

CITY OF NEWTON

IN CITY COUNCIL

August 14, 2017

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 a SPECIAL PERMIT/SITE PLAN APPROVAL to allow the required lot area to be decreased by 4% in conjunction to the construction of a two-family dwelling, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The site is an appropriate location for the proposed two-family dwelling because a two-family structure is a by-right use in the Multi-Residence 1 zone (§7.3.3.C.1).
2. The proposed two-family use will not adversely affect the neighborhood because a two-family use has existed on site for many years (§7.3.3.C.2).
3. The proposed two-family use will not create a nuisance or serious hazard to vehicles or pedestrians because the design consolidates two existing curb cuts into one and the parking is accommodated on site (§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. The proposed reduction in the required lot area in conjunction to the construction of the two-family dwelling is consistent with and not in derogation of the size, scale, and design of other lots, buildings, and structures in the neighborhood because the lot area is consistent with the median lot area of the surrounding residential properties and the structure and lot are compliant with the dimensional controls of a new lot in the Multi-Residence 1 zone, except lot area and lot area per unit (§7.8.4.E).

PETITION NUMBER: #129-17

PETITIONER: Kenneth Lento

LOCATION: 19-21 Beaconwood Road, on land known as Section 54, Block 22, Lot 47 and 47, containing approximately 9,602 square feet of land

OWNER: Kenneth Lento

ADDRESS OF OWNER: 38 Eben Street
Milford, MA 01757

TO BE USED FOR: Two-family dwelling

CONSTRUCTION: Wood

EXPLANATORY NOTES: §7.8.4.D.4, §7.8.4.D.5, and §7.8.4.E

ZONING: Multi-Residence 1 (MR-1) 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 the civil plan set consisting of the following four (4) sheets:
 - a. A plan entitled "19-21 Beaconwood Road Existing Conditions," signed and stamped by Verne T. Porter, Professional Land Surveyor, dated March 8, 2017.
 - b. A plan entitled "19-21 Beaconwood Road Proposed Conditions," signed and stamped by Verne T. Porter, Professional Land Surveyor, and Paul J. Tyrell, Professional Engineer, dated March 8, 2017.
 - c. A plan entitled "Detail Sheet," signed and stamped by Verne T. Porter, Professional Land Surveyor, and Paul J. Tyrell, Professional Engineer, dated March 8, 2017.
 - d. A plan entitled "19-21 Beaconwood Road Area Plan," signed and stamped by Verne T. Porter, Professional Land Surveyor, dated March 8, 2017.
 - e. Architectural Plans and Elevations, Prepared by Egan Associates, dated march 4, 2017 consisting of two (2) sheets:
 1. Sheet A-1, Floor Plans and Elevation, unsigned and unstamped.
 2. Sheet A-2, Basement Plan and Cross-Section, signed and stamped by Robert H. Egan, Registered Architect.
2. Prior to the issuance of any Building Permit, the petitioner shall obtain a license agreement with the City of Newton for the retaining walls and patios proposed over the City's Utility Drainage Easement.
3. Prior to the issuance of any Building Permit, the petitioner shall arrange for a Closed Circuit Television (CCTV) Inspection of the drain pipe located within the City's Utility Drainage Easement and provide a copy to the Engineering Division of Public Works.

4. Prior to the issuance of any Building Permit, the petitioner shall submit a report from a geotechnical engineer certifying the additional load of the retaining walls and patios will not compromise the capacity of the drain pipe located within the City's Utility Drainage Easement to the Engineering Division for review and approval.
5. Prior to the issuance of any Building Permit, 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. 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.
6. Prior to the issuance of any Building Permit, the petitioner 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.
7. Prior to the issuance of any Building Permit, the petitioner 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 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 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. 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. Phasing of the project with anticipated completion dates and milestones.
 - h. Dewatering during construction.
 - i. Impact to abutting properties.
 - j. A plan for rodent control during construction.
 - k. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
8. 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. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
 - d. Received final approval from the Director of Planning and Development for the Construction Management Plan.
 - e. Obtained a written statement from the Engineering Division of Public Works that confirms the receipt of a copy of the CCTV inspection in accordance with Condition #3.
 - f. Obtained a written statement from the Engineering Division of Public Works that confirms the receipt of a certified report from a geotechnical engineer in accordance with Condition #4.
 - g. Obtained a written statement from the Engineering Division of Public Works that confirms the receipt of a certified copy of the recorded O&M Plan in accordance with Condition #5.
 - h. Received final approval from the Engineering Division of Public Works for the Final Site Plan.
9. No Final Inspection and/or Occupancy Permit for the improvements 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 land surveyor 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. Performed a post-construction Closed Circuit Television Inspection of the drain pipe located within the City's Utility Drainage Easement and provided a copy of such inspection to the Engineering Division of Public Works.
 - d. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Board Order have been constructed to the standards of the City of Newton 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, and final landscape features.
10. Notwithstanding the provisions of Condition #9 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.