#259-19

264 Pearl Street

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 allow three Single-Family Attached Dwellings with waivers to the dimensional standards and to allow retaining walls of four feet in height within a setback, 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 three Single-Family Attached Dwellings because the site is proximate to the Nonantum village center and at 4,869 square feet per unit, the lot exceeds the minimum 4,000 square feet density per unit required. (§7.3.3.C.1)
2. The proposed project as developed and operated will not adversely affect the surrounding neighborhood because the structure is similar in footprint and floor area ratio to an as of right single or two-family structure. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the petitioner is maintaining the driveway location. (§7.3.3.C.3)
4. Access to site is appropriate for the number and types of vehicles involved. (§7.3.3.C.4)
5. Exceptions to the dimensional standards of Single-Family Attached Dwellings, specifically lot area, frontage, side setbacks, and allowing a driveway within ten feet of a side lot line are in the public interest for the following reasons:
	1. The site exceeds the required 4,000 square feet of lot area per unit;
	2. The petition develops an underutilized parcel proximate to a village center;
	3. Landscaping is utilized within the reduced side setback distances to protect abutting uses; and
	4. The site design utilizes the existing driveway location.

(§3.2.4 and §6.2.3.B.2)

1. The Council finds that the specific site is an appropriate location for retaining walls of four feet in height within the front and the side setbacks because such walls allow for the driveway to slope into the site and allow for a front yard along Pearl Street. (§5.4.2.B)

PETITION NUMBER: #259-19

PETITIONER: Benedetto C. Caira

LOCATION: 264 Pearl Street, Ward 1, on land known as Section 11, Block 14, Lot 10, containing approximately 14,608 sq. ft. of land

OWNER: Benedetto C. Caira

ADDRESS OF OWNER: 264 Pearl Street

 Newton, MA 02458

TO BE USED FOR: Three Single-Family Attached Dwellings

EXPLANATORY NOTES: §3.4.1 and §7.3.3, to allow three Single-Family Attached Dwellings; §3.2.4 and §7.3.3 to reduce the side setback requirement; §3.2.4 and §7.3.3 to reduce the frontage requirement; §3.2.4 and §7.3.3 to reduce the lot area requirement; §3.2.4, and §6.2.3.B.2 to allow a driveway within ten feet of a side lot line; §5.4.2.B and §7.3.3 to allow retaining walls of four feet within the setbacks.

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:
2. Civil Plans, VTP Associates, Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor, and Marc Besio, Professional Engineer, dated June 24, 2019, Revised September 5, 2019, consisting of three (3) sheets.
3. Architectural plans entitled, “Three Attached Units at 264 Pearl Street”, prepared by C.D. Calhoun & Associates, Inc., signed and stamped by Charles D. Calhoun, Registered Architect, consisting of the following five (5) sheets:
	1. Cover Sheet, dated June 10, 2019.
	2. Garage Level Plan, dated June 10, 2019 Revised October 10, 2019.
	3. First Floor Plan, June 10, 2019.
	4. Second Floor Plan, dated June 10, 2019 Revised September 16, 2019.
	5. Elevations, dated June 10, 2019 Revised September 16, 2019.
4. The petitioner shall comply with the Tree Preservation and Protection Ordinance.
5. Prior to the issuance of a Building Permit, the petitioner shall conduct a closed-circuit television inspection of the City’s drainpipe in Pearl Street and provide an electronic copy of such inspection to the Commissioner of Public Works.
6. Prior to the issuance of any building permit, the petitioner shall provide a final Operations and Maintenance (“O&M”) Plan for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be recorded by the petitioner at the Middlesex South Registry of Deeds and implemented. A recorded copy of the O&M shall be submitted to the Engineering Division of Public Works, the Inspectional Services Department, and the Department of Planning and Development.
7. Prior to the issuance of a Building Permit, the petitioner shall provide a final design for a “backup” power supply to the water pump on site and implement such design to the satisfaction of the Commissioner of Public Works.
8. Prior to the issuance of any building permit, the petitioner shall provide a Final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
9. Prior to the issuance of any Building Permit, the petitioner shall provide a Final Landscape Plan for review and approval to the Director of Planning and Development.
10. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
11. 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.
12. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
13. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
14. 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.
15. Provided a Final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
16. Recorded at the Registry of Deeds for the Southern District of Middlesex County a certified copy of the O&M and submitted to the Engineering Division of Public Works.
17. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
18. Prior to the issuance of any occupancy certificate, the petitioner shall conduct a closed-circuit television inspection of the City’s drainpipe in Pearl Street and provide an electronic copy of such inspection to the Commissioner of Public Works.
19. Prior to the issuance of any occupancy certificate, the petitioner shall update the sidewalks along the frontage to the satisfaction of the Commissioner of Public Works.
20. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
	1. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or professional land surveyor certifying compliance with Condition #1.
	2. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and electronic format.
	3. 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.
	4. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
21. Notwithstanding the provisions of Condition #11 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provided that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.
22. All landscaping shall be maintained in good condition and shall be replaced with similar material as necessary.

Under Suspension of Rules

Readings Waived and Approved

24 Yeas 0 Nays

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 4, 2019. 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 December 4, 2019 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