CITY OF NEWTON

IN CITY COUNCIL

May 21, 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 of the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #40-07(3) to modify the curb cut and driveway on site, and to remove an access easement which allowed for a driveway to the abutting site at 5-7 Elm Street, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the amendment to Council Order #40-07(3) because a planned connecting driveway between the two sites will be removed, thereby removing future pedestrian-vehicle conflict. (§7.3.3.1)
2. The site, due to the amendment to Council Order #40-07(3), as developed and operated will not adversely affect the neighborhood. (§7.3.3.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because of the amendments to Council Order #40-07(3). (§7.3.3.3)
4. Access to the site over streets is appropriate for the types and number of vehicles involved. (§7.3.3.4)

PETITION NUMBER: #91-18

PETITIONER: 13 Elm Street Condominium Association

LOCATION: 11-19 Elm Street, on land known as SBL 33, 23, 16

OWNER: 13 Elm Street Condominium Association

ADDRESS OF OWNER: 13 Elm Street

Newton, MA 01465

TO BE USED FOR: Removal of Easement over the existing driveway and side yard of 11-19 Elm Street to a shared curb cut and driveway with the development at 5-7 Elm Street.

CONSTRUCTION: Site Work Only

EXPLANATORY NOTES: §7.3.3 and §7.4 to amend a portion of the previously approved site plan for 11-19 Elm Street approved by Board Order #40-07(3) to abandon an access easement over the existing driveway and side yard to construct a shared curb cut and driveway with the development at 5-7 Elm Street

ZONING: Multi-Residence 1 District

Approved subject to the exercise of Council Order #91-18, and subject to the following conditions:

1. A portion of the site plan and landscape plan approved by Board Order #40-07(3), shall be amended to allow an access easement over the existing driveway and side yard to provide an access driveway to a proposed four-unit development at 5-7 Elm Street/114 River Street. The site plan and landscape plan shall be amended consistent with the plans entitled:
   1. Easement Plan, prepared by VTP Associates Inc., unsigned and unstamped, dated May 7, 2018.
   2. Landscape Plans, prepared by Ryan Associates, signed and stamped by Thomas R. Ryan, Registered Landscape Architect, consisting of the following five (5) sheets:
2. Layout and Lighting Plan dated October 13, 2014, revised November 21, 2014, March 1, 2018, and April 30, 2018;
3. Grading Plan dated October 13, 2014, revised November 21, 2014, March 1, 2018, and April 30, 2018
4. Planting Plan dated October 13, 2014, revised November 4, 2014, November 21, 2014, March 1, 2018, and April 30, 2018
5. Tree Removal and Replacement Plan dated October 13, 2014, November 4, 2014, revised November 21, 2014, March 1, 2018, and April 30, 2018
6. Site Details dated October 13, 2014, revised and April 31, 2018
7. Except as amended by this Council Order, all other conditions of Board Order #40-07(3) shall remain in full force and effect.
8. No amended Building Permit for the shared curb cut and driveway approved by this Order #91-18 shall be issued until the petitioner has recorded a certified copy of this Council Order with the Registry of Deeds for the Southern District of Middlesex County and filed a certified copy of such recorded notice with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.