#317-19

67 Walnut 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 the 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 three Single-Family Attached Dwellings because Single-Family Attached Dwellings are an allowed use in the Multi-Residence 1 zone and the petition exceeds the lot area per unit requirement. (§7.3.3.C.1)
2. The proposed project as developed and operated will not adversely affect the surrounding neighborhood due to the presence of other multi-family uses in the area. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§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, side setbacks, and a driveway within ten feet of a side lot line are in the public interest for the following reasons:
	1. The site, as proposed, would exceed the required lot area per unit of Single-Family Attached Dwellings;
	2. The structure has a larger setback and a smaller footprint than an as of right two-family dwelling; and
	3. Retaining existing driveway location preserves open space on site.

(§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 side setbacks due to the grade of the site and such walls allow for access into the basement garages, preserving open space. (§5.4.2.B)

PETITION NUMBER: #317-19

PETITIONER: 60 Woodbine Street, LLC.

LOCATION: 67 Walnut Street, Ward 2, on land known as Section 21, Block 24, Lot 15, containing approximately 14,516 sq. ft. of land

OWNER: 60 Woodbine Street, LLC.

ADDRESS OF OWNER: 67 Walnut Street

 Newton, MA 02460

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 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 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:
2. Civil Plans, prepared by Peter Nolan & Associates, LLC and Spruhan Engineering, P.C. signed and stamped by Peter J. Nolan, Professional Land Surveyor, and Edmond Spruhan, Professional Engineer, dated June 24, 2019, Revised September 5, 2019, consisting of the following ten (10) sheets:
	1. Existing Site Plan, dated September 12, 2018.
	2. Proposed Civil Plan, dated August 27, 2019 Revised September 30, 2019 and November 21, 2019
	3. Detail Sheet, dated August 27, 2019 Revised September 30, 2019 and November 21, 2019
	4. Detail Sheet, dated August 27, 2019 Revised September 30, 2019 and November 21, 2019
	5. Grading Plan, dated October 16, 2019 Revised September 30, 2019 and November 21, 2019
	6. Footprint Comparison, dated October 16, 2019 Revised November 21, 2019
	7. Turning Template, dated November 21, 2019
	8. Drainage Systems Plan, dated September 30, 2019 Revised November 20, 2019 and November 21, 2019
	9. Existing Watershed Maps, dated August 27, 2019 Revised September 30, 2019 and November 21, 2019
	10. Proposed Watershed Maps, dated August 27, 2019 Revised September 30, 2019 and November 21, 2019
3. Architectural plans entitled, “67 Walnut Street”, prepared by RAV & Associates, Inc., signed and stamped by Richard A. Volkin, Professional Engineer, consisting of the following five (5) sheets:
	1. First Floor Plan, dated February 1, 2019 Revised September 17, 2019
	2. Second Floor Plan, dated February 1, 2019
	3. Basement Plan, dated February 1, 2019
	4. Side Elevations, dated February 1, 2019
	5. Front and Rear Elevations, dated February 1, 2019
4. Landscape Plan, “67 Walnut Street”, prepared by Groundscapes Express, Inc., unsigned and unstamped, dated November 1, 2019.
5. The petitioner shall comply with the Tree Preservation and Protection Ordinance.
6. The petitioner shall install one “Type 2” electric vehicle charging station in the garage of each dwelling unit.
7. The petitioner shall construct the first floor of the rear unit, “Unit 3” in the plans referenced in Condition #1 above, to the Group 1 standard of Section 521 of the Code of Massachusetts Regulations.
8. 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 District Registry of Deeds and implemented. A recorded copy of the O&M plan shall be submitted to the Engineering Division of Public Works, the Inspectional Services Department, and the Department of Planning and Development.
9. 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.
10. Prior to the issuance of any Building Permit, the petitioner shall provide a Final Landscape Plan for review and approval to the Commissioner of Public Works and the Director of Planning and Development. Such approval may require the petitioner to obtain a license agreement for trees or any other large plantings to be installed within the City’s Drain Easement.
11. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
12. 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.
13. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
14. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
15. 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.
16. 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.
17. 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.
18. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
19. Prior to the issuance of any temporary certificate of occupancy, the petitioner shall update the sidewalks along the frontage to the satisfaction of the Commission of Public Works.
20. No Occupancy Permit/ Final Inspection 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 engineer 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 digital 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 #10 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.