

CITY OF NEWTON

IN CITY COUNCIL

December 19, 2016

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 the following SPECIAL PERMIT/SITE PLAN APPROVAL for to exceed the floor area ratio (FAR) from .39 to .44, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The addition of a two-car garage and mudroom is consistent with and not in derogation of the size, scale, and design of other structures in the neighborhood as the addition does not significantly affect the square footage of the structure and will remove surface parking on the lot (§3.1.9, and §7.3.3).
2. The petitioners proposed reconstruction of the sidewalk along the Ward Street frontage is a public benefit to the City that will enhance the safety of pedestrians in the immediate neighborhood.

PETITION NUMBER: #399-16

PETITIONER: Cheryl and Yakir Levin

LOCATION: 441 Ward Street, Ward 7, Newton Centre, on land known as Section 73 Block 30 Lot 06, containing approximately 9,299 square feet of land

OWNER: Cheryl and Yakir Levin

ADDRESS OF OWNER: 441 Ward Street  
Newton, MA 02459

TO BE USED FOR: Two-car attached garage and mudroom

CONSTRUCTION: Wood

EXPLANATORY NOTES: §3.1.9 and §7.3.3 to exceed the FAR

ZONING: Single Residence 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:
  - i) Plan of Land in Newton 441 Ward Street, Proposed Additions, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated September 13, 2016.
  - ii) A Set of architectural plans, dated September 15, 2016, signed and stamped by Cynthia N. Sachs, Registered Architect, Sheets A.0, A.1, A.2, and A.3
2. The petitioners shall comply with the City's Tree Preservation Ordinance.
3. The petitioners shall, at its expense, repair or replace the existing driveway apron located along the Ward Street frontage subject to the approval of the Commissioner of Public Works prior to the issuance of any occupancy permit.
4. Prior to the issuance of any Building Permits, the petitioners shall provide 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, and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
5. Prior to the issuance of any Building Permits, the petitioners shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department for review and approval.
6. Prior to the issuance of any Building Permits, the petitioners shall submit a final Construction Management Plan (CMP) to the Commissioner of Inspectional Services, the Director of Urban Forestry, the Engineering Division of Public Works, the Director of the Department of Planning and Development, the Newton Fire Department and Newton Police Department, which plan should shall include at a minimum:
  - a. 24-hour contact information for the general contractor of the project.
  - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 3:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
  - c. 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.
- d. A tree preservation plan to define the proposed method for protection of existing trees to remain on the site and on abutting properties during construction.
  - e. A plan for site access and traffic control.
  - f. A plan regulating the delivery of material to the site, including the staging and storage of construction vehicles.
  - g. A plan for rodent control during construction.
  - h. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
7. No Building Permits shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
- a. Received final approval from the Director of Planning and Development for the Construction Management Plan.
  - b. 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.
  - c. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
  - e. Obtained a written statement from the Engineering Division of Public Works that confirms the receipt of a certified copy of the recorded O&M in accordance with Condition #4.
  - f. Filed a final Site Plan to the Director of Planning and Development for review and approval.
  - g. Received approval for the removal and replacement of the street tree impacted by this project.
8. No Final Inspection and/or Occupancy Permit for the buildings constructed pursuant to this Special Permit/Site Plan Approval shall be issued until the petitioners have:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
  - b. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
  - c. 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.

- d. Filed with the Department of Inspectional Services, and the Department of Planning and Development a statement by the City Engineer certifying that finished grades and final construction details of driveways, parking areas and drainage systems have been constructed to the standards of the City Engineering Department.
  - 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.
9. Notwithstanding the provisions of Condition #8e 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 provide that the petitioners 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.