

CITY OF NEWTON

IN CITY COUNCIL

December 20, 2021

RECEIVED
DEC 21 AM 11:30
CITY CLERK
NEWTON, MA, 02459
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

This Special Permit/Site Plan Approval amends Council Order #236-13 by allowing construction of: additions to the maintenance building; a 30-stall surface parking facility; and other site improvements associated with the maintenance building. All other conditions of Council Order #236-13 remain in full force and effect.

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 #3.
 - 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.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Councilor Markiewicz)


The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on December 22, 2021. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:


(SGD) CAROL MOORE, City Clerk
Clerk of the City Council

I, Carol Moore, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on December 22, 2021 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:


(SGD) CAROL MOORE, City Clerk
Clerk of the City Council