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 #273-14(2) to amend the site plan, 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 amendments to Council Order #273-14(2) because direct access will be provided to the four Single-Family Attached Dwellings from Elm Street. (§7.3.3.C.1.)
2. The site, due to the amendments to Council Order #273-14(2), as developed and operated, will not adversely affect the neighborhood because the proposed shared driveway consolidates the access points onto Elm Street. (§7.3.3.C.2.)
3. There will be no nuisance or serious hazard to vehicles or pedestrians resulting from the amendments to Council Order #273-14(2) because adequate sight distances will be provided. (§7.3.3.C.3.)
4. Access to the site over streets is appropriate for the types and number of vehicles involved. (§7.3.3.C.4.)

PETITION NUMBER: #91-18

PETITIONER: Nicore Construction Corp.

LOCATION: 5-7 Elm Street, on land known as SBL 33, 23, 9 & 15, containing approximately 26,290 square feet of land.

OWNER: Nicore Construction Corp., Anthony Bonadio

ADDRESS OF OWNER: 102 Newton Street

 Newton, MA 02468

TO BE USED FOR: Curb cut and asphalt driveway on Elm Street

CONSTRUCTION: Asphalt

EXPLANATORY NOTES: §7.3.3 and §7.4 to amend Board Order #273-14(2), which allowed the construction of four townhouse style units, to construct a shared curb cut and driveway between 11-19 and 5-7 Elm Street.

ZONING: Multi-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:
	1. Area Plan, prepared by VTP Associates Inc., signed and stamped by Joseph R. Porter Professional Land Surveyor, dated December 26, 2017, revised April 30, 2018.
	2. Zoning Plan, prepared by VTP Associates Inc., signed and stamped by Joseph R. Porter Professional Land Surveyor, and Marc Besio Professional Engineer, dated June 9, 2014 revised November 18, 2014, May 5, 2017, December 19, 2017, and April 30, 2018.
	3. Topographic Proposed Site Plan, prepared by VTP Associates Inc., signed and stamped by Joseph R. Porter Professional Land Surveyor, and Marc Besio Professional Engineer, dated June 9, 2014 revised November 18, 2014, November 28, 2014, January 27, 2017 December 19, 2017, and April 30, 2018.
	4. Detail Sheet 1, prepared by VTP Associates Inc., signed and stamped by Joseph R. Porter Professional Land Surveyor, and Marc Besio Professional Engineer, dated June 6, 2014 and revised November 18, 2014.
	5. Detail Sheet 2, prepared by VTP Associates Inc., signed and stamped by Joseph R. Porter Professional Land Surveyor, and Marc Besio Professional Engineer, dated June 6, 2014.
	6. Detail Sheet 3, prepared by VTP Associates Inc., signed and stamped by Joseph R. Porter Professional Land Surveyor, and Marc Besio Professional Engineer, dated November 28, 2014.
	7. Easement Plan, prepared by VTP Associates Inc., unsigned and unstamped, dated May 7, 2018.
	8. 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. Prior to the issuance of an amended building permit, the petitioner shall submit to the City Clerk, Law Department, Department of Inspectional Services and the Department of Planning and Development, a recorded document(s) from the property owners at 11-19 and 5-7 Elm Street outlining ownership, maintenance, and further responsibilities of the shared driveway.
8. Prior to the issuance of an amended building permit, the petitioner shall submit to the City Clerk, Law Department, Department of Inspectional Services and the Department of Planning and Development, a recorded abandonment of easement document for the easement approved by Board Order #273-14(2).
9. Prior to the issuance of an amended building permit, the petitioner shall submit signed and stamped engineering drawings of the shared curb cut and “Y” driveway for review and approval. The removal of the existing curb cuts and proposed sidewalk shall also be reviewed and approved by the City Engineer.
10. No amended Building Permit for the shared curb cut and driveway approved by this Order #91-18 shall be issued until the petitioner has:
	1. 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 copy with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.
	2. Submitted a recorded agreement to the City Clerk, Department of Inspectional Services and the Planning Department in accordance with Condition #2.
	3. Submitted a recorded abandonment easement document to the City Clerk, Department of Inspectional Services and the Planning Department in accordance with Condition #3.
	4. Filed final engineering plans for review and approval by the City Engineer, including plans for the proposed shared curb cut and the removal of the two existing curb cuts in accordance with Condition #4. A copy of such written approval shall be filed with Clerk of the Board, the Commissioner of Inspectional Services, and the Director of Planning and Development.
	5. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
11. Except as amended by this Council Order, all other conditions of Board Order #273-14(2) shall remain in full force and effect.