nuisance or serious hazard to vehicles or pedestrians because the petition 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. (§7.3.3.C.4)
5. The extension of the nonconforming use will not be substantially more detrimental than the existing nonconforming use is to the neighborhood because the activity already occurs on site and the improvements will remove certain activity from view from the public way. (§7.8.2.C.2)
6. Waivers to the requirements of parking facilities containing more than five stalls, specifically the interior landscaping, the number of bicycle parking stalls, and parking facility lighting is in the public interest because the portion of the site is limited to employees only (§5.1.9.B, §5.1.10.A, §5.1.11, and §5.1.13).

PETITION NUMBER: #380-21

PETITIONER: Charles River Country Club

LOCATION: 483 Dedham Street, on land known as Section 83, Block 36, Lot 04, containing approximately 150 acres of land

OWNER: Charles River Country Club Inc.

ADDRESS OF OWNER: 483 Dedham Street
Newton, MA 02459

TO BE USED FOR: Maintenance structure

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §7.3.3 to amend Council Order #236-13; to extend the nonconforming use; to waive interior landscaping (§5.1.9.B and §5.1.13); to waive the lighting requirement (§5.1.10.A and §5.1.13); to waive bicycle parking facilities (§5.1.11 and §5.1.13)

ZONING: Single 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. Civil Set, entitled "Maintenance Facility Expansion, Charles River Country Club", prepared by Graves Engineering, signed and stamped by Michael R. Andrade, Professional Engineer, consisting of nine (9) sheets, dated September 27, 2021.
 - b. Architectural Plans and Elevations, prepared by DP Architect, signed and stamped by Daniel Robert Pelouon, Registered Architect, last revised July 27, 2021, consisting of twelve (12) sheets).
2. Prior to the issuance of any building permit, the petitioners 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. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the petitioners 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 the petitioner and recorded at the Middlesex South District Registry of Deeds. A copy of the recorded O&M shall be filed with the Engineering Division of Public Works, the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.

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 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 council 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. Submitted final engineering, utility, and drainage plans, and a recorded copy of the O&M Plan with the Middlesex South District Registry of Deeds and provided a copy of the recorded document to the City Engineer in accordance with Condition #21.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. Prior to the issuance of any temporary certificate of occupancy pursuant to this Special Permit/Site Plan Approval, the petitioner shall consult with a registered landscape architect or licensed arborist, the Director of Urban Forestry, and the Director of Planning and Development to develop a landscape plan for the Winchester Street frontage. Such landscaping shall be installed prior to the issuance of a final certificate of occupancy.
6. 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 statements by a registered architect and a professional engineer 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 Council Order have been constructed to the standards of the City of Newton Engineering 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.
 - e. The Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for portions of the buildings, 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.