



Land Use Committee Agenda

City of Newton **In City Council**

Tuesday, August 7, 2018

7:00 PM
Chamber

- #398-18 Petition to amend Council Order #285-17 at 392-396, 400 and 402-404 Langley Road**
LANGLEY MONTROSE, LLC. AND LANGLEY FARLOW, LLC. petition for **SPECIAL PERMIT/SITE PLAN APPROVAL** to amend Special Permit Board Order #285-17 to relocate Condition 22(h) from building permit requirements and insert it under Certificate of Occupancy requirements for 392-396, 400, 402-404 Langley Road, Ward 6, containing approximately 79,636 sq. ft. of land in a district zoned MR-2 and BU1. Ref: 7.3.3, 7.4, 7.3, 5.1.13, 3.4.1, 4.1.2.B.1, 5.1.4, 5.1.8.A, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.2, 5.1.9.A, 5.1.9.B, 5.1.10, and 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.
Please see the attached request to Withdraw without Prejudice
- #395-18 Request for an Extension of Time for Special Permit #337-16 at 41 Dorset Road**
TIMOTHY LEARY petition for a **TWO-YEAR EXTENSION OF TIME to EXERCISE** Special Permit #337-16 to **CONSTRUCT AN ACCESSORY APARTMENT** approximately 846 sq. ft. above a three-car garage at 41 Dorset Road, Ward 5, Waban, Said EXTENSION OF TIME to expire on December 19, 2019. Ref: 7.3, 7.4, 6.7.1.D, 3.4.3.A.4.c, 3.4.4.E.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.
- #396-18 Request for an Extension of Time for Special Permit #97-16 at 27 Waverley Avenue**
ALICE SCHAEFER petition for a **TWO-YEAR EXTENSION OF TIME to EXERCISE** Special Permit #97-16 to allow an association of persons in a common dwelling where inhabitants will share common living spaces at 27 Waverley Avenue, Ward 1, Newton Corner, Said EXTENSION OF TIME to expire on June 8, 2019. Ref: Sec. 3.4.1, 5.1.4, 5.1.13, 5.1.7.A, 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord., 2015.
- #338-18 Special Permit Petition to exceed FAR at 22 Beecher Place**
BEN BRESSEL petition for a **SPECIAL PERMIT/SITE PLAN APPROVAL** to enclose the front porches, adding approximately 158 sq. ft. to the structure, creating an FAR of .49 where .48 is allowed at 22 Beecher Place, Ward 6, Newton Centre, on land known as Section 81 Block 01 Lot 03 containing approximately 10,146 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.2.3, 3.2.11 of the City of Newton Rev Zoning Ord, 2015.

The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

Public Hearing Opened on June 26, 2018**#397-18****Special Permit Petition to increase FAR at 47 Rokeby Road**

DARBY AND RANDI LEIGH petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story two-car garage and front entry vestibule, creating an FAR of .41 where .39 is allowed and .39 exists at 47 Rokeby Road, Ward 5, Waban, on land known as Section 55 Block 39 Lot 29, containing approximately 9,280 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref. 7.3.3, 7.4, 3.1.3, 3.1.9 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

7:30 PM**Or Later****#294-18****Special Permit Petition to allow development at 1314 Washington and 31, 33 Davis St.**

HQ, LLC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story addition in the BU1 district to be used for mixed uses, to allow a building in excess of 20,000 sq. ft., to extend the existing non-conforming structure with regard to height, to extend the existing non-conforming structure with regard to side setback, to allow a restaurant with more than 50 seats, to waive the requirement of using the A-B+C parking formula, to allow a reduction in the overall parking required by 1/3, to waive 27 parking stalls, to allow parking in the front and side setback, to allow reduced parking stall dimensions, to waive end stall maneuvering space requirements, to allow reduced aisle width, to waive perimeter screening requirements, to waive interior landscaping requirements, to waive requirements for interior planting area, tree planting, and bumper overhang area landscaping, to waive lighting requirements, to waive off-street loading facility requirements in Ward 3, West Newton, at 1314 Washington Street, 31 Davis Street and 33 Davis Street (Section 33 Block 10 Lots 01, 11, 12), containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1. Ref: Sec. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.1, 7.8.2.C.2, 4.4.1, 6.4.29.C.1, 5.1.3.B, 5.1.13, 5.1.4, 5.1.4.C, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.B.2, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.1.12 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Opened on June 12, 2018**8:00 PM****Or Later****#289-18****Special Permit Petition to amend Board Order #167-14 for Garden Remedies**

GARDEN REMEDIES, INC/697 WASHINGTON STREET REALTY TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Order #167-14 to allow the retail sale of recreational marijuana and medical marijuana, to delete Condition #3 relative to customer appointments, to amend Condition #4 to allow up to 12 employees at one time, to amend Condition #5 to modify the hours of operation, to expand the premises to include additional space, to allow waivers to perimeter screening requirements, to allow waivers to interior landscaping requirements, to allow waivers for parking facility requirements for; parking in the front setback, waivers to interior landscaping, waivers for interior planting area requirements, waivers to requirements for tree planting, waivers to requirements for

bumper overhang area landscaping, waivers to requirements for 1-foot candle lighting, waivers for retaining walls over 4' in height and a waiver for 5 parking stalls to the extent necessary in Ward 2, Newton at 697 Washington Street (Section 23 Block 19 Lot 01B), 691 Washington Street (Section 23 Block 19 Lot 01A), 681 Washington Street (Section 23 Block 19 Lot 01) and 2 Court Street (Section 23 Block 19 Lot 23), containing approximately 16,669 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: 7.3.3, 7.4, 5.1.8.A.1, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1, 5.4.2.B of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed (Opened on June 5 and June 26)

**9:00 PM
Or Later**

#288-18

Special Permit Petition to allow RMD at 24-26 Elliot Street

CYPRESS TREE MANAGEMENT, INC petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a registered medical marijuana dispensary in a non-conforming structure, to waive minimum stall dimensions, to waive minimum aisle width for two-way traffic, to waive perimeter screening requirements, to waive interior landscaping requirements, to waive requirements for interior planting, to waive requirement for interior tree planting, to waive requirements for bumper overhang area landscaping, to waive requirements for 1-foot candle lighting and to allow the RMD to be located within 500' of a school at 24-26 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 25 Lot 01, containing approximately 25,320 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec 7.3.3, 7.4, 6.10.3, 6.10.3.D.1, 6.10.3.F.2, 4.1.3, 6.10.3.D.5, 7.8.1.C.1, 7.8.2.C.2, 5.1.12, 5.1.13, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.9.A, 5.1.9.B.1, 5.1.9.B.2, 5.1.9.B.3, 5.1.9.B.4, 5.1.10.A.1 of the City of Newton Rev Zoning Ord, 2015.

Public Hearing Closed (Opened on June 5 and July 10)

Respectfully submitted,

Greg Schwartz, Chair

 **SCHLESINGER AND
BUCHBINDER, LLP**
ATTORNEYS AT LAW
1200 WALNUT STREET
NEWTON, MASSACHUSETTS 02461-1267

398-18

STEPHEN J. BUCHBINDER
ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
A. MIRIAM JAFFE
SHERMAN H. STARR, JR.
JUDITH L. MELIDEO-PREBLE
BARBARA D. DALLIS
PAUL N. BELL
KATHERINE BRAUCHER ADAMS
FRANKLIN J. SCHWARZER
RACHAEL C. CARVER
ADAM M. SCHECTER

TELEPHONE (617) 965-3500
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OF COUNSEL
ROBIN GORENBERG

E-Mail: sjbuchbinder@sab-law.com

August 1, 2018

BY HAND

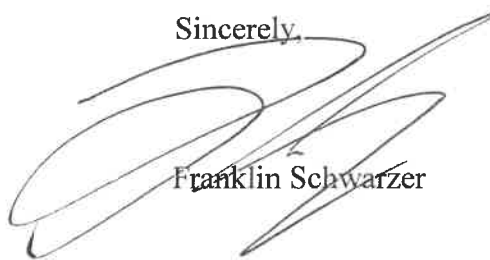
Ms. Nadia Khan
Chief Committee Clerk
Newton City Council
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Petition of Langley Montrose LLC
392-396, 400, and 402-404 Langley Road/Amendment to Council Order #285-17

Dear Nadia,

Our client, Langley Montrose LLC, hereby requests leave to withdraw, without prejudice, the pending request for special permit relief referenced above. Steve Buchbinder intends to present this request to the Land Use Committee at the next public hearing to be held Tuesday evening, August 7, 2018.

Sincerely,



Franklin Schwarzer

SJB/mer

cc: See attached distribution list

SCHLESINGER AND BUCHBINDER, LLP

Ms. Nadia Khan
August 1, 2018

Page 2

Distribution:

(By Hand)

Councilor Gregory R. Schwartz, Chair
Councilor Marc C. Laredo, Vice Chair
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Councilor Deborah J. Crossley
Councilor Richard A. Lipof

Ouida C. M. Young, Associate City Solicitor
Ms. Jennifer Caira, Chief Planner

(By First Class Mail)

Mr. Nino Micozzi



Changing the Way Building Gets Done One Project at a Time.

To Whom It May Concern, I respectfully wish to ask for an extension on the following special permit which has expired. We were unable to finish the civil engineering drawings before the expiration date.

Petition # 337-16 Filed on 12/19/2016 was good for 1 year. The Owner Timothy Leary has hired me, Scott Curtice to build the structure and oversee the project as a whole. Please let me know when the next available meeting can take place so that we can plan to attend.

Thanks

Property address;
Timothy Leary
41 Dorset Rd.
Newton, MA 02468

Scott Curtice

The Curtice Group
9 Redmond Ave
North Reading MA 01864

Cell phone 978 808-0238

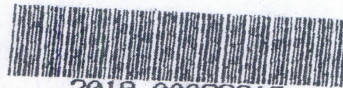
Website: www.thecurticegroup.com

Scott@thecurticegroup.com
andrew@conciencedes.com.

cc;Tim Leary, Andrew Falkenstein, AIA,

RECEIVED
Newton City Clerk
2018 JUN 21 PM 4:32
David A. Olson, CHD
Newton, MA 02459

RECEIVED
Newton City Clerk



2018 00062318
Bk: 70985 Pg: 260 Doc: DECIS
Page: 1 of 4 05/04/2018 10:59 AM

2018 MAY 21 PM 1:49

David A. Olsen, CMG
Newton, MA 02459

CITY OF NEWTON

IN CITY COUNCIL

December 19, 2016

#337-16
41 Dorset Road

RECEIVED
Newton City Clerk
2016 DEC 22 PM 3:19
David A. Olsen, CMG
Newton, MA 02459

ORDERED:

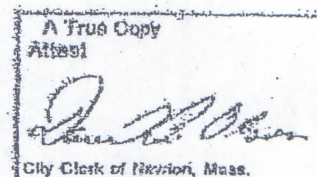
That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to construct an accessory structure with a ground floor area in excess of 700 square feet and a dormer wider than 50% of the exterior wall below containing a three-car garage with an accessory apartment above, 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 an accessory structure with a ground floor area of 864 square feet and a dormer wider than 50% of the exterior wall below containing an accessory apartment above a three car garage, and said accessory structure will not adversely affect the neighborhood as it will be located approximately 75 feet from the street and toward the rear of a large, downward sloping site which abuts the Angier School fields, limiting its visibility from abutting public ways and properties and it will provide off-street, enclosed space for the required parking stalls (§7.3.3.C.1) (§7.3.3.C.2).
2. The structure as proposed will not be a nuisance or create a serious hazard to vehicles or pedestrians (§7.3.3.C.3).
3. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).
4. The creation of an accessory apartment will help to diversify Newton's housing stock consistent with Newton's Comprehensive Plan.

PETITION NUMBER: #337-16

PETITIONER: Timothy Leary

LOCATION: 41 Dorset Road, Ward 5, Waban, on land known as Section 55, Block 28, Lot 17, containing approximately 24,936 square feet of land



Book 61882
page 56

Book 61882
page 56

#337-16
41 Dorset Road
Page 2 of 4

OWNER: Timothy Leary

ADDRESS OF OWNER: 41 Dorset Road
Newton, MA

TO BE USED FOR: Accessory structure with a three car garage and an accessory apartment above

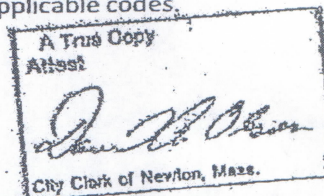
CONSTRUCTION: Wood-framed

EXPLANATORY NOTES: §6.7.1.D to allow the creation of an accessory apartment in a detached structure accessory to a single-family dwelling; §3.4.3.A.4.c, and §3.4.4.E.3 to allow an accessory structure with a ground floor area in excess of 700 square feet; §1.5.4.G.2, §1.5.4.G.2.b to allow a dormer wider than 50% of the exterior wall below

ZONING: Single-Residence 2

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. A site plan entitled "'41 Dorset Road Petitioner's Plan,' Land in Newton, Mass.," prepared by the Jillson Company, Inc., stamped by Todd P. Chapin, Registered Land Surveyor, dated September 30, 2016.
 - b. A set of architectural drawings, titled "41 Dorset Road Newton, MA," prepared by Concise Design Group, 7 Kent Street # 4, Brookline, Mass. 02118, undated:
 - i. Proposed Site Plan (A1.0);
 - ii. Proposed Floor Plans (A1.1);
 - iii. Elevations (A2.0);
 - iv. Sections (A2.2).
2. The accessory apartment may not be held in separate ownership from the principal structure/dwelling unit.
3. The owner of the principal structure/dwelling unit shall occupy either said principal structure/dwelling unit or the accessory apartment and shall file an annual affidavit with the Commissioner of Inspectional Services attesting to this fact prior to July 1 of every year.
4. In the event ownership of the subject property changes, the new owner(s) shall notify the Commissioner of the Inspectional Services Department at which time the Commissioner shall conduct a determination of compliance with this decision and all applicable codes.

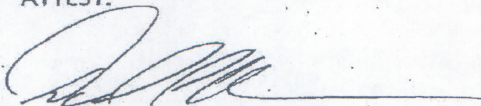


5. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, the Assessing Department 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.
6. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioners have:
 - 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 Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - 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.

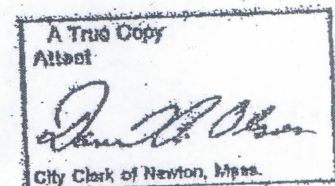
Under Suspension of Rules
Readings Waived and Approved
22 yeas 0 nays 2 absent (Councilors Gentile and Sangiolo)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on December 22, 2016. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



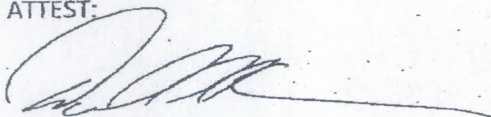
(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council



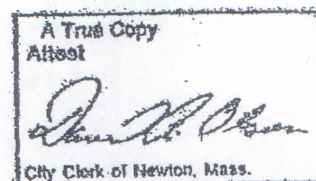
#337-16
41 Dorset Road
Page 4 of 4

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty Days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 12/18/82 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Council



ENSO COOPERATIVE
27 WAVERLEY AVENUE
NEWTON, MA 02458

June 14, 2018

BY E-MAIL

Councilor Gregory R. Schwartz
Chairman, Land Use Committee
Newton City Council
1000 Commonwealth Ave.
Newton, MA 02459
gschwartz@newtonma.gov

RE: 27-29 Waverley Ave: Petition #97-16
Extension of Special Permit

Dear Councilor Schwartz:

On June 6, 2016, the City Council granted a special permit (Council Petition #97-16) for the above-referenced property. I am writing this letter to request an extension of time in which to exercise this special permit until June 8, 2019.

Thank you for your consideration of this matter.

Very truly yours,

Alice Schaefer

cc: Nadia Khan nkhan@newtonma.gov
Neil Cronin ncronin@newtonma.gov

RECEIVED
Newton City Clerk
2018 JUN 21 PM 3:48
David A. Olson, Clerk
Newton, MA 02459



#77-10

27-29 Waverly Ave.

CITY OF NEWTON
IN CITY COUNCIL

June 6, 2016

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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow an association of persons in a common dwelling consisting of two dwelling units where inhabitants of both units will share common living spaces, and to waive parking requirements, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. Based on the draft Articles of Organization, Mission Statement, Membership Criteria and Occupancy Agreement submitted by the applicant, the proposed association of persons will be organized as a non-profit corporation that will own the common dwelling housing the association of persons. The association of persons will operate as an intergenerational cooperative living association committed to the principles of environmental sustainability and an intentional shared life. Members must make a long-term commitment to reside and to participate in the cooperative as an owner/occupant of the common dwelling house; be 18 years of age or older; commit to environmentally sustainable living; and abide by a Membership Occupancy Agreement.
2. The site is an appropriate location for the proposed two unit association of persons as the common dwelling is already a two unit building with a large number of bedrooms which has occupied by families with lodgers for a number of years. The proposed use, while reconfiguring the two units to increase the shared living spaces and number of bedrooms in one of the units, will not result in any additional dwelling units being added to the common dwelling, and the total number of bedrooms in the two units will not exceed 10. The proposed use will facilitate the repair and maintenance of the existing structure which dates from the early 1900s. (§3.4.1. and §7.3.3.C.1.)
3. The association of persons will have a maximum number of 14 adults residing in the common dwelling which would require 14 parking stalls to be provided on site, when 5 parking stalls are proposed. The waiver of up to 9 parking stalls and to allow such parking stalls to be located within five feet of the street is appropriate as literal compliance is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features. The waiver as to

Book 35346 p408

A True Copy
Attest

John A. Olson
City Clerk of Newton, Mass.

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NEWTON CITY CLERK
2016 JUN -8 AM 10:55
David A. Olson, Clerk
Newton, MA 02459

the number of stalls required is further appropriate given the mass transit options available in the surrounding neighborhood. Three of the stalls that are located in the front setback have existed for many years with no known hazards to vehicles or pedestrians. (§5.1.4., §5.1.7.A., and §5.1.13.)

4. The association of persons in a common dwelling offers a creative way to diversify the housing stock consistent with the City's *Comprehensive Plan*. An informal shared living association has been operating at the site for a number of years and there was no opposition to this petition.

PETITION NUMBER: #97-16

PETITIONER: Alice Schaefer

LOCATION: 27-29 Waverly Avenue, on land known as Section 71, Block 36, Lot 9, containing approximately 10,480 square feet of land

OWNER: Alice Schaefer

ADDRESS OF OWNER: 27 Waverly Avenue
Newton, MA

TO BE USED FOR: An association of persons in a common dwelling consisting of two dwelling units

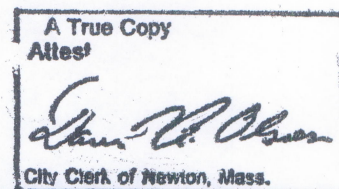
CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.4.1, to allow an association of persons in a common dwelling; §5.1.4 and §5.1.13, to waive up to 9 parking stalls; §5.1.7.A and §5.1.13, to allow parking within five feet of the street.

ZONING: Multi-Residence 1 district

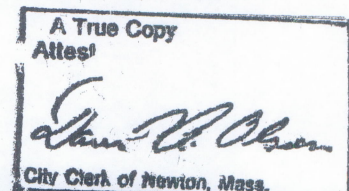
Approved subject to the following conditions:

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:
 - a. Proposed Site Plan, signed and stamped by Frank Iebba, dated 8/31/2014 and Revised 12/20/15
 - b. Architectural Plans, signed and stamped by Ronald F. Jarek, Architect, dated 9/17/2014 and consisting of two sheets



- i. Plans, A-1
- ii. Plans A-2

2. The association of persons shall be organized as a non-profit corporation that shall own the common dwelling and shall operate as an intergenerational cooperative living association incorporating the principles of environmental sustainability and an intentional shared life. All members of the association of persons shall have an ownership stake in the not-for-profit corporation; make a long-term commitment to reside and to participate in the cooperative; be 18 years of age or older; and abide by a Membership Occupancy Agreement.
3. No more than 14 adults shall reside in the common dwelling consisting of two dwelling units at any one time. All individuals residing in the common dwelling shall either be a member of the association of persons or be part of a family which includes a member of the association.
4. There shall be no more than five parking stalls on the property.
5. The association shall request an annual inspection by the Inspectional Services Department prior to July 1 every year for compliance with applicable state and local building and fire safety codes. Inspections may include all areas occupied, used or controlled by the association. In addition, inspections may be made at other times to investigate complaints or non-compliance issues.
6. This special permit is valid so long as the association of persons as authorized by this special permit exists on this site. If the association of persons as authorized by this special permit is dissolved or ceases to operate at this site, the common dwelling house shall revert to a two-family use consistent with the zoning in place at the time.
7. Prior to the issuance of a building permit the petitioner shall submit a revised parking layout plan and landscape screening plan to the Director of Planning and Development for review and approval. All landscape screening of the parking areas shall be maintained in good condition and replaced on an annual basis as needed.
8. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this board 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 board 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. Submitted a revised parking layout plan and planting plan to the Director of Planning and Development for review and approval.
 - e. Submitted a copy of the association of persons governing documents including its Articles of Organization, By-laws, Membership Selection Criteria, and Member



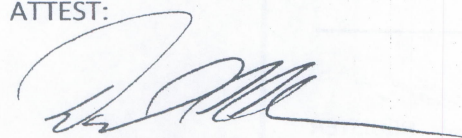
Occupancy Agreement to the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development.

9. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
- Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
 - 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.

Under Suspension of Rules
Readings Waived and Approved
22 yeas 0 nays 2 absent (Councilors Ciccone and Norton)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on June 8, 2016. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

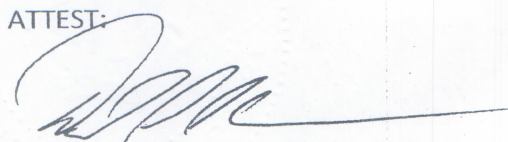
ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty Days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 6/8 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Council

