

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #372-94 and extend the structure's nonconforming height as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The site in a Mixed Use 1 zoning district is an appropriate location for a structure with the proposed extended nonconforming roof height as it is abutted by commercial and manufacturing uses. (§7.3.3.C.1)
2. The structure with the proposed extended nonconforming roof height will not adversely affect the neighborhood as it will have limited visibility from adjoining properties and public ways and the proposed addition's height will not exceed the building's existing maximum height. (§7.3.3.C.2)
3. The structure with the proposed extended nonconforming roof height will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The proposed extended nonconforming roof height will not be substantially more detrimental than the existing nonconforming roof height to the neighborhood as it will have limited visibility from adjoining properties and public ways and the proposed addition's height will not exceed the building's existing maximum height. (§7.8.2.C.2)

PETITION NUMBER: #278-22

PETITIONER: Materion Newton, Inc.

LOCATION: 33 Industrial Place, Section 83, Block 28, Lot 79 containing approximately 43,740 square feet of land

OWNER: Materion Newton, Inc.

ADDRESS OF OWNER: 45 Industrial Place
Newton, MA 02461

TO BE USED FOR: Manufacturing

CONSTRUCTION: Masonry

EXPLANATORY NOTES: Special Permit pursuant to §7.3.3 to amend Special Permit #372-94
and extend nonconforming height (§4.2.3, §7.8.2.C.2)

ZONING: Mixed Use 1 (MU1)

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 the design intent as shown in several graphics submitted with the application material submitted as part of the relevant special permit petition on record with the City Clerk's Office and the Department of Planning and Development and identified as such:
 - a. "Site Plan View," identifying the general location of roof area to be occupied by the roof addition as "Proposed Location" (p. 3)
 - b. "EB2 Proposed Location 'View From Retail Parking Lot,'" identifying the roof area to be occupied by the roof addition as "Proposed Location" (p. 6)
 - c. "Proposed Location Newton Site," (p. 7) identifying the roof area to be occupied by the roof addition as "Option 'C' - Proposed Location" (p. 7)
 - d. "New EB2 Rendering View From Parking Lot," showing proposed conditions (p. 8)
2. The area of the proposed roof top addition shall be approximately 5,300 square feet.
3. The height of the proposed roof top addition shall match the existing high rise portion of the structure and shall not exceed 38.76 feet.
4. No changes to the building footprint or site plan are permitted pursuant to this special permit.
5. 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 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.

6. No Final Inspection and/or Occupancy Permit for the buildings covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the 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, architect or engineer.