



#188-22

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: April 5, 2022
Land Use Action Date: June 14, 2022
City Council Action Date: June 20, 2022
90-Day Expiration Date: July 4, 2022

DATE: April 1, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Senior Planner

SUBJECT: **Petition #188-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to alter and extend a nonconforming single family residential use to a two unit residential use, and to allow a 2.5 story structure with over 24' in height 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.

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. To construct the two-unit structure as designed, the petitioner requires special permit relief to alter and extend the nonconforming residential use in a BU-1 zone and to allow a structure with more than 24 feet in height and with two and a half stories.

The Planning Department believes the location within the BU-1 zone to be appropriate for the relief to allow the alteration and extension of the nonconforming residential use to the proposed two-unit structure. The neighborhood is comprised of a mix of housing styles, including two and a half story structures and multi-family residential uses ranging from two to 20 units. The BU-1 zoning district also allows for mixed-use and multifamily development (a special permit is required for ground floor residential). As proposed, the eastern side setback from a deck to the property line is 5.1 feet. To be more contextual with abutting single- and two-family residential uses, the Planning Department suggests the petitioner consider increasing the distance between the structure and eastern property line, where 5.1 feet is proposed.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed two-unit structure with a height of 28.6 feet and two and a half stories (§7.3.3.C.1, §4.1.2.B.3, §4.1.3, §4.4.1).
- The proposed two-unit structure with a height of 28.6 feet and two and a half stories 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).
- The proposed nonconforming residential use will be substantially more detrimental than the existing nonconforming residential use is to the neighborhood (§4.1.3, §4.4.1, §7.8.2.C.2).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

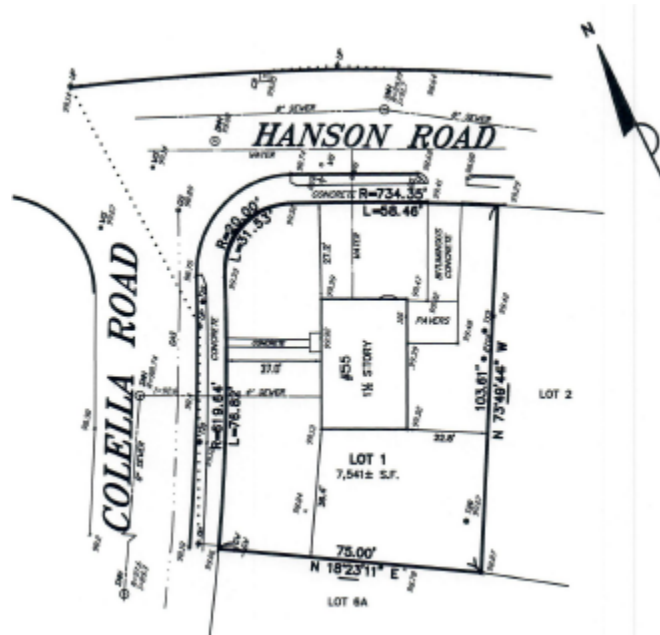
A. Neighborhood and Zoning

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

Existing Conditions



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

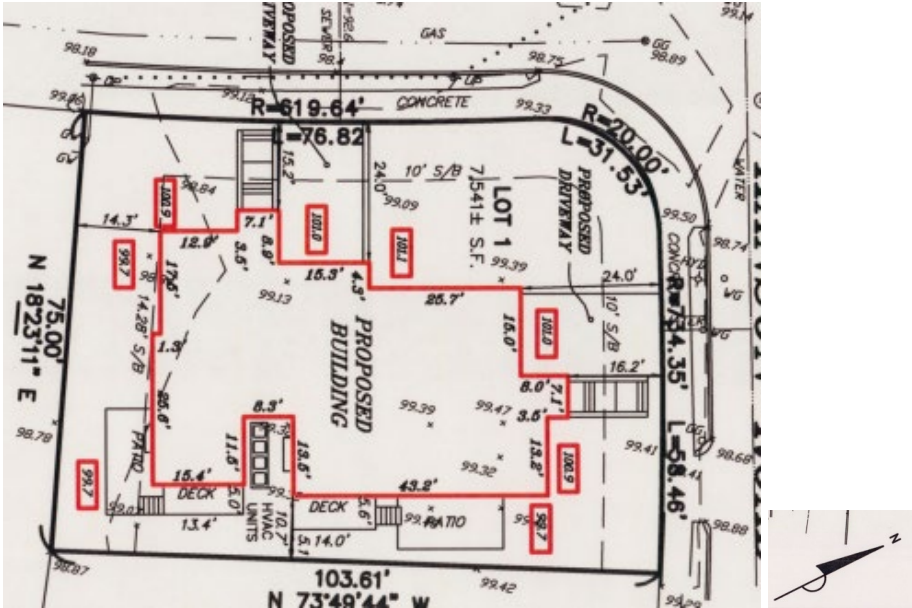
If approved, the land use will change from a single-family use to a two-family residential use.

B. Site and Building Design

The petitioner is proposing to raze the existing single-family dwelling to construct a two-unit structure. The proposed structure has garages and dedicated driveways for each unit, accessed separately from Colella and Hanson Road. The proposed two-unit structure will measure 28.6 feet tall, and contain 2.5 stories, where 24 feet and 2 stories are the maximum allowed as of right, thus requiring a special permit. The rear setback, opposite of Colella Road, is proposed at 5.1 feet, from a proposed deck to the eastern property line. Due to the site's location in the BU-1 zoning district, the required rear setback is 0 feet. Planning suggests the petitioner explore ways to increase the five-foot setback from the deck to the eastern property line. While the site is in the Business zone, it abuts a single-family residential use, and a greater setback would be more contextual with the neighborhood and provide more separation between the proposed structure's deck and the abutter.

The proposed structure as designed will result in a lot coverage of 32.6%, where 30% is the maximum allowed for single family dwellings in the SR-3 zone, the nearest residential zone. The proposed open space is 56.2%, where 50% is the minimum allowed for the SR-3 zone.

Proposed Site Plan
Colella Road



Hanson Road

As proposed, the project has a floor area ratio ("FAR") of .76, where 1.0 is the maximum allowed in the BU-1 zoning district. The proposed FAR of .76 translates to 5,765 square feet of floor area. Although this site is within a business zone, a single-family dwelling in the SR-3 zone 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 equates to a square footage of 3,544 square feet. Including the garages, each unit contains approximately 2,880 square feet of floor area and spans 2.5 stories. The required lot area per unit for the BU-1 zone is 1,200 square feet, and this project proposes 3,771 square feet per unit.

Proposed Front Elevations



COLELLA ROAD ELEVATION



HANSON ROAD ELEVATION



REAR ELEVATION



SIDE ELEVATION

The Planning Department is unconcerned with the request to alter and extend the nonconforming residential use in a BU-1 zone to a use with two residential dwelling units. There are a mix of style of homes in the neighborhood including single story Cape style homes as well as two and half story structures. The neighboring uses include single-family use, two-family use, and a multi-family residential use which consists of 20 units. To be more contextual with other single and two family residential uses in the neighborhood, Planning suggests the petitioner consider increasing the rear setback at the easter property line, where 5.1 feet is proposed.

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.

D. Landscaping

The petitioner is 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		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1 §7.8.2.C.2	Request to alter and extend a nonconforming residential use	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow a 2.5 story structure with 28.6 feet in height	S.P. per §7.3.3

B. Engineering Review

The petitioner submitted the proposed plans to the Engineering Division. Associate City Engineer John Daghlion issued the attached memorandum (**Attachment D**) and requested a revised stormwater report, which the petitioner still needs to provide. The petitioner has been in contact with the Engineering Division to resolve issues identified within the memorandum.

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

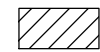
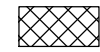
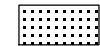
ATTACHMENT A

Zoning

55 Colella Road

*City of Newton,
Massachusetts*

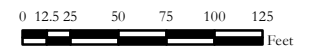
Legend

-  Single Residence 2
-  Single Residence 3
-  Business 1

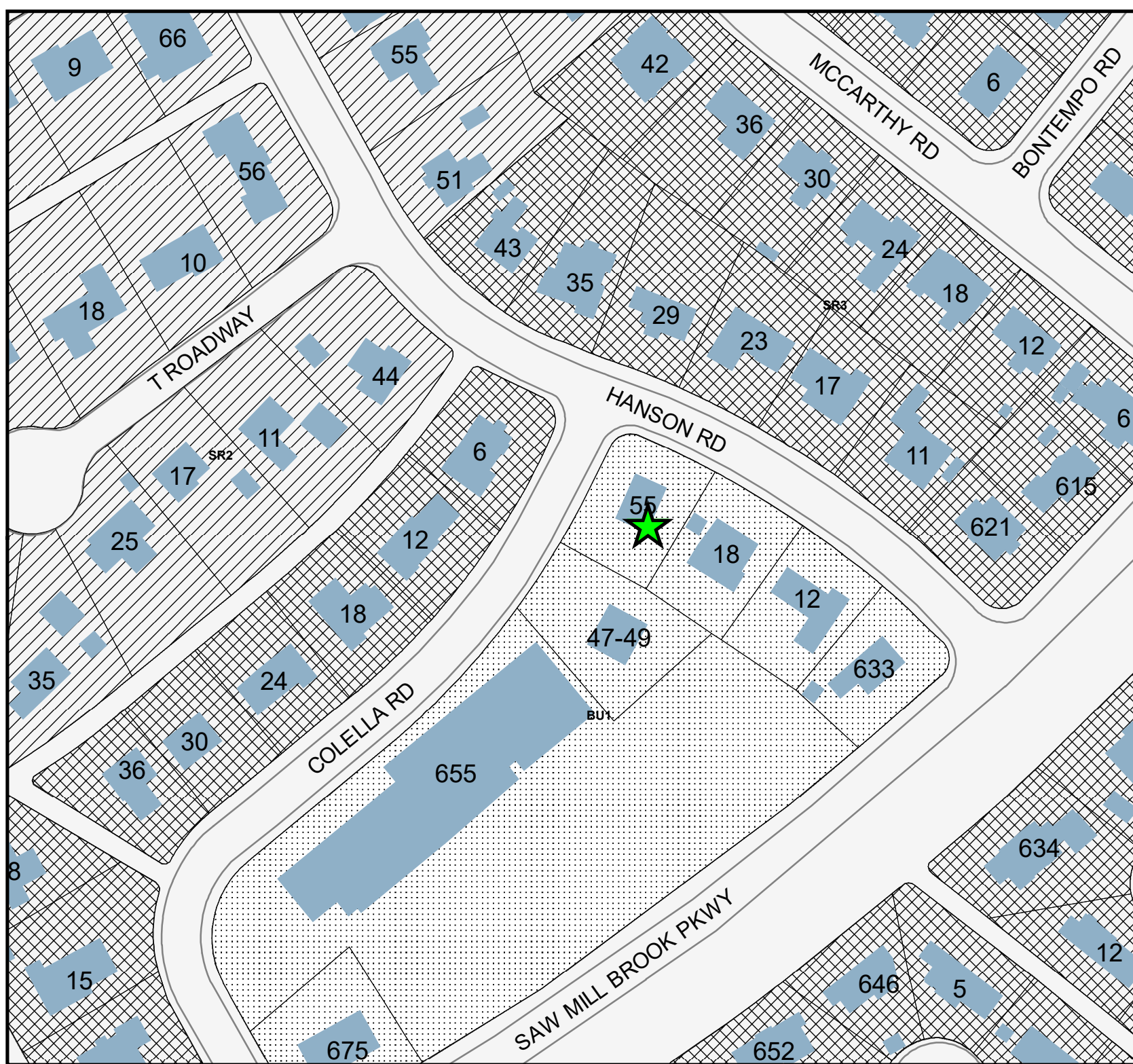


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: March 31, 2022



ATTACHMENT B

Land Use

55 Colella Road

*City of Newton,
Massachusetts*

Legend

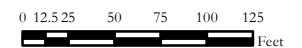
Land Use

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

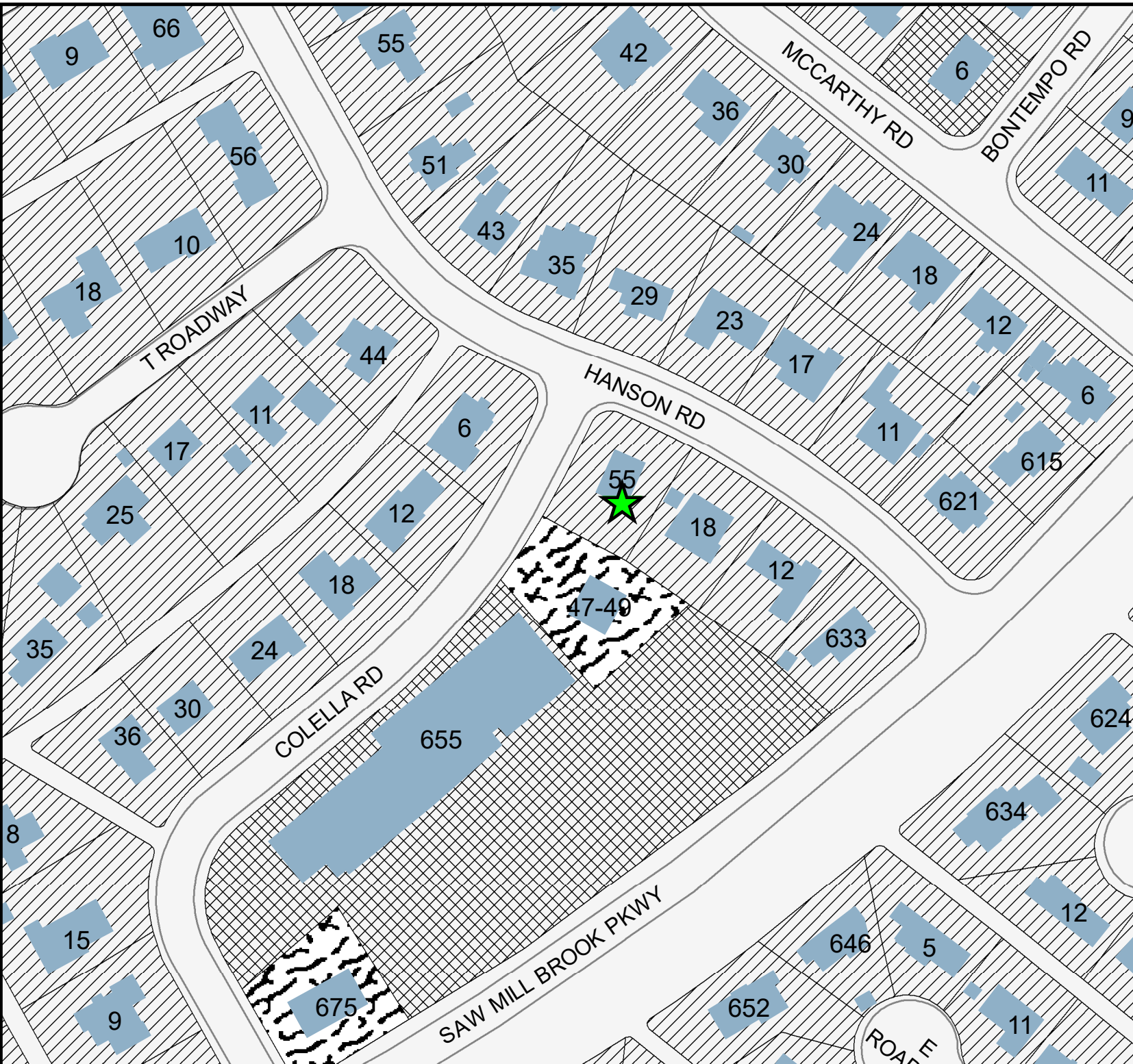


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: March 31, 2022





Ruthanne Fuller
Mayor

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

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: November 17, 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 to alter and extend a nonconforming residential use and for height and number of stories

Applicant: 55 Colella Rd LLC	
Site: 55 Colella Road	SBL: 84015 0001
Zoning: BU1	Lot Area: 7,541 square feet
Current use: Single-family dwelling	Proposed use: 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, 10/27/2021
- 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, 10/19/2021

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

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to raze the existing nonconforming two-story single-family dwelling and construct a two-unit 2.5-story dwelling in the BU1 zoning district. A special permit is required to alter and extend the nonconforming residential use per sections 4.4.1 and 7.8.2.C.2.
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.

BU1 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	7,541 square feet	No change
Setbacks			
• Front (Colella Rd)	10 feet	27 feet	15.2 feet
• Front (Hanson Rd)	10 feet	NA	16.2 feet
• Side	14.2 feet (1/2 height)	36.4 feet	14.3 feet
• Rear	0 feet	22.5 feet	5.1 feet
Building Height	up to 36 feet (special permit)		28.6 feet
Stories	up to 3 (special permit)	2	2.5 stories
Lot Area Per Unit	1,200 square feet	7,541 square feet	3,770.5 square feet
FAR	1.0	NA	.76

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1 §7.8.2.C.2	Request to alter and extend a nonconforming residential use	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow a 2.5 story structure with 28.6 feet in height	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: March 24, 2022

CC: Barney Heath, Director of Planning
Jennifer Caira, Deputy Director
Lou Taverna, PE City Engineer
Jennifer Breslough, Committee Clerk
Katie Whewell, Sr. Planner

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: June 24, 2021

Executive Summary:

This permit entails the demolition of the single-family dwelling and the construction of a two-family unit on 7,541 square foot [0.17 acre] lot with 1000 feet of frontage along Colella Road and Hanson Road. Residential homes are along the east, south and western property lines.

The site is very flat it has a high point of elevation of 99.42-feet near the midpoint of the east property line and slopes gently down towards both roads at an average elevation of 98.5 feet. At the time of this review a proposed drainage system is shown; however, no calculations were provided. 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.

the applicant will need to engage a professional engineer to design a stormwater collection and on-site infiltration system consistent with the City’s Stormwater policy along with associated details of the system & an Operations & Maintenance Plan.

Based on a site visit there are no existing stormwater collection and infiltration systems. Additionally, a grading and landscape plan(s) will be needed.

Two new driveway aprons are proposed, one on Colella Rd and one on Hanson Road the existing driveway apron on Hanson Road will be closed off and remodeled as a sidewalk. In concert with the installation of new municipal utilities new cement concrete sidewalks and granite curbing will be required that shall include a new pedestrian curb cut at the corner of the intersecting streets, this needs to be reflected on the updated plans and needs to be coordinated with the Engineering Division.

There is an error in the labeling of the 3 test pits on the site plans, two are labeled as DTH 101, this has to be corrected. The soils log indicates a seasonal high groundwater at varies between 4 to 5-feet from the surface, this is a concern for both the dwelling to have a dry basement and the proposed infiltration system which require 2-feet of vertical separation which the proposed system does not incorporate. The design team needs to verify with the Inspectional Services Department for the minimum vertical separation required by the Building Code for the basement slab elevation and groundwater.

	DTH #100	DTH #101	DTH #102	Basement Slab Elevation = 95.9 ft
Surface Elevation	98.84 ft	99.0 ft	99.4 ft	
Est. Seasonal High Groundwater	4 ft	5 ft	5 ft	
Est. Seasonal High Groundwater Elevation	93.84 ft	94.0 ft	95.4 ft	

Based on the soil logs the basement slab elevation is only 0.50 ft (6-inches) to 2 feet above the estimated seasonal high groundwater elevation.

	DTH #100	DTH #101	DTH #102	Infiltration System RB #1	Infiltration System RB #2
Surface Elevation	98.84 ft	99.0 ft	99.4 ft		
Est. Seasonal High Groundwater	4 ft	5 ft	5 ft		
Est. Seasonal High Groundwater Elevation	93.84 ft	94.0 ft	95.4 ft		
Bottom of Stone Elevation				95.1 ft	95.1 ft

Based on the design the bottom of the stone for the two systems ranges between -0.3 ft approximately 4 inches into the ground water to 1.26 ft above the groundwater, DPW requires a two-foot vertical separation.

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. 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.
3. 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).

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 Service(s):

The proposed 6-inch sewer connection should be reorientated to connect directly to the manhole in which the old service connection will be removed.

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. 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.
9. 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

Attachment E
#188-22
55 Colella Road

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 extend the nonconforming residential use to a two-unit residential use, to allow a structure with 28.6 feet in height and more than two stories, 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 two-unit structure with a height of 28.6 feet and two and a half stories because the project meets the required lot area per unit, and there are similar two and half story structures as well as structures containing two or more units nearby on Hanson Road and Colella Road (§7.3.3.C.1, §4.1.2.B.3, §4.1.3, §4.4.1).
2. The proposed two-unit structure with a height of 28.6 feet and two and a half stories will not adversely affect the neighborhood because the neighborhood consists of a mix of housing types, uses, and styles (§7.3.3.C.2, §4.1.2.B.3, §4.1.3, §4.4.1).
3. There will not 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).
4. 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).
5. The proposed nonconforming residential use will not be substantially more detrimental than the existing nonconforming residential use is to the neighborhood because the neighborhood contains a mix of uses as well as two and a half story structures (§4.1.3, §4.4.1, §7.8.2.C.2).

PETITION NUMBER: #188-22

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 extend the nonconforming residential use to a two unit structure with 28.6' in height and more than two stories (§4.1.2.B.3, §4.1.3, §4.4.1, §7.8.2.C.2, §7.3.3)

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 November 5, 2021
 - b. 55 Colella Road Site Development Plan, prepared by the Jilson Company, signed and stamped by Kevin E. O'Leary Registered Engineer, dated June 24, 2021
 - c. Architectural Plans and Elevations, prepared by Studio 47 architects, signed and stamped by Timothy Mulligan, dated October 19, 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
 - d. Landscape Plan, L.1., prepared by Minglewood, LLC, dated September 6, 2021, revised December 8, 2021.

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. The Petitioner shall do the following to remediate pest and rodent activity:
 - a. Prior to issuance of any demolition or building permit, the petitioner, at its sole cost and expense, 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, 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 Inspectional Services Department and the Health and Human Services Department for review and approval prior to issuance of any demolition or building permit. Copies of such approvals shall be provided to the Department of Planning and Development.
 - 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 the Operator deems necessary to control pest infestation and migration. The Pest Control 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 Pest Control 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 and neighborhood.
 - 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 and provide, at its sole cost and expense, rodent abatement services on an as needed basis for all direct abutters and abutters to direct abutters, subject to owner authorization of such properties and a waiver of liability.
5. Prior to the issuance of any Building Permit, the Petitioner shall submit a Construction Management Plan (the "CMP") for review and approval to the Commissioner of Inspectional Services, the Director of Planning and Development, the Commissioner of Public Works, the City Engineer, and the Chief of the Fire Department. The CMP shall be in compliance with all applicable policies and ordinances in effect at the time of submission. The Petitioner shall comply in all material respects with the Construction Management Plan, which shall be consistent with 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.

- b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - c. 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 materials and delivery vehicles and equipment, and location of any security fencing.
 - d. 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.
 - e. Proposed methods of noise control, in accordance with the Revised Ordinances, §20-13. 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.
 - f. Tree preservation plan to define the proposed method(s) for protection of any existing trees to remain on site.
 - g. The CMP shall also address the following: safety precautions; anticipated dewatering during construction; site safety and stability; and impacts on abutting properties
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.
7. 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.

DRAFT