



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 20, 2022
Land Use Action Date:	December 13, 2022
City Council Action Date:	December 19, 2022
90-Day Expiration Date:	December 19, 2022

DATE: September 16, 2022

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning

SUBJECT: **Petition #392-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and allow four single-family attached dwellings in two buildings, to allow three stories, and to allow a driveway within 10 feet of the rear lot line and parking within 20 feet of the front and rear lot lines at 120 Norwood Avenue, Ward 2, Newtonville, on land known as Section 22 Block 09 Lot 05, containing approximately 24,897 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2 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 conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



120 Norwood Avenue

EXECUTIVE SUMMARY

The property located 120 Norwood Avenue consists of a 24,897 square foot lot in the Multi Residence 1 (MR-1) zone in Newtonville. The lot is improved with a two-family dwelling constructed in 1953. The petitioner is seeking to raze the existing structure to construct four single-family attached dwellings within two detached buildings. The single-family attached dwellings building type with three stories requires a special permit as well as the driveway and parking configuration for being within 10 feet (driveway) of the side and rear lot lines and 20 feet (parking) of the rear lot line. The petitioner requires relief for the building type, number of stories, and parking/driveway configuration.

The Planning Department believes the site to be an appropriate location for the four single family attached dwelling units. The project meets many of the standards set forth for single family attached dwelling units. The site's location in the MR-1 zone lends itself to attached dwelling units and the project exceeds the lot area per unit set forth for single family attached dwellings. The Planning Department also notes that the two buildings are detached, thus breaking up the massing on site. While the driveway and parking require relief due to its proximity to the rear lot lines, the petitioner submitted a landscape plan indicated the rear lot line will be well screened with fencing and landscaping.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed four single-family attached dwellings in two buildings with three stories and driveway and parking which requires relief for its proximity to the side and rear lot lines. (§7.3.3.C.1)
- The proposed four single-family attached dwellings in two buildings with three stories and driveway and parking which requires relief for its proximity to the side and rear lot lines will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed four single-family attached dwellings in two buildings with three stories and driveway and parking which requires relief for its proximity to the side and rear lot lines will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the driveway and parking locations in proximity to the rear lot line is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot or that such exceptions would be in the interest of safety or protection of environmental features. (§6.2.3.B.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

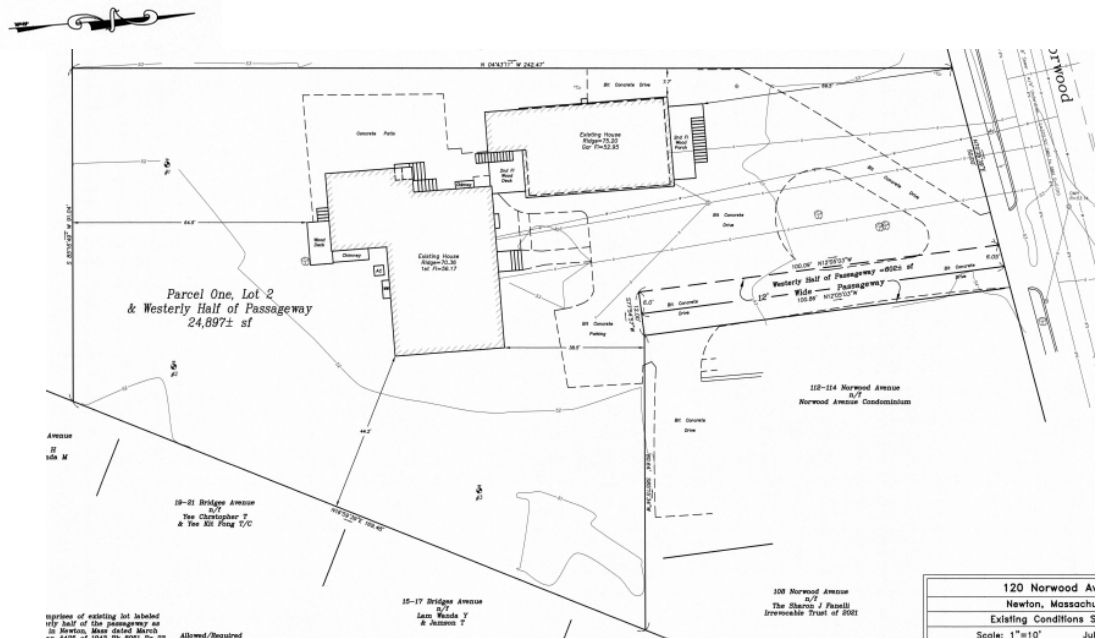
A. Neighborhood and Zoning

The subject property is located on Norwood Avenue in the MR-1 zone in Newtonville. The MR-1 zone extends outwards in all directions, with a Multi-Residence 3 zone across Norwood Ave to the north with Cabot Park Village. There is also a Public Use zone southwest of the site with Cabot Elementary School (**Attachment A**). The property's current land use is multi-family residential, consisting of a two-family dwelling. The area is predominantly residential with a mix of single and two family uses in addition to the school and Cabot Park Village (**Attachment B**).

B. Site

The site consists of 24,897 square feet of land and is improved with a two-family dwelling built in 1953. The site has one curb cut along Norwood Avenue which provides access to a driveway as well as a 12-foot-wide passageway that provides access to rear of the condominiums on the abutting parcel at 112-114 Norwood Avenue. The site is relatively flat.

Existing Conditions



Norwood Avenue

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will change from a two-family use to a multi-family use with four single-family attached dwelling units.

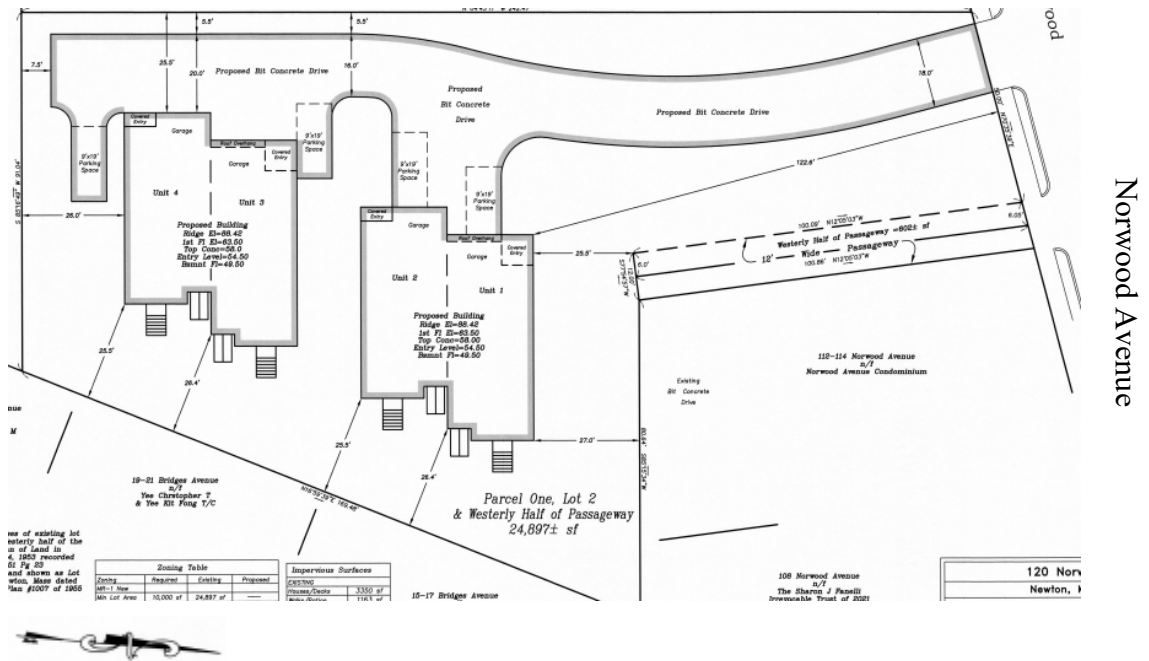
B. Site Design

The petitioner is proposing to construct and raze the existing structures to construct four units in two separate buildings and associated surface parking. As designed, the project requires special permit relief to construct the single family attached dwellings, to allow a three-story structure and to allow a driveway within 10 feet of the rear lot line and parking within 20 feet of the rear lot line.

The site will maintain driveway access from Norwood Avenue and refocus paving that currently covers a large part of the front yard refocused to a driveway along the western boundary. The two proposed buildings with two units each are proposed along the left side of the lot. Building 1, the building closest to the the front of the site will consist of two units, one garage stall and one surface parking stall per unit. Building 1 increases the front setback from 69.5 feet to 122.6 feet, well exceeding the minimum 25 feet required as of right. Building 1 creates a side setback of 25.5 from the left property line, reducing the current side setback from the left property line of 44 feet, yet meeting the required 25-foot setbacks for single family attached dwelling units.

A second structure, Building 2, is proposed further into the lot has a proposed rear setback of 26 feet and side setbacks of 25.5 feet from the right property line, improving upon the existing 7.7 foot right side setback, and 25.5 feet from the left property line, meeting the required setbacks of 25 feet for single family attached dwellings.

Proposed Site Plan



The project further increases the lot coverage from 12.43% to 18.47%, where 30% is the maximum allowed. The open space is proposed to be reduced from 70.7% to 58.47%, where 50% is the minimum required.

C. Building Design

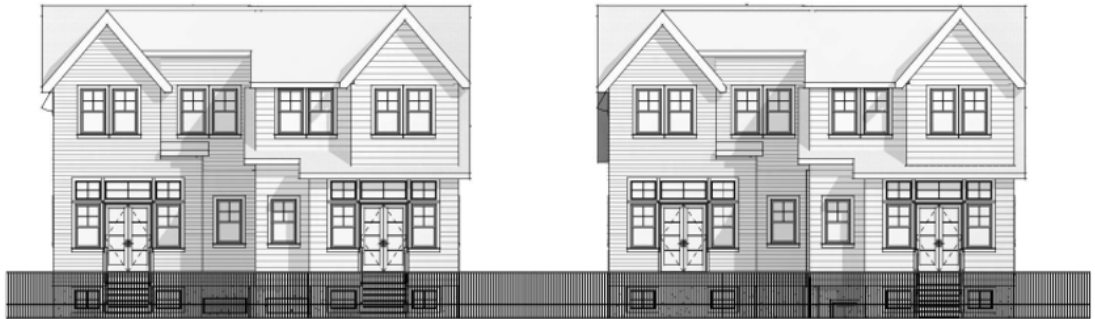
Buildings 1 and 2 will consist of two single family attached dwelling units and have a height of 34.42 feet. The two buildings are similar in design, with three stories and pitched roofs and two garage doors at the front of the buildings. The four units are town house style, divided side by side vertically. The floorplans indicate that each unit will have three bedrooms and an additional room that could be used as an office or bedroom. There are proposed patios at the rear of each unit.

While the zoning ordinance does not set forth a floor area ratio (FAR) for single family attached dwellings, the proposed FAR of the project is .48 or 12,036 square feet for the lot consisting of 24,897 square feet. For reference, a by right two-family dwelling would be allowed a maximum FAR of .38, or 9,461 square feet of floor area. The MR-1 zone has prescribed setbacks of 7.5-foot side, 15-foot rear and 25-foot front for a two family detached dwelling. If a two-family project utilized the .02 FAR bonus, to allow a .40 FAR, the required setbacks would be 30-foot front, 10-foot side, and 15-foot rear setbacks.

Proposed Front Elevation



Proposed Rear Elevation



Proposed Right Elevation



Proposed Left Elevation



The Planning Department believes the site to be an appropriate location for the four single-family attached dwelling units in two buildings. The size of the lot is generous and allows the building to meet or exceed the required setbacks. The site's location in the MR-1 zone lends itself to multi-family uses and the project meets the lot area per unit set forth requirement, with 6,224 square feet per unit proposed where 4,000 square feet is required. Planning is supportive of the design which breaks up the massing between two buildings, remains below the site's maximum lot coverage and above the site's minimum open space requirements.

D. Parking and Circulation

The site will be accessed by an 18-foot-wide driveway which provides access each units garage and parking stall. The plans indicate the western passageway providing access to the abutting condominiums will remain. As designed, each unit will have two parking stalls with one dedicated garage space and one surface parking stall, meeting the requirements of the Ordinance. The petitioner requires relief to locate one parking stall within 20 feet of the rear lot line and to locate the driveway within the 10 feet of the side and rear lot lines.

E. Landscaping

The petitioner submitted a landscape plan showing screening along the right property line. The proposed screening consists of arborvitae, shrubs, as well a six-foot-high fence. The petitioner should provide details around the material and design of the fence along perimeter of the property. There is additional landscaping along the rear property line consisting of Frasier Firs and Arborvitae. Each unit has dedicated yard space and landscaping. The petitioner should consider increased landscaping wherever possible.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning. Based on the Zoning Review Memorandum, the petitioner is seeking the following relief:

Zoning Relief Required		
<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 allow three stories	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the rear lot line and parking within 20 feet of the front and rear lot lines	S.P. per §7.3.3

B. Engineering Review

Associate City Engineer, John Daghlian, reviewed this petition for conformance with the City of Newton Engineering Standards (**Attachment D**). Mr. Daghlian notes the Petitioner’s Operations and Maintenance Plan (O&M) is acceptable, will be required to be recorded at the Registry of Deeds, and will be a condition of the special permit. Mr. Daghlian also notes the need for a Construction Management Plan (CMP).

C. Historic Preservation Review

The existing structures were deemed not historically significant on July 12, 2002 by the acting chair of the NHC. As such, demolition was not delayed, and further review is required by Historic.

V. PETITIONER’S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:




- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** Engineering Review Memorandum
- Attachment E:** Draft Council Order

Zoning

120 Norwood Avenue

*City of Newton,
Massachusetts*

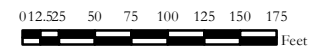
Zoning

-  Multi-Residence 1
-  Multi-Residence 3
-  Public Use



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



ATTACHMENT B





Land Use

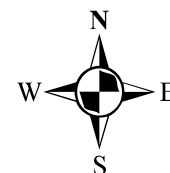
120 Norwood Avenue

*City of Newton,
Massachusetts*

Land Use

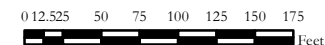
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Vacant Land

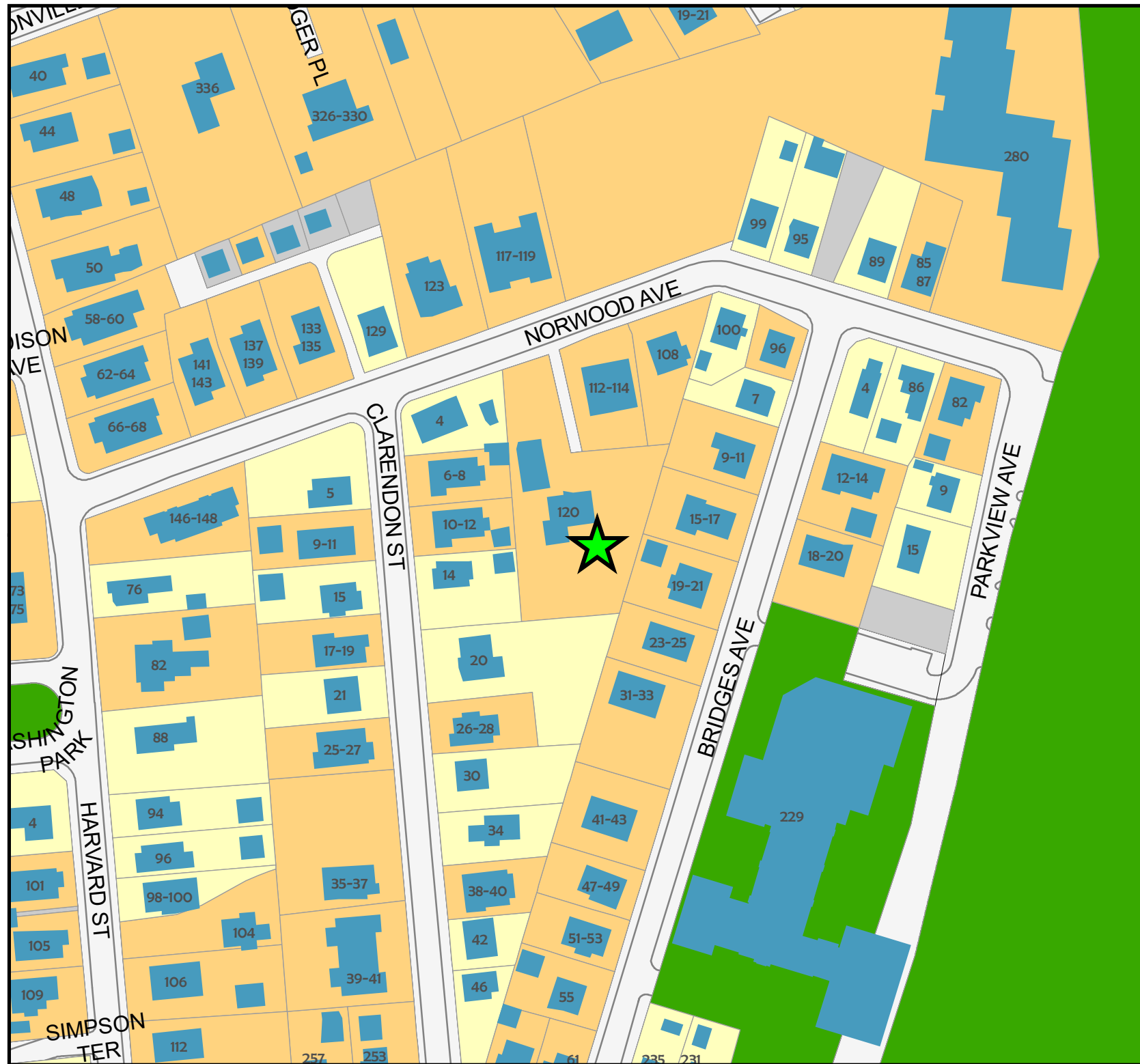


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: September 09, 2022





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Attachment C
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 7, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Terrence P. Morris, Attorney
120 Norwood Realty Trust, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow four single-family attached dwellings in two buildings

Applicant: 120 Norwood Realty Trust	
Site: 120 Norwood Avenue	SBL: 22009 0005
Zoning: MR1	Lot Area: 24,897 square feet
Current use: Two-family dwelling	Proposed use: Four single-family attached dwellings

BACKGROUND:

The property at 120 Norwood Avenue consists of 24,897 square feet and is improved with a single-family dwelling built in 1953 in the MR1 zoning district. The petitioner proposes to demolish the existing dwelling and construct four single-family attached dwellings in two separate structures.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, submitted 5/3/2022
- Floor plans and elevations, prepared by Ronald F. Jarek, architect, dated 8/15/2019
- Existing Conditions Site Plan, signed and stamped by Verne T. Porter, dated 4/13/2022
- Proposed Conditions Site Plan, signed and stamped by Verne T. Porter, dated 4/13/2022

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to raze the existing two-family dwelling and construct four single-family attached dwellings in two separate structures. 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 special permit for three story single-family attached dwellings. The petitioners propose both buildings to be three stories, requiring a special permit.
3. Per section 6.2.3.B.2 no parking space may be located within 20 feet of a boundary unless by special permit. A surface parking stall is proposed within 20 feet of the rear lot line, requiring a special permit.

Per this same section 6.2.3.B.2, no driveway may be located within 10 feet of a side or rear lot line, unless by special permit. The proposed driveway is within 5.5 feet of the western side lot line, requiring a special permit.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	24,897 square feet	No change
Frontage	80 feet	56 feet	No change
Setbacks			
• Front	25 feet	69.5 feet	122.6 feet
• Side	25 feet	7.7 feet	25.5 feet
• Side	25 feet	44.2 feet	25.5 feet
• Rear	25 feet	64.5 feet	26 feet
Building Height	36 feet	23.5 feet	33.5 feet
Max Number of Stories	2.5 (3 by SP)	2	3*
Lot Coverage Max	25%	12.4%	18.5%
Open Space Min	50%	70.7%	58.5%
Lot Area Per Unit	4,000 square feet	12,449 square feet	6,224 square feet

See “Zoning Relief Summary” below:

Zoning Relief Required		
<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 allow three stories	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the rear lot line and parking within 20 feet of the front and rear lot lines	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 – 120 Norwood Avenue

Date: September 2, 2022

CC: Barney Heath, Director of Planning
Jennifer Caira, Deputy Director
Katie Whewell, Chief Planner
Lou Taverna, PE City Engineer
Dominic Warren, Committee Clerk
Michael Gleba, Sr. Planner

In reference to the above site, I have the following comments for a plan entitled:

120 Norwood Avenue
Proposed house & Driveway
Prepared by: Verne t. Porter, Jr., PLS
Dated: July 13, 2022

Executive Summary:

The proposed permit entails the demolition of an existing multi-family residential dwelling and construction of a 4-unit condominium development including a new driveway and municipal utilities. The site is relatively flat having a high point at elevation 54-feet at the driveway apron. Then gently slopes to the rear of the lot to elevation 52-feet over a distance of 242 feet. The property is surrounded by residential homes along the east-south and western property lines and has 50 feet of frontage along Norwood Avenue to the north. The lot consists of 24,897 square feet or 0.55 acres.

A new common driveway will be located towards the western property line and will provide access to two separate dwellings having two units. New municipal water & sewer services will be installed for the four units.

The engineer of record has designed a stormwater collection and infiltration system to collect and infiltrate runoff from impervious surfaces in accordance with the City stormwater policy, however; there is a math error on page 7 of the report and the wrong storm event was used for the post development the Hydrocad software indicates a storm event of 8.62" which should have been 8.78 inches over a 24-hour period; the calculation need to be revised and resubmitted.

The proposed Operations and Maintenance (O&M) plan is acceptable and should be recorded at the Registry of Deeds and be incorporated with the condominium association documents.

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:

- 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 & Domestic Water Service(s):

1. Existing water and sewer services to building(s) shall cut and capped at the respective mains and completely removed from the main(s) and its entire length and properly backfilled. The Engineering Division must inspect and approve this work, failure to having this work inspected will result in delay of issuance of the new Utility Connection or issuance of a Certificate of Occupancy.
2. All new sewer service(s) shall be pressure tested in accordance with the City Construction Specifications & Standards and inspected via Closed Circuit Television CCTV inspection after installation is completed. A copy of the video inspection and written report shall be submitted to the City Engineer or his representative. The sewer service will NOT be accepted until the two methods of inspection are completed AND witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until these tests are completed to the satisfaction of the City Engineer.
3. All sanitary sewer manhole(s) shall be vacuum tested in accordance to the City's Construction Standards & Specifications, the sewer service and manhole will NOT be accepted until the manhole(s) pass the testing requirements. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed to the satisfaction of the City Engineer and a written report of the test results is submitted to the City Engineer.
4. With the exception of natural gas service(s), all utility trenches within the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E up to within 18-inches of the asphalt binder level, after which Dense Grade Gravel compacted to 95 % Proctor Testing shall be placed over the CDF. Details of this requirement is the Engineering Division website "Standard Construction Details".

5. All water services shall be chlorinated, and pressure tested in accordance with the AWWA and the City Construction Standards & Specifications prior to coming online. These tests MUST be witnessed by a representative of the Engineering Division.
6. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division, the engineer of record shall submit a plan to the Director of Utilities for approval.

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. The contractor of record shall contact the Newton Police Department 48-hours in advanced and arrange for Police Detail to help residents and commuters navigate around the construction zone.
9. 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.
10. *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.

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 four single family attached dwelling units in two buildings with three stories, parking within 20 feet of the rear lot line, and a driveway within ten feet of the side lot line 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 four single-family attached dwellings in two buildings with three stories and driveway and parking which requires relief for its proximity to the side and rear lot lines due to its location in the MR 1 zoning district, and exceeding the required lot area per unit for single family attached dwelling units. (§7.3.3.C.1)
2. The proposed four single-family attached dwellings in two buildings with three stories and driveway and parking which requires relief for its proximity to the side and rear lot lines will not adversely affect the neighborhood. (§7.3.3.C.2)
3. The proposed three story, four single-family attached dwellings in two buildings with three stories and driveway and parking which requires relief for its proximity to the side and rear lot lines will not create a nuisance or serious hazard to vehicles or pedestrians because it will be well screened and relocates paving from the front yard to along the western property line. (§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. Literal compliance with the driveway and parking locations in proximity to the side and rear lot lines is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot or that such exceptions would be in the interest of safety or protection of environmental features. (§6.2.3.B.2)

PETITION NUMBER:

#392-22

PETITIONER: 120 Norwood Avenue

LOCATION: 120 Norwood Avenue, on land known as Section 22 Block 09 Lot 5, containing approximately 24,897 sq. ft.

OWNER: 120 Norwood Avenue Realty Trust

ADDRESS OF OWNER: 120 Norwood Avenue
Newton, MA 02460

TO BE USED FOR: Four single-family attached dwelling units in two structures

CONSTRUCTION: Wood Frame

EXPLANATORY NOTE: Special permit per §7.3.3 to allow four single-family attached dwelling units with three stories, and to allow a driveway within 10 feet of the side lot line and parking within 20 feet of the rear lot line (§3.4.1, §3.2.4, §6.2.3.B.2)

ZONING: Multi Residence 1

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with:
 - a. A set of plans signed and stamped by Verne T. Porter, Land Surveyor, also signed and stamped by Paul J. Tyrell, Civil Engineer
 - i. "Proposed Grading and Utility Plan" showing proposed conditions at 120 Norwood Avenue, dated July 13, 2022
 - ii. "Proposed House and Drive Location" (Zoning Plan) showing proposed conditions at 120 Norwood Avenue, dated July 13, 2022
 - b. Architectural plans entitled "120 Norwood Ave Residences" signed and stamped by Ronald Jarek, Registered Architect, dated August 15, 2019, revised August 1, 2022 consisting of four (4) sheets:
 - i. Front Elevation, SP.05
 - ii. Rear Elevation, SP.06
 - iii. Left Elevation, SP.07
 - iv. Right Elevation, SD.08
 - c. Landscape Plan signed and stamped by Ronald Jarek, Registered Architect, dated September 15, 2022, SP.12

2. 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, Department of Engineering, and Department of Inspectional Services.
3. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the Petitioner shall provide a final Operations and Maintenance Plan (the "O&M Plan") for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M Plan must be adopted by the Petitioner and recorded at the Middlesex South District Registry of Deeds. A copy of the recorded O&M Plan shall be filed with the Engineering Division of Public Works and submitted with the Building Permit application.
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 Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
 - b. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - c. 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 this Order.
 - d. 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.
 - e. Submitted a Final CMP for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, and the City Engineer in accordance with this Order.
 - 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.
7. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.

8. 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 statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans 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.
9. 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 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.