

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 (§3.4.1), a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line (§6.2.3.B.2), and a retaining wall exceeding four feet in height in a setback (§5.4.2.B), 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 is an appropriate location for the proposed five attached single-family dwellings in one structure as designed, including retaining walls higher than four feet in a setback, given its location within a neighborhood that has a mix of single-, two-, and multi- family dwellings and commercial uses. (§7.3.3.C.1)
2. The proposed five attached single-family dwellings in one structure as designed, including retaining walls higher than four feet in a setback, will not adversely affect the neighborhood as it features a mix of single-, two-, and multi- family dwellings and commercial uses. (§7.3.3.C.2)
3. The proposed five attached single-family dwellings in one structure as designed, including retaining walls higher than four feet in a setback, 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 §6.2.3.B.2 to allow a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line is appropriate as literal compliance with said requirements is impracticable due to the nature of the use, and the size, width, and grade of the lot.

PETITION NUMBER: #503-22

PETITIONER: Schiavone Wilson Circle Trust

LOCATION: 24 Wilson Cir, Newton, Ward 6, on land known as Section 54 Block 22 Lot 19, containing approximately 28,513 sq. ft. of land

OWNER: Schiavone Wilson Circle Trust

ADDRESS OF OWNER: 24 Wilson Circle
Newton, MA 02461

TO BE USED FOR: Five single-family attached dwellings in one structure

EXPLANATORY NOTES: Special permit pursuant tor §7.3.3 to allow:

- attached single-family dwellings (§3.4.1)
- a driveway within 10 feet of the side lot line and parking within 20 feet of the side lot line (§6.2.3.B.2)
- a retaining wall exceeding four feet in height in a setback (§5.4.2.B)

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. a set of engineering plans, entitled “24 Wilson Circle, Newton, Massachusetts,” prepared by Verne T. Porter Jr., PLS, dated September 23, 2022, signed and stamped by Verne T. Porter, Jr., Professional Land Surveyor, consisting of the following sheets:
 - i. Proposed Building and Drive Location (Sheet 1 of 7)
 - ii. Existing Conditions Site Plan (Sheet 2 of 7)
 - iii. Proposed Conditions Site Plan (Sheet 3 of 7) (also signed and stamped by Paul J. Tyrell, Registered Professional Engineer)
 - iv. Zoning District and Area Plan (Sheet 4 of 7)
 - v. Existing and Proposed Height Calculations (Sheet 5 of 7)
 - vi. Detail Sheet (Sheet 6 of 7) (also signed and stamped by Paul J. Tyrell, Registered Professional Engineer)
 - vii. Detail Sheet (Sheet 7 of 7) (also signed and stamped by Paul J. Tyrell, Registered Professional Engineer)
 - b. a set of architectural drawings entitled “24 Wilson Circle, Newton, MA,” prepared by the Greenville Group and Pears Design Resource LLC, dated July 20, 2022, consisting of the following sheets:
 - i. Proposed Architectural Site Plan (01)

- ii. Proposed First Floor Plan (02)
 - iii. Proposed Second Floor Plan (03)
 - iv. Aerial View from Wilson (04)
 - v. Back Aerial View (05)
 - vi. View from Aquaduct (*sic*) (06)
 - vii. View from Wilson Circle(07)
 - viii. Elevations (South and North) (08)
 - ix. Site Sections (09)
 - x. Building Sections & End Elevations (10)
 - xi. Proposed Floor Area Plans (North) (11)
 - c. a landscape plan, entitled “Wilson Circle, Newton, MA, Illustrative Landscape Plan,” prepared by Verdant Landscape Architecture, signed and stamped by Blair C. Hines, Registered Landscape Architect, dated August 31, 2022
 - d. a document entitled “FAR LETTER, 24 Wilson Circle, Newton, MA,” dated September 9, 2022, signed by John Pears RIBA, indicating a proposed “Total GFA (Gross Floor Area) of 10,820.81 gsf,” and FAR (Floor Area Ratio) of 0.38
2. All lighting fixtures shall be residential in scale.
 3. All HVAC equipment and appliances shall be electric, and appliances shall be “Energy Star” rated (or functional equivalent).
 4. The petitioner shall comply with the Tree Preservation Ordinance.
 5. 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.
 - 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 and Inspectional Services Department summarizing the methods used, whether off-site migration occurred, the frequency and dates of service, and a post-construction assessment of the site 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.
6. 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: watering, 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; and locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - 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
7. In the event any blasting is required on-site, the Petitioner shall obtain a Blasting Permit from the Newton Fire Department. The Petitioner shall comply with all applicable state and local laws, regulations, and protocols governing blasting, including the Standard Blasting Conditions for Special Permit/Site Plan Approvals, dated May 31, 2002, on file with the City Clerk.

8. Prior to the issuance of any building permit pursuant to this special permit, 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 and approval by the Engineering Division. Once approved the O&M must be adopted by the applicant/property owner, incorporated or referenced into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recorded instrument shall be submitted to the Engineering Division.
9. No building permit (other than a demolition permit) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and 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. 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.
 - c. 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.
 - d. Received approval for the Pest Control inspection report and the remediation action plan and submitted a copy of such approval to the Director of Planning and Development in accordance with this Order.
 - e. Received approval for the vibration control plan and submitted a copy of such approval to the Director of Planning and Development in accordance with this Order.
10. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - a. Filed with the building permit record statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
 - b. Submitted final as-built survey plans in digital format.
 - c. Obtained approval from the City Engineer certifying that all engineering details for the portion of the Project for which a certificate of occupancy is requested 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, landscape features, fencing and parking areas related to or for the portion of the Project for which a certificate of occupancy is requested.

11. The Petitioner shall install all landscaping consistent with this Special Permit/Site Plan approval and shall maintain landscaping in good condition. Any plant material that becomes diseased or dies shall be replaced as soon as feasibly possible with similar material.