

CITY OF NEWTON
IN CITY COUNCIL

June 5, 2017

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 to construct a six-unit multifamily dwelling in a Multi-Residence 2 (MR2) zoning district, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The specific site is an appropriate location for the proposed six-unit multi-family dwelling as it is located in a mixed-use neighborhood that includes other multi-family dwellings (§7.3.3.C.1);
2. The proposed multi-family dwelling as developed and operated will not adversely affect the surrounding mixed-use neighborhood as the proposed structure conforms with applicable dimensional regulations and will provide off-street, enclosed space for the required parking stalls; (§7.3.3.C.2);
3. There will be no 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).

PETITION NUMBER: #63-17

PETITIONER: Dalby Development LLC

LOCATION: 16-26 Dalby Street, Ward 1, on land known as Section 11, Block 7, Lots 44, 45 and 46, containing approx. 23,400 sq. ft. of land

OWNER: Dalby Development LLC

ADDRESS OF OWNER: 96 Jewett Street
Newton, MA 02458

TO BE USED FOR: 6 Unit multi-family dwelling

EXPLANATORY NOTES: §3.1.1 To allow a multi-family residential use in an MR2 zoning district.

ZONING: Multi-Residence 2 (MR2) 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. Engineering plans entitled "16-26 Dalby Street, Newton, MA, Section 11 - Block 7 – Lots 44, 45 & 46, " prepared, signed and stamped by Verne T. Porter, Professional Land Surveyor, signed and stamped by Paul J. Tyrell, Professional Engineer, dated December 6, 2016, as revised through May 25, 2017:
 - i. Proposed Grading and Building Locations;
 - ii. Existing Conditions Plan;
 - iii. "Proposed Site Plan;
 - iv. Proposed Utility (*sic*) Plan;
 - v. Detail Sheet 1;
 - vi. Detail Sheet 2;
 - vii. Area Plan."
 - b. Landscape plans, entitled "16-26 Dalby St., Newton, MA, Section 11 – Block 7, Lots 44, 45 & 46," prepared by the Leone Company, stamped and signed by Randall E. Clemance, Registered Landscape Architect, consisting of two (2) sheets:
 - i. Planting Plan (L-1), dated 3/31/2017, as revised through 5/26/2017;
 - ii. Dalby Street Elevation (L-2), dated 4/3/2017, as revised through 5/26/2017.
 - c. Architectural drawings entitled "16-26 Dalby Street Special Permit, Lots 40, 42 & 44, Newton, Mass," and "Dalby Street Special Permit," prepared by C.D. Calhoun & Associates Incorporated, consisting of the following twelve (12) sheets:
 - i. Title Sheet (A-0), as revised through 5/31/17;
 - ii. Site Plan / Street Elevation (A-1), as revised through 3/15 & 5/25/17 (A-1);
 - iii. Basement / Garage Level (A-2), dated 3/15/17;
 - iv. Front & Rear Elevations (A-2), as revised through 5/31/17;
 - v. Units 1, 2 & 3 Right & Left Elevations (A-4), as revised through 5/25/17;
 - vi. Units 4, 5 & 6 Right & Left Elevations (A-5), as revised through 3/15/17;
 - vii. Units 1, 2 & 3 First Floor Plans (A-6), dated 3/15/17;
 - viii. Units 1, 2 & 3 Second Floor Plans (A-7), dated 3/15/17;
 - ix. Units 1, 2 & 3 Attic Floor Plans (A-8), dated 3/15/17;
 - x. Units 4, 5 & 6 First Floor Plans (A-9), dated 3/15/17;

- xi. Units 4,5 & 6 Second Floor Plans (A-10), dated 3/15/17;
 - xii. Units 4, 5 & 6 Roof Plans (A-11), dated 3/15/17.
2. Prior to the issuance of any building permit issued pursuant to this special permit, the petitioner shall: record at the Registry of Deeds for the Southern District of Middlesex County a lot plan showing the lots known as Section 11, Block 7, Lots 44, 45 and 46 and subject to this special permit combined into a single lot, and
 - b. file certified copies of such recorded document(s) with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 3. The petitioner shall comply with the Tree Preservation Ordinance.
 4. All utilities shall be located underground from the property line.
 5. All lighting fixtures shall be residential in scale.
 6. Prior to the issuance of a building permit the petitioner shall submit final Engineering Plans to the City Engineer for review and approval.
 7. If so required by the City Engineer, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval prior to the issuance of any Building Permit. Once approved, the O&M must be adopted by the applicant, incorporated into the deeds; 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.
 8. Prior to the issuance of any building permit the petitioner shall submit a Construction Management Plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Board Order and shall include, but not be limited to, the following provisions:
 - 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 7:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 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. The proposed schedule of the project, including the general phasing of the construction activities.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for delivery vehicles, and location of any security fencing.
 - 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.
- f. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. 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 for protection of any existing trees to remain on the site.
 - h. A plan for rodent control during construction.
 - i. It must also address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.
9. 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. 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.
 - d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - e. Submitted a Final Landscape Plan to the Director of Planning and Development for review and approval.
10. 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 Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - 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, the Commissioner of Inspectional Services, and the Engineering Division of Public Works a statement from the Department of Planning and Development approving the final location, number and type of plant materials and final landscape features.
11. Notwithstanding the provisions of Condition #10 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 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.
12. All landscaping shall be maintained in good condition and shall be replaced with similar material as necessary.