

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 attached single-family dwellings; reduce minimum lot area; to allow parking in the front setback, a driveway within 10 feet of the rear lot line, and parking within 20 feet of the front and rear lot lines, 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 Multi-Residence 1 (MR1) district with 14,886 square feet (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) is an appropriate location for the proposed three single-family attached dwellings as designed as it is located in a neighborhood with a mix of single-, two- and multi- family dwellings. (§7.3.3.C.1)
2. The proposed three single-family attached dwellings on a 14,886 square foot lot as designed will adversely not affect the neighborhood as the lot is amongst the largest in the area. (§7.3.3.C.2)
3. The proposed three single-family attached dwellings on a 14,886 square foot lot as designed 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. Granting an exception to the provisions of Sec 5.1.7.A requiring that no parking stall be located within a front setback is appropriate as literal compliance is impractical due to the corner lot having two frontages, and its size and shape. (§5.1.13)
6. Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no parking space be located within 20 feet of a boundary line is appropriate as literal compliance is impractical due to the corner lot's location and size. (§ 6.2.3.B.2)
7. Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no driveway be located within 10 feet of a side or rear lot line is appropriate as such exceptions would be in the public interest as it would allow existing curb cuts to be used, and in the interest of safety as it would allow vehicles turn around on the site and enter the adjacent public ways facing forward. (§ 6.2.3.B.2)

PETITION NUMBER: #354-22

PETITIONER: HG Chestnut Hill LLC

LOCATION: 157 Langley Road 70 Walker Street, Ward 6, on land known as Section 65 Block 20 Lot 1, containing 14,886 sq. ft. of land

OWNER: HG Chestnut Hill LLC

ADDRESS OF OWNER: P.O. Box 590669  
Newton, MA 02459

TO BE USED FOR: Three single-family attached dwellings

EXPLANATORY NOTES: Special permit as per §7.3.3 to allow:

- attached single-family dwellings (§3.4.1)
- reduced lot area (§3.2.4)
- parking in the front setback (§5.1.7.A, §5.1.13)
- a driveway within 10 feet of the rear lot line and parking within 20 feet of the front and rear lot lines (§6.2.3.B.2)

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. Site plans, entitled “157 Langley Road, Newton, Massachusetts,” prepared by Peter Nolan and Associates, LLC., dated May 9, 2022, as revised through May 13, 2022, consisting of the following sheets:
    - i. Civil Plan (sheet 2 of 4) signed and stamped by Peter J. Nolan, Professional Land Surveyor on May 13, 2022, and Edward T. Spruhan, Professional Engineer on May 13, 2022
    - ii. Details (sheet 3 of 4) signed and stamped by Edward T. Spruhan, Professional Engineer on May 13, 2022
    - iii. Details (sheet 3 of 4) signed and stamped by Edward T. Spruhan, Professional Engineer on May 13, 2022
  - b. Architectural plans entitled “New Residence, 157 Langley Road, Newton, MAx (*sic*),” prepared by McKay Architects, dated May 11, 2022 as revised through January 18, 2022, signed and stamped by Michael L. McKay, Registered Architect, consisting of the following sheets:

- i. Special Permit Drawings (SP-1.1), including the following drawings:
      1. Title Sheet (T-11)
      2. Zoning Compliance (T-1.2)
      3. Existing Conditions (EX-1.1)
      4. Basement Floor Plan (A-1.1)
    - ii. Special Permit Drawings (SP-1.2), including the following drawings:
      1. First Floor Plan (A-1.2)
      2. Second Floor Plan (A-1.3)
      3. Knowles Street Elevation (A-2.1)
      4. Right Elevation (A-2.2)
    - iii. Special Permit Drawings (SP-1.3), including the following drawings:
      1. Rear Elevation (A-2.3)
      2. Langley Road Elevation (A-2.4)
      3. Rendering (R-1.2)
      4. Rendering (R-1.2) (*sic*)
  - c. A landscape plan entitled "Landscape Plan, 157 Langley Road, Newton, MA," prepared by Verdant Landscape Architecture, dated March 28, 2022, consisting of the following sheets:
    - i. L1
    - ii. L2
2. The petitioner shall comply with the Tree Preservation Ordinance.
3. All lighting fixtures shall be residential in scale.
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 for review and approval prior to issuance of any demolition or building permit. A copy of such approval 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.

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 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 and erosion control.
  - d. A plan showing temporary pedestrian access within work zones in accordance with DPW Policy
  - 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. Include watering
  - f. 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.
  - g. Tree preservation plan to define the proposed method(s) for protection of any existing trees to remain on site.
  - h. 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 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. Said Final Site Plan shall indicate decreased paved area and increased vegetative landscaping,

- as compared with relevant plans listed in Condition #1, at the parcel's western corner along its Knowles Street frontage
- 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. Said Final Landscaping Plan shall indicate decreased paved area and increased vegetative landscaping, as compared with relevant plans listed in Condition #1, at the parcel's western corner along its Knowles Street frontage and shall be consistent with the Final Site Plan.
  - f. 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, incorporated into the deeds; 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.
  - g. 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.
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 a statement by a registered architect or engineer 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 City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
  - d. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
8. Notwithstanding the provisions of Condition #8 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provided that the petitioner shall first have filed 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 landscaping to secure installation of such landscaping.

9. All landscaping shall be maintained in good condition and shall be replaced with similar material as necessary.