#240-23
290 Watertown 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, which grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow ground floor residential use, to exceed by right height and stories, and a parking waiver as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed four-unit residential development, which includes ground level residential and three stories in a BU-1 district. The scale and design of the proposed development is appropriate for the location, and surrounding neighborhood, which has a mix of businesses and residences, including restaurants, stores, personal service businesses, multi-family residential developments, and two-story homes. While containing for units, the project presents as a single family home from the front elevation, maintaining the overall presence from the street as the existing single family use. (§4.1.3; §4.4.1; §7.3.3.C.1)
2. The proposed four units in a three-story building will not adversely affect the neighborhood because the maximum height of the building is similar to what currently exists on the site. The building includes varying heights and a second story green roof, which helps to reduce the overall visual mass of the structure. (§4.1.3; §4.4.1; §7.3.3.C.2)
3. The proposed four units in one building will not create a nuisance or serious hazard to vehicles or pedestrians because the driveway width is only 13.1 feet wide, creating a narrower crossing distance for pedestrians. The driveway is also being maintained in the same location as the existing conditions of the site and is limited to one way traffic. (§4.1.3; §7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the driveway location is being maintained, the crossing distance for pedestrians is 13.1 feet and limited to one way traffic, and all required parking is accommodated on site. (§7.3.3.C.4)

PETITION NUMBER:	#240-23
PETITIONER:	290 Watertown Street LLC
LOCATION:	290 Watertown Street, on land known as Section 11 Block 14 Lot 3, containing approximately 11,473 sq. ft.
OWNER:	290 Watertown Street LLC
ADDRESS OF OWNER:	290 Watertown Street LLC 20 Holly Street Salem, MA 01970
TO BE USED FOR:	Four dwelling units
CONSTRUCTION:	Wood Frame
EXPLANATORY NOTE:	Special permit per to allow ground level residential use (§4.4.1); allow a three-story structure (§4.1.2.B.3); and allow buildings greater than 24 feet in height (§4.1.3)
ZONING:	Business Use 1

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with:
   a. A set of plans prepared by Spruhan Engineering, P.C., signed and stamped by Edmond Spruhan, Professional Engineer:
      i. "Civil Plan", 290 Watertown Street, Newton, Massachusetts, dated 5/26/23, revised 11/02/23.
   b. Architectural plans entitled "290 Watertown Street Residences" prepared by, MGD dated November 3, 2023, signed and stamped by Ronald Jarek, Registered Architect
      i. Elevations (page 5), signed and stamped by Ronald Jarek, Registered Architect
      ii. Landscape Plan prepared by Ronald Jarek, Registered Architect, Page 8.
2. 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. The Site Plan shall show all parking areas to be compliant with dimensional requirements of the Newton Zoning Ordinance.
3. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:

c. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.

d. Provided a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Registry of Deeds for the Southern District of Middlesex County. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.

e. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.

4. The Petitioner shall do the following to remediate pest and rodent activity:

a. Prior to issuance of any demolition or building permit, the Petitioner, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.

b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department for review and approval prior to issuance of any demolition or building permit. A copy of such approval shall be provided to the Department of Planning and Development.

c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration.

5. The petitioner shall comply with the Tree Preservation Ordinance.

6. All lighting fixtures shall be residential in scale.

7. All appliances and utilities for the building shall be all-electric, including heating and cooling.

8. All roofs shall be solar panel ready, garage spaces shall be EV-ready, and bicycle storage shall be provided in each garage space as shown on the plans referenced in Condition 1. The petitioner shall provide evidence of such commitments prior to the issuance of a building permit.

9. Prior to the issuance of any Building Permit, the Petitioner shall submit a Construction Management Plan (the “CMP”) for review and approval to the Commissioner of Inspectional Services, the Director of Planning and Development, the City Engineer, and the Chief of the Fire Department. The CMP shall be in compliance with all applicable policies and ordinances in effect at the time of submission. The Petitioner shall comply in all material respects with the Construction Management Plan, which shall be

consistent with and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:

a. 24-hour contact information for the general contractor. This information shall also be posted in a clear and visible manner at the construction site.
b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
c. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction materials and delivery vehicles and equipment, and location of any security fencing and erosion control.
d. A plan showing temporary pedestrian access within work zones in accordance with DPW Policy.
e. Proposed methods for dust control including, but not limited to: watering, 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 Revised Ordinances, §20-13. 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(s) for protection of any existing trees to remain on site.
h. The CMP shall also address the following: safety precautions; anticipated dewatering during construction; site safety and stability; and impacts on abutting properties.

10. All construction activity shall be limited to 7:00AM-7:00PM Monday through Friday and 8:00AM-7:00PM on Saturdays, excluding federal, state, and local holidays, unless waived by the Mayor in accordance with Revised Ordinances, § 20-13.

11. The Petitioner shall install all landscaping consistent with this Special Permit/Site Plan approval and shall maintain landscaping in good condition, including plantings installed as part of green roof/carport. Any plant material that becomes diseased or dies shall be replaced as soon as feasibly possible with similar material.

12. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:

    a. Filed with the building permit application statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
    b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.
    c. Filed with the building permit record a statement by a registered landscape architect certifying compliance with the landscape plan referenced Condition #1.

d. Obtained approval from the City Engineer certifying that all engineering details for the portion of the Project for which a certificate of occupancy is requested have been constructed to standards of the City of Newton Public Works Department.

e. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, landscape features, fencing and parking areas related to or for the portion of the Project for which a certificate of occupancy is requested.

13. Provided that all other requirements in Condition #12 are satisfied and the project is substantially complete, the Commissioner of Inspectional Services may in their discretion, issue one or more certificates of temporary occupancy for all or portions of the building prior to completion of final landscaping (including hardscape improvements).