

Middlesex South Registry of Deeds
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Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.cambridgedeeds.com

5pp.

#1-15

CITY OF NEWTON
IN BOARD OF ALDERMEN

April 6, 2015

2015 APR -9 PM 12:00
RECEIVED
CITY CLERK'S OFFICE

ORDERED:

That the Board, 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 for a waiver of six (6) parking stalls, and waivers to legalize the existing nonconforming parking facility conditions, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

714-724 BEACON STREET, NEWTON
DEED REF. BOOK 51225, PAGE 582

1. The requested waiver of six (6) parking stalls at this site is appropriate because literal compliance with the required number of parking stalls for the types of land uses proposed to occupy the site is impracticable due to the current parking configuration, topography of the undeveloped portions of the site, and the development patterns present on the subject property and in the surrounding neighborhood. (§30-19(c)(3) and §30-19(m))
2. The requested waivers to the design and dimensional controls for the parking facility are appropriate because literal compliance with these controls is impracticable due to the size and shape of the existing parking lot, the nature of the existing uses and development patterns present on the subject property. (§30-19(m))
3. The proposed use, as developed and operated, will not adversely affect the neighborhood. The site is located in a mixed use area with other commercial uses and pedestrian safety will be improved by relocating the existing crosswalk to the west side of the site's driveway. (§30-24(d)(2), §30-19(c)(3), §30-19(d)(10) and (12))
4. The requested waivers in combination with the proposed parking and traffic control measures on the site will not result in the creation of a nuisance or hazard to vehicles or pedestrians on the site or in the surrounding neighborhood. (§30-24(d)(3))
5. The petitioner's voluntary contribution of funds or in-kind services permitting the relocation of the pedestrian crosswalk from the east side to the west side of the driveway at the premises; the construction of a curb extension on the southern side of Beacon Street for the pedestrian crosswalk; and the installation of curbing along the sidewalk on Beacon Street near the westerly end of the premises, are a public benefit to the City that will enhance the safety of pedestrian and improve vehicular movements in the surrounding neighborhood.

PETITION NUMBER: #1-15
PETITIONER: Canton Circle, LLC

A True Copy
Attest
[Signature]
City Clerk of Newton, Mass.

LOCATION: 714-724 Beacon Street, Newton Centre, on land known as SBL 61, 38, 8, containing approximately 37,941 square feet of land

OWNER: Canton Circle, LLC

ADDRESS OF OWNER: 637 Washington St, Suite 200
Brookline, MA 02446

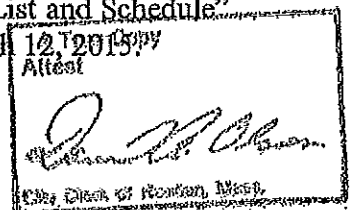
TO BE USED FOR: Medical Office Use

EXPLANATORY NOTES: §30-19(d) and §30-19(m) to waive six (6) required parking spaces for a medical office use; §30-19(h)(1) to allow parking within the required side setback; §30-19(h)(2)(a) and (2)(b) to waive the minimum dimensions of parking stalls; §30-19(h)(2)(e) to waive the end stall maneuvering space requirements; §30-19(h)(3)(b) to waive the dimensional requirements for maneuvering aisles to two-way traffic; §30-19(i)(1) and §30-19(i)(2) to waive the landscaping requirements for parking facilities containing more than five stalls; §30-19(j) to waive the lighting, curbing, surfacing and maintenance requirements for parking facilities containing more than five stalls; and §30-19(k) to waive the requirement for bicycle parking facilities.

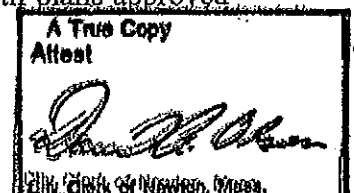
ZONING: Business 2 District

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. "Area Plan" for 714 Beacon Street, Newton, MA, stamped and signed by Joseph Porter, Professional Land Surveyor, dated November 11, 2014.
 - b. "Topographic Site Plan - Existing Conditions" for 714 Beacon Street, Newton, MA, stamped and signed by Joseph Porter, Professional Land Surveyor, dated September 26, 2004.
 - c. "Crosswalk Layout Plan" for 714 Beacon Street, Newton, MA, stamped and signed by Joseph Porter, Professional Land Surveyor, dated December 22, 2014 and revised on March 11, 2015.
 - d. "Topographic Site Plan - Proposed Conditions" for 714 Beacon Street", stamped and signed by Joseph Porter, Professional Land Surveyor, dated December 22, 2014 and revised on March 4, 2015, further revised March 17, 2015.
 - e. "Planting Plan" for 714 Beacon Street, Newton, MA, prepared by Andrea W. Kelley of Rockwood Terrace Consultants at 28 Putnam Street, Newton, MA, 02465, dated March 10, 2015 and revised on March 12, 2015. Accompanied by a "Plant List and Schedule" and "Cost Estimate" for 714 Beacon Street, Newton, MA, dated March 12, 2015.



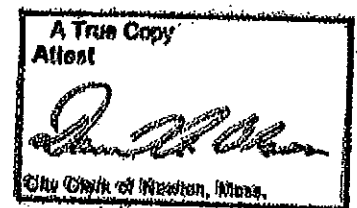
2. Prior to the issuance of any building permit, the petitioner shall submit designs and plans for the repair and/or replacement of the existing retaining walls to the City Engineer for review and approval.
3. Signage shall conform to City standards. The Urban Design Commission and the Director of Planning and Development will review and approve all by-right signs.
4. The property owner shall not store snow on the site.
5. The trash enclosure shall be maintained in a sanitary condition with the gate remaining closed at all times when not in use.
6. Prior to the issuance of any building permit, the petitioner shall submit a transportation and parking demand management plan which shall include actions to be taken to reduce the reliance on single occupant vehicles by employees and patrons of the businesses at this site. The plan shall be approved by the Director of Planning and Development with the advice of the Transportation Director.
7. Prior to the issuance of a certificate of occupancy, the petitioner, at its sole option, shall either (a) contribute up to \$10,000 (subject to Condition #8, below) for the pedestrian safety improvements noted below, or (b) complete the said pedestrian safety improvements at its sole expense. The pedestrian safety improvements consist of the relocation of the existing pedestrian crosswalk at the intersection of Beacon Street and Dalton Road to the western side of the driveway at 714 Beacon Street, construction of a curb extension for the crosswalk on the southern side of Beacon Street, and the installation of curbing along the sidewalk on Beacon Street near the westerly end of 714 Beacon Street (the "Pedestrian Safety Improvements"). If the petitioner chooses to complete the Pedestrian Safety Improvements at its sole expense (option (b)), the petitioner shall submit final details and plans for such improvements to the City Engineer for review and approval.
8. The petitioner shall file a request with all appropriate City departments and/or Committees to relocate any on-street metered parking spaces displaced by the proposed relocation of the pedestrian crosswalk on Beacon Street to a location within Newton Centre. The petitioner shall pay for the relocation of said meter, provided however that the petitioner's financial obligation pursuant to Conditions #7 and #8 shall not exceed \$10,000 in the aggregate.
9. If in the future the existing building is enlarged or demolished, all existing parking stall waivers and waivers of parking facility requirements shall be null and void, and the site shall comply with all then current and applicable requirements of the Newton Zoning Ordinance.
10. 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 Board 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 Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.



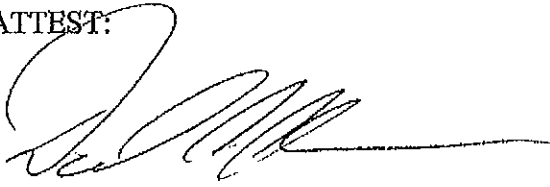
- d. Obtained a written statement from the City Engineer that confirms the receipt and approval of designs and plans for the repair of the existing and proposed retaining walls at the site.
11. No Certificate of Occupancy for the vacant tenant space pursuant to this Special Permit/Site Plan Approval 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 surveyor 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 digital format by a licensed surveyor.
 - c. Contributed funds in an amount not to exceed \$10,000 for the Pedestrian Safety Improvements referenced in Condition #7, above, or complete the same, at its expense, all consistent with plans approved in Conditions #1 and #7. The petitioner shall submit final details and plans for the foregoing proposed improvements to the City Engineer for review and approval if the relocation option is chosen.
 - d. Relocated, at its expense, any on-street metered parking spaces displaced by the proposed relocation of the pedestrian crosswalk on Beacon Street to a location within Newton Centre approved by the appropriate City departments and/or Committees consistent with Condition #8, provided that the petitioner's aggregate financial contribution pursuant to Conditions #11c and #11d shall not exceed \$10,000.
 - e. Filed with the City Clerk and 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, signage and parking areas.
 12. Notwithstanding the provisions of Condition #11e 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, signage and parking areas 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.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 recused (Alderman Lipof)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on April 9, 2015. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.



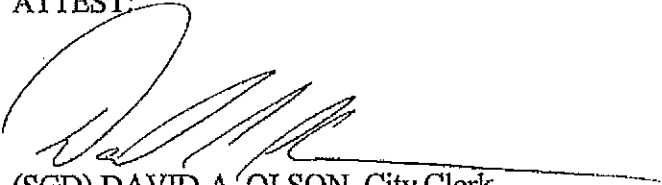
ATTEST:



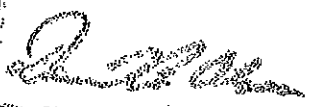
(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 4/9 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

A True Copy
Attest

City Clerk of Newton, Mass.