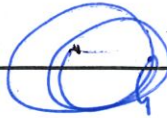


**CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM**

DATE: May 4, 2018

FROM: Ouida C.M. Young, Acting City Solicitor

RE: Petition #71-18
Jackson Gardens



Attached please find a second revised draft Council Order amending the original Special Permit/Site Plan Approval for the Jackson Gardens development. I have not highlighted any of the additional edits I made from the draft I sent out in mid-April. I received almost no comments regarding that earlier draft, and the draft attached to this memo contains no substantive revisions although there are a few non-substantive changes.

Please let me know if you have any questions. Thank you.

CITY OF NEWTON

IN CITY COUNCIL

May 7, 2018

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 to amend Board Order #515-61 and the approved associated site plan so as to allow the reduction of the property by +/- 26,336 square feet, the addition of 14 additional parking spaces and the modification of certain landscaping and site design features, all as shown on the plans referenced herein, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for the proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan as the proposed changes represent improvements to the existing conditions including the provision of additional landscaping and seating areas, the opportunity for a new community center and the land area being removed from the Jackson Gardens development is not necessary for site circulation. (§7.3.3.C.1)
2. The proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan will not adversely affect the neighborhood as the increased number of parking stalls located on-site and the improvements in landscaping amenities will not have an impact on the neighborhood. (§7.3.3.C.2)
3. The proposed changes pursuant to the requested amendments and modifications to Special Permit #515-61 and the associated site plan will not create a nuisance or serious hazard to vehicles or pedestrians as the number of housing units in the Jackson Gardens development will not be increased and Jackson Gardens will retain its current number of parking spaces. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved as only 14 additional parking spaces will be added to the site. (§7.3.3.C.4)

5. Literal compliance with the provisions of §5.1 regulating the design of parking facilities is impracticable due to the nature of the use, the location, size, shape, and grade of the lots, and that such exceptions are in the public interest and parking spaces on the Jackson Gardens property have been made more conforming and include designated handicapped parking spaces and snow storage spaces. (§5.1.13)

PETITION NUMBER: #71-18 (amending Board Order #515-61)

PETITIONER: Newton Housing Authority

LOCATION: 83-127 John F Kennedy Circle and 106-128 John F Kennedy Circle, on land known as Section 12, Block 01, Lot 29 and Section 12, Block 01, Lot 32, containing approximately 124,061 sq. ft. of land

OWNER: Newton Housing Authority

ADDRESS OF OWNER: 82 Lincoln Street, #101
Newton, MA 02461

TO BE USED FOR: 64 dwelling units in seven buildings and associated parking facilities

CONSTRUCTION: Masonry

EXPLANATORY NOTES: §§7.3 and 7.4, request to amend Special Permit/Site Plan Approval #94-16 by substituting a new site plan showing a retaining wall, adding parking spaces, grading at the front of the lot and fencing along the frontage of the lot and permitting the community center to be relocated; and §7.8.2 C.2 extensions of non-conformities; and §5.1.13 exceptions to parking facility configuration as shown on the new site plan.

ZONING: Multi Residence 2 (MR2) District

Approved subject to the following conditions:

1. All conditions set forth in Board Order #515-61 shall remain in full force and effect with the exception that the following plans are substituted for the site plan referenced in said Board Order and the buildings, parking areas, driveways, walkways, landscaping and other site features associated with Board Order #515-61 shall be located and constructed consistent with the plans as originally identified in Condition 1 and as amended by the following plans:
 - a. A set of plans entitled "Haywood House, 100 Jackson Circle, Newton, MA," including the following sheets:

- i. Abbreviations and Notes (C-001) dated March 27, 2018, signed and stamped by Wayne A. Keefner, Professional Engineer
 - ii. Abbreviations and Notes (C-002), dated March 27, 2018, signed and stamped by Wayne A. Keefner, Professional Engineer
 - iii. Abbreviations and Notes (C-003) dated March 27, 2018, signed and stamped by Wayne A. Keefner, Professional Engineer
 - iv. Existing Site Survey (1 of 2) dated July 24, 2017, signed and stamped by Norman L. Lipsitz, Professional Land Surveyor, July 25, 2017
 - v. Existing Site Survey (2 of 2) dated July 24, 2017, signed and stamped by Norman L. Lipsitz, Professional Land Surveyor, July 25, 2017
 - vi. Erosion Control (sic) Plan (C-101), dated March 27, 2018, stamped by Wayne A. Keefner, Professional Engineer
 - vii. Layout and Materials Plan (C-102), dated March 27, 2018, stamped by Wayne A. Keefner, Professional Engineer
 - viii. Layout and Materials Plan (C-103), dated March 27, 2018, signed and stamped by Wayne A. Keefner, Professional Engineer
 - ix. Grading and Drainage Plan (C-104), dated March 27, 2018, stamped by Wayne A. Keefner, Professional Engineer
 - x. Utility Plan (C-105), dated March 27, 2018, stamped by Wayne A. Keefner, Professional Engineer
 - xi. Landscape Plan (L1), dated March 27, 2018, signed and stamped by Katherine A. Schreiber, Registered Landscape Architect
 - xii. Landscape Details (L2), dated March 27, 2018, signed and stamped by Katherine A. Schreiber, Registered Landscape Architect
 - xiii. Details (C-501), dated March 27, 2018, signed and stamped by Wayne A. Keefner, Professional Engineer
 - xiv. Details (C-502), dated March 27, 2018, signed and stamped by Wayne A. Keefner, Professional Engineer
 - xv. Details (C-503), dated March 27, 2018, signed and stamped by Wayne A. Keefner, Professional Engineer
 - xvi. Details (C-504), dated March 27, 2018, signed and stamped by Wayne A. Keefner, Professional Engineer
 - xvii. Details (C-505), dated March 27, 2018, signed and stamped by Wayne A. Keefner, Professional Engineer
 - xviii. Details (C-506), dated March 27, 2018, signed and stamped by Wayne A. Keefner, Professional Engineer.
2. The petitioner shall not undertake the modifications to the site authorized by this Special Permit/Site Plan Approval until the Haywood House project on Jackson Road receives a contemplated Comprehensive Permit from the Zoning Board of Appeals and development of such project is underway, and relief from any setback nonconformity for the existing Jackson Gardens building(s) has been granted. At such time as the existing Jackson Gardens community center is unavailable due to construction of the Haywood use project

the petitioner shall be required to provide temporary facilities for those uses in the Jackson Gardens community center which are needed by the residents of Jackson Gardens until the new community center space is available to the residents.

3. Given the time it will take for the Haywood House project on Jackson Road to be permitted and development of such project underway, the City Council grants an additional two-year extension of time in accordance with the provisions of §7.3.2.E./§7.4.5.D.
4. 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 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.
5. No Final Inspection and/or Occupancy Permit for the buildings 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. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement from the Engineering Division of the Department of Public Works 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. These plans shall confirm the modifications to the nonconforming deck have been completed and include all required landscaping as shown by plans cited in Condition #1.