

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 a non-accessory surface parking lot with special permit relief for its location in a residential district with portions of the facility more than 150 feet from the Manufacturing district, a retaining wall system over four feet in height, and with waivers for perimeter screening and lighting as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

FINDINGS:

1. The site is an appropriate location for the proposed parking facility in a residential district with portions of the facility more than 150 feet from the boundary of the Manufacturing district with waivers for perimeter screening and lighting requirements because the area already features a significant amount of parking, so additional parking would not be out of context. (§7.3.3.C.1)
2. The proposed parking facility as designed will not adversely affect the neighborhood because the landscaping will include new plantings to mitigate the impact of the new paving. (§7.3.3.C.2)
3. The proposed parking facility will not create a nuisance or serious hazard to vehicles or pedestrians because the proposed curb cut will provide adequate access and sightlines for those entering or exiting the parking area. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. The lot presents challenging topography which limits the use of the property, such that it could not be improved without the implementation of the proposed retaining wall system because the site has a slope. (§5.4.2c)
6. The proposed retaining walls will not adversely impact adjacent property, the neighborhood, or the public because other properties nearby also feature retaining walls. (§5.4.2c)
7. The proposed retaining wall and wall system over four feet in height is the minimum structure necessary to allow a subject property to be reasonably utilized due to the sloped topography of the site. (§5.4.2c).

PETITION NUMBER: #143-25

PETITIONER: Chapel 56 Realty Trust

LOCATION: 56 Chapel Street, Ward 1, Newton, on land known as Section 11 Block 06 Lot 49, containing approximately 9,480 sq. ft. of land

OWNER: Chapel 56 Realty Trust

ADDRESS OF OWNER: 1200 Walnut Street
Newton, MA 02461

TO BE USED FOR: 19 stall surface parking facility

RELIEF GRANTED: Special Permit per §7.3 to allow the following:

- Parking facility associated with manufacturing use in a residential district (§5.1.6.C)
- Portions of the parking facility to be more than 150 feet from the boundary of the Manufacturing district (§5.1.6.C and §5.1.13)
- Waiver for perimeter screening requirements (§5.1.9.A and §5.1.13)
- Waiver for lighting requirements (§5.1.10.A and §5.1.13)
- Retaining wall system exceeding four feet (§5.4.2.B)

ZONING: Multi-Residence 1

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 Plans prepared by Nitsch Engineering, signed and stamped by Matthew T Brassard, Professional Engineer, most recently revised October 3, 2025, consisting of the following sheets
 - i. Sheet C-3.0, Layout Plan
 - ii. Sheet C-3.1, Grading and Utility Plan

- b. A set of landscape drawings entitled “Chapel Bridge Landscape Improvements” prepared by BSC Group, signed and stamped by Eric Joseph, Registered Landscape Architect, dated September 22, 2025, consisting of the following sheets:
 - i. Sheet LS-1.0, Planting Plan: Chapel Street Lots
 - ii. Sheet L-1.0, Planting Plan
 - c. Landscape plan prepared by Nitsch Engineering entitled “Proposed Green Space/Parking Configuration” showing landscaping at 85 Bridge Street, dated December 3, 2025
2. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the Petitioner shall provide a final Operations and Maintenance Plan (the “O&M Plan”) for stormwater management to the Engineering Division of Public Works for review and approval, should a system be required. Once approved, the O&M Plan must be adopted by the Petitioner and recorded at the Middlesex South District Registry of Deeds. A copy of the recorded O&M Plan shall be filed with the Engineering Division of Public Works and submitted with the Building Permit application.
3. 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.
4. The petitioner shall ensure that asphalt is removed, repurposed granite curbing is installed, and landscaping, including approximately five trees or shrubs, is completed at 85 Bridge Street in accordance with the sketch plan submitted by the petitioner, dated December 3, 2025, and on file with the Planning Department (the “Green Space”). The petitioner shall ensure that the Green Space is adequately maintained and accessible, provided access shall be controlled by the property owner and the space is not intended as a public park. The Green Space shall be continuously maintained in accordance with this Condition so long as the relief granted by this Special Permit/Site Plan Approval is utilized. If the owner of 85 Bridge Street seeks in the future to restore any portion of the Green Space to parking use, it must seek an amendment to this Special Permit.

5. 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 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 Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Submitted final engineering, utility, and drainage plans, and a recorded copy of the O&M Plan with the Middlesex South District Registry of Deeds and provided a copy of the recorded document to the City Engineer in accordance with this Order.
 - d. Provided a Final Landscape Plan for review and approval by the Director of Planning and Development.
 - 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.
6. 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 record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) 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.
7. The Petitioner shall install all landscaping consistent with this Special Permit/Site Plan approval and shall maintain landscaping in good condition. Any plant material that becomes diseased or dies shall be replaced as soon as feasibly possible with similar material.