



Ruthanne Fuller  
Mayor

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**Barney S. Heath**  
Director

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## PUBLIC HEARING/WORKING SESSION MEMORANDUM

**DATE:** December 3, 2021  
**MEETING DATE:** December 9, 2021  
**TO:** Land Use Committee of the City Council  
**FROM:** Barney S. Heath, Director of Planning and Development  
Neil Cronin, Chief Planner for Current Planning  
Katie Whewell, Senior Planner  
**CC:** Petitioner

In response to issues raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

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### PETITION #29-21

**145 Warren Street**

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Special Permit/Site Plan Approval to allow five single-family attached dwellings, to allow reduced side setbacks, to increase the allowed lot coverage, to allow a driveway within ten feet of the side lot line, to allow retaining walls greater than 4' within a setback, to waive three parking stalls and to allow a reduced driveway width.

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### Background

The Land Use Committee (the "Committee") last held a public hearing on this petition on November 4, 2021. The Committee voted to hold the item because the petitioner was scheduled to appear before the Newton Historical Commission (the "NHC") on November 18th and the Committee requested information pertaining to the context of the neighborhood. The plans have not changed since the last hearing, and the project remains at five units with additional massing to the rear of the historic house and a floor area ratio of .58.

### Newton Historical Commission

The site was previously reviewed by the NHC in accordance with the demolition delay ordinance and the NHC waived the demolition delay on July 13, 2018. The site was then landmarked on June 24, 2021, which prompts a stricter review from the NHC under the Landmark Ordinance. Specifically, the

Landmark Ordinance states, “unless the commission shall first have issued a certificate of appropriateness, a certificate of non-applicability, or a certificate of hardship, no building, structure, exterior architectural feature or landscape of a landmark shall be altered or demolished, nor any building or demolition permit issued therefor by the city or any department thereof.”

Much of the discussion at the NHC meeting centered around the proposed changes to the existing structure. The item was continued to allow further discussion. The NHC expressed a desire to better understand conformance with the design review elements, proposed changes to the existing house, and review the additional structure(s) on site. The item is expected to be discussed at the NHC’s meeting on December 23, 2021.

While NHC approval is a requirement of the Landmark Ordinance, a condition has been included in the attached draft council order to explicitly require NHC approval prior to the issuance of a building permit, should this project be approved. Should the special permit be approved and the scope of the work changes as a result of the NHC review, or if a Certificate of Appropriateness isn’t issued, the petitioner would likely be required to return to the Land Use Committee for an amendment.

### **Neighborhood Context**

Members of the Committee requested the Planning Department to perform an analysis of the neighborhood with applicable dimensional standards for this project. While site surveys and architectural drawings would be the most accurate sources of this information, Planning Staff were able to gather quantitative data for the lot area per unit, building footprints, and building area for the neighborhood from the City’s GIS Department and Assessors Office. Planning Staff included properties on Warren Street between Langley Road and Glen Avenue, which also included Warren Terrace. Planning Staff used these figures to estimate the lot area per unit, lot coverage (building footprint data), and unit size (building area).

This data is for reference only due to how it is collected by other departments. The data can be found in Neighborhood Context Data (**Attachment B**). Given the available data, the Planning Department devised the following methodology which includes certain limitations as described below:

- *Estimated Lot Area Per Unit* was calculated by dividing the lot area by the number of units.  
*Formula: Lot Area / Units*
- *Estimated Lot Coverage* was calculated with data from GIS of building footprints on a lot. Building footprints generally include the principal dwelling as well as any accessory buildings. The sum of the building footprint(s) was then divided by the lot area to determine the percentage of the lot covered by buildings.  
*Formula: Building Footprint Sum / Units*
- *Estimated Unit Size* was taken from the Assessors database. This figure only includes finished space above grade and excludes any space above the second story regardless of whether it’s finished. Additionally, properties containing two dwelling units under common ownership, e.g., two-family properties, are not given separate building area figures, whereas condominium properties are. As a result, the building area for two-family properties was divided by the

number of units and the building areas for condominium properties were averaged. *Formula: Building Area Sum / Units*

Below is a summary of those dimensional standards for the 24 parcels totaling 47 dwelling units in the neighborhood and commonly used analytics. The Planning Department excluded the subject property from the analysis.

Table 1. Neighborhood context and 145 Warren Street existing and proposed dimensions

	<b>Minimum (Estimated)</b>	<b>Maximum (Estimated)</b>	<b>Mean (Estimated)</b>	<b>Median (Estimated)</b>	<b>145 Warren Street Existing</b>	<b>145 Warren Street Proposed</b>	<b>Single-Family or Two-Family Detached, MR 1 Zone</b>
<b>Lot Area Per Unit</b>	2,404 square feet	13,333 square feet	6,107 square feet	5,198 square feet	23,399 square feet	4,680 square feet	3,500 square feet
<b>Lot Coverage</b>	7.99%	39.91%	22.06%	22.45%	12.9%	33.6%	30%
<b>Unit Size</b>	1,182 square feet	3,600 square feet	1,810 square feet	1,732 square feet	2,373 square feet	See table 2 of proposed unit sizes.	N/A

Table 2. Proposed Unit Sizes – 145 Warren Street

<b>Proposed Unit Sizes</b>		
<b>Unit 1</b>	4,250 square feet	3 bedrooms
<b>Unit 2</b>	1,860 square feet	2 bedrooms
<b>Unit 3</b>	1,500 square feet	2 bedrooms
<b>Unit 4</b>	1,545 square feet	2 bedrooms
<b>Unit 5</b>	1,556 square feet	2 bedrooms

**ATTACHMENTS:**

- Attachment A:** Zoning Review Memorandum
- Attachment B:** Neighborhood Context Data
- Attachment C:** DRAFT Council Order



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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: September 1, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Norton Point Warren Street LLC  
David Oliveri, Applicant  
Terrence P. Morris, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to allow five single-family attached dwellings**

Applicant: Norton Point Warren Street LLC	
Site: 145 Warren Street	SBL: 61039 0010
Zoning: MR1	Lot Area: 23,399 square feet
Current use: Single-family dwelling	Proposed use: Five single-family attached dwellings

### BACKGROUND:

The property at 145 Warren Street consists of 23,399 square feet and is improved with a single-family dwelling built in 1916 and a detached accessory building in the MR1 zoning district.

The petitioners propose to add one unit to the rear of the existing dwelling, and construct three additional units behind them. The front and rear units are connected by a ground level shared garage with a courtyard space above it.

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

- Zoning Review Application, prepared by David Oliveri, dated 11/9/2020, revised 8/31/2021
- Elevations and sections, signed and stamped by Andrew Consigli, architect, dated 11/9/2020, revised 8/23/2021
- Zoning Plan, signed and stamped by Joseph R. Porter, surveyor, dated 11/4/2020

## **ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioners propose to construct five single-family attached dwellings in the Multi Residence 1 zoning district. Per section 3.4.1, a special permit is required to construct attached dwellings in the MR1 district.
2. Section 3.2.4 requires a 25-foot setback for attached dwellings. The petitioners intend to preserve the existing historically significant single-family dwelling and make rear additions. The existing structure does not meet the 25-foot side setback requirement with setbacks of 14.4 feet on the westerly side and 23 feet on the easterly side. The proposed additions result in a decrease of the western side setback to 17.3 feet and the eastern side setback to 18.6 feet. The proposed decreased setbacks require a special permit per section 3.2.4.
3. The proposed additions result in a lot coverage of 33.6%, which exceeds the allowable 25% per section 3.2.4 requiring a waiver.
4. The petitioners propose to utilize and extend the existing driveway along the eastern property line to serve all five units which is less than 10 feet from the boundary. Per section 6.2.3.B.2, no driveway may be located within 10 feet of a side or rear lot line requiring a waiver.
5. Section 5.1.4 requires two parking stalls per dwelling unit. The petitioner proposes to construct parking for the units in a garage accommodating seven stalls, where ten stalls are required. A special permit per section 5.1.13 is required to waive three parking stalls.
6. Section 5.1.8.D. 1 requires a driveway width of 20 feet for two-way traffic. The proposed driveway is 18 feet wide at its narrowest, requiring a waiver per section 5.1.13.
7. Retaining walls are proposed at the eastern and western property boundaries, as well as directly behind the proposed rear addition. The eastern and western walls are located within the required 25-foot setback. The eastern wall reaches a maximum height of 6 feet and the western has a maximum height of four feet. Per section 5.4.2.B, a retaining wall four feet or more in height in the setback requires a special permit.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	23,399 square feet	No change
Frontage	80 feet	90 feet	No change
Setbacks			
• Front	25 feet	26.6 feet	No change
• Side	25 feet	<b>14.4 feet</b>	<b>No change</b>
• Side	25 feet	<b>23 feet</b>	<b>18.6 feet</b>
• Rear	25 feet	170.8 feet	51.1 feet
Building Height	36 feet	24.34 feet	29.42 feet
Max Number of Stories	2.5 (3 by special permit)	1	2.5
Lot Coverage Max	25%	12.9%	<b>33.6%</b>
Open Space Min	50%	77.2%	53%
Lot Area Per Unit	4,000 square feet	23,399 square feet	4,680 square feet

Nonconformities are indicated in **BOLD**

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To reduce required side setback	S.P. per §7.3.3
§3.2.4	To increase allowed lot coverage	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the side lot line	S.P. per §7.3.3
§5.1.4 §5.1.13	To waive three parking stalls	S.P. per §7.3.3
§5.1.8.D. 1 §5.1.13	To allow for a reduced driveway width	S.P. per §7.3.3
§5.4.2.B	To allow retaining walls of four feet or more in height within a setback	S.P. per §7.3.3

Address	Units	Lot Area	Lot Area per unit	Residential Footprint	Detached Footprint	Building Footprint Sum	Lot Coverage	Building Area Unit 1	Building Area Unit 2	Building Area Sum	Unit Size
100-102 Langley Road	2	13,990	6,995	1,625	333	1,958	14.00%	4,122	0	4,122	2061
109 Warren St.	1	13,333	13,333	1,800	166	1,966	14.75%	2,772	0	2,772	2772
115-117 Warren St.	2	19,442	9,721	1,567	901	2,468	12.69%	1,148	1,215	2,363	1181.5
121-123 Warren St.	2	10,500	5,250	1,892	0	1,892	18.02%	2,996	0	2,996	1498
125 Warren St.	2	20,846	10,423	3,591	0	3,591	17.23%	3,472	3,728	7,200	3600
128 Warren St.	2	9,286	4,643	1,688	473	2,161	23.27%	2684	2246	4,930	2465
130-132 Warren st.	2	8,700	4,350	1,688	437	2,125	24.43%	4,323	0	4,323	2161.5
131-133 Warren St	2	18,020	9,010	1,714	376	2,090	11.60%	2,689	0	2,689	1344.5
136 Warren St.	2	10,291	5,146	1,661	0	1,661	16.14%	1213	2,087	3,300	1650
137-139 Warren St.	2	17,455	8,728	1,394	0	1,394	7.99%	2,365	0	2,365	1182.5
140-142 Warren.	2	7,200	3,600	2,004	410	2,414	33.53%	1,501	2,014	3,515	1757.5
148-150 Warren St.	2	11,998	5,999	2,472	364	2,836	23.64%	2,098	2,020	4,118	2059
149-151 Warren St.	2	24,135	12,068	2,266	1,418	3,684	15.26%	3,912	0	3,912	1956
154-156 Warren St.	2	10,902	5,451	2,359	0	2,359	21.64%	1666	2773	4,439	2219.5
159 Warren St.	2	6,615	3,308	2,030	0	2,030	30.69%	3,480	0	3,480	1740
160-162 Warren St.	2	10,134	5,067	2,639	0	2,639	26.04%	3,562	0	3,562	1781
16-18 Warren Ter.	2	5,200	2,600	1,752	0	1,752	33.69%	2,644	0	2,644	1322
168-170 Warren St.	2	4,808	2,404	1,919	0	1,919	39.91%	3,192	0	3,192	1596
173-175 Warren St.	2	9,418	4,709	1,864	463	2,327	24.71%	2,476	0	2,476	1238
177-181 Warren St.	2	11,246	5,623	1,609	261	1,870	16.63%	2,842	0	2,842	1421
4 Warren Ter.	2	12,825	6,413	2,202	469	2,671	20.83%	3,448	0	3,448	1724
5-7 Warren Ter.	2	6,615	3,308	2,116	0	2,116	31.99%	3,534	0	3,534	1767
73-112 Glen Ave.	2	9,071	4,536	1,678	473	2,151	23.71%	1,296	1,296	2,592	1296
9-11 Warren Ter.	2	7,760	3,880	2,110	0	2,110	27.19%	1649	1636	3,285	1642.5

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 five single-family attached dwellings with exceptions to dimensional requirements for side setbacks and lot coverage, retaining walls four feet or more in height within a setback, to allow a driveway within ten feet of the side lot line, to allow for a reduced driveway width, and to waive three parking 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 five single-family attached dwellings because such use is allowed within the Multi-Residence 1 zone and the site has the required lot area. (§7.3.3.C.1)
2. The proposed five single-family attached dwellings will not adversely affect the neighborhood due to the proposed building design that preserves the historic structure and locates the additional massing to the rear. (§7.3.3.C.2)
3. The proposed single-family attached dwellings will not create a nuisance or serious hazard to vehicles or pedestrians because the driveway location is being maintained. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved.
5. The specific site is an appropriate location for the proposed retaining wall greater than four feet within the side setback due to the downward slope of the site and to accommodate the driveway along the property line. (§7.3.3.C.1)
6. The specific site is an appropriate location for the waiver of three parking stalls because it is proximate to the Newton Centre Village Center. (§7.3.3.C.1)
7. Literal compliance with the dimensional standards for the side setback, lot coverage, a driveway located within ten feet of the side lot line, and reduced driveway width is in the public interest because the building design preserves a historic structure, and the site design utilizes the existing driveway. (§6.2.3.B.2 )
8. Literal compliance with the required number of parking stalls is in the public interest because the site is located within one half mile of transit, and secure and indoor bicycle parking is



being provided in lieu of three parking stalls. (§5.1.4, §5.1.13 )

PETITION NUMBER: #29-21

PETITIONER: 145 Warren CREH, LLC AND Norton Point Warren Street, LLC

LOCATION: 145 Warren Street, Ward 6, on land known as Section 61, Block 39, Lot 10, containing approximately 23,399 sq. ft. of land

OWNER: 145 Warren CREH, LLC AND Norton Point Warren Street, LLC

ADDRESS OF OWNER: 12 Morse Lane  
Natick MA 01760

TO BE USED FOR: Five single-family attached dwellings

EXPLANATORY NOTES: Special permit as per §7.3.3 to allow five attached single-family dwellings in a Multi-Residence 1 (MR1) zoning district (§3.4.1); reduce the side setback requirement (§3.2.4); allow increased lot coverage (§3.2.4); allow retaining walls of four feet or more in height within a setback (§5.4.2.B); allow a driveway within ten feet of the side lot line (§6.2.3.B.2); allow reduced driveway width for parking facilities over five stalls (§5.1.8.D.1); and to waive three parking stalls (§5.1.4)

ZONING: Multi-Residence 1 (MR1) 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 set of plans prepared by VTP Associates, Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor, and Mark Besio, Professional Engineer:
    - i. "Zoning Plan, Newton, Massachusetts, Showing Proposed Conditions at #145 Warren Street," dated November 4, 2020, most recently revised: September 17, 2021
    - ii. "Grading, Drainage and Utility Plan, Showing Proposed Conditions at #145 Warren Street," dated November 4, 2020, Revised: January 20, 2021
    - iii. "Detail -1, Showing Proposed Conditions at #145 Warren Street," dated November 4, 2020, Revised: January 20, 2021
    - iv. "Detail -2, Showing Proposed Conditions at #145 Warren Street," dated November 4, 2020, Revised: January 20, 2021

- b. Architectural plans entitled “145 Warren Street Newton Center” prepared by Civico Development, dated February 24, 2021, Revised August 23, 2021 signed and stamped by Andrew Consigli, Registered Architect:
    - i. Lower Level Plan (A1);
    - ii. Street Level Plan (A2);
    - iii. Upper Level Plan (A3).
    - iv. Elevations (Sides) (A4)
    - v. Elevations (Rear) (A5)
  - c. Proposed Front Elevation titled “Preserving and bringing back Historic features” prepared by Civico, dated June 3, 2021, showing the Front Elevation including door to be restored, sign to be restored, clay tile roof to remain, shingles to be scraped and repainted, windows to be restored, and brick to be repointed, Page 6
  - d. Landscape Plan entitled “Illustrative Planting Plan” prepared by Verdant, dated January 25, 2021, signed and stamped by Blair Hines, Registered Landscape Architect.
2. The petitioner shall preserve the existing proportions, substrate and architectural details that contribute to the historic significance of the original structure including but not limited to all exterior walls, roof structure, and window openings.
  3. No building permit, including a foundation permit, shall be issued without approval from the Newton Historical Commission.
  4. Units 2-4 shall be designed and constructed to achieve Passive House certification as described in “145 Warren Street, Green Features” prepared by Sustainable Comfort, dated June 16, 2021 on file with the City Clerk and the Planning Department, and in accordance with the requirements of the Passive House US Institute (PHIUS), the Passive House Institute, or other recognized Passive House standards and/or certification organization.
  5. Unit 1 shall be adapted to Universal Design standards in accordance with “145 Warren Street re: Universal Design” prepared by Sustainable Comfort dated June 15, 2021 on file with the City Clerk and the Planning Department.
  6. 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, City Engineer, and Department of Inspectional Services.
  7. Prior to the issuance of a Building Permit, the petitioner shall provide a final design for a standby generator on site and implement such design to the satisfaction of the City Engineer.
  8. Prior to the issuance of a Building Permit, the petitioner shall conduct a closed-circuit television inspection of the City’s drainpipe on site and provide an electronic copy of such inspection to the Commissioner of Public Works.
  9. The petitioner shall comply with the Tree Preservation Ordinance.
  10. The Petitioner shall do the following to remediate pest and rodent activity:
    - a. Prior to issuance of any demolition or building permit, the petitioner shall hire a licensed pest control operator (the “Operator”) to assess the property for pest and rodent activity and develop and implement a pest remediation action plan (the “Plan”) to eliminate the activity and prevent off-site migration. The Plan shall include the target

- pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
- b. A copy of the Plan shall be submitted to the Inspectional Services Department, and the Health and Human Services Department for review and approval prior to issuance of any demolition or building permit. Copy of such approvals shall be provided to the Department of Planning and Development.
  - c. The Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration. The Operator shall maintain a written record of all pest control measures performed within the subject property and shall provide progress reports to Inspectional Services Department and the Health and Human Services Department upon request.
  - d. Prior to issuance of the certificate of occupancy, the Operator shall file a final report with the Department of Planning and Development, 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 assessment.
11. 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. The CMP shall also address the following:
    - safety precautions;
    - anticipated dewatering during construction;
    - site safety and stability;
    - impacts on abutting properties.
12. The project shall be constructed in accordance with the Order of Conditions issued by the Conservation Commission and must seek approval from the Conservation Commission for any changes to the approved work.
  13. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has 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, 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.
  14. 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. 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.
    - g. Filed with the City Clerk, Inspectional Services, and the Planning Department a statement from the Newton Historical Commission approving the final plans.
    - h. Submitted a Passive House narrative and/or checklist prepared and certified by a licensed architect to the Director of Planning and Development, indicating standards

that will be achieved for Units two through four in order to achieve Passive House Certification in accordance with Condition #3.

- i. Submitted a Universal Design narrative and/or checklist prepared and certified by a licensed architect to the Director of Planning and Development, indicating standards that will be achieved Unit One in order to achieve Universal Design designation in accordance with Condition #4.
15. Prior to the issuance of any occupancy certificate, the petitioner shall conduct a closed-circuit television inspection of the City's drainpipe on site and provide an electronic copy of such inspection to the Commissioner of Public Works.
  16. 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 a statements by a registered architect and a professional land surveyor 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 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.
    - e. Filed with Inspectional Services and the Planning Department, a statement or certificate from a licensed architect certifying that the portions of the residential building that are designated Passive House have been constructed in accordance with Condition# 3.
    - f. Filed with Inspectional Services and the Planning Department, a statement or certificate from a licensed architect certifying that the portions of the residential building that are designated to be Universal Design have been constructed in accordance with Condition # 4
  17. Notwithstanding the provisions of Condition #16 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.