



Ruthanne Fuller  
Mayor

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**#138-19**  
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Barney S. Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

	Public Hearing Date:	May 7, 2019
	Land Use Action Date:	July 8, 2019
	City Council Action Date:	July 13, 2019
	90-Day Expiration Date:	August 5, 2019
DATE:	May 3, 2019	
TO:	City Council	
FROM:	Barney S. Heath, Director of Planning and Development Jennifer Caira, Chief Planner for Current Planning Katie Whewell, Planning Associate	
SUBJECT:	<b>Petition #138-19</b> for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #61-91 to modify the site plan to allow paving of a parking area at the front of the site at 206 Waltham Street, Ward 3, West Newton, on land known as Section 31 Block 28 Lot 80, containing approximately 125,512 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.	

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



**206 Waltham Street**

## EXECUTIVE SUMMARY

The property at 206 Waltham Street consists of a 125,512 square foot corner lot improved with a 40-unit congregate living facility and parking allowed by Special Permit #61-98 (**Attachment A**). The petitioner is seeking to amend Special Permit # 61-98 to legitimize an impervious parking area that was installed in 2008 and pave the parking area, which requires a special permit. The pervious pavers installed in 2008 have degraded and the petitioner seeks to cover the area with asphalt for safety and maintenance.

The Planning Department is unconcerned with the petition to Amend Special Permit #61-98 legitimize the parking area constructed in 2008. However, planning staff believes this is a large area to be covering with impervious paving and would like to see the petitioner use pervious surface to replace the existing concrete and/or explore options to reduce the paved area.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The site is an appropriate location for the proposed amendment to Special Permit #61-98 that establishes the existing parking area (§7.3.3.C.1);
- The proposed amendment to Special Permit #61-98 that establishes the existing parking area will adversely affect the neighborhood (§7.3.3.C.2);
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The subject property is located at the corner of Waltham and Crafts Streets in West Newton. The site and surrounding areas on Waltham and Crafts Streets are zoned Single Residence-3 (SR3) (**Attachment B**).

Despite the prevalence of SR3 zoning in the area, multifamily uses are common in the neighborhood along Waltham and Crafts Streets (**Attachment C**).

B. Site

The subject property consists of a 125,512 square foot corner lot, improved with a 40-unit congregate living facility and parking allowed by Special Permit #61-98. The site is accessed by two curb cuts, one on Waltham Street and one on Crafts Streets that lead to the building's entrance and a turnaround towards the rear of the building.

The Newton Historical Commission placed a preservation restriction on the front lawn to preserve the area as open space. In 2008, a pervious parking area was installed without amending Special Permit #61-98. The petitioners are seeking to amend Special Permit #61-98 to legitimize the parking area and allow for the area to be paved due to the deteriorating concrete pavers. The parking area is approximately 350 square feet and provides parking for about 14 cars, but 11 spaces are striped. Planning staff observed cars in areas not striped but large enough to accommodate a car. There is a wooden stockade fence that separates the parking area from the abutter's property and provides screening from the parking area. The petitioners are proposing additional landscaping around the parking area.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principle land use of the site approved by Special Permit #61-98 is 40 units of multifamily housing and will remain.

B. Building and Site Design

The petitioners are proposing to pave over an area (approximately 350 square feet) that was constructed in 2008 of concrete pavers. The pavers are in poor condition and redoing the area would be an improvement, especially with the proposed arborvitae screening the parking area from Waltham Street and the abutters at 226 Waltham Street.

The Planning Department recommends that the petitioner explore options to replace the existing pavers with new pervious pavers or reduce the size of the area to be paved.

C. Parking and Circulation

The site is accessed by two curb cuts along the front property line. One curb cut is located on Waltham Street and the other is on Crafts Street. Both driveways form a semi-circle, with an extending driveway and turnaround at the southeastern corner of the site.

The proposed amendment to Special Permit #61-98 would legitimize the parking area created with the concrete pavers in 2008.

Planning Staff believes the proposed paving of the area results in excessive impervious paving and recommends the petitioner explore other options that consist of replacing the degraded pavers with impervious surface materials.

D. Landscaping and Screening

A landscaping plan is not required with this petition. However, the petitioners are proposing arborvitae that would screen the parking area from Waltham Street and the abutters at 226 Waltham Street. The Planning Department is supportive of the proposed landscaping as it would screen the parking area from the abutters and from Waltham Street.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment D**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Amend Special Permit #61-98 to allow for a parking area constructed in 2008

B. Engineering Review

This petition does not meet the threshold for engineering review.

C. Historic Preservation Review

The proposed plans were approved by the Newton Historical Commission on February 1, 2019. The plans required approval due to the existing preservation restriction on the front lawn of the property from Special Permit #61-98.

V. PETITIONER'S RESPONSIBILITIES

The petitioner's application is considered complete at this time.

**ATTACHMENTS:**

**Attachment A:** Special Permit #61-98  
**Attachment B:** Zoning Map  
**Attachment C:** Land Use Map  
**Attachment D:** Zoning Review Memorandum  
**Attachment E:** Draft Council Order

#61-98

CITY OF NEWTON  
BOARD OF ALDERMEN

May 18, 1998

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action and that said action will be without substantial detriment to the public good and without derogating from the intent of the Zoning Ordinance, the following SPECIAL PERMIT and SITE PLAN APPROVAL is hereby granted, in accordance with the recommendations of the Land Use Committee and the reasons given by the Committee, therefor, through its chairman, Susan M. Basham:

1. The Board finds that there is an increasing number of elderly persons in Newton, that many of these people cannot live totally independently but do not require nursing home placement, and that there is a lack of housing alternatives in Newton to fill this need. The provision of this type of congregate living for independent elders will be beneficial to the community by allowing seniors to remain in this community, by allowing adult children to provide adequate care for their aging parents within their community and by maintaining the diversity of our community.
2. The Board finds that the site contains a single lot of approximately 125,512 sq. ft. of land in a Single Residence 3 District which would permit a conventional subdivision of up to 10 single family house lots. The Board finds that the independent elderly congregate living facility with support services proposed by the petitioner has numerous advantages over these other possible development scenarios, including:
  - a. Reduced traffic volume in the congregate living use by the provision of a scheduled private transportation.
  - b. More control of the site design, greater setbacks, more landscaping and more than 2 acres of open space.
  - c. No negative impact on the public school system
  - d. Less impact on abutting residential properties on Richard Circle.
  - e. Greater control by the City over development on the site, including review of architectural, landscaping and other design elements to minimize visual and other impacts of the development on the adjacent community.

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CITY CLERK  
NEWTON, MA. 02159

3. The Board finds that the plans reflect efforts taken to minimize the affect on abutting properties on Richard Circle.
4. The Board finds that the creation of this development as mixed income rental housing will provide a housing opportunity for seniors of more modest means and will assure affordability for the long term. The provision of 25% of the units with services for low income individuals and 25% of the units for moderate income individuals represents a benefit to the community and that the institutional lenders for the facility will require the provision for such low and moderate income units for 40 years or the life of the financing if longer.
5. The Board finds that there will be a preservation restriction on the front lawn to preserve the area as open space.
6. The Board finds that the site is an appropriate location for the proposed use.
7. The Board finds that the use as developed and operated will not adversely affect the neighborhood.
8. The Board finds that there will be no nuisance or serious hazard to vehicles or pedestrians.
9. The Board finds that access to the site over streets is appropriate for the types and numbers of vehicles involved.
10. The Board finds that the petitioner has given assurance that elderly persons of low and moderate income who reside in the development will be able to remain despite changes in private and governmental subsidy programs because the petitioner is a non-profit charitable corporation whose primary purpose in its charter is to provide housing with accompanying services for low- and moderate-income elders.

PETITION: 61-98

PETITIONER: Swedish Charitable Society of Greater Boston

LOCATION: 206 Waltham Street, Section 31, Block 16, Lot 80,  
containing approximately 125,512 sq. ft. of land.

OWNER: Swedish Charitable Society of Greater Boston

ADDRESS OF OWNER: 206 Waltham Street  
West Newton, MA

TO BE USED FOR: 40 units of housing for the elderly in a congregate living facility

CONSTRUCTION: Wood frame

EXPLANATORY NOTE: A Special Permit is required per Section 30-8(b)(2) of the Zoning Ordinance for a congregate living facility in a Single Residence 3 District.

APPROVED, subject to the following conditions:

All references hereinafter to the Petitioner shall include the Petitioner or its successor.

- Copy of Plan
1. That all buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with a set of 15 plans entitled "Special Permit Review Drawings for Swedish Home for Scandinavians, 206 Waltham Street, Newton, MA. dated February 10, 1998: "X-1 Existing Conditions Plan" by Welch Associates, dated May 10, 1996; "X-2 Locus Plan by Geller Associates; "LR-1 Layout and Materials Plan" by Geller Associates; "LR-2 Grading and Utility Plan" by Geller Associates; "LR-3 Landscape Plan" by Geller Associates with revised date 5/1/98; "LR-4" and "LR-5 Site Details" by Geller Associates; "A1 Main Level Plan" by CBT revised 5/1/98; "A-2 Garden Level Plan" by CBT revised 5/1/98; "A-3 North and West Elevations" by CBT; "A4 South and East Elevations" by CBT revised 5/1/98; "A5 North and West Courtyard Elevations" by CBT; "A6 South and East Courtyard Elevations" by CBT; "A7 View to Main House and View to Garden Entry" by CBT; and "A8 View from Crafts Street and Side Garden View" by CBT
  2. That all utilities, including telephone and electrical service, shall be installed underground from the street line.
  3. That all transformers, chillers, air conditioners, mechanical ventilation systems, HVAC equipment, and similar devices shall be located, designed and baffled so as to comply with City of Newton Noise Ordinance standards and Massachusetts Division of Air Quality Control Policy #90-001, dated February 1, 1990. These items shall be screened by shrubs, if applicable, which screening shall be subject to approval by the Director of Planning and Development as to type and placement.
  4. That all trash removal from the site be by private contractor. Trash pickup shall occur only between the hours of 7:00 a.m. and 4:00 p.m., Monday through Friday. The Petitioner/Owner, its successors and assigns, shall use best efforts to implement a program for recycling of materials from all operations of the building and its support services and shall facilitate recycling for each of the residents. The location of the



trash dumpster and any recycling bins shall be reviewed and approved by the Director of Planning and Development. The dumpster shall be screened with a solid wood fence and appropriate vegetative screening.

5. That, if the City fails to improve the sidewalk along the Crafts Street frontage adjacent to the site by December 31, 1999, the sidewalk improvements shall be installed along the street frontage on Crafts Street adjacent to the site through the City betterment process.
6. The affordable congregate living units shall be proportionately distributed throughout the building, shall proportionately reflect both unit size and level of services, shall include all services provided other residents and shall be indistinguishable from other units in the building. The petitioner shall dedicate at least ten (10) units with services for low income persons as defined by HUD income standards and at least ten (10) units with services for moderate income persons. The low and moderate income elderly residents shall also have available the basic service package which is made available to all of the market rate residents. Said units shall continue to be provided to low and moderate income persons affordable for so long as the site is used as an assisted living facility.
7. That during construction the following safeguards shall apply:
  - a. The Petitioner shall construct and maintain security fencing around the site in accordance with the requirements of the State Building Code.
  - b. All access to the site during construction, for both construction vehicles and employees, shall be from Waltham Street..
  - c. There shall be no parking on neighborhood streets by employees of contractors and subcontractors working on the site. This requirement may be waived for specified periods of time if a severe hardship arises with the written approval of the Commissioner of Inspectional Services.
  - d. During construction the Petitioner shall provide street cleaning to remove mud or construction debris from streets abutting the site as requested by the Commissioner of Public Works.
  - e. The hours of exterior construction shall be no earlier than 7:00 a.m. to 5:00 p.m. on weekdays. Work on Saturdays or Sundays may occur only with the advance approval of the Commissioner of Inspectional Services.
  - f. The Petitioner shall designate a person responsible for the construction process. That person shall be identified to the Police Department, the

Commissioner of Inspectional Services, and the abutters and shall be contacted if problems arise during the construction process.

- g. The Petitioner shall take appropriate steps to minimize the dust generated during grading of the site, excavation and construction and shall require subcontractors to place covers over any open trucks transporting construction debris.
  - h. That noise levels shall comply with the City's Noise Control Ordinance, Section 20-13.
- 8. That common area space for meetings to be made available on a space available basis for the community neighborhood organization at no charge.
  - 9. That a marketing plan shall be utilized to maximize the opportunity of local residents to gain admission to the facility. Eligible applicants for low income units shall be requested from the Newton Housing Authority and, to the extent consistent with state and federal law and funding, Newton residents and immediate relatives of Newton residents shall be given preference in admission to the facility.
  - 10. That to the extent permitted by applicable law and funding requirements, the Petitioner and/or Owner, or their successors or assigns, shall design, develop and lease the development's apartments for occupancy by persons who have attained the age of at least sixty-five (65) years of age or older and market and advertise the development as exclusively for elderly persons sixty-five (65) years of age or older.

There shall be written Rules and Regulations governing the operation of the development which shall include provisions describing the occupancy requirements substantially as follows:

- a. No apartment shall be occupied unless there is at least one person occupying such apartment who has attained the age of 65 years, but persons who have not attained such age may occupy such apartment with such elderly person (the "occupancy requirement").
- b. The occupancy requirement shall not preclude the following occupancy:

If a couple occupies an apartment and if one of them who is at least 65 years of age dies and is survived by the partner who is under 65 years of age, the surviving partner may continue to occupy the apartment irrespective of his or her age;

If a married couple occupies an apartment and is divorced or separated, either

spouse may continue to occupy the apartment irrespective of his or her age.

The occupancy requirements should not preclude temporary occupancy by guests whether related by blood, adoption or marriage to the occupant or not. A guest shall mean and refer to any person who is visiting and occupying the apartment without any requirement to contribute money, perform any services, or provide any other consideration in connection with said visit/occupancy who does not intend the apartment to be such person's home.

The occupancy requirement shall not prohibit the occupants of an apartment (like those living at home) from having medical personnel (nurse, attendant, social worker, etc.) pre-approved by the Petitioner of any age, visit, or temporarily occupy an apartment.

11. That the Petitioner shall make available scheduled private transportation for its residents to travel to local areas, to be arranged and scheduled through the management of the development.
12. That the site lighting shall not be sodium lighting and shall not overspill into abutting properties. Lighting shall be on poles that are no higher than 12 feet, residential in scale and downlit. The source of the light shall not be visible from adjoining properties. The Planning Department shall review and approve the lighting location and fixtures.
13. That there shall be no more than sixty (60) residents of the building.
14. That the north driveway at the intersection of Waltham and Crafts Streets shall be restricted from use except by emergency vehicles by signage and lighting.
15. That the front lawn of the site shall be protected by a preservation restriction to be administered by the Newton Historical Commission. This preservation restriction shall be drafted by the petitioner and shall be reviewed by the Historical Commission and reviewed and approved by the Law Department prior to a certificate of occupancy being issued for the building. The area to be restricted shall be shown on a plan attached to the preservation restriction.
16. That no building permit shall be issued in pursuance of the SPECIAL PERMIT and SITE PLAN APPROVAL until:
  - a. A landscape plan, including lighting and other site features, indicating the location, number, size and type of landscaping and landscaping materials to be installed on site shall be reviewed and approved by the Director of Planning and Development for consistency with the originally approved plans.

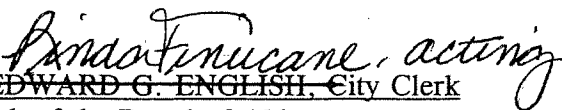
- b. Architectural and facade plans including colors and materials of all facades and roofing, shall be reviewed and approved by the Director of Planning and Development for consistency with the plans cited in Condition #1.
  - c. The City Engineer shall have reviewed and approved the site plans for the site grading and storm and sewer drainage, water services, the underground installation of utilities, and a statement by the City Engineer certifying such approval shall have been filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - d. That the Fire Department has reviewed and approved all plans and evidence of such approval as been submitted to the Commissioner of Inspectional Services.
  - e. The Petitioner shall have recorded with the Registry of Deeds for the Southern Middlesex County a certified copy of the Board Order granting this SPECIAL PERMIT and SITE PLAN APPROVAL with the appropriate reference to the book and page number of the recording of the Petitioner's title deed or notice endorsed thereon. A certified copy of such recorded notice shall have been filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development.
17. That no building or structure, or portion thereof subject to this SPECIAL PERMIT and SITE PLAN APPROVAL shall be occupied until:
- a. The Petitioner shall have filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development a statement by a registered architect or registered engineer certifying that Condition 1 has been complied with.
  - b. There shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development, a statement by the City Engineer certifying that the finish grades and final construction details of the driveways, parking areas, drainage systems, utility installations have been constructed to the standards of the City of Newton Engineering Department.
  - c. A statement by the Department of Inspectional Services that there has been full compliance with Massachusetts State building Code, including any permits issued by said Department, and that the premises are suitable for occupancy shall have been filed with the City Clerk and the Department of Planning and Development.
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- d. There shall have been filed with the City Clerk and the Commissioner of Inspectional Services a statement by the Director of Planning and Development approving the final location, number and type of plant material, final landscape features, parking areas and lighting installation on the site required in Conditions #1 and 12.
- e. Notwithstanding the provisions of Section a, b, and d hereof, the Commissioner of Inspectional Services may issue one or more certificates for temporary occupancy of all or portions of the building prior to the installation of final landscaping and other site, features provided that the Petitioner shall first have filed with the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping or other work to secure installation of such landscaping and other site and construction features.
- f. The preservation restriction for the front lawn which has been reviewed and approved by the Law Department has been recorded in the Southern Middlesex Registry of Deeds.

Under Suspension of Rules  
Readings Waived and Approved  
23 yeas 1 nay (Ald. Gentile)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 May 29, 1998. 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) ~~EDWARD G. ENGLISH, City Clerk~~  
Clerk of the Board of Aldermen  
LINDA FINUCANE

I, Edward G. English, as the Clerk of the Board of Aldermen 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 Board of Aldermen in the Office of the City Clerk on 5/29/98 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST

Edward G. English  
EDWARD G. ENGLISH, City Clerk

*acting*

# Attachment B

## Zoning Map

### 206 Waltham Street

*City of Newton,  
Massachusetts*

**Legend**

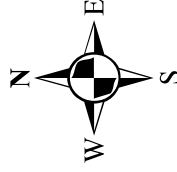
Single Residence 3

Multi-Residence 1

Business 2

Manufacturing

Public Use

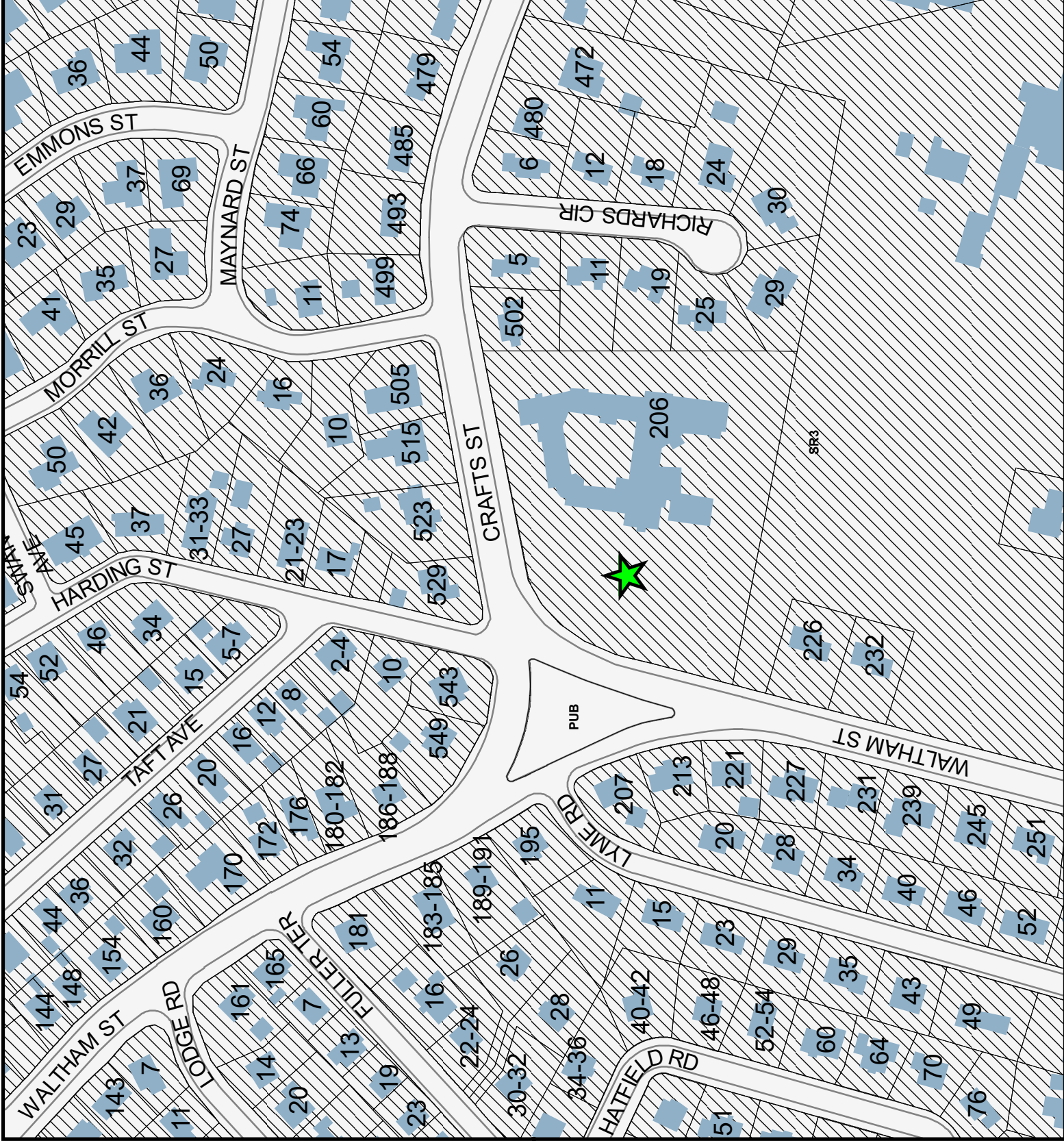


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield



Map Date: April 16, 2019





# Attachment C

## Land Use

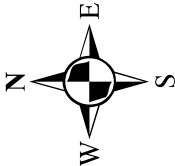
### 206 Waltham Street

City of Newton,  
Massachusetts

#### Legend

##### Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial

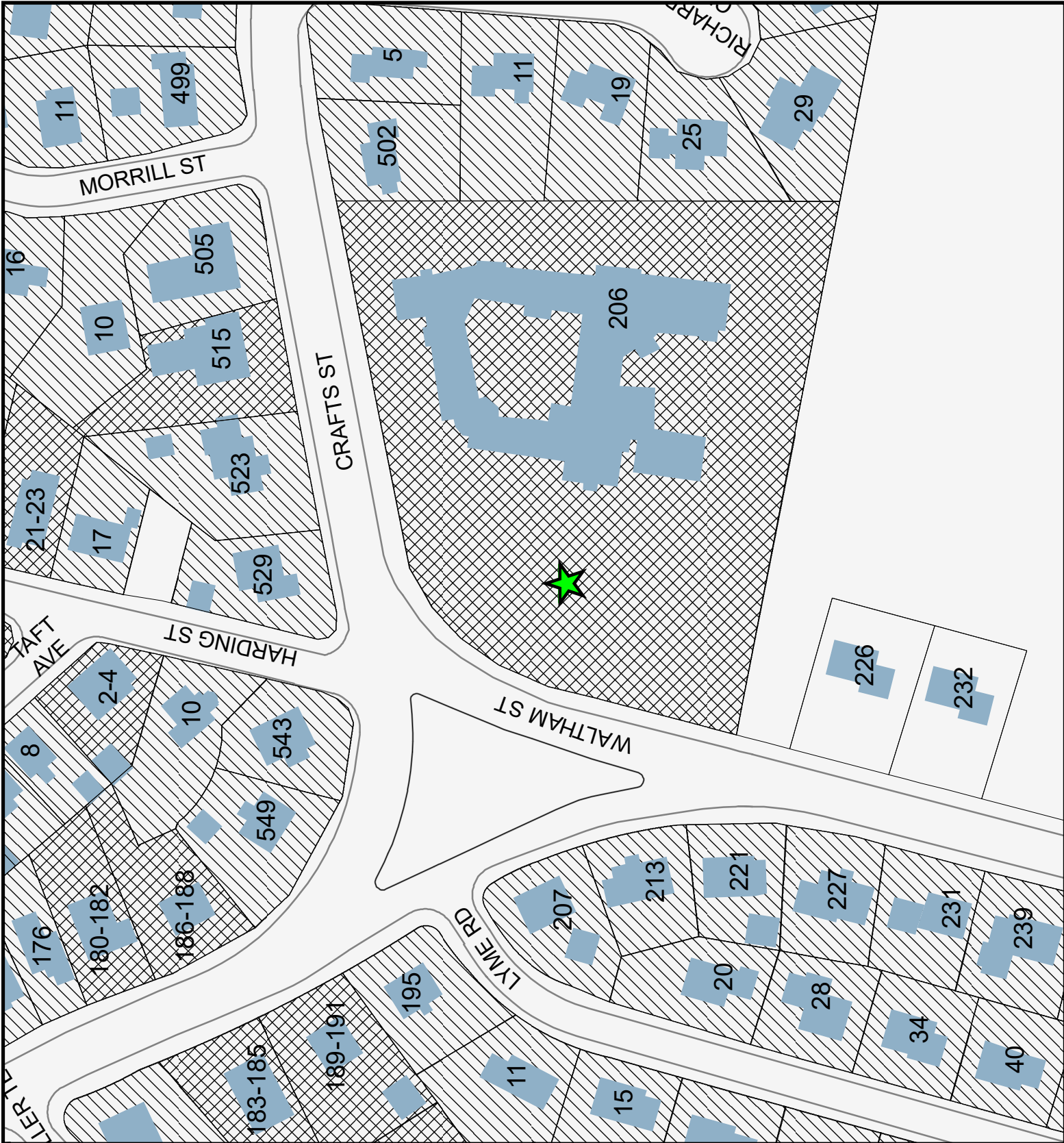


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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 Feet

Map Date: April 16, 2019







Ruthann Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: March 18, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Jennifer Caira, Chief Planner for Current Planning

Cc: Scandinavian Charitable Society of Greater Boston, Applicant  
Jeffrey Pilat, Samiotes  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: Request to amend Special Permit #61-98

Applicant: Scandinavian Charitable Society of Greater Boston	
Site: 206 Waltham Street	SBL: 31028 0080
Zoning: SR3	Lot Area: 125,512 square feet
Current use: Senior Assisted Living	Proposed use: No change

### BACKGROUND:

The property at 206 Waltham Street consists of 2.9 acres improved with a 40-unit congregate living facility and parking allowed by Special Permit #61-98. The special permit authorized the expansion of the facility from 27 beds to the current 40 one-bedroom units, as well as a parking areas and preservation restriction on the front lawn. A pervious paver parking area was installed in 2008 without amending the special permit. The petitioners are seeking an amendment to the special permit to legitimize the new parking area, and to allow for it to be paved.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Jeffrey Pilat, Samiotes, dated 1/30/2019
- Special Permit #61-98, dated 5/18/1998
- Site Plan, signed and stamped by Stephen R. Garvin, engineer, 1/31/2019
- Elevations and plans, undated

**ADMINISTRATIVE DETERMINATIONS:**

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1. Special Permit #61-98 was granted in 1998 to allow for a 40-unit non-profit congregate living facility. As part of the special permit, a preservation restriction was placed on the front lawn of the property to preserve open space. A pervious paver parking area was installed on the southern end of the property along the paved semi-circular drive off of Waltham Street in 2008. The pervious pavers have degraded and the petitioner seeks to cover the area with asphalt for safety and maintenance. The proposed plan has been approved by the Newton Historical Commission, and requires an amendment to the special permit by City Council.

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Amend Special Permit #61-98	

206 Waltham St  
#138-19

CITY OF NEWTON  
IN CITY COUNCIL

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 amend Council Order #61-98 to allow paving of a parking area, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

- The site is an appropriate location for the proposed amendment to Special Permit #61-98 that establishes the existing parking area because it will be screened from abutters and Waltham St. (§7.3.3.C.1);
- The proposed amendment to Special Permit #61-98 that establishes the existing parking area will not adversely affect the neighborhood due to the screening between the petitioner and the abutters, and it does not violate the existing preservation restriction on the property. (§7.3.3.C.2);
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

PETITION NUMBER: #138-19

PETITIONER: Scandinavian Charitable Society of Greater Boston

LOCATION: 206 Waltham Street, Section 31, Block 28, Lot 80 containing approximately 125,512 square feet

OWNERS: Scandinavian Charitable Society of Greater Boston

ADDRESS OF OWNERS: 206 Waltham Street  
Waltham, MA 02465

TO BE USED FOR:	40 units of housing for the elderly in a congregate living facility
CONSTRUCTION:	Site Work Only
EXPLANATORY NOTES:	To amend Council Order #61-98 to modify the site plan to allow paving of a parking area
ZONING:	Single Residence 3

The prior special permit for this property is as follows: Council Order #61-98, which authorized the congregate living facility use. The conditions set forth in Council Order #61-98 remain in full force and effect.

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. Civil Site Plan for Scandinavian Living Center, C-1.1 dated April 5, 2019, signed and stamped by Stephen R. Garvin, Professional Engineer
2. 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 Board 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 Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
3. No Certificate of Occupancy/Final Inspection for the buildings and uses 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 surveyor certifying substantial compliance with Condition #1.