

Middlesex South Registry of Deeds
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DAVID A. CLISSON, Clerk
Newton, MA 02459

2016 JAN -5 PM 4: 19

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NEWTON CITY CLERK

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.cambridgedeeds.com

#147-15

2015 DEC 10 PM 4:57

CITY OF NEWTON

IN BOARD OF ALDERMEN

December 8, 2015

ORDERED:

That the Board, 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 rehabilitate the existing Farwell Hall to be used for 24 beds in 12 dormitory rooms and a proposed congregate living facility specializing in memory care, and to construct an addition to Farwell Hall to be used for the proposed congregate living facility's 51 beds and common space, to waive 28 parking stalls, to waive certain requirements for parking facilities, and to allow a retaining wall in the setback, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The waiver of 28 parking stalls for the proposed memory care facility and dormitory rooms is appropriate because the memory care facility will generate a lower parking demand than the number of parking stalls required for a congregate living facility by the Newton Zoning Ordinance. The waiver of 28 parking stalls is in the public interest because the number of parking stalls proposed is sufficient to accommodate the parking demand generated by the use of the site. (§30-19(m); §5.1.13)
2. The proposed waivers from the requirements for parking facilities including parking stall length, interior landscaping and lighting is appropriate. The proposed site plan will provide for safe and adequate circulation for pedestrians and vehicles. (§30-19(m); 5.1.13)
3. The height of the proposed building is not substantially more detrimental than the height of the existing nonconforming building is to the neighborhood. (§30-21(b); §7.8.2.C.2)
4. The specific site is an appropriate location for the proposed memory care center. The addition to Farwell Hall is located on a developed portion of the campus and will be largely hidden from the public view. (§30-24(d)(1); §7.3.3.C.1)
5. The proposed memory care center, as developed and operated, will not adversely impact the surrounding neighborhood. The memory care center will be located on the campus and will not directly abut residential properties. The proposed memory care center will not significantly impact traffic in the surrounding area. (§30-24(d)(2); §7.3.3.C.2)
6. There will be no nuisance or serious hazard to vehicles or pedestrians, as there is sufficient circulation within the site. (§30-24(d)(3); §7.3.3.C.3)

For Title reference see:
 BK: 268 PG: 518
 BK: 292 PG: 232
 BK: 1355 PG: 378

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7. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§30-24(d)(4); §7.3.3.C.4)
8. The proposed construction of the building will meet or exceed the building code as it relates to energy efficiency, will utilize efficient lighting, and will utilize recycled building materials to the extent practicable. The proposed site plan will improve storm water quality and groundwater recharge as required by the Department of Environmental Protection and Department of Public Works and will be in conformance with the City's storm water policy. For these reasons the proposed project will contribute significantly to the efficient use and conservation of natural resources and energy. (§30-24(d)(5); §7.3.3.C.5)

PETITION NUMBER: #147-15

PETITIONER: BSL Newton Development, LLC/Andover Newton Theological School

LOCATION: 157 Herrick Road, Ward 6, on land known as SBL 65, 19, 45, containing approx. 871,960 sq. ft. of land

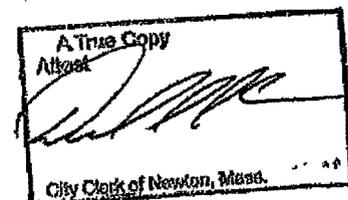
OWNER: Andover Newton Theological School

ADDRESS OF OWNER: 210 Herrick Road
Newton, MA 02459

TO BE USED FOR: Dormitory and Congregate Living Facility (Memory Care Center)

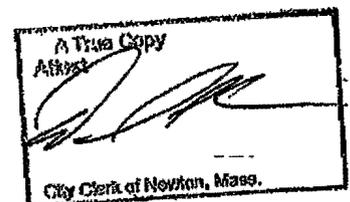
EXPLANATORY NOTES: The references to the Zoning Ordinance above and those that follow, include both the sections in effect at the time the petition was filed and the sections as renumbered in the November 1, 2015 version of the Zoning Ordinance. §30-8(b)(2)/§3.4.1, to allow a congregate living facility; §30-5(b)(4)/§5.4.2, to allow a retaining wall in excess of 4 feet in the setback; §30-19(m), §30-19(d)(4), §30-19(d)(5)/§5.1.13, §5.1.4, to waive 28 parking stalls; §30-19(h)(1)/ §5.1.8.A, to locate parking within a setback; §30-19(h)(2)(b)/ §5.1.8.B, to waive the dimensional requirements for four parking stalls; §30-19(i)(2)/ §5.1.9,B, to waive the interior landscaping requirements; §30-19(j)(1)/ §5.1.10.A to waive the lighting requirements for parking lots; §30-21(b)/§7.8.2.C.2 to extend a nonconforming structure; §30-24(f)(10)/ §5.11.11, inclusionary housing provisions.

ZONING: Single Residence 3 district



This special permit does not supersede or restate the prior conditions in board orders #805-65, #36-76 #739-77, #37-79, #50-82(2), #722-86, #488-88, #67-98(3), #118-01, and #210-04, all of which are still in full force and effect except to the extent that such conditions are inconsistent with the special permit being issued for the congregate living facility being authorized pursuant to this special permit, in which case the conditions in the this board order control as to the congregate living facility being permitted.

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. Existing Conditions Plan, prepared by BSC Group, dated July 12, 2014 and revised on November 21, 2014, signed and stamped by Sean Ewald, professional Land Surveyor, dated March 10, 2015.
 - b. Site and Landscape Plans, prepared by Stantec Planning and Landscape Architecture P.C., dated May 29, 2015, signed and stamped by either Theodorus P. Kindermans, Professional Landscape Architect or Frank Holmes, Professional Engineer, consisting of the following sixteen (16) sheets:
 - i. Cover Sheet;
 - ii. Overall Existing Campus Plan;
 - iii. Overall Proposed Campus plan;
 - iv. Existing Conditions Plan
 - v. SP-1.0 - Site Preparation and Erosion Control Plan;
 - vi. L-1.0 – Layout and Materials Plan;
 - vii. L-2.0 – Grading Plan;
 - viii. L-3.0 – Height Calculation Plan;
 - ix. L-4.0 – Utilities Plan;
 - x. L-5.0 – Planting Plan;
 - xi. L-6.0 – Photometric Plan
 - xii. L-7.0 – Site Details 1;
 - xiii. L-7.1 – Site Details 2;
 - xiv. L-7.2 – Site Details 3;
 - xv. L-7.3 – Site Details 4;
 - xvi. L-7.4 – Site Details 5;
 - c. Architectural Plans, prepared by Bechtel Frank Erikson Architects, dated March 17, 2015, consisting of the following eight (8) sheets:
 - i. A2.0 – Ground Floor Plan
 - ii. A2.1 – First Floor Plan
 - iii. A2.2 – Second Floor Plan
 - iv. A2.3 – Third Floor Plan
 - v. A2.4 – Fourth Floor Plan
 - vi. A3.1 – North and East Elevations

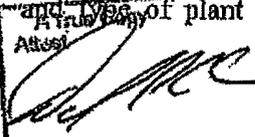


- vii. A3.2 -- South and West Elevations
 - viii. A4.1 -- Cross Section
 - d. Renderings
 - e. Letter submitted by Tony Moura, Stantec Planning and Landscape Architecture P.C., dated November 10, 2015, responding to the City's Engineering Division Memorandum.
2. Prior to the issuance of any building permit the petitioner shall submit a Construction Management Plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Board Order and shall include, but not be limited to, the following provisions:
- a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services. The petitioner shall consider local traffic and pedestrian activity relating to the nearby public school in determining hours and routes for construction vehicles.
 - c. The proposed schedule of the project, including the general phasing of the construction activities.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for delivery vehicles, and location of any security fencing.
 - e. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - f. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - g. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - h. A plan for rodent control during construction.
3. The petitioner shall contribute funding in the amount of \$35,660.00 in accordance with the provisions of this Condition into the City's Inflow & Infiltration Reduction Program to cover improvements to the sanitary sewer system that are necessary to handle the increase of sewerage produced by this project. This contribution shall be made prior to the issuance of the petitioner's certificate of occupancy for the project.
4. The petitioner shall make a payment to the City of Newton in the amount of \$1,250,000.00, in order to satisfy the provisions of the inclusionary housing ordinance, to Section 30-

Accepted

City Clerk of Newton, Mass.

- 24(f)(10)/ Revised §5.11 of the Newton Zoning Ordinance. The payment shall be made prior to the issuance of the petitioner's Certificate of Occupancy for this project.
5. All landscaping and fencing shall be maintained in good condition and shall be replaced with similar materials as necessary.
 6. In the event that the Andover Newton Theological parcel at 101-239 Herrick Road is sold to another entity and/or is no longer used as Andover Newton Theological's campus, the petitioner shall work with future users of the site, the current owner of 160 Herrick Road and the Director of Planning and Development of the City of Newton (or successor position) to develop and implement a transportation demand strategy to mitigate the impact of the site(s) on the surrounding neighborhood.
 7. 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. 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. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 8. No Final Inspection/Occupancy Permit for the use 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 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 as required in Condition #1.
 - d. Received the payment for the City's Inflow & Infiltration Reduction Program required in Condition #3.
 - e. Received the inclusionary housing payment required in Condition #4.
 - f. Incorporated the approved Operations and Maintenance Plan for Storm water Management on file with the City Clerk's Office into the Master Deed or otherwise noted in the chain of title of the property, which shall be recorded in conjunction with the completion of the construction of such special permit, proof of which shall be submitted to the Engineering Division.
 - g. 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.

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9. Notwithstanding the provisions of Condition #8g. 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 provide 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.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Alderman Yates)

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 December 10, 2015. 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.

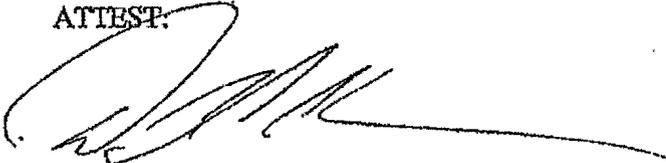
ATTEST:



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

I, David A. Olson, 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 12/10 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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

