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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: May 8, 2024
MEETING DATE: May 15, 2024
TO: Zoning Board of Appeals
FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning

COPIED: Mayor Ruthanne Fuller
City Council

In response to revised plans submitted on March 8, 2024 and in conjunction with public hearings held on September 13, November 29, and January 10, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #08-23

41 Washington Street

Application #08-23- 41 TusNua LLC, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a 16-unit residential unit development on a 25,902 square foot lot located at **41 Washington Street** within a Single-Residence 3 (SR3) zoning district. The proposal includes four affordable ownership units.

This item was held open for the petitioner to respond to questions and concerns raised by members of the public, the Board, and the Planning Department.

EXECUTIVE SUMMARY

The subject site at 41 Washington Street is a 25,902 square foot parcel on the north side of Washington Street between Grasmere Street and Elmhurst Road in the Hunnewell Hill neighborhood of Newton Corner. Located in a Single Residence 3 (SR3) zoning district, the site is improved with an approximately 6,800 square foot two-family dwelling. Built in 1891 as a single-family home, the dwelling was divided into two units in 1925 and it remains a two-family home today.

The applicant, 41 TusNUA LLC, submitted revised plans on March 8, 2024 representing a significant revision to the project. The initial iteration consisted of reconfiguring the existing two-family home into four units and constructing a four-story addition with twelve units to the rear of the dwelling, resulting in a 16-unit multi-family dwelling. The revised plans consist of demolishing the existing two-family dwelling and new construction of 16 units and all parking within the first floor of the proposed building.

This Comprehensive Permit application, submitted August 2023, proposes 16 homeownership units with four units designated as affordable to households earning 80% of the area median income. In 2024, the area median income for a family of four is \$148,900 (set by U.S. Department of Housing and Urban Development based on the metropolitan statistical area (MSA)). As the household size increases, so does the maximum income allowed to purchase the unit. Based on the time of filing (2023), the affordable units purchase prices would range from \$248,000 to \$289,400). However, these numbers are expected to fluctuate due to the area median income and sales prices are adjusted every year.

| 2024 Income Limits Summary - Newton, MA | | | | | | |
|---|----------------|-----------|-----------|-----------|-----------|-----------|
| Income Level | Household Size | | | | | |
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 80% AMI | \$91,200 | \$104,200 | \$117,250 | \$130,250 | \$140,700 | \$151,100 |

The project materials submitted for review can be found [here](#).

I. Revised Zoning Review

Due to the significant revisions to the Project, the Chief Zoning Code Official revised the Zoning Review Memorandum (**Attachment A**) which outlines the zoning relief required. Many of the waivers for the building type, number of stories, FAR, and height remain the same, however the open space waiver has been eliminated as the Project now complies at 67% open space. The waivers related to parking largely remain the same which includes allowing a reduced number of parking stalls, allow tandem stalls, and waivers for aisle depth and width.

One important note is that the zoning and local ordinances in place at the time of filing (August 2023) apply to this Project rather than any updates since. This is relevant with the recently approved change to regulations around retaining walls, which require special permit relief for walls exceeding four feet in height anywhere on the site (previously just within setbacks required relief).

For a more comprehensive analysis of the zoning waivers, please refer to **Attachment A**.

II. Plan Revisions

Revised plans were uploaded to NewGov on March 8, 2024 and covered in great detail within the prior Planning memorandum. The revised plans eliminate the existing two-family dwelling in place of a four-story multifamily building with parking contained within the building. The most significant change to the overall project is the open space. Due to the large amount of surface parking and substantial addition to the existing dwelling, the previous design resulted in open space of 31%, far below the 50% minimum required per the zoning. The new proposed design allows for open space of 67%, which will preserve much of the pervious area and vegetation on the site, while allowing more screening along the property lines. These changes are most legible via the comparison landscape plans, shown below.

In prior memos, Planning previously noted the historic significance and features of the 1891 dwelling that were outlined by the Massachusetts Historical Commission including the shingle style architecture with a fieldstone first story, corner tower, and porte cochère. Other details such as cropped shingle raking eaves, jambs in the gable window, and shingled parapet in the side bay are Shingle style in origin.



To create a level rear yard, the applicant proposes two terraced retaining walls, six feet apart, that reach a cumulative height (bottom of the lower wall to the top of the higher wall) of approximately nine feet (this is a correction to the prior memo which previously stated the rear walls at 7.8 feet). They are outside of the 15-foot rear setback, thus do not require zoning relief. The applicant is proposing screening along all lot lines and is not proposing anything on the portion of the lot that juts out at the northeast corner, which will provide an additional buffer and distance from the project for the neighbors on Elmhurst Road to the east.

In the memorandum prepared for the April 3rd hearing, Planning raised concerns with the size of the project in terms of the floor area ratio (FAR) which is proposed at 1.16, over three times the maximum allowed within the single residence 3 zoning district (.36). A revised FAR worksheet for the project was provided to Planning which places the square footage at 30,033 square feet in floor area. Previously, Planning noted the applicant may want to consider measures to articulate the massing differently such as projections and stepping back the upper stories to mitigate the impact of the large building. Planning recommended the applicant apply to the Urban Design Commission for feedback on the revised project, and they are presenting their revised design to the UDC on May 8, 2024.

Planning also raised concerns with the front entry of the building which is approximately seven feet above the ground elevation. The applicant is providing both stairs and elevator at the front of the dwelling. Planning requested more information on the elevator based on feedback from the City's ADA Coordinator, Jini Fairley. Ms. Fairley noted new construction should have a ramp or walkway for all visitors and this configuration may require a variance from the Architectural Access Board. The location of the bicycle rack near the elevator also may present a conflict if the rack were to become overloaded with bicycles and impede in front of the path to the front porch elevator.

III. Landscaping

Both Horsley Witten and the City's Tree Warden reviewed the revised landscape plan. Horsley Witten (**Attachment B**) notes that the Applicant proposes to maintain 18 of the existing trees and to remove 10. The tree plan proposes one hundred twenty-nine (129) shrubs, including hedges surrounding the perimeter, and 63 new deciduous trees. Horsley Witten notes that there is some information and labeling missing from the landscape plan that should be included as well as inconsistencies amongst plans. They also note several plants in the southeast corner of the site are proposed to be planted over both a sewer and water line. HW recommends that the Applicant show all utilities on the Planting Plan (Sheet L2) to ensure conflicts are avoided between utilities and trees. The proposed grading on the Layout and Topography Plan (Civil Sheet 2) extends from the proposed retaining wall to the property boundary on the north corner of the site. The Tree Protection and Removals Plan (Sheet L1) indicates the following existing trees to remain and be maintained: 5, 5A, 6, 7, 8, 9, 10, 11. These trees will be heavily disturbed by the proposed grading changes, which may jeopardize their health. HW recommends changing the grading to protect the existing trees or updating the Tree Protection and Removals Plan (Sheet L1) to indicate the trees that will be removed.

The Tree Warden notes that he is comfortable with the proposed planting plan. It appears they may fall short of meeting the inch replacement requirement of the tree ordinance and he would expect them to address this when they file for a tree permit.

IV. Sustainable Development

The previous project design, which incorporated the existing dwelling, did not trigger the sustainability provisions of the Zoning Ordinance due to the amount of new gross area being created. As the revised project is all new construction consisting of

approximately 30,000 square feet it is now subject to the Sustainable Development section of the Zoning Ordinance. Per the Ordinance, the Project is required to be designed to LEED Silver standards (certification not required). The Applicant has not submitted any sustainable development materials or narrative. Planning requests the Applicant address whether they are meeting these standards or seeking a waiver.

V. Parking and Circulation

Since the last hearing, the on-call consultant for transportation, BSC, issued a memorandum (**Attachment C**) reviewing the revised site plan. As there is no change to the overall program of 16 units, no review to the trip generation was necessary. There are 20 parking stalls on the first floor as well as space for trash and recycling, a room for bicycle parking for 16 bikes, an electrical room and sprinkler room. There is some overlap between the concerns Planning raised previously that BSC now raises such as potential conflict points between the accessible stall, access aisle and access route to the elevator, Trash & Recycling and Bicycle Parking and that those be dimensioned. Another potential conflict between the planned Electrical room and Water/Sprinkler rooms are between parking stalls 16, 17, and 19. The applicant should address whether those rooms are accessible when there is a vehicle parked.

BSC requested additional information such as turning movements within the garage confirm that an average sized automobile will be able to proceed to and from the most restrictive parking spaces. BSC also requested a narrative of the trash and recycling operations. The applicant provided turning movements on May 7, 2024, and they are under review by BSC.

VI. Stormwater

Horsley Witten notes the current submission includes 456 square feet of driveway and 881 square feet of walkways/steps. The current submission also includes 15,080 sf of landscaping/open space. The Applicant is raising the grade at the rear of the site approximately 10 feet to provide a subsurface infiltration system to manage stormwater. The proposed stormwater system also includes two lawn drains at the rear of the property, a trench drain at the front property line, and an overflow to the municipal system in Washington Street.

Horsley Witten reviewed the project against the ten Massachusetts Stormwater Handbook standards (**Attachment C**).

| | |
|---|---|
| <p>Standard 1 No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth</p> | <ul style="list-style-type: none"> • The proposed design does not appear to discharge into a wetland and erosion is not a concern |
| <p>Standard 2 Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates</p> | <ul style="list-style-type: none"> • Due to the location of the drain being higher than the retaining wall, HW recommends they revisit the elevations. • Applicant needs to adjust the groundwater elevation. |
| <p>Standard 3 The annual recharge from post-development shall approximate annual recharge from pre-development conditions</p> | <ul style="list-style-type: none"> • HW recommends that the Applicant adjust the ESHGW elevation as noted above and provide a mounding analysis if applicable per MSH Volume 3, Chapter 1, page 28. |
| <p>Standard 4 The stormwater system shall be designed to remove 80% Total Suspended Solids (TSS), to remove 50% of Total Phosphorus (TP), and to treat 2.0-inch of volume from the impervious area for water quality</p> | <ul style="list-style-type: none"> • HW recommends that the Applicant revisit the TSS worksheet provided. |
| <p>Standards 5, 6, 7</p> | <p>Not applicable</p> |
| <p>Standard 8 requires a plan to control construction related impacts including erosion, sedimentation, or other pollutant sources.</p> | <ul style="list-style-type: none"> • Recommendations around including a construction sequence plan, erosion control and site preparation plan, notes to plan sets, |

| | |
|---|---|
| <p>Standard 9 requires a Long-Term Operation and Maintenance (O&M) Plan to be provided</p> | <ul style="list-style-type: none"> • HW recommends that the Applicant include the following items to their O&M Plan: <ol style="list-style-type: none"> i. An estimated operations and maintenance budget. ii. Signature of the property owner. |
| <p>Standard 10 requires an Illicit Discharge Compliance Statement be provided</p> | <ul style="list-style-type: none"> • Provided by Applicant |

Horsley Witten also notes several grading and elevation errors within the plans. The applicant should correct and submit a revised plan set. Horsley Witten also notes the Project is able to comply with the City’s Stormwater Ordinance.

VII. Mitigation

The City Engineer issued a memorandum (**Attachment E**) for the Inflow and Infiltration (I&I) fee. If approved, the project will be required to pay \$239,962 based off the number of bedrooms. 25% (\$59,991) would be allocated to the design and construction of upcoming sewer project areas. The remaining 75% (\$179,971) would be allocated towards a general project area mitigation fund.

VIII. Analysis and Next Steps

Planning continues to request further details of the plans to better understand the project, such as details around the rear yard, fourth floor outdoor space, parking stalls, and the front elevation. The Applicant should respond to the issues raised in the memorandum in writing and at the hearing.

Attachments

- Attachment A** Revised Zoning Review Memorandum, dated May 1, 2024
- Attachment B** Updated Landscaping Peer Review, Horsley Witten, dated April 11, 2024
- Attachment C** Updated Transportation Review, BSC Group, dated April 9, 2024
- Attachment D** Updated Stormwater Review, Horsley Witten, dated April 11, 2024
- Attachment E** Inflow and Infiltration (I&I memo), dated September 14, 2023



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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 1, 2024

To: Anthony Cicciariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Stephen Buchbinder, Attorney
41 TusNua LLC, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: **Request for a Comprehensive Permit to construct a 16-unit multi-family dwelling with 20 parking stalls**

| Petitioner: 41 TusNua LLC | |
|---|--|
| Site: 41 Washington Street | SBL: 71029 0007 |
| Zoning: SR3 | Lot Area: 25,902 |
| Current use: Two-family dwelling | Proposed use: 16-unit multi-family dwelling |

BACKGROUND:

The property at 41 Washington Street consists of 25,902 square feet and is improved with a two-family dwelling built in 1891 in the SR3 zoning district. The petitioners propose to raze the existing dwelling and construct a four-story 16-unit multi-family dwelling. A Comprehensive Permit under MGL Chapter 40B is requested to construct the four-story building.

The following review is based on plans and materials submitted to date as noted below.

- Special Permit Application, prepared by Stephen J Buchbinder, attorney, dated 8/15/2023
- Existing Conditions Plan, signed and stamped by Bruce Bradford, Surveyor, dated 9/28/2022
- Civil Plan I, signed and stamped by Edmond Spruhan, engineer and Christopher C. Charlton, surveyor, dated 3/1/2024
- Floor plans and elevations, signed and stamped by Jose Guzman, architect, dated 3/5/2024
- FAR calculations, signed and stamped by Jose A Guzman, architect, submitted 4/29/2024

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to raze the existing dwelling and construct a 16-unit multi-family dwelling. A Comprehensive Permit in lieu of a variance is required per section 3.4.1 to allow for a multi-family dwelling in the SR3 zoning district.
2. As a multi-family dwelling is not allowed by right or by special permit in the SR3 zoning district, there are no applicable dimensional standards. For the purpose of this memo, the dimensional standards for the only by-right use, single-family dwelling, are used to determine which standards apply and the subsequent relief.
3. Section 3.1.3 requires 10,000 square feet of lot area per each dwelling unit in the SR3 zoning district. The petitioner proposes to construct 16 dwelling units, resulting in a lot area per unit of 1,619 square feet, requiring a waiver in the Comprehensive Permit in lieu of a variance for relief from the lot area per unit requirements of section 3.1.3.
4. The maximum height allowed in the SR3 district is 30 feet for a flat roof and 36 feet for a sloped roof per section 3.1.3. The proposed new flat-roof building has a height of 43.6 feet. A waiver in the Comprehensive Permit in lieu of a variance is required to exceed the maximum allowed height.
5. Per sections 3.1.3, the maximum number of stories allowed in the SR3 district is 2.5 by right, and three by special permit. The proposed construction results in a four-story building. A waiver in the Comprehensive Permit in lieu of a variance is required to allow four stories.
6. The maximum allowable lot coverage in the SR3 district is 30%. The proposed construction results in 32.9% lot coverage, requiring a waiver in the Comprehensive Permit in lieu of a variance for relief from the lot area per unit requirements of section 3.1.3.
7. The maximum FAR allowed per sections 3.1.3 and 3.1.9 is .36 in the SR3 district. The petitioner proposes an FAR of 1.16, requiring a waiver in the Comprehensive Permit in lieu of a special permit to exceed the maximum FAR allowed as of right.
8. Per section 5.4, retaining walls, or a series of retaining walls exceeding four feet in height in a setback require a special permit. A system of retaining walls at the front of the proposed building reach a maximum height of 8.8 feet, with the wall closest to the street at a maximum height of 3.3 feet and the retaining wall at the entrance at 5.5 feet. A special permit is required to allow the two systems of retaining walls exceeding four feet in height in the front setback.
9. Per section 5.1.3.B, whenever there is an extension of gross floor area or change of use which increases the parking requirements, the parking is to be complied with per the formula found in this section of A-B+C to equal the number of stalls required, where "A" is the proposed number of parking stalls required, "B" is the number of stalls currently required and "C" is the number of stalls that physically exist. The petitioner seeks a waiver in the Comprehensive Permit in lieu of a special permit to waive this requirement.

10. Section 5.1.3.E requires a special permit to allow for assigned parking stalls. To the extent that parking stalls are assigned to individual units, a waiver in the Comprehensive Permit is required in lieu of a special permit.
11. The petitioner proposes to construct 20 parking stalls within a ground level parking garage. Per section 5.1.4, the total parking requirement of two stalls per residential unit may be reduced to 1.25 stalls per unit by special permit. The petitioner seeks a Comprehensive Permit in lieu of a special permit per section 5.1.4 to reduce the parking requirement to 1.25 stalls per unit, or 20 stalls.
12. Section 5.1.5 requires that parking facilities containing more than five stalls must provide the Commissioner of Inspectional Services with an off-street parking and loading plan. The petitioner seeks to waive this requirement in the Comprehensive Permit in lieu of a special permit per section 5.1.13.
13. Per section 5.1.8.B.2, parking stalls must have a depth of at least 19 feet in facilities containing more than five stalls. Ten stalls have 18-foot depths, requiring a waiver in the Comprehensive Permit in lieu of a special permit per section 5.1.13.
14. Per section 5.1.8.C.1 and 2, the minimum aisle width for two-way traffic in a parking facility with 90-degree parking is 24 feet. The petitioner proposes a 22-foot wide aisle for the two-way traffic, requiring a waiver in the Comprehensive Permit in lieu of a special permit per section 5.1.13.
15. Per section 5.1.8.D.1 the minimum width for an entrance driveway for two-way use is 20 feet. The proposed driveway to the parking garage is 18 feet wide, requiring a waiver in the Comprehensive Permit in lieu of a special permit per section 5.1.13.
16. Section 5.1.8.E requires that parking facilities be designed so that vehicles may proceed to and from the parking stall without requiring another vehicle to move. There are eight stalls in a tandem configuration, requiring a waiver in the Comprehensive Permit in lieu of a special permit per section 5.1.13.
17. The petitioner seeks to waive the consent of the City Engineer as to drainage of the driveways and loading areas per section 5.1.12.D.3 in the Comprehensive Permit in lieu of a special permit per section 5.1.13.
18. Section 5.11 of the Zoning Ordinance provides requirements for providing affordable units for private residential developments. To the extent that Section 5.11 of the Zoning Ordinance is applicable to the project, a comprehensive permit is requested in lieu of a variance or cash payment under Section 5.11 to conform to the affordability elements of the proposed development to the requirements of the Zoning Ordinance.
19. Section 5.13 provides requirements for Sustainable Development Design, which apply to construction of buildings of 20,000 square feet or more. The petitioner seeks a waiver from the Sustainable Development Design standards in the Comprehensive Permit in lieu of a special permit per section 5.13.7.
20. The Petitioner seeks a waiver from the site plan approval requirements of section 7.4 in connection with special permits granted under Section 7.3 through the Comprehensive Permit.

21. Revised Ordinances Sections 20-23 to 20-28 provide limitations on installation of light sources which do not conform to the criteria of the Ordinances. Section 20-26 provides for waivers to be granted by the Planning Board to the extent that any light source does not conform to the requirements of Section 20-24. To the extent that any light source may not conform to these requirements, or that these requirements may be inconsistent with Section 5.1.10.A, the Petitioner seeks a waiver.
22. The petitioner seeks a Comprehensive Permit in lieu of meeting the provisions of section 5-30, Article III pertaining to fences.
23. The Petitioner seeks a permit to cross the sidewalk under the provisions of Section 26-65 Construction of Sidewalks, Driveways and Driveway Entrances.
24. The petitioner seeks a Comprehensive Permit in lieu of such local approvals as are required under Chapters 23, 26 and 29 or otherwise to open streets, make utility connections for water, sewer, stormwater, gas, electric, cable, or other utilities or to cross sidewalks from time to time.
25. The Applicant seeks a waiver from the provisions of the Tree Preservation Ordinance, sections 21-81 through -89, as amended by Ordinance No. A-38 (#397-13), to allow removal of protected trees from the property without relocation or replacement, or payment to the tree replacement fund. To the extent that any permit or fee payment would otherwise be required under the Revised Ordinances section 21-80, the Applicant seeks a waiver.
26. Revised Ordinances Section 22-50 requires review by the Newton Historic Commission and the possible imposition of a demolition delay for the demolition of historically significant buildings. To the extent that the existing dwelling or other elements of the property are deemed historically significant and fall under the jurisdiction of the Newton Historic Commission under Section 22-50, the Applicant seeks a waiver under the Comprehensive Permit.
27. The petitioner seeks a Comprehensive Permit for such amendments to the relief sought herein as may be required to conform to the relief sought to the plans as filed or to any amendments filed in connection with the actions of the Zoning Board of Appeals or the Housing Appeals Committee.
28. The Petitioner seeks any relief from local rules and regulations, and any additional required local approvals as may be necessary for approval for the Comprehensive Permit plans as may be amended prior to the termination of the public hearing.

| Zone SR3 | Required | Existing | Proposed |
|-----------------------|--------------------|--------------------|---------------------------|
| Lot Size | 7,000 square feet | 25,902 square feet | No change |
| Frontage | 70 feet | 106.8 feet | No change |
| Lot area per unit | 10,000 square feet | 12,951 square feet | 1,619 square feet* |
| Setbacks | | | |
| • Front | 25 feet | 25.9 feet | 25 feet |
| • Side (south) | 7.5 feet | 41.1 feet | 12.3 feet |
| • Side (north) | 7.5 feet | 4.8 feet | 12.3 feet |
| • Rear | 15 feet | 133.3 feet | 77.7 feet |
| Building Height | 36 feet | 42.8 feet | 43.6 feet* |
| Max number of stories | 2.5 or 3 by SP | 3 | 4* |
| FAR | .36 | .26 | 1.16* |
| Maximum Lot Coverage | 30% | 8.5% | 32.9%* |
| Minimum Open Space | 50% | 87% | 65.6% |

*Requires relief

29. See “Zoning Relief Summary” below:

| Zoning Relief Required | | |
|------------------------------|--|--------------------|
| Ordinance | | Action Required |
| §3.4.1 §7.6 | To allow a 16-unit multi-family dwelling | C.P. per MGL c 40B |
| §4.3.1.3 §7.6 | Waive required minimum lot area per unit | C.P. per MGL c 40B |
| §3.1.3 §7.8.2.C.2 §7.6 | To exceed maximum height | C.P. per MGL c 40B |
| §3.1.3 §7.6 | To exceed maximum stories | C.P. per MGL c 40B |
| §3.1.3 §7.6 | To exceed maximum lot coverage | |
| §3.1.3 §3.1.9 §7.3 | To exceed maximum FAR | C.P. per MGL c 40B |
| §5.4 | To allow retaining walls exceeding 4 feet in height in the front setback | C.P. per MGL c 40B |
| §5.1.3.B §5.1.13 §7.3 | Waive requirement to apply the A-B+C parking formula | C.P. per MGL c 40B |
| §5.1.3.E §5.1.13 §7.3 | To allow assigned parking | C.P. per MGL c 40B |

| | | |
|-------------------------------------|---|--------------------|
| §5.1.4.A §7.3 | To reduce the residential parking requirement to 1.25 stalls per unit | C.P. per MGL c 40B |
| §5.1.5 §5.1.13 §7.3 | To waive the requirement to provide a off-street parking and loading plan | C.P. per MGL c 40B |
| §5.1.8.B. 2 §5.1.13 §7.3 | Waive minimum parking stall depth for a parking facility with more than five stalls | C.P. per MGL c 40B |
| §5.1.8.C.1 and 2 §5.1.13 §7.3 | Waive minimum aisle width for two-way use | C.P. per MGL c 40B |
| §5.1.8.D.1 §5.1.13 §7.3 | Waive minimum driveway width for two-way use | C.P. per MGL c 40B |
| §5.1.8.E.1 §5.1.13 §7.3 | To allow tandem parking | C.P. per MGL c 40B |
| §5.1.12.D.3 §5.1.13 §7.3 | To waive consent of the City Engineer as to drainage of driveways and loading areas | C.P. per MGL c 40B |
| §5.11 §7.6 | Waive the Inclusionary Zoning requirements | C.P. per MGL c 40B |
| §7.4 §7.3 | Waive site plan approval procedures | C.P. per MGL c 40B |
| §20-23 §20-28 | Waive Light Trespass provisions | C.P. per MGL c 40B |
| §5-30, Article III | Waive Fence Ordinance provisions | C.P. per MGL c 40B |
| §26-65 | Permit to cross the sidewalk and connect to the street | C.P. per MGL c 40B |
| §29, Article II | Permit to connect to public utilities and water supply | C.P. per MGL c 40B |
| §29, Article III | Sewer connection permit | C.P. per MGL c 40B |
| §29, Article IV | Storm drain connection permit | C.P. per MGL c 40B |
| §21-80 §21-81 through 89 | Waive Tree Preservation Ordinance | C.P. per MGL c 40B |
| §22-50 | Waive review and demolition delay by Newton Historical Commission | C.P. per MGL c 40B |

Horsley Witten Group

Sustainable Environmental Solutions

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857-263-8193 • horsleywitten.com



April 11, 2024

Katie Whewell
Chief Planner for Current Planning
City of Newton
Planning and Development Department
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Peer Review of Landscape Design – Revised Submission
Comprehensive Permit
41 Washington Street, Newton, MA

Dear Ms. Whewell:

The Horsley Witten Group, Inc. (HW) is pleased to submit this peer review regarding the landscape design for the proposed residential development at 41 Washington Street, in Newton, MA. The original 2023 application included the restoration and expansion of the existing dwelling into a 16-unit, 6,807 square foot (sf) multi-family building. The initial proposed development also included a driveway, parking lot, landscaped areas, and utilities.

The revised 2024 submission includes the removal of the existing dwelling, and the construction of a new 8,120 sf multi-family building with 16-units. The current submission includes a 456-sf driveway and 881 sf of walkways/steps. The current submission also includes 15,080 sf of landscaping/open space.

The existing 25,902 sf (0.59± acre) site is occupied by a two-family home with a paved driveway, gravel parking area, concrete walkway, and landscaped areas. The site is bounded by Washington Street in the front and by residential dwellings on the rear and sides. The site has several large existing trees within the property lines and several immediately adjacent to the property edge.

The Applicant proposes to maintain 18 of the existing trees and to remove 10. New landscaping is proposed around the new building along with a small play area in the northeast corner of the site. The tree plan proposes one hundred twenty-nine (129) shrubs, including hedges surrounding the perimeter, and 63 new deciduous trees.

As part of the landscape design review process, HW reviewed the following documents and plans:

- Existing Conditions, 41 Washington Street, Newton, MA, prepared by Everett M. Brooks Co., dated September 28, 2022 (1 page);
- Planting Plan, 41 Washington Street, Newton, MA, prepared by Verdant Landscape Architecture, dated March 8, 2024 (2 pages);
- Tree Protection and Removals Plan, 41 Washington Street, Newton, MA, prepared by Verdant Landscape Architecture, dated March 7, 2024 (1 page); and

- Civil Plan, 41 Washington Street, Newton, MA, prepared by Spruhan Engineering, P.C., dated March 1, 2024, which includes:
 - Proposed Conditions Site Plan Sheet 1 of 7
 - Layout and Topography Sheet 2 of 7
 - Drainage and Utilities Sheet 3 of 7
 - Detail Sheet 1 Sheet 4 of 7
 - Detail Sheet 2 Sheet 5 of 7
 - Watershed Maps Sheet 6 of 7
 - Erosion Control & Site Preparation Plan Sheet 7 of 7

Review of Landscape Plan

This review of the submitted materials is based on the Newton City Ordinance, Volume II, Chapter 30: Zoning Ordinance 2017 (updated 05-01-23), and the City of Newton Tree Manual including Ordinance Chapter 21: Parks, Recreation and Public Grounds Article IV. Tree Preservation, as well as standard landscape practices. In accordance with these guidelines HW offers the following comments:

1. HW has the following comments regarding Sheet L1 Tree Protection and Removals Plan:
 - Tree #16 Norway Maple *Acer platanoides* 30" DBH is listed to be removed but does not have a corresponding #16 label on the plan.
 - There are two #15 labels on the Tree Protection and Removals Plan. HW recommends that the Applicant clarify which tree is #15.
 - Tree #12 Existing Norway Spruce, 13.5" caliper is missing the inch quotation mark in the label.
 - HW recommends labeling the 24" DBH tree on the upper right corner of the plan, on both the Tree Protection and Removals Plan (Sheet L1) and the Planting Plan (Sheet L2).
 - The North arrow direction on the Tree Protection and Removals Plan (Sheet L1) is inconsistent with the north arrow direction on Sheet L2 and the revised civil plans submitted by the applicant.
 - Trees indicated on the Tree Protection and Removals Plans do not align with the trees shown on the Civil Plans. HW recommends updating the plans to have consistent, accurate tree locations on all plans.
2. HW has the following comments regarding Sheet L2 Planting Plan:
 - The 198.5" total caliper inches noted on the plan results from planting the maximum DBH size in the given sizing ranges for each species. HW recommends including the minimum caliper inches resulting from the given sizing range in addition to or instead of the maximum caliper inches noted on the plan.
 - The plant list indicates there are 8 *Acer rubrum* but there appear to be fewer on the plan. HW recommends the proposed quantity is clarified.

- A *Picea abies*, which can grow to 40-60' is planted directly under the canopy of an *Acer rubrum*. HW recommends these large trees are given enough space for canopy growth.
3. Chapter 21, Section 83(e) states: "except as provided in a tree permit, construction activities under the drip line of a protected tree are prohibited."
- HW recommends that the Applicant include a Limit of Work line on all plans.
 - HW recommends that the Applicant add a tree protection fence line up against the proposed limit of work on all plans, not just the Tree Protection and Removals Plan.
 - The Limit of Work and the tree protection fence should account for work area needed for all grading and to install walls.
4. Several plants in the southeast corner of the site are proposed to be planted over both a sewer and water line. These plants include 2 *Amelanchier grandiflora* 'Autumn Brilliance,' and 1 *Acer rubrum*. HW recommends that the Applicant show all utilities on the Planting Plan (Sheet L2) to ensure conflicts are avoided between utilities and trees.
5. The proposed grading on the Layout and Topography Plan (Civil Sheet 2) extends from the proposed retaining wall to the property boundary on the north corner of the site. The Tree Protection and Removals Plan (Sheet L1) indicates the following existing trees to remain and be maintained: 5, 5A, 6, 7, 8, 9, 10, 11. These trees will be heavily disturbed by the proposed grading changes, which may jeopardize their health. HW recommends changing the grading to protect the existing trees or updating the Tree Protection and Removals Plan (Sheet L1) to indicate the trees that will be removed.

Please contact Janet Bernardo at 857-263-8193 or at jbernardo@horsleywitten.com or Ellen Biegert at ebiegert@horsleywitten.com if you have any questions regarding these landscape design comments.

Sincerely,

Horsley Witten Group, Inc.



Janet Carter Bernardo, P.E.
Principal



Ellen Biegert RLA
Landscape Architect



Engineers
Environmental Scientists
Software Developers
Landscape Architects
Planners
Surveyors

www.bscgroup.com

APRIL 09, 2024

Katie Whewell
Chief Planner
City of Newton
Planning and Development Department
1000 Commonwealth Avenue
Newton, MA 02459

RE: Transportation Peer Review –41 Washington Street

Dear Ms. Whewell,

As requested, BSC Group, Inc. (BSC) conducted a peer review of the revised building plans prepared by Guzman Architects, Inc. dated March 5, 2024 and the site plans prepared by Spruhan Engineering, P.C. dated March 1, 2024.

In general, these plans show a single four-story building with a garage on the first floor and residential units on the second, third and fourth floors. Access to the garage is provided via a single 18' wide driveway off Washington Street. Within the garage, a single dead-end aisle provides access to 20 parking spaces, trash and recycling, bicycle parking, the electrical room and the water/sprinkler room. The aisle width is not dimensioned. One parking stall is dimensioned with a depth of 18'-0" and a width of 9'-0". Eight of the parking stalls are configured as tandem pairs.

This review focuses on the on-site circulation, which for this development is contained within the building footprint as well as access to the various services of trash and recycling, electrical room and water/sprinkler room. The sections cited in this letter refer to those sections in the Newton City Ordinances, Volume II, updated 2/27/24.

On-site Circulation

Section 5.1.8.C.1 lists the minimum width of the maneuvering aisle as 24' for 90-degree parking. No waiver has been requested for aisle width. The aisle width is not dimensioned on the Proposed First Floor Plan, A100. **BSC recommends the aisle width be dimensioned on the Proposed First Floor Plan, A100 to confirm the requirements listed in Section 5.1.8.C.1 are met.**

Section 5.1.8.B.1 lists the minimum stall width to be 9 feet and Section 5.1.8.B.2 lists the minimum stall depth for angle parking to be 19 feet. A waiver has been requested to reduce the depth of the parking stalls (a dimension of 18'-0" is shown on the Proposed First Floor Plan, A100).

Section 5.1.8.B.6 requires that end stalls restricted on one or both sides by walls or other restrictions shall have a maneuvering space at the aisle end of at least 5 feet in depth and 9 feet in width. A waiver has been requested to not require the end stall maneuvering requirement of five feet in depth and nine feet in width.

Taken together, the aisle width, parking stall dimensions, and end stall maneuvering space determine if automobiles will be able to easily access parking spaces without undo maneuvering. Waivers have been requested for stall depth and to not require the end stall maneuvering space. **BSC recommends the Applicant provide a turning movement analysis to confirm that an average sized automobile will be able to proceed to and from the most restrictive parking spaces (which may include spaces #1, #10, #13, #14, #17, #18 and #19).**

A waiver has been requested to allow tandem parking spaces. Parking spaces #13, #14, #18 and #19 are part of tandem paired parking spaces. Section 5.1.8.E.1 requires that parking facilities be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other motor vehicle. The Building Dwelling Unit Matrix on the Cover Sheet, A000 lists nine (9) 2-bedroom units and seven (7) 3-bedroom units for a total unit count of 16 and a total parking space count of 20. This means four (4) units could have two parking spaces assigned to them. A waiver has been requested to allow assignment of parking stalls to individual tenants. Since there are nine (9) 2-bedroom and seven (7) 3-bedroom units proposed, not all 2-bedroom or 3-bedroom units will be assigned 2 parking spaces. **BSC recommends the Applicant provide a narrative of how the parking spaces will be assigned and how the parking design meets the requirements of Section 5.1.8.E.1.**

It appears that parking space #20 is the accessible parking space. A waiver has been requested to reduce the depth of the accessible parking stall. The parking space and accompanying access aisle are not dimensioned on the Proposed First Floor Plan, A100. It appears the accessible route to the elevator, Trash & Recycling and Bicycle Parking is adjacent to the accessible parking space access aisle. **BSC recommends the accessible parking stall, access aisle and access route to the elevator, Trash & Recycling and Bicycle Parking be dimensioned on the Proposed First Floor Plan, A100 to confirm the width requirement listed in Section 5.1.8.B.4 is met as well as the requirements contained within 521 CMR for accessible route, parking and passenger loading zones and signage.**

Access to Services

It appears that access to the Electrical room and Water/Sprinkler is between spaces #16 and #17 and between space #19 and a wall. **BSC recommends that the Applicant confirm this access meets building code requirements as well as life safety requirements.**

A trash and recycling room is located within the garage. It is assumed that residents will bring their trash and recycling to this room using the elevator and that on trash pick-up days, these will be rolled to the curb for pickup. **BSC recommends the Applicant provide a narrative describing the trash and recycling operations.**

Sincerely,

BSC Group, Inc.



Wayne Keefner, PE. PTOE, LEED AP

Senior Project Engineer, Senior Associate

Horsley Witten Group

Sustainable Environmental Solutions

112 Water Street • 6th Floor • Boston, MA 02109
857-263-8193 • horsleywitten.com



April 11, 2024

Katie Whewell
Chief Planner for Current Planning
City of Newton
Planning and Development Department
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Initial Stormwater Peer Review – Revised Design
Comprehensive Permit
41 Washington Street, Newton, MA

Dear Ms. Whewell:

The Horsley Witten Group, Inc. (HW) is pleased to submit this peer review regarding the stormwater management and utility design for the proposed residential development at 41 Washington Street, in Newton, MA. We understand that 41 Tus Nua LLC (Applicant) has submitted the Comprehensive Permit Application, pursuant to M.G.L. Chapter 40B. The original 2023 application included the restoration and expansion of the existing dwelling into a 16-unit, 6,807 square foot (sf) multi-family building, with a driveway, parking lot, landscaped areas, and utilities.

The revised 2024 submission includes the removal of the existing dwelling, and the construction of a new 8,120 sf multi-family building with 16-units. The current submission includes a 456-sf driveway and 881 sf of walkways/steps. The current submission also includes 15,080 sf of landscaping/open space. The Applicant is raising the rear of the site approximately 10 feet to provide a subsurface infiltration system to manage stormwater. The proposed stormwater system also includes two lawn drains at the rear of the property, a trench drain at the front property line, and an overflow to the municipal system in Washington Street.

The existing 25,902 sf (0.59± acre) site is occupied by a two-family home with a paved driveway, gravel parking area, concrete walkway, and landscaped areas. The site is bounded by Washington Street in the front and by residential dwellings on the rear and sides. The property slopes gradually from the southwest corner to the northeast corner of the lot. The site currently does not include a stormwater management system. Site runoff flows over the ground surface to the surrounding residential sites and Washington Street. The site is not located within 100 feet of a resource area.

As part of the design review process, HW received the following documents and plans:

- Letter to Zoning Board of Appeals, regarding 41 Washington Street, prepared by Schlesinger and Buchbinder, LLP, dated March 8, 2024 (2 pages);
- Stormwater Management Report, 41 Washington Street, Newton MA, prepared by Spruhan Engineering, dated March 1, 2024 (128 pages);

- Main Drain Pipe Capacity Analysis, 41 Washington Street, Newton, MA, prepared by Spruhan Engineering, dated March 1, 2024 (23 pages);
- Operations & Maintenance Plan, 41 Washington Street, Newton, MA, prepared by Spruhan Engineering, PC, dated March 1, 2024 (9 pages);
- Illicit Discharge Compliance Statement, dated March 1, 2024 (1 page);
- Existing Conditions, 41 Washington Street, Newton, MA, prepared by Everett M. Brooks Co., dated September 28, 2022 (1 page);
- Architectural elevations, 41 Washington Street, prepared by Guzman Architects LLC., dated March 5, 2024 (10 sheets);
- Planting Plan, 41 Washington Street, Newton, MA, prepared by Verdant Landscape Architecture, dated March 8, 2024 (2 pages); and
- Civil Plan, 41 Washington Street, Newton, MA, prepared by Spruhan Engineering, P.C., dated March 1, 2024, which includes:
 - Proposed Conditions Site Plan Sheet 1 of 7
 - Layout and Topography Sheet 2 of 7
 - Drainage and Utilities Sheet 3 of 7
 - Detail Sheet 1 Sheet 4 of 7
 - Detail Sheet 2 Sheet 5 of 7
 - Watershed Maps Sheet 6 of 7
 - Erosion Control & Site Preparation Plan Sheet 7 of 7

Review of Stormwater Management

This review of the submitted materials is based on the Massachusetts Stormwater Management Standards (MASWMS), and the City of Newton Stormwater Management and Erosion Control Rules & Regulations (Stormwater Regulations), dated April 15, 2022, as well as standard engineering practices.

In accordance with Section 5.C.2 of the Stormwater Regulations, this project is required to comply at a minimum with the performance standards of the MSH. Therefore, we have used the MSH as the basis for organizing our comments as they pertain to stormwater. However, in instances where the additional criteria established in the Stormwater Regulations require further recommendations, we have referenced these as well. HW offers the following comments:

1. *Standard 1: No new stormwater conveyances (e.g., outfalls) may discharge untreated stormwater directly to or cause erosion in wetlands or waters of the Commonwealth.*
 - a. The Applicant has evaluated three Discharge Points (DP) under existing and proposed conditions from the project site.
 - DP#1 is the closed drainage system within Washington Street. Washington Street appears to be sloped towards the west and a municipal catch basin is located just prior to the intersection with Grasmere Street.

- DP#2 is located along the northwestern property boundary adjacent to the property at 47 Washington Street.
 - DP#3 is the rear northwest corner of the project site, at the site low point, elevation 105. This low point is adjacent to the properties at 128 Grasmere Street and 20 Merton Street.
- b. The Applicant proposes to manage the stormwater on the site using one subsurface infiltration system that overflows into the municipal drainage system on Washington Street. The proposed design does not appear to discharge into a wetland and erosion is not a concern.
2. *Standard 2: Stormwater management systems shall be designed so that post-development peak discharge rates do not exceed pre-development peak discharge rates.*
- a. The Applicant is reducing the peak flows and volumes to the three discharge points for all storm events evaluated. HW has reviewed the times of concentration, the curve numbers, the precipitation depths, and the subcatchment areas input by the Applicant and we have no further requests.
 - b. HW notes that the two lawn drains have rims set at 117.50, and the outlet from the subsurface infiltration system is also set at elevation 117.50 with a peak elevation within the system of 118.14. It appears that stormwater will be ponding over the rims of the lawn drains before it can flow out of the infiltration system. HW further notes that the top of the adjacent retaining wall is set at 118.0. HW recommends that the Applicant revisit the elevations. Ponding in the lawn is not an issue during the largest storm event. However, the runoff should not be allowed to flow over the retaining wall.
 - c. The Applicant has provided a Natural Resources Conservation Service (NRCS) map in the Stormwater Management Report. The soils have been identified as Hydrologic Soil Group (HSG) D. The Applicant has used HSG B under existing conditions and proposed conditions. HW has no objection to the use of HSG B.
 - d. The Applicant has noted that the Estimated Seasonal High-Water Table (ESHWT) is at elevation 109.10. It appears that using the depth to groundwater at test pit 8 (TP-8) which is 3.8 feet and the existing high point at the location of the proposed infiltration system, at approximately elevation 114.7, the groundwater at the infiltration system is 110.90. HW recommends that the Applicant adjust the groundwater elevation to 110.90.
 - e. The Applicant is proposing to recharge the proposed stormwater from the 2-, 10-, and 25-year storm events. The overflow pipe to the municipal storm drain will be utilized for the larger 100-year storm events. The Applicant has provided calculations indicating the peak flow to the municipal system and the anticipated capacity of the municipal drainpipe. HW recommends that the Applicant coordinate with the City Department of Public Works to confirm the connection is acceptable.

3. *Standard 3: The annual recharge from post-development shall approximate annual recharge from pre-development conditions.*
 - a. The Applicant is proposing to retain and recharge the proposed stormwater from 2-inches of precipitation over the total impervious area as well as the required recharge per the MSH. No further action requested.
 - b. HW recommends that the Applicant adjust the ESHGW elevation as noted above and provide a mounding analysis if applicable per MSH Volume 3, Chapter 1, page 28.
4. *Standard 4: The stormwater system shall be designed to remove 80% Total Suspended Solids (TSS), to remove 50% of Total Phosphorus (TP), and to treat 2.0-inch of volume from the impervious area for water quality.*
 - a. The Applicant has stated that it is providing deep sump catch basins. However, the proposed structures are lawn drains that do not have deep sumps. The Applicant has provided TSS removal calculations that indicate an 85% TSS removal rate. HW recommends that the Applicant revisit the TSS worksheet provided.
 - b. HW concurs that the Applicant is treating 2-inches of runoff over the entire impervious surface. No further action requested.
 - c. The Applicant has provided the total phosphorus removal calculations and as proposed the stormwater design removes greater than 60% total phosphorus by infiltrating the stormwater. No further action requested.
5. *Standard 5 is related to projects with a Land Use of Higher Potential Pollutant Loads (LUHPPL).*
 - a. Residential land use is not considered a LUHPPL, therefore Standard 5 is not applicable.
6. *Standard 6 is related to projects with stormwater discharging into a critical area, a Zone II or an Interim Wellhead Protection Area of a public water supply.*
 - a. The Project does not appear to be located within and will not discharge to a critical area, Zone II, or Interim Wellhead Protection Area. Therefore, Standard 6 is not applicable.
7. *Standard 7 is related to projects considered Redevelopment.*
 - a. The Applicant is proposing to increase the impervious area by roughly 7,300 sf. Therefore, the project is considered a redevelopment and the criteria under Standard 7 is not applicable.
8. *Standard 8 requires a plan to control construction related impacts including erosion, sedimentation, or other pollutant sources.*
 - a. The Applicant has provided an Erosion Control and Site Preparation Plan. HW recommends that the Applicant add a construction sequence to the plan.

- b. The landscape plan shows which trees are to be protected. HW recommends that the Applicant reference the landscape plan on the Erosion Control and Site Preparation Plan.
- c. HW recommends that the Applicant include a note on the plan set stating that “the Engineering Division Inspector shall be notified 48 hours prior to any site work in accordance with project permits,” per Stormwater Regulations § 6.C.2.c.13.
- d. HW recommends that the Applicant provide locations of stockpiles with appropriate erosion and sediment controls (e.g. surrounding silt soxx) on the Erosion and Sediment Control Plan.
- e. HW recommends that the Applicant include on the Erosion and Sediment Control Plan a callout to install and maintain silt sacks in the catch basins on Washington Street downgradient of the project site.
- f. Section 6.C.4.a. of the local stormwater regulations requires “Estimates of the total area expected to be disturbed by excavation, grading, or other construction activities, including dedicated off-site borrow and fill areas.” HW recommends providing this information on the Erosion and Sediment Control Plan.
- g. Section 6.C.4.g. requires the following note on the Erosion and Sediment Control Plan:

“The contractor shall sequence construction activities to minimize the potential for soil, stone or sediment to migrate off-site; divert flows around bare soils, to the maximum extent practicable; stabilize unvegetated areas as soon as practical and prevent pollutants from entering the City’s storm drainage system.” HW recommends adding this note to the Erosion and Sediment Control Plan.

9. *Standard 9 requires a Long-Term Operation and Maintenance (O&M) Plan to be provided.*

- a. The Applicant has provided a standalone O&M Plan in the Stormwater Management Report. HW recommends that the Applicant include the following items:
 - i. An estimated operations and maintenance budget.
 - ii. Signature of the property owner.

10. *Standard 10 requires an Illicit Discharge Compliance Statement be provided.*

- a. The Applicant has provided an illicit discharge compliance statement signed by the property owner. No further action required.

Review of Local Regulations

1. Local stormwater regulations require a locus map on the plans. HW recommends that the Applicant provide a locus map on the plan set.
2. It appears that the north arrow provided on the Existing Conditions Plan is not accurately depicted. HW recommends that the Applicant provide a signed and stamped Existing Conditions Plan with the correct north arrow orientation. HW notes that the north arrow is also incorrect on the Tree Mitigation Plan (Sheet L1).

Review of Flood Storage

3. Flood Storage Analyses: HW notes that the project site is not located within a 100-year flood plain. Compensatory storage volumes are not required for this site.

Review of Sanitary Sewer Flow

4. Sewer Flow:
 - The existing house is a 6 bedroom 2-family home.
 - The existing sewer flow: 6 bedrooms * 110 GPD/bedroom = 660 GPD
 - The proposed multi-family dwelling will include 16 units. Nine units will have 2 bedrooms and seven units will have 3 bedrooms for a total of 39 bedrooms within the project site.
 - The City of Newton has used a sewer flow rate of 65 GPD/bedroom for other residential developments in the City.
 - The proposed sewer flow: 39 bedrooms * 65 GPD/bedroom = 2,535 GPD
5. HW recommends that the Applicant coordinate with the City Engineer to determine the Sewer Inflow and Infiltration Mitigation Fee for this project in accordance with Sewer Ordinance No. B-45.

Review of Grading and Utilities

6. The existing site is sloped from elevation 120 at Washington Street to elevation 105 at the rear of the site. The first floor of the building is a covered parking area with 19 spaces. Four of the 19 spaces are blocked by the "in-tandem" nature of part of the parking layout. HW recommends that the Applicant confirm where the floor drains within the garage discharge.
7. The existing contours on the Proposed Conditions Site Plan are not consistent with the Plan of Land Existing Conditions survey prepared by Everett M. Brooks, Co. Specifically along the northern property boundary. HW recommends that the Applicant clarify the discrepancy.
8. The Applicant has included a proposed 123 contour on the southeast corner of the building. HW recommends that the Applicant revisit this proposed grade as it doesn't seem to tie back correctly. Furthermore, the Applicant is proposing a 118 contour on the southwest corner of the lot. HW recommends that the Applicant include the entire proposed contour 118 back to the building as it is slightly confusing as shown.

9. The Applicant has included a proposed elevation of 105 in the northwest corner of the site creating a slight depression. HW recommends that the Applicant revisit the grading in this corner as the existing 105 contour does not appear to have been connected correctly.
10. The Applicant is proposing two retaining walls in the rear of the property. HW notes that any walls greater than 4 feet require a structural engineers stamp. HW further notes that the Applicant has proposed a 4-foot wall along the property line with 80 Elmhurst. HW recommends that the Applicant confirm it can construct the wall without impacting any trees proposed to be retained along the property line.
11. It does not appear that the Applicant has addressed how solid waste will be managed.
12. The existing water service will be cut and capped at the main in Washington Street. The proposed water includes a 2-inch Type K domestic line and a 6-inch fire protection line for sprinklers.
13. The existing sanitary sewer line will be cut and capped and a new 8-inch PVC sewer service will be installed in the same area, connecting into Washington Street.
14. The existing gas line will be cut and capped at the main. It does not appear that the Applicant will reconnect to the gas main in Washington Street.
15. The electrical and telecom services are assumed to be overhead wires. HW recommends the Applicant provide this information on the plans.

Review of Lighting and Photometric

16. The Applicant has not provided a lighting, a photometric plan, or shadow studies in the package reviewed by HW.

Review of Open Space Connections

17. HW did not locate any information discussing connections to nearby open space resources in the package reviewed.

HW recommends that the Zoning Board of Appeals require the Applicant to provide a written response to address these comments as part of the permitting review process. The Applicant is advised that provision of these comments does not relieve him/her of the responsibility to comply with all Commonwealth of Massachusetts laws and federal regulations as applicable to this project. Please contact Janet Bernardo at 857-263-8193 or at jbernardo@horsleywitten.com if you have any questions regarding these comments.

Sincerely,

Horsley Witten Group, Inc.



Janet Carter Bernardo, P.E.
Principal



Alex Cedrone, EIT, Esq.
Senior Engineer

City of Newton **DEPARTMENT OF PUBLIC WORKS**
 ENGINEERING DIVISION
 Ruthanne Fuller **OFFICE OF THE CITY ENGINEER**
 Mayor 1000 Commonwealth Avenue
 Newton Centre, MA 02459-1449

DATE: September 14, 2023
TO: Barney Heath, Director of Planning
FROM: Louis M. Taverna, P.E., City Engineer *Louis M. Taverna*
RE: Sewer Inflow and Infiltration Mitigation Fee
 41 Washington St, Comprehensive Permit
 Board Order No. B-45

The City Engineer has calculated the sewer infiltration/inflow mitigation cost for this comprehensive permit project. See calculations below. The total mitigation cost for the assumption of low flow fixtures throughout the project is \$239,962. The existing sewer flow at this site is 37.4 gal/day. This calculation of proposed sewer flow (in gallons per bedroom per day) is consistent with recent previous sewer flow calculations for other developments in Newton, using the 65 gal/bedroom/day rate.

Sewer Ordinance No. B-45 states the following: For projects subject to a special permit, the City Council, for good cause shown, may abate in whole or in part the infiltration/inflow mitigation fee for a particular dwelling, building, or project.

Waiver request:

- a) *The expected impact of the development on sewer infiltration/inflow.* The development will propose to add an average of 2,600 gallons per day to the existing city sewer system. The existing sewer flow from the site is 37.4 gallons per day. The city's sewer system in this area flows downstream to the sewer interceptor system along the Charles River.
- b) *Whether infiltration/inflow mitigation has previously been conducted in the general area and to what extent.* This project lies in sewer area 10. Sewer area 10 and the surrounding sewer areas will undergo substantial work related to sewer infiltration/inflow removal, as part of the city's sewer capital improvement program. The estimated cost of the area 10 sewer infiltration/inflow project is over \$5 million.
- c) *Whether the abatement will benefit the health and well-being of the public and is reasonably in the best interest of the city.* At the request of the Planning Department, an abatement of 75% of the infiltration/inflow mitigation fee, based on low flow fixtures, is recommended by the City Engineer. This would allow the remaining 25% of the fee, or \$59,991 to be used toward the design and construction of sewer improvements in upcoming sewer project areas. The developer should consider dedicating the abated amount of the fee, or \$179,971 towards other mitigation purposes, as recommended by the Planning Department.

Calculation of sewer infiltration/inflow mitigation:

Proposed Sewer Flow:

$(16 + 24) = 40$ bedrooms \times 65 gal/bedroom/day = 2,600 gal/day (low flow fixtures calculation)

Existing Sewer Flow:

Existing property flow = 37.4 gal/day (from water meter consumption data)

Net flow = $(2,600 - 37.4)$ gal/day \times 4:1 \times \$23.41 (as of 1/1/2023) = \$239,962

cc: T. Fitzgerald
Jen Caira
Katie Whewell
Alyssa Sandoval
John Daghlian
Jonah Temple
Michael Gleba

CITY OF NEWTON



UB Consumption History Report

| Account Number | Customer # Name | Parcel | By | Bill # | Curr. Read | Location | Usage | Repl | Usage Charge | Amt. Billed | Status |
|----------------|-------------------------|--------|--------------|--------------|------------|------------------|-------|------|--------------|-------------|--------|
| 0050403100001 | 1422390 KEEGAN, JOSEPH | | | 710290000700 | | 41 WASHINGTON ST | | | | | Active |
| 1WATR - 1 | MET. WATER AMCO20826326 | | E 07/11/2023 | 76001293 | 551 | 5 | 0 | 0 | 37.12 | 122.92 | |
| 1WATR - 1 | MET. WATER AMCO20826326 | | E 04/04/2023 | 75092122 | 546 | 7 | 0 | 0 | 51.80 | 157.67 | |
| 1WATR - 1 | MET. WATER AMCO20826326 | | E 01/05/2023 | 75061671 | 539 | 10 | 0 | 0 | 74.00 | 214.10 | |
| 1WATR - 1 | MET. WATER AMCO20826326 | | E 10/04/2022 | 75031552 | 529 | 8 | 0 | 0 | 59.20 | 176.48 | |
| 1WATR - 1 | MET. WATER AMCO20826326 | | E 07/11/2022 | 75001267 | 521 | 7 | 0 | 0 | 50.06 | 153.26 | |
| 1WATR - 1 | MET. WATER AMCO20826326 | | A 04/05/2022 | 74090717 | 514 | 0 | 0 | 0 | .00 | 206.00 | |
| 1WATR - 1 | MET. WATER AMCO20826326 | | A 01/05/2022 | 74060841 | 514 | 0 | 0 | 0 | .00 | 260.30 | |
| 1WATR - 1 | MET. WATER AMCO20826326 | | A 10/04/2021 | 74031150 | 514 | 0 | 0 | 0 | .00 | 206.00 | |
| 1WATR - 1 | MET. WATER AMCO20826326 | | A 07/07/2021 | 74001241 | 514 | 0 | 0 | 0 | .00 | 187.90 | |
| 1WATR - 1 | MET. WATER AMCO20826326 | | A 04/08/2021 | 73090399 | 514 | 5 | 0 | 0 | 35.60 | 242.20 | |
| 1WATR - 1 | MET. WATER AMCO20826326 | | E 01/06/2021 | 73060616 | 509 | 12 | 0 | 0 | 85.44 | 242.20 | |
| 1WATR - 1 | MET. WATER AMCO20826326 | | A 10/07/2020 | 73030688 | 497 | 0 | 0 | 0 | .00 | 260.30 | |

*** END OF REPORT - Generated by kathleen Zegarelli ***

$$12 \text{ QUARTERS} \times 3 \text{ MTH} / \text{Q} \times 30 \text{ DAYS} / \text{MTH} = 1080 \text{ DAYS}$$

$$\frac{(551 - 497) \text{ HCF}}{1080 \text{ DAYS}} \times \frac{748 \text{ GAL}}{1 \text{ HCF}} = 37.4 \text{ GAL} / \text{DAY}$$