Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459
617-796-1120

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: July 4, 2024

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Cat Kemmett, Senior Planner

SUBJECT: **Petition #273-24**, Request to rezone 2 parcels as follows: 329-331 River Street (Section 44 Block 15 Lot 11) and 335 River Street (Section 44 Block 15 Lot 12) from SINGLE RESIDENCE 3 to MULTI RESIDENCE 1.

Petition #274-24, Request to allow six attached single-family dwellings in three buildings and to allow reduced parking stall depth at 329-331 River Street and 335 River Street

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.

329-331 River Street

Project Description

Background

The subject property consists of two parcels that are 28,534 square feet in total in the Single-Residence 3 district that will be combined. Please note that several of the plans submitted by the petitioner have an incorrectly placed north arrow, and based on the orientation of the plans provided the arrow should point up at an angle, not down. 329-331 River Street is improved with a two-family dwelling and 335 River Street is improved with a single-family dwelling. Each dwelling has its own curb cut and driveway providing vehicular access.

The parcels are located on River Street in Nonantum between Lexington Street and James Street. Most parcels to the north, east, and south are zoned residential, with a mix of BU-2 and MR-2 to the west. The area is mostly residential in character to the north, east, and south with abutting properties that are single-family or two-family dwellings. A restaurant is a direct abutter to 335 River Street., and where River Street intersects with Lexington Street and to the west of that point there are commercial uses.

Special Permit and Rezoning

The petitioner seeks to rezone the combined parcel to Multi-Residence 1 with the intention of razing the existing dwellings and constructing six attached single-family dwellings in three separate buildings. Relief is required to allow attached single-family dwellings, to reduce the required parking stall depth, and to rezone from Single Residence 3 to Multi-Residence 1.

Analysis

The Planning Department is not opposed to rezoning the parcel to Multi-Residence 1. The lots in this area are in somewhat of a transitional zone between the residential neighborhood on River Street and the commercial area across the intersection on Rumford Avenue, so allowing for a multifamily residential project of this scale seems contextually appropriate. This would be the only MR-1 zoned lot on this stretch of River Street, but there are nearby parcels zoned MR-1 on Lexington Street.

The project as proposed also needs relief to allow single-family attached dwellings, and to allow four required surface parking stalls with insufficient depth. The subject property is in an area with a mix of commercial and residential uses, and six single-family attached dwellings are not incompatible with the nearby structures. While Planning Staff believes the use is appropriate, staff suggest the petitioner consider revisions to the plan. The amount of impervious paving could be reduced by incorporating more permeable pavers or eliminating excess parking area to only accommodate the required parking, or less. There is an extensive retaining wall proposed around much of the site, which may impede the natural flow of water on the site. The construction of this system of retaining walls will also necessitate building up the grade of the

site approximately four to five feet at the front of the site, thus placing the proposed dwellings at a higher elevation than nearby homes. Staff have requested illustrative sections to better show how the proposed project will present on the street with the new raised grade.

I. Zoning Relief Requested:

For more details around the zoning analysis please refer to **Attachment A.**

Zoning Relief Required		
Ordinance		*Action Required*
	Request to rezone from Single Residence 3 to Multi-Residence 1	
§3.4.1	Request to allow attached single-family dwellings	S.P. per §7.3.3
§5.1.7.B.2 §5.1.13	Request to reduce parking stall depth	S.P. per §7.3.3

II. Criteria for Consideration per §7.3.3. and/or §7.8.2.C.2:

- The site is an appropriate location for the proposed attached single-family dwellings as designed (§7.3.3.C.1)
- The proposed attached single-family dwellings as designed will not adversely affect the neighborhood (7.3.3.C.2)
- The proposed attached single-family dwellings will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)
- Literal compliance with the parking requirements is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.13)

III. Project Proposal and Site Characteristics

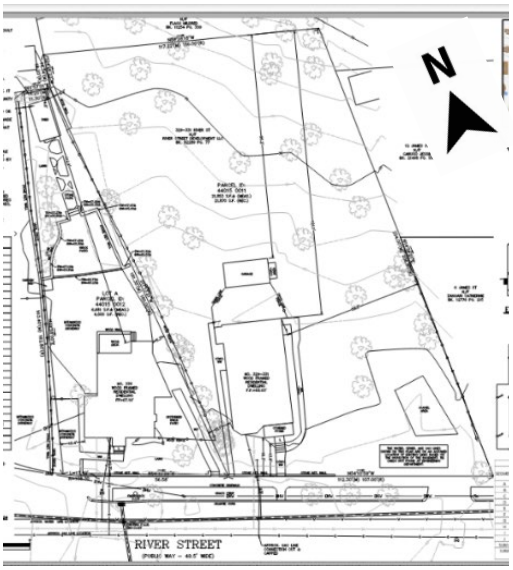
A. Site

The petitioner intends to rezone the parcel from SR-3 to MR-1. Single-family attached developments require a special permit in both the SR-3 and MR-1 zones, but the two

districts differ on a number of dimensional controls including by-right required setbacks, buildings heights, maximum coverage, etc. The following analysis assumes that the combined parcel will be held to the applicable standards for the MR-1 district.

The site has an approximate 5% upwards slope that runs roughly from the front left to the rear right of the parcel. The existing natural topography reaches a high point of 74-feet in the northeast corner of the lot near 22 James Street, then sloping from the north to the south at an elevation of 63 feet along the back edge of the sidewalk in the southwest corner at 335 River Street. Grass, shrubs, and several mature trees are located on the site.

Existing conditions



IV. Project Description and Analysis

A. Land Use

If approved the principal use of the site will change from a two-family residential building to six attached single-family dwellings in two separate buildings.

B. Site Design

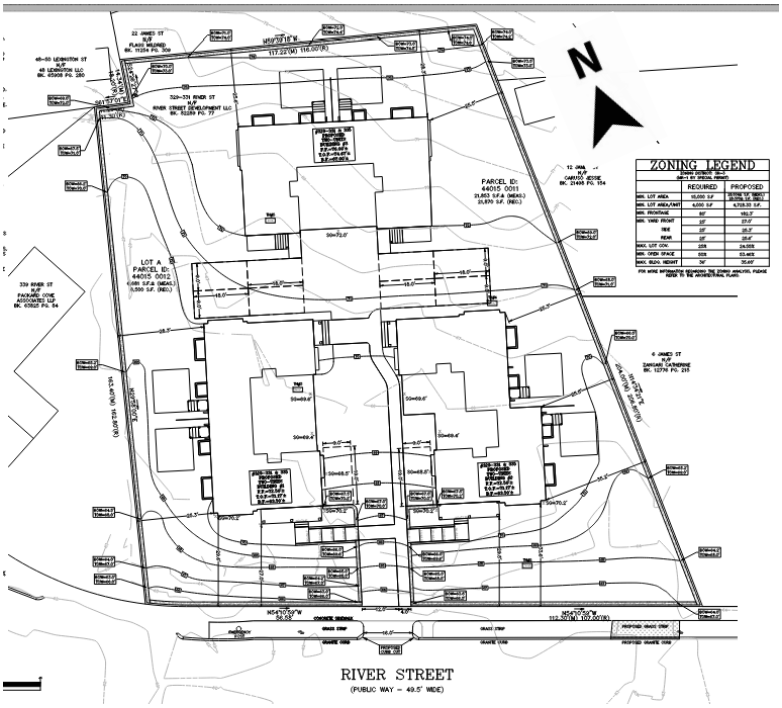
The petitioner proposes to raze the existing dwellings on the combined lot and construct six attached single-family dwellings in three buildings. Special permit relief is required to allow attached single-family dwellings in the MR-1 district. The three

buildings are proposed at a maximum height of 35.6 feet and 2.5 stories where up to 36 feet and 2.5 stories is allowed by right. Lot coverage is proposed at 24.6% where up to 25% is allowed by right. The open space will be 54.9% where a minimum of 50% is required. The lot area per unit is proposed at 4,756 square feet where a minimum of 4,000 square feet is required. No relief is required for any setbacks on the new combined parcel.

The units will all be located in three separate buildings, with two units per building. In total, the gross floor area will be 13,251 square feet. Buildings A and B are located closer to River Street separated by the driveway, and Building C is towards the rear of the lot at the end of the driveway. The dwelling units range in size from approximately 3,164 square feet to 3,260 square feet including attached garage space, basement, and attic half story. Each unit will have an exclusive outdoor patio as well. Though FAR restrictions do not apply to single-family attached dwellings, as a point of comparison, this project would have a FAR of approximately .46, where .36 is the maximum allowed for a single family home on the combined parcel in the SR3 zoning district.

A new curb cut and driveway providing access to each building will be constructed towards the middle of the frontage on River Street. Because at least 12 parking stalls are proposed for the six units, no relief is needed for the amount of parking on the site. Each unit will have one garage space and one surface stall. All six of the surface stalls require relief for insufficient depth. The civil plans show eight tandem surface parking stalls are proposed at the rear of the property, each with 18 feet in depth where 19 feet is required by right. Two parallel parking stalls are proposed along the driveway near the two front buildings with 19-foot depths, where parallel stalls require 21 feet in depth. Staff note that if the amount of parking at the rear was reduced from the 8 tandem stalls to just four stalls, the amount of paving required could be reduced and those four stalls could have compliant depths and thus no longer need relief, while meeting the City's required number of stalls for the site.

Proposed conditions



C. Landscaping

The petitioner has provided a landscape plan with their application which depicts some screening and plantings for the site. This plan includes plants and shrubs toward the interior of the site near the driveway and parking areas and trees including red oak, maple, pine, and spruce along the perimeter and street frontage of the site. The landscape plan indicates that the driveway will be paved in nonpermeable material, while grass pavers will be utilized for the walkways leading to each unit. Staff recommend pervious paving be used to minimize impermeable surface on the site. A six-foot tall vinyl fence will be installed along the rear and side property lines, and interior fences will be constructed to divide the outdoor space belonging to each unit.

A retaining wall is proposed along three sides of the property, with only the rear property line and a 16-foot-wide opening along the frontage for the driveway lacking a perimeter retaining wall. Because no portion of the wall is shown at or above four feet, this wall system does not require relief. However, Planning staff note that the extensive use of retaining walls may have the potential to alter the natural flow and

infiltration of water on the site. Based on the contour and retaining wall elevations on the existing and proposed plan, the site will be regraded, and portions of the site raised several feet from the current elevation. The most significant grading work will be near the front portion of the site near the street, where the grade will be raised in some areas approximately four to five feet, thus resulting in dwellings at a higher elevation that the surrounding homes. Staff have requested the petitioner provide sections to better illustrate the proposed grade change.

V. Interdepartmental Review:

A. Historic Preservation Review

At a public hearing of the Newton Historical Commission held on December 29, 2023, the NHC reviewed this project **(Attachment B)**. A motion to preferably preserve the dwelling failed. The NHC has waived the demolition delay, and no further review is required.

B. Urban Design Review

Acting in an advisory capacity, the Urban Design Commission (UDC) reviewed this design at their regular meeting on March 13, 2024. Their comments and recommendations are outlined in **Attachment C,** with several highlights noted below.

- The Commission commended the design and configuration of units in separate buildings.
- Commission members recommended clarifying the location of trash pickup and trash can storage.
- They observed that the two secondary parking spaces for the front two units are not placed well, with parking located very close to living space.
- The Commission recommended canopy trees along street frontage and interior of the site to shade paved areas.

C. Engineering Review

The City Engineer Lou Taverna has issued a memo **(Attachment D)** stating the mitigation cost for sewer inflow and infiltration, which is a total of $108,611. An abatement of 75% of this fee, or $81,458, is recommended to be used towards other mitigation purposes.

The drainage plans and Operations and Management plans associated with this petition have been reviewed by the Associate City Engineer, John Daghlian, who has shared a memo discussing the petition attached here as **Attachment E.**

However, the applicant has since provided a revised site plan and drainage plan on July 2, which the Engineering Department has not yet had time to review.

In addition to minor housekeeping items, Mr. Daghlian noted some areas of concern in the project as proposed. The perimeter wall around the property may inhibit the natural flow of surface water and cause that water to "pond" into standing water that pools near the retaining wall. Mr. Daghlian requests that the petitioner explain why such an extensive retaining wall is needed, and address how any potential ponding will be mitigated so that it does not negatively impact abutting properties. Mr. Daghlian has also requested illustrative diagrams to clarify how the massing of the proposed development will present with the grade changes proposed, as it is not easily discernible from the materials provided. These sections should be generated to scale and include the abutting dwellings for comparison.

VI. PETITIONER'S RESPONSIBILITIES

The petition is considered complete.

ATTACHMENTS:

Attachment A: Zoning Review memo
Attachment B: NHC Demo Delay memo
Attachment C: UDC memo
Attachment D: Inflow and Infiltration memo
Attachment E: Engineering memo

Attachment A

Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 31, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Terrence P. Morris, Attorney
River Street Development LLC, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to rezone from SR3 to MR1, and for a special permit to allow six attached single-family dwellings in three buildings and to allow reduced parking stall depth

Applicant: River Street Development LLC	
Site: 329-331, 335 River Street	**SBL:** 44015 0011, 44015 0012
Zoning: SR3	**Lot Area:** 28,534 square feet
Current use: Two-family dwelling	**Proposed use:** Six attached single-family dwellings in three buildings

BACKGROUND:

The subject site is comprised of two parcels, 329-331 and 335 River Street, located in the Single Residence 3 zoning district. The petitioner seeks to rezone the parcel to MR1 with the intention of razing the existing dwellings and combining the two lots for the construction of six attached single-family dwellings in two separate buildings. Attached single-family dwellings require a special permit.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, submitted 4/9/2024
- Existing Conditions Plan, signed and stamped by Christopher C. Charlton, surveyor, dated 3/27/2024
- Zoning Plan, signed and stamped by Edmond Spruhan, engineer and Christopher C. Charlton, surveyor, dated 5/15/2024
- Floor Plans and Elevations, signed and stamped by Ronald F. Jarek, architect, dated 5/21/2024

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to rezone the parcel from SR3 to MR1. The following relief cited in this memo assumes MR1 dimensional and use requirements.

2. The petitioner proposes to raze the existing dwellings on the combined lot and construct six attached single-family dwellings in three buildings. Per section 3.4.1, a special permit is required to allow attached single-family dwellings in the MR1 district.

3. The petitioner proposes four surface parking stalls at the rear of the property, each with 18 feet in depth. Per section 5.1.7.B.2, 19 feet is required. Additionally, two parallel parking stalls are proposed along the drive at each of the two front buildings with 19-foot depths. Per that same section 5.1.7.B.2, parallel stalls require 21 feet in depth. A special permit per section 5.1.13 is required to waive the minimum stall depth for the surface stalls.

SR3 Zone	**Required**	**Existing**	**Proposed**
Lot Size	15,000 square feet	28,534 square feet	No change
Frontage	80 feet	182.3 feet	No change
Setbacks • Front • Side • Side • Rear	 25 feet 25 feet 25 feet 25 feet	 12.7 feet/ 16.3 feet 10.4 feet 59.5 feet 25.6 feet	 27 feet 25.3 feet 25.3 feet 25.8 feet
Height	36 feet	23.2 feet/32.8 feet	35.6 feet
Stories	2.5	2/ 2.5	2.5
Lot Area Per Unit	4,000 square feet	9,511 square feet	4,756 square feet
Max Lot Coverage	25%	Not provided	24.6%
Min. Open Space	50%	Not provided	54.9%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		*Action Required*
	Request to rezone from Single Residence 3 to Multi-Residence 1	
§3.4.1	Request to allow attached single-family dwellings	S.P. per §7.3.3
§5.1.7.B.2 §5.1.13	Request to reduce parking stall depth	S.P. per §7.3.3

Attachment B

City of Newton, Massachusetts

Ruthanne Fuller
Mayor

Department of Planning and Development
1000 Commonwealth Avenue Newton, MA 02459

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Barney S. Heath
Director

Newton Historical Commission Demolition Review Decision

Date: February 23, 2024 **Application #** HRA-24-27

Address of structure: 335 RIVER ST

Type of building: House
If partial demolition, feature to be demolished is

The building or structure is:

____	in a National Register historic district or in a historic district eligible for listing
____	individually listed on the National Register or individually eligible for listing.
____	importantly associated with historic person(s), events, or architectural or social history
X	historically or architecturally important for period, style, architect, builder, or context.
____	in a local historic district not visible from a public way

is ____ **NOT HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance.
Demolition is not delayed and no further review is required.
is X **HISTORICALLY SIGNIFICANT** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

____ **APPROVES** the proposed project based upon materials submitted see below for conditions (if any).
Demolition is not delayed, further staff review may be required.

X **DOES NOT APPROVE** and the project requires Newton Historical Commission review on this date February 22, 2024 (See below).

Conditions:

The Newton Historical Commission finds the building or structure:

is X **NOT PREFERABLY PRESERVED**
Demolition is not delayed and no further review is required.

is ____ **PREFERABLY PRESERVED – (SEE BELOW).**

Owner of Record:
MUSTAFARAJ EDUARD & BENETA

Delay of Demolition:
____ **is in effect until**

____ **has been waived - see conditions**

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.

Determination made by:

David Lewis, Chief Preservation Planner

Preserving the Past **Planning for the Future**

Attachment B

City of Newton, Massachusetts

Department of Planning and Development
1000 Commonwealth Avenue Newton, MA 02459

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Ruthanne Fuller
Mayor

Barney S. Heath
Director

RECORD OF ACTION

DATE: February 23, 2024

SUBJECT: 335 RIVER ST

At a scheduled meeting and public hearing on February 22, 2024, the Newton Historical Commission, by vote of 0-5:

RESOLVED to: find the property preferably preserved.

Voting in the Affirmative:	Voting in the Negative:	Abstained:	Recused:
	Mark Armstrong Katie Kubie John Rice Harvey Schorr Anne Marie Stein	Doug Cornelius, Chair	

Title Reference:

Owner of Property: MUSTAFARAJ EDUARD & BENETA
Deed recorded at: Middlesex County Registry of Deeds
Book/Page
Date

David Lewis, Chief Preservation Planner

Newton Historical Commission
1000 Commonwealth Avenue, Newton, Massachusetts 02459
Email: dlewis@newtonma.gov
www.newtonma.gov

Attachment C

Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
Urban Design Commission

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Barney Heath
Director

DATE: June 4, 2024

TO: Land Use Committee of the City Council

FROM: Urban Design Commission

RE: 329-331 River Street Design Review

CC: Barney Heath, Director of Planning and Community Development
Jennifer Caira, Deputy Director
Katie Whewell, Chief Planner
Petitioner

Section 22-80 of the Newton City Ordinances authorizes the Urban Design Commission to act in an advisory capacity on matters of urban design and beautification. At their regular meeting on March 13, 2024, the Newton Urban Design Commission (UDC) reviewed the proposed project at 329-331 River Street for design. The Urban Design Commission had the following comments and recommendations at the meeting:

The Commission commented this is a terrific project, great idea, and concept. The architecture is very good and appreciate the design and commend the applicant. The elevations are well executed. This is a good prototype for this kind of development.

Site Plan, Circulation and Connectivity

Having six units in this sort of arrangement is fantastic and is a great addition to the city, it's the way these properties need to be dealt with.

There are fences that divide the property so that everybody has their own yard, that's good to see. There will probably be around 15-30 people living in this development, it will be nice to have a community space to get together, it's a little enclave of neighbors.

There were questions about trash pickup. Applicant responded that the trash will be picked up on River Street. All the residents will have to roll their trash cans to the curb. UDC recommended for the applicant to locate where the trash cans can be stored. Recommended to pull back the garage or pull the front out a little bit further; applicant could probably find room between the two to give enough width and depth to put a couple of the city's recycling bins so it will be out of the way.

The two secondary parking spaces for the front two units are not placed well. There's an issue having parking spaces so close to the living space.

Building Massing, Height, and Architecture

The Commission asked why the attic spaces are not counted in FAR? Applicant responded because it's considered half story, due to the five-foot to seven-foot rule which is in the zoning code. The Commission questions the zoning review and recommends checking it again because it looks like it should count in the FAR. Applicant responded that because it's a special permit, they try to meet FAR requirements but are not required to do so. Secondarily, that five feet to seven-foot height rule has a formula where the area that's at five feet is greater than two times the area of seven, which then negates the requirement to count any attic space as habitable or in the FAR.

The Commission asked if these are for sale or rental? The applicant responded they will be for sale.

The Commission appreciates the look of the architecture, and it's appropriate to the area. Not sure about the color scheme though. The White House with the black window frames, has become almost a caricature in the city. Every development is a white house with black window frames. The Commission requested the applicant to relook at that. If every building is the exact same color, then it looks like a big complex, encourage the applicant to think about that. UDC recommends reviewing the idea of varying the color of each building.

The Commission liked the elevations that show the porches and things for the front door. The Commission recommended to have deeper and wider porches. It would be nice if it were deep enough to have a chair or two on there and it would add a little more interest to the elevations to have that depth. It looks like the posts that are holding it look better in the elevations than they do in the plan. So that's a plus.

The Commission asked about the bedrooms in the basement, if they need another way out? Applicant responded that they have egress windows.

Complimented the applicant for providing garages in the middle rather than on the ends because this allows a lot more exterior space for the living area.

Some of the existing houses had some gable dormers rather than shed dormers. It may help to break up some of the shed dormers and maybe one of those could be a gable dormer, and maybe break it up to add a little interest to that.

Landscape, Streetscape and Public Open Space

The Commission recommended canopy trees for the street trees, not shrubs. If there's a 25-foot setback from the back of the sidewalk, the UDC encourages the applicant to think about a landscape palette that will eventually lead to canopy trees to help shade some of the pavement. There could be other kinds of landscaping underneath the trees. Applicant responded that there are some mature trees in the corners of the property and sidewalk setback area and that the landscape plan will evolve as the project is further developed. Instead of having a permanent hedge or a permanent screen, it's probably a good place to have deciduous canopy trees, that will help to make it part of the streetscape.

The Commission also recommended to look interior to the site, where the cars are parked between the buildings in the “T” area, no reason to not have canopy trees, that could help shade the paved area.

Asked if all the parking spaces must be paved with asphalt? Can they be grass? Applicant responded that they could do that but in Newton, even if they do pervious surface for parking spaces, they will still count as impervious.

Recommended to preserve as many trees as possible. Applicant responded that one of their intentions is to have the area as green as possible so they will try to recreate it.

The Commission commented that since the applicant is already applying for a special permit, there is an opportunity to make some changes even if they require a relief from the city council, particularly if it is explained to the city council. It will be worth it to have additional spaces for porches, worth it to have grass blocks for parking spaces or a different surface that is not asphalt. It will help to break up the drive visually as well. Applying for a special permit gives some flexibility to ask for relief.

Chair thanked the applicant for the presentation. This is a good-looking project and hopefully the applicant will take some of the Commission’s comments into consideration. Stressed the recommendation was to not do a combination of black windows and white house. Since there are three buildings, maybe have three complementary colors. A perfect location for this project, at the edge of the commercial area, it’s a nice transition from commercial to single family homes. Well done!

Attachment D

CITY OF NEWTON, MASSACHUSETTS
DEPARTMENT OF PUBLIC WORKS, ENGINEERING DIVISION

Ruthanne Fuller, Mayor
James McGonagle
Commissioner of Public Works

Telephone (617) 796-1020
E-mail: Ltaverna@newtonma.gov

DATE: June 10, 2024

TO: Barney Heath, Director of Planning

FROM: Louis M. Taverna, P.E., City Engineer *Louis M. Taverna*

RE: Sewer Inflow and Infiltration Mitigation Fee
329-331 River Street, Special Permit

The City Engineer has calculated the sewer infiltration/inflow mitigation cost for this project. See calculations below. The total mitigation cost for the assumption of low flow fixtures throughout the project is $108,611. This calculation includes the increase of the proposed sewer flow as a result of adding 18 additional bedrooms to the existing flow. The existing sewer flow at this location is estimated to be 111 gal/day. This calculation of proposed sewer flow (in gallons per bedroom per day) is consistent with recent previous sewer flow calculations.

Sewer Ordinance No. B-45 states the following: For projects subject to an administrative site plan review, 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 1,170 gallons per day to the existing city sewer system. The existing sewer flow from the site is 111 gal/day. The city's sewer system in this area flows downstream to the sewer interceptor system along Charles River, where it discharges into the MWRA's interceptor sewer.

b) *Whether infiltration/inflow mitigation has previously been conducted in the general area and to what extent.* This project lies in sewer area 2. Sewer area 2 and the surrounding sewer areas have undergone substantial work related to sewer infiltration/inflow removal, as part of the city's sewer capital improvement program. Construction costs for sewer area 2 exceed $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 $4,653 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 $81,458 towards other mitigation purposes, as recommended by the Planning Department.

Calculation of sewer infiltration/inflow mitigation:

Proposed Sewer Flow:
Proposed Development includes: 18 additional bedrooms
18 bedrooms x 65 gal/bed/day = 1,170 gal/day

Existing Sewer Flow: 111 gal/day, per water consumption (3/1998 to 5/2009)

Net flow = (1,170-111) gpd x 4:1 x $25.64 (as of 1/1/2024) = $108,611

cc: Jen Caira
Katie Whewell
John Daghlian
Jonah Temple
Cat Kemmett
Alyssa Sandoval
Joseph Iadonisi

Account Number / Service	Customer # / Name / Mfr Meter Number	Cd	Read Date Time	By	Parcel / Bill #	Curr Read	Location / Usage	Repl Usage	Charge Amt	Status / Billed Amt
0300672700001	1614383 RIVER STREET DEVELOPMENT LLC				440150001100		329 RIVER ST			Active
1WATR - 1 MET. WATER	NEPT22195409	A	05/02/2024 06:42:32		76101949		0	0	.00	28.50
1WATR - 1 MET. WATER	NEPT22195409	A	02/07/2024 06:28:42		76071301		0	0	.00	28.50

** END OF REPORT - Generated by Cheyenne Candlin **

Attachment D

Account Number / Service	Customer # / Name / Mfr Meter Number	Cd	Read Date Time	Parcel By	Bill #	Curr Read	Location Usage	Repl Usage	Charge Amt	Status Billed Amt
0300672700001	50008807 SMITH KENNETH			440150001100			329 RIVER ST			Active
1WATR - 1 MET. WATER	NEPT22195409	A	11/06/2023 06:44:21		76040907		0	0	.00	28.50
1WATR - 1 MET. WATER		I	08/16/2023		0		0	0	.00	.00
1WATR - 1 MET. WATER	AMCO20850347	A	08/02/2023		76010318		0	0	.00	28.50
1WATR - 1 MET. WATER	AMCO20850347	A	05/04/2023		75101094		0	0	.00	26.00
1WATR - 1 MET. WATER	AMCO20850347	A	02/01/2023		75070937		0	0	.00	26.00
1WATR - 1 MET. WATER	AMCO20850347	A	11/02/2022		75040480		0	0	.00	26.00
1WATR - 1 MET. WATER	AMCO20850347	E	08/04/2022		75010156		0	0	.00	26.00
1WATR - 1 MET. WATER	AMCO20850347	E	05/05/2022		74099565		0	0	.00	25.00
1WATR - 1 MET. WATER	AMCO20850347	E	02/03/2022		74069669		0	0	.00	25.00
1WATR - 1 MET. WATER	AMCO20850347	E	11/03/2021		74039975		0	0	.00	25.00
1WATR - 1 MET. WATER	AMCO20850347	E	08/04/2021		74010036		0	0	.00	25.00
1WATR - 1 MET. WATER	AMCO20850347	E	05/06/2021		73099159		0	0	.00	25.00
1WATR - 1 MET. WATER	AMCO20850347	E	02/03/2021		73069360		0	0	.00	25.00
1WATR - 1 MET. WATER	AMCO20850347	E	11/04/2020		73039417		0	0	.00	25.00
1WATR - 1 MET. WATER	AMCO20850347	E	08/02/2020		73010195		0	0	.00	25.00
1WATR - 1 MET. WATER	AMCO20850347	E	05/06/2020		72097247		0	0	.00	25.00
1WATR - 1 MET. WATER	AMCO20850347	E	02/06/2020		7206820S		0	0	.00	25.00
1WATR - 1 MET. WATER	AMCO20850347	E	11/05/2019		72039000		0	0	.00	25.00
1WATR - 1 MET. WATER	AMCO20850347	E	08/06/2019		72009907		0	0	.00	25.00
1WATR - 1 MET. WATER	AMCO20850347	E	05/01/2019		71096277		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	E	02/07/2019		71067697		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	E	11/07/2018		71038843		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	A	08/07/2018		71010023		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	A	05/01/2018		70088301		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	A	02/06/2018		70060324		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	A	11/01/2017		70031585		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	A	08/02/2017		70003023		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	A	05/05/2017		67093899		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	A	02/03/2017		67065838		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	A	11/03/2016		67037675		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	A	08/04/2016		67009708		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	A	05/03/2016		66090530		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	A	02/02/2016		66063781		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	A	11/03/2015		66036601		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	A	08/05/2015		66009601		0	0	.00	18.75
1WATR - 1 MET. WATER	AMCO20850347	A	05/05/2015		65085330		0	0	.00	6.25
1WATR - 1 MET. WATER	AMCO20850347	A	02/04/2015		65059924		0	0	.00	6.25
1WATR - 1 MET. WATER	AMCO20850347	A	11/04/2014		65034463		0	0	.00	6.25
1WATR - 1 MET. WATER	AMCO20850347	A	08/05/2014		65008967		0	0	.00	6.25
1WATR - 1 MET. WATER	AMCO20850347	A	05/01/2014		64085081		0	0	.00	6.25
1WATR - 1 MET. WATER	AMCO20850347	A	02/03/2014		64059738		0	0	.00	150.65
1WATR - 1 MET. WATER	AMCO20850347	A	11/05/2013		64034363		0	0	.00	6.25

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1WATR - 1 MET. WATER S	67462000	A	10/26/2010	61036166	2	0	0	.00	6.25
1WATR - 1 MET. WATER S	67462000	A	08/10/2010	61010651	2	0	0	.00	304.33
1WATR - 1 MET. WATER S	67462000	E	05/06/2010	60084941	2	0	0	.00	279.49
1WATR - 1 MET. WATER S	67462000	E	02/04/2010	60059717	2	0	0	.00	273.85
1WATR - 1 MET. WATER S	67462000	E	11/04/2009	60034466	2	0	0	.00	274.09
1WATR - 1 MET. WATER S	67462000	E	08/03/2009	60008948	2	2	0	8.44	275.51
1WATR - 1 MET. WATER		I	05/29/2009	0	2,034	0	0	.00	.00
1WATR - 1 MET. WATER S	31428672	A	04/23/2009	69034523	2,034	0	0	.00	6.25
1WATR - 1 MET. WATER S	31428672	A	01/13/2009	69009296	2,034	0	0	.00	6.25
1WATR - 1 MET. WATER S	31428672	A	10/21/2008	68097870	2,034	11	0	45.66	115.83
1WATR - 1 MET. WATER S	31428672	E	07/29/2008	68064772	2,023	26	0	98.84	253.61
1WATR - 1 MET. WATER S	31428672	A	04/25/2008	68036042	1,997	25	0	91.26	239.27
1WATR - 1 MET. WATER S	31428672	A	01/28/2008	68011009	1,972	31	0	113.16	295.19
1WATR - 1 MET. WATER S	31428672	A	10/24/2007	856502	1,941	34	0	124.10	323.13
1WATR - 1 MET. WATER S	31428672	A	07/23/2007	830028	1,907	37	0	130.06	335.13
1WATR - 1 MET. WATER S	31428672	A	04/24/2007	804599	1,870	30	0	104.70	270.55
1WATR - 1 MET. WATER S	31428672	A	01/29/2007	779169	1,840	31	0	108.20	279.37
1WATR - 1 MET. WATER S	31428672	A	10/27/2006	753905	1,809	29	0	101.22	261.75
1WATR - 1 MET. WATER S	31428672	A	07/27/2006	728406	1,780	32	0	109.64	271.63
1WATR - 1 MET. WATER S	31428672	A	05/01/2006	699077	1,748	34	0	115.94	277.44
1WATR - 1 MET. WATER S	31428672	A	01/27/2006	673796	1,714	31	0	105.72	252.98
1WATR - 1 MET. WATER S	31428672	A	11/07/2005	651032	1,683	20	0	68.20	163.20
1WATR - 1 MET. WATER S	31428672	A	07/29/2005	625855	1,663	8	0	24.72	62.04
1WATR - 1 MET. WATER S	31428672	A	05/06/2005	598114	1,655	10	0	29.90	76.30
1WATR - 1 MET. WATER S	31428672	A	02/15/2005	572856	1,645	13	0	38.88	99.20
1WATR - 1 MET. WATER S	31428672	A	11/04/2004	551504	1,632	9	0	26.56	67.68
1WATR - 1 MET. WATER S	31428672	A	07/29/2004	522354	1,623	27	0	76.86	200.59
1WATR - 1 MET. WATER S	31428672	E	05/10/2004	496983	1,596	12	0	30.96	82.08
1WATR - 1 MET. WATER S	31428672	E	02/19/2004	471993	1,584	14	0	36.12	95.76
1WATR - 1 MET. WATER S	31428672	E	11/17/2003	446874	1,570	13	0	33.54	88.92
1WATR - 1 MET. WATER S	31428672	E	07/14/2003	421562	1,557	11	0	25.71	71.43
1WATR - 1 MET. WATER S	31428672	A	04/02/2003	395728	1,546	11	0	25.30	70.84
1WATR - 1 MET. WATER S	31428672	A	02/05/2003	375215	1,535	20	0	46.00	128.80
1WATR - 1 MET. WATER		A	10/09/2002	345408	1,515	11	0	25.30	70.84
1WATR - 1 MET. WATER		A	07/03/2002	320057	1,504	2	0	4.28	12.91
1WATR - 1 MET. WATER		A	04/24/2002	295226	1,502	3	0	6.39	19.35
1WATR - 1 MET. WATER		A	02/04/2002	268178	1,499	5	0	10.65	32.25
1WATR - 1 MET. WATER		A	10/17/2001	240270	1,494	5	0	10.65	32.25
1WATR - 1 MET. WATER		A	07/16/2001	215099	1,489	12	0	26.11	76.75
1WATR - 1 MET. WATER		A	05/03/2001	188119	1,477	18	0	39.24	115.02
1WATR - 1 MET. WATER		A	02/01/2001	162963	1,459	18	0	39.24	115.02
1WATR - 1 MET. WATER		A	11/01/2000	137709	1,441	7	0	15.26	44.73
1WATR - 1 MET. WATER		A	08/03/2000	109989	1,434	0	0	.00	.00
1WATR - 1 MET. WATER		A	05/10/2000	84897	1,434	0	0	.00	.00
1WATR - 1 MET. WATER		E	02/10/2000	59643	1,434	65	0	151.05	456.85
1WATR - 1 MET. WATER		A	10/12/1999	35350	1,369	191	0	22.44	22.44
1WATR - 1 MET. WATER		A	07/15/1999	10508	1,560	12	0	24.48	24.48
1WATR - 1 MET. WATER			05/19/1999	145390	1,548	25	0	48.10	48.10
1WATR - 1 MET. WATER			02/17/1999	121033	1,523	32	0	63.64	63.64

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1WATR - 1 MET. WATER	03/02/1998	20595	1,458	—	14	0	19.46	19.46

** END OF REPORT - Generated by Cheyenne Candlin **

2034 - 1458 = 576 HCF

43 QUARTERS × 3 MTHS/QUARTER × 30 DAYS/MONTH = 3,870 DAYS

$$\frac{576 \text{ HCF}}{3870 \text{ DAYS}} \times \frac{748 \text{ GAL}}{1 \text{ HCH}} = 111 \text{ GAL/DAY}$$

Attachment D

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Andrea Kelly, Land Use Committee Chair.

From: John Daghlian, Associate City Engineer

Re: Special Permit – 329-331-335 River Street

Date: June 20, 2024

CC: Lou Taverna, PE City Engineer
Barney Heath, Director of Planning
Jennifer Caira, Deputy Director
Katie Whewell, Chief Planner
Alyssa Sandoval, Deputy Chief Planner

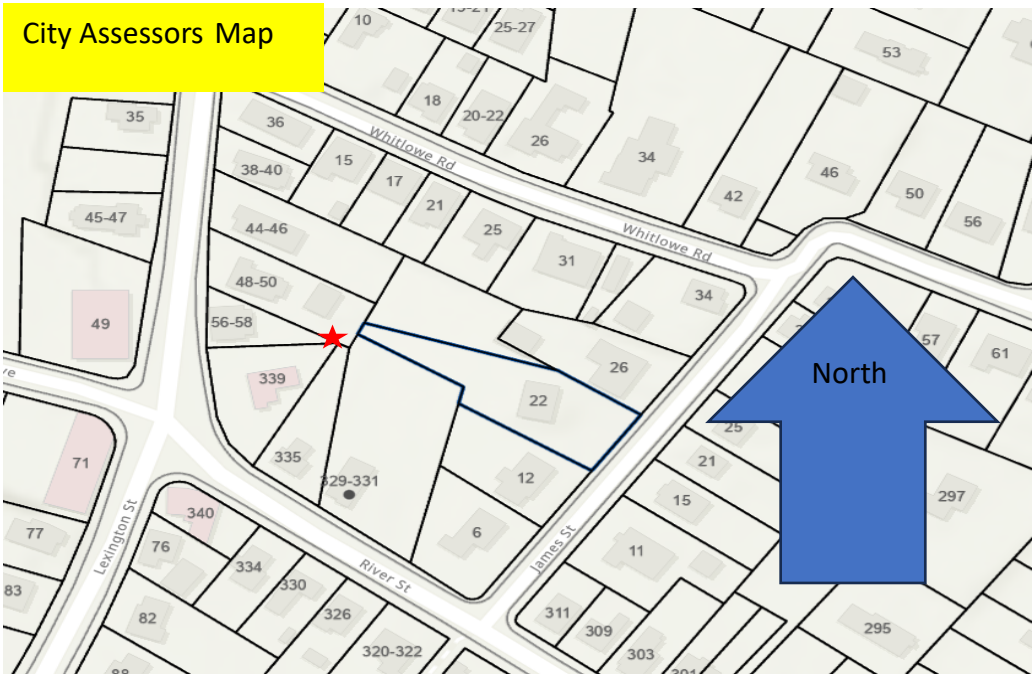
In reference to the above site, I have the following comments for a plan entitled:

329-331-335 River Street
Prepared by: Spruhan Engineering, PC
Dated: 3-27-2024
Revised: 5-28-2024

Executive Summary:

There was no project narrative provided so it appears that this proposed permit entails the demolition of an existing 2-1/2 story on a 21,870 +/- square foot or [0.50 acre] parcel. The title block has an unofficial and erroneous address of #335, this is an existing property next door; therefore, the proposed 335 River St cannot duplicated.

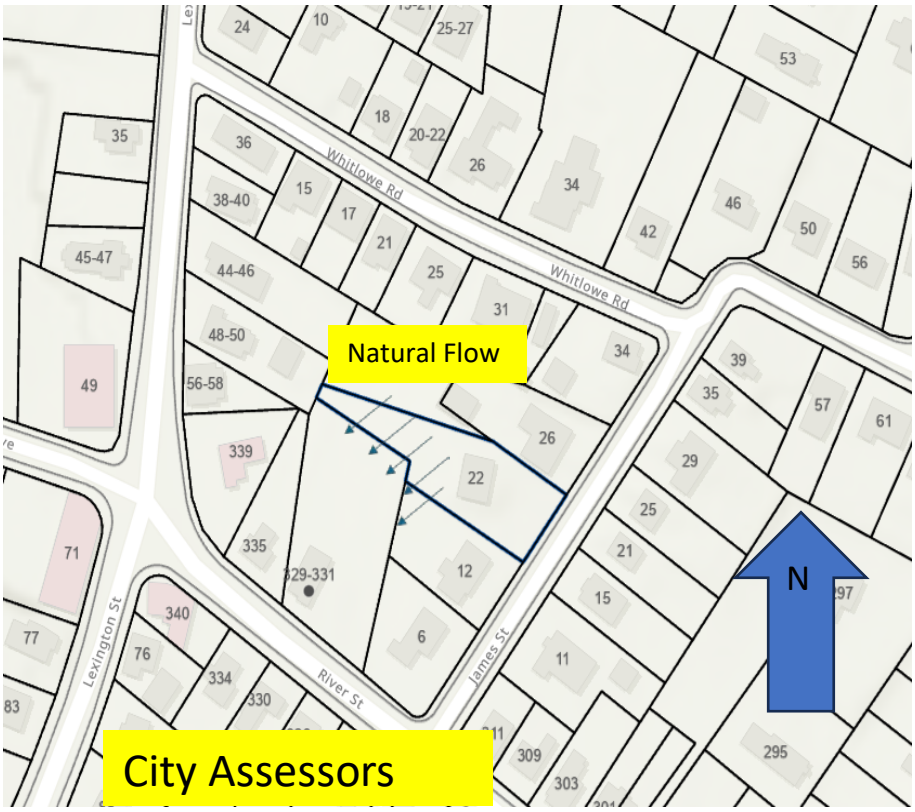
According to the Assessors database the property has 108 feet of frontage along River Street to the south; [the site plan has an incorrectly placed north arrow point down North at this site is up 180-degree from its indicated placement, as such it should be pointing up]; residential homes to the east, north and west.

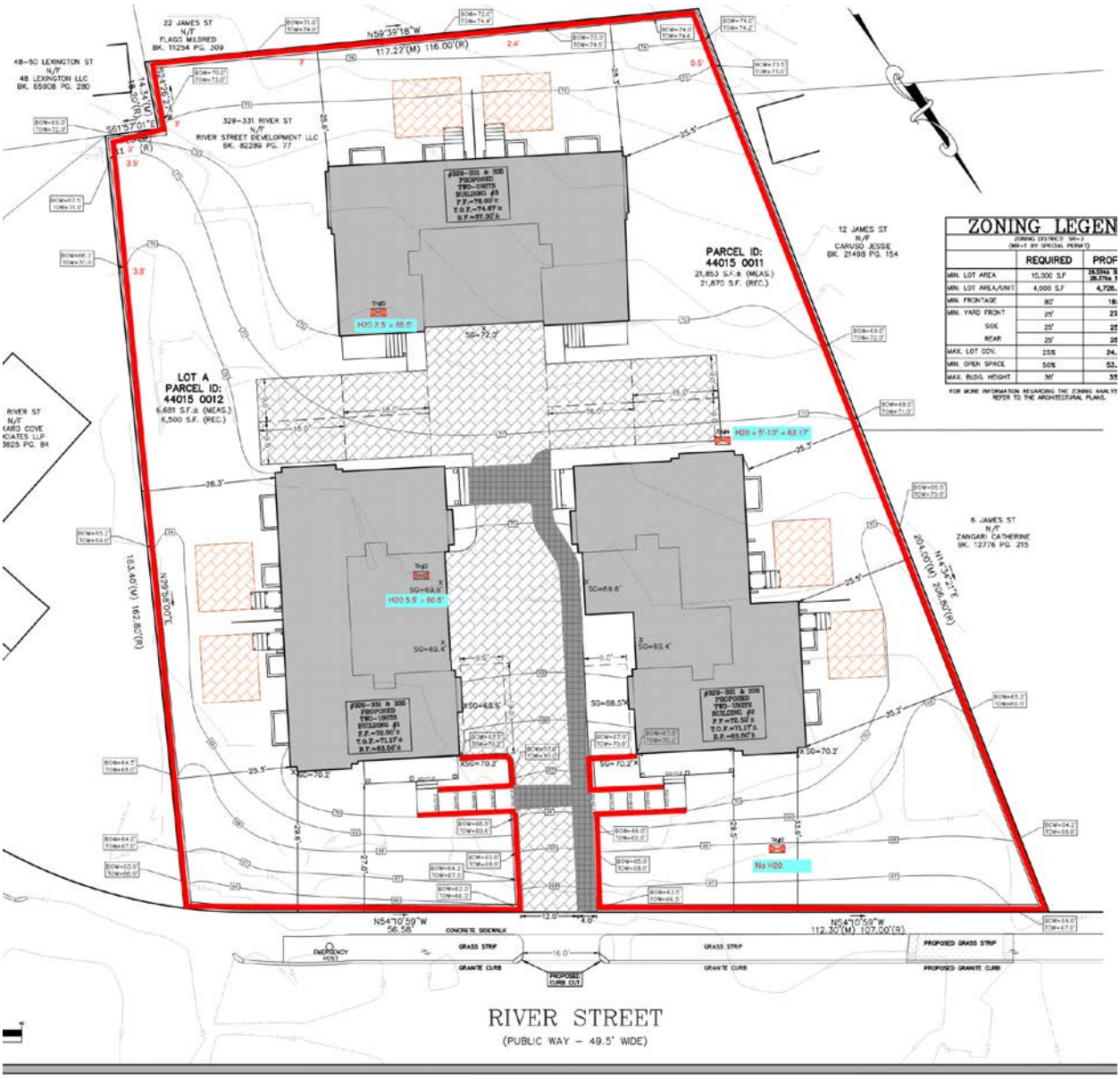


Existing dwelling photo taken June 7, 2024

The existing natural topography has a high point elevation of 74-feet in the northeast corner of the lot near #22 James Street. The site gently slopes from the north to the south at elevation 63-feet along the back edge of the sidewalk in the southwest corner near # 335 River Street. Under existing conditions, stormwater runoff from #22 James Street sheet flows from its

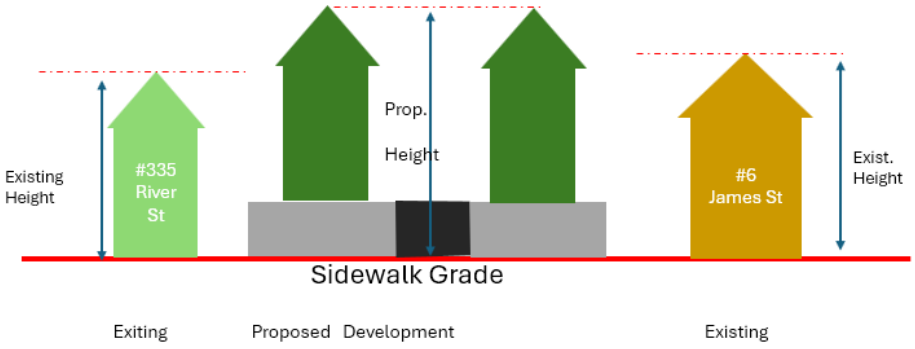
backyard onto the applicant's property. Interestingly the applicant is proposing a retaining wall along this property line and around the entire perimeter without explanation or justification. By constructing a wall along this property line, the natural flow of surface water maybe hindered and may cause "*ponding*" of surface water in this vicinity as the wall may act as a dam. The applicant needs explain why a retaining wall is needed around the entire property, and how any potential ponding will be addressed so that it does not negatively impact #22 James Street and abutting properties.





The heavy red line around the entire perimeter depicts the proposed retaining wall. In reading the various top & bottom proposed elevations of wall it is clear that the site is being raised from its natural existing state. The various wall heights are indicated inboard of the proposed wall.

For clarify of massing of the proposed development, a couple of site sections should be generated to scale that includes the abutting property dwellings in schematic format shown below.



On site soil tests were conducted by a Licensed Soil Evaluator having the following results:

DEEP OBSERVATION HOLE LOG

DEEP OBSERVATION HOLE NUMBER:			TP-5			GROUND ELEVATION:					68'
Depth (in)	Horizon/ Layer	Matrix: Color-Moist	Redoximorphic Features			Texture (USDA)	Coarse Fragments (Percent by Volume)		Structure	Consistence (Moist)	Other
			Depth (in)	Color	Percent		Gravel	Cobbles & Stones			
0-12	A	10YR 3/2	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
12-30	Bw	7.5Y 5/3	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
30-110	C	10YR 5/4	NONE	--	--	GRAVELLY FINE SANDY LOAM	20	<5	SINGLE GRAINED	LOOSE	--

NOTES:
1. WEEPING WATER OBSERVED @ 30"(EL. 65.5'). STANDING WATER OBSERVED @ 90"(EL. 60.5').
2. NO REDOX. OBSERVED.
3. NO REFUSAL.
4. LOGGED BY MATTHEW MUI, SE14259 ON 03/08/2024.

H20 @ 2.5'

DEEP OBSERVATION HOLE LOG

DEEP OBSERVATION HOLE NUMBER:			TP-4			GROUND ELEVATION:					68'
Depth (in)	Horizon/ Layer	Matrix: Color-Moist	Redoximorphic Features			Texture (USDA)	Coarse Fragments (Percent by Volume)		Structure	Consistence (Moist)	Other
			Depth (in)	Color	Percent		Gravel	Cobbles & Stones			
0-8	A	10YR 3/2	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
8-28	Bw	7.5Y 5/3	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
28-100	C	10YR 5/4	NONE	--	--	FINE SANDY LOAM	20	15	SINGLE GRAINED	LOOSE	--

NOTES:
1. WEEPING WATER OBSERVED @ 70"(EL. 62.17'). STANDING WATER OBSERVED @ 86"(EL. 60.83').
2. NO REDOX. OBSERVED.
3. NO REFUSAL.
4. LOGGED BY MATTHEW MUI, SE14259 ON 03/08/2024.

H20 @ 5'10"

DEEP OBSERVATION HOLE LOG

DEEP OBSERVATION HOLE NUMBER:			TP-3			GROUND ELEVATION:					66'
Depth (in)	Horizon/ Layer	Matrix: Color-Moist	Redoximorphic Features			Texture (USDA)	Coarse Fragments (Percent by Volume)		Structure	Consistence (Moist)	Other
			Depth (in)	Color	Percent		Gravel	Cobbles & Stones			
0-16	A	10YR 3/2	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
16-36	Bw	7.5Y 5/3	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
36-118	C	10YR 5/4	NONE	--	--	FINE SANDY LOAM	10	15	SINGLE GRAINED	LOOSE	--

NOTES:
1. WEEPING WATER OBSERVED @ 66"(EL. 60.5'). STANDING WATER OBSERVED @ 100"(EL. 57.67').
2. NO REDOX. OBSERVED.
3. NO REFUSAL.
4. LOGGED BY MATTHEW MUI, SE14259 ON 03/08/2024.

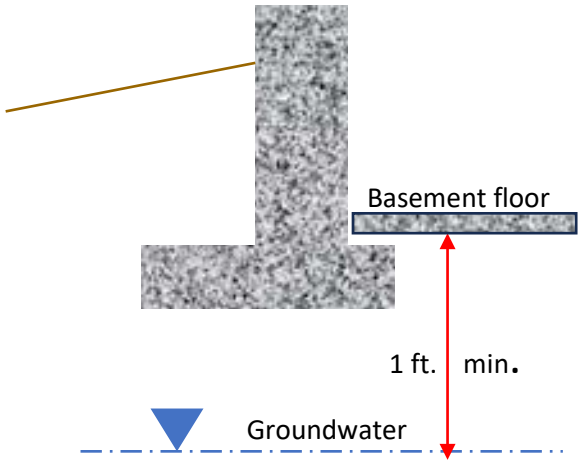
H2O @ 5.5 ft

DEEP OBSERVATION HOLE LOG											
DEEP OBSERVATION HOLE NUMBER:			TP-2			GROUND ELEVATION:					64'
Depth (in)	Horizon/ Layer	Matrix: Color-Moist	Redoximorphic Features			Texture (USDA)	Coarse Fragments (Percent by Volume)		Structure	Consistence (Moist)	Other
			Depth (in)	Color	Percent		Gravel	Cobbles & Stones			
0-24	A	10YR [illegible]	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
24-38	Bw	7.5Y [illegible]	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
38-106	C	10YR [illegible]	NONE	--	--	GRAVELLY SAND	25	15	SINGLE GRAINED	LOOSE	SOME BOULDERS

NOTES:
1. NO WEEPING OR STANDING WATER OBSERVED.
2. NO REDOX. OBSERVED.
3. NO REFUSAL.
4. LOGGED BY MATTHEW MUI, SE14259 ON 03/08/2024.

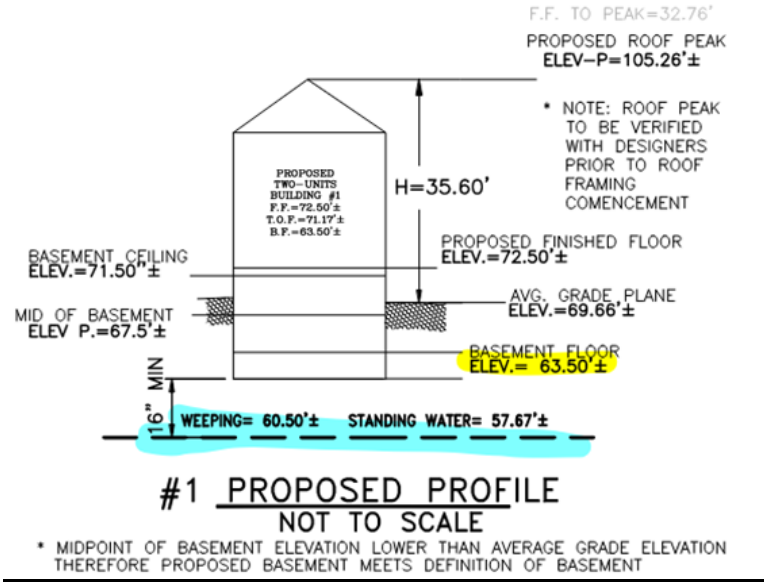
Groundwater depth varied throughout the site being the shallowest at test pit # 5 which is located within the proposed footprint of building # 3 towards the rear of the lot (See page 4).

The City Stormwater Ordinance requires a one (1-ft) separation between the underside of the basement slab and the seasonal high groundwater elevation. Additionally, a two (2-ft) separation is required between the bottom of the proposed infiltration system and the ground water.



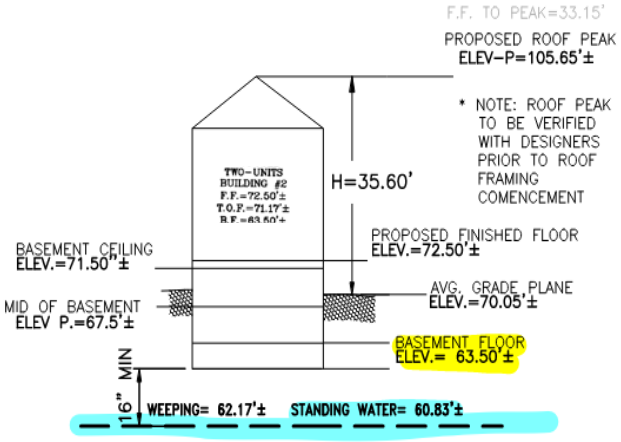
Building #	Basement Floor Elevation feet	Bottom of slab* Elevation feet	Groundwater Elevation feet	Delta between Bottom of basement & groundwater feet
1	63.5	63.17	57.67	5.50
2	63.5	63.17	60.83	2.34
3	67	66.67	60.5	6.17

* Assuming a standard 4-inch (0.33') thick concrete basement floor



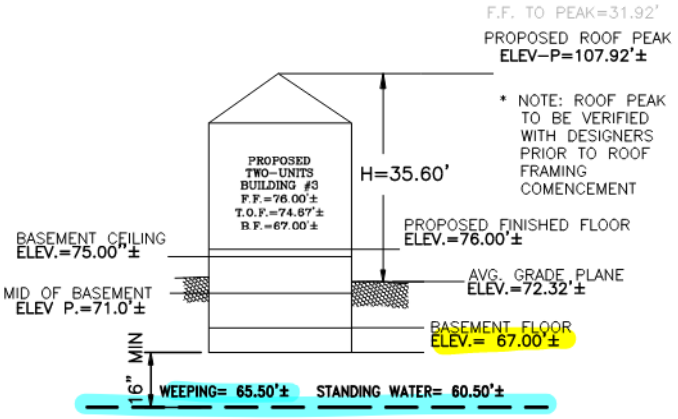
#1 PROPOSED PROFILE
NOT TO SCALE

* MIDPOINT OF BASEMENT ELEVATION LOWER THAN AVERAGE GRADE ELEVATION THEREFORE PROPOSED BASEMENT MEETS DEFINITION OF BASEMENT



#2 PROPOSED PROFILE
NOT TO SCALE

* MIDPOINT OF BASEMENT ELEVATION LOWER THAN AVERAGE GRADE ELEVATION THEREFORE PROPOSED BASEMENT MEETS DEFINITION OF BASEMENT



#3 PROPOSED PROFILE
NOT TO SCALE

* MIDPOINT OF BASEMENT ELEVATION LOWER THAN AVERAGE GRADE ELEVATION THEREFORE PROPOSED BASEMENT MEETS DEFINITION OF BASEMENT

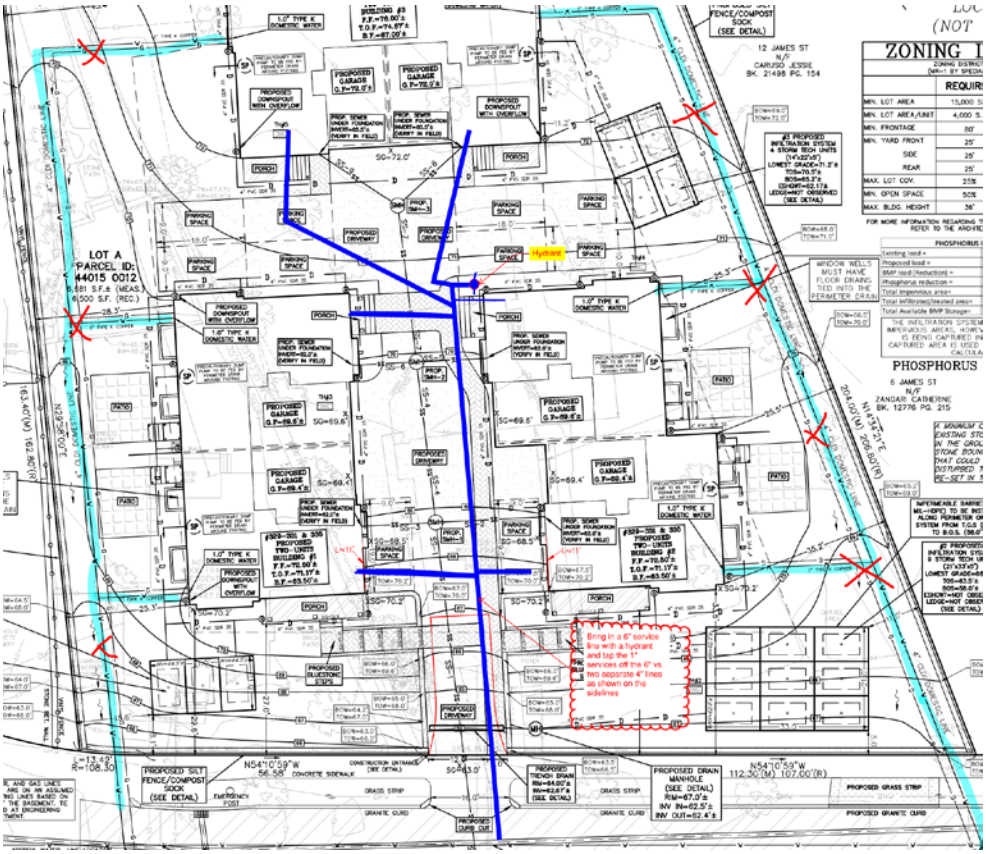
The engineer of record has designed a stormwater collection system in accordance with the City's Stormwater ordinance, however; test pits are required within 25-feet of each proposed system; for infiltration system #1 closest test pit is over 90 feet away. Additional testing will be required before final approval.

The proposed Operations & Maintenace (O&M) plan is for the most part is acceptable for the design intent, however; it needs to add the following language: "***Annual inspection logs shall be submitted to the DPW Engineering Division as required to maintain certification of compliance under Newton's NPDES MS4 Permit***". Additionally, the Operations & Maintenace (O&M) plan has a portion that touches upon before and during construction conditions, but it

did not address the potential need for dewatering during construction; this needs to be addressed. Where it will the excess water be discharged, or temporarily held on site? The engineer of record needs to address how downstream properties will be protected from surface runoff until the site is full landscaped. It is imperative to note that post construction indicates reductions of surface runoff from the site, however during construction various controls have to be in place to prevent surface water runoff from exiting the site.

The plans also indicate that sump pumps will be installed for each unit, however; it appears that they will discharge within a few feet of the foundation, this is not advisable as collected water will simply recycle and get back into the foundation drains or will impact abutting properties or the drainage system within River Street. This needs to be addressed.

The proposed water services for the development is unacceptable according to the Utilities Division, the two four-inch lines should be consolidated into one 6-inch ductile iron pipe and have the individual service connections tapped from this 6-inch line, additionally the Fire Dept. may require fire suppression system for the units, the applicant shall confirm with Fire Prevention if this is needed (See following markup).



Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction materials and equipment, parking for construction workers vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of the general contractor. It shall also address anticipated dewatering during construction, site safety & stability, siltation & dust control and noise impact to abutters. The CMP must also address surface runoff during construction so that it does not impact abutters nor City streets & the stormwater system. Temporary detention basins, check dams or diversion swales should be considered.

2. Catch basins within and downstream of the construction zone will be required to have siltation control installed for the duration of the project and must be identified on the site plan.

Drainage:

1. An Operations and Maintenance (O&M) plan for the long-term maintenance of the proposed stormwater management facilities needs to be updated and submitted for review as a standalone document stamped by the engineer of record. Once approved the O&M must be adopted by the applicant/property owner, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.

2. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, trench drains, and pipe(s) are the sole responsibility of the property owner(s).

Environmental:

1. Has a 21E Investigation and report been performed on the site, if so, copies of the report should be submitted to the Newton Board of Health and Engineering Division.

2. Are there any existing underground or basement level oil or fuel tanks? Have they been removed, if they have been, evidence of the proper removal should be submitted to the Newton Fire Department and the Board of Health.

Sanitary Sewer & Domestic Water Service(s):

1. Existing water and sewer services to building(s) shall cut and capped at the respective mains and completely removed from the main(s) and its entire length and properly backfilled. The Engineering Division must inspect and approve this work, failure to having this work inspected will result in delay of issuance of the new Utility Connection or issuance of a Certificate of Occupancy.

2. All new sewer service(s) shall be pressure tested in accordance with the City Construction Specifications & Standards and inspected via Closed Circuit Television CCTV inspection after installation is completed. A copy of the video inspection and written report shall be submitted to the City Engineer or his representative. The sewer service will NOT be accepted until the two methods of inspection are completed AND witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until these tests are completed to the satisfaction of the City Engineer.

3. All sanitary sewer manhole(s) shall be vacuum tested in accordance to the City's Construction Standards & Specifications, the sewer service and manhole will NOT be accepted until the manhole(s) pass the testing requirements. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed to the satisfaction of the City Engineer and a written report of the test results is submitted to the City Engineer.

4. With the exception of natural gas service(s), all utility trenches within the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E up to within 18-inches of the asphalt binder level, after which Dense Grade Gravel compacted to 95 % Proctor Testing shall be placed over the CDF. Details of this requirement is the Engineering Division website "Standard Construction Details".

5. Fire Flow testing is required for the proposed fire suppression system. The applicant must coordinate the fire flow test with both the Newton Fire Department and the Utilities Division, representative of each department shall witness the testing. Test results shall be submitted in a written report along with hydraulic calculations that demonstrate the required size of the fire suppression system, these calculations shall be submitted to the Newton Fire Department for approval, and copies give to the Engineering Division.

6. For water quality issues a fire hydrant will be required at the end of the proposed water main/service. This hydrant will be utilized for flushing out the main as required.

7. All water services shall be chlorinated, and pressure tested in accordance with the AWWA and the City Construction Standards & Specifications prior to coming online. These tests MUST be witnessed by a representative of the Engineering Division.

8. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division, the engineer of record shall submit a plan to the Director of Utilities for approval.

Infiltration & Inflow:

- Will be addressed via a separate memo.

General:

1. 5 Year Moratorium – if at time of construction the roadway is under a 5-year moratorium, the roadway must be milled and paved gutter-to-gutter for a distance of 25 feet in each direction from the outermost trenches.

2. All trench excavation shall comply with Massachusetts General Law Chapter 82A, Trench Excavation Safety Requirements, and OSHA Standards to protect the general public from unauthorized access to unattended trenches or excavations. Trench Excavation Permit is required prior to any construction. This applies to all trenches on public and private property. *This note shall be incorporated onto the final plans.*

3. All tree removal shall comply with the City's Tree Ordinance.

4. The contractor of record is responsible for contacting the Engineering Division and scheduling an appointment 48-hours prior to the date when the utilities will be made available for an inspection of water services, sewer services and drainage system installation. The utility in question shall be fully exposed for the Inspector to view, backfilling shall only take place when the City Engineer's Inspector has given their approval. *This note shall be incorporated onto the final plans.*

5. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.

6. Before requesting a Certificate of Occupancy, an As Built plan shall be submitted to the Engineering Division in both digital and paper format. The plan shall show all utilities and final grades, any easements and improvements and limits of restoration. The plan

shall include profiles of the various new utilities including but not limited to rim & invert elevations (City of Newton Datum), slopes of pipes, pipe materials, and swing ties from permanent building corners. The as built shall be stamped by both a Massachusetts Registered Professional Engineer and Registered Professional Land Surveyor. Once the As built plan is received the Engineering Division shall perform a final site inspection and then make a determination to issue a Certificate of Occupancy. *This note shall be incorporated onto the final plans.*

7. All site work including trench restoration, sidewalk, curb, apron, and loam border (where applicable) shall be completed before a Certificate of Occupancy is issued. *This note shall be incorporated onto the final plans.*

8. The contractor of record shall obtain a Sidewalk Crossing, Trench, and Utility Connection permits with DPW prior to any construction. *This note shall be on the final approved plans.*

9. The contractor of record shall contact the Newton Police Department 48-hours in advanced and arrange for Police Detail to help residents and commuters navigate around the construction zone.

10. If any changes from the final approved design plan that are required due to unforeseen site conditions, the contractor of record shall contact the design engineer of record and submit revised design and stamped full scale plans for review and approval prior to continuing with construction.

11. The engineer of record shall add the following attestation to the plans when applying for a building permit:

I certify that the construction so shown was inspected prior to backfill and that all work conforms with the Approved Plan and meets or exceeds the City of Newton Construction Standards.

_____

Signature

Note: If the plans are updated it is the responsibility of the applicant to provide all City Departments [ISD, Conservation Commission, Planning and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns, please feel free to contact me at 617-796-1023.