



City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue Newton, Massachusetts 02459

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: November 7, 2024
MEETING DATE: November 12, 2024
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Cat Kemmett, Senior Planner
CC: Petitioner

In response to questions raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

PETITION #273-24 and #274-24

329-331 River Street

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 associated parking waivers

The Land Use Committee (the "Committee") held a public hearing on 7/9/2024 on this petition. This memo reflects additional information addressed to the Planning Department as of November 7, 2024.

BACKGROUND

The petitioner seeks to rezone two combined parcels to Multi-Residence 1 with the intention of razing the existing buildings and constructing six attached single-family dwellings in three separate buildings. In addition to the rezoning, special permit relief is required to allow attached single-family dwellings, to reduce the required parking stall depth, to allow parking within five feet of a building with residential units, to waive the minimum drive aisle width, to allow tandem parking, to waive

outdoor parking lighting requirements, and to rezone from Single Residence 3 to Multi-Residence 1. An updated Zoning Review memo for the revised design for this project is provided in **Attachment A**.

The project application, plans and associated materials can be found at

<https://newtonma.viewpointcloud.com/records/830350>

The public hearing for this petition was opened July 9, 2024. In Committee discussion, Councilors had feedback about several aspects of the petition including questions about how the proposed grading and retaining walls might impact the neighborhood, concerns about drainage and stormwater management, and several questions about the proposed parking. Councilors requested additional materials from the applicant to better inform their understanding of the design including plans showing the proposed grading of the site, turning templates for the rear parking area, and renderings to show the massing of the buildings. The Committee also asked for information about what could be built on the site by right, and what plans the city has for areas in zoning transition areas. Staff have provided a comparison of as of right options with the current proposal in **Attachment B**.

Rezoning Request:

At the first hearing for this item, a Councilor requested more detailed information about the implications of allowing a change of zoning for this parcel. The City's zoning map can be viewed [here](#), and information about the zoning for individual parcels can be accessed via the [Assessor's Database](#).

The City has adopted policies that facilitate transitional changes in certain areas of the City, including the Village Center Overlay districts, Needham Street Vision Plan, and Washington Street Vision among others. However, these policies pertain to specific areas and corridors of the City. In the absence of a location specific policy regulating transition, much of the gradual change in the City takes place on a parcel-by-parcel basis over time which is not uncommon for municipalities in Massachusetts. On average, the City receives between zero to three rezoning requests per year. The City's Comprehensive Plan states that the creation of high-density multifamily areas "should each be considered individually in response to proposals, rather than being rigidly mapped in advance."¹ There have been several special permits issued in conjunction with zoning changes in the past several years that have facilitated the creation of moderately dense multifamily developments.

While this would be the only MR-1 zoned lot on this part of River Street, there are nearby parcels zoned MR-1 on Lexington Street. This area already features a mix of zoning districts and land uses, with business use zoning to the west and single residence zoning to the north and east. A recently approved project at 340 River Street (October 2024), diagonally across the street from this proposal, allowed for four townhouse style units, with that parcel being located within the Business 2 zoning district. This project was granted relief to allow the residential uses in the business zone and to exceed the maximum allowed height (35.8 feet) and stories (three). In all residential zones, a special permit is required regardless to allow single family attached units, the requested change of zoning from SR-3 to MR-1 allows for a more diverse number and size of units overall. For example, this project as proposed does not have the lot area per unit and lot size required for SR-3, but it does have the lot area per unit and lot size required for MR-1.

¹ Newton Comprehensive Plan, Page 3-19

In terms of process, the policy of the City Council Land Use Committee has been to allow those petitions involving a rezoning and special permit to be considered at the same time. It is important to note that the rezoning is both contingent upon the requested special permit being granted and that the rezoning only runs with special permit if so granted.

At a regularly scheduled meeting of the Planning & Development Board on August 5, 2024, the Board discussed and voted on Petition #273-24, the request to rezone the two parcels from Single Residence 3 to Multi Residence 1. In their recommendation to City Council (**Attachment C**), the Board voted 5-0-2 in favor of recommending approval of the rezoning request. In discussion, several Board members spoke in favor of the rezoning specifically. Members noted that rezoning is a power the city has to amend zoning in a way that is consistent with the health and welfare of the community. They also discussed how this specific rezoning will allow for multifamily housing, noting that the housing shortage in the region and that the length of the process for permitting multifamily housing in the greater Boston area contributes to the high cost of housing overall. In their recommendation, the Board strongly recommended the Land Use Committee review the drainage issues raised in the July public hearing.

UPDATES

Revised Plans and materials: The petitioner has submitted several iterations of revised materials, with the most recent plans being an updated site plan dated September 23, 2024, and revised architectural plans dated September 17, 2024. They have also submitted new documents including a turning template, sections showing the proposed grading, and additional renderings.

Site layout and building design: Overall, the site layout and overall architectural design of the buildings remains largely unchanged from what was submitted in July. The proposed height and stories, number of units, and lot coverage remains the same as in the original design. The setbacks are the same as the original design with the exception of the rear setback, which will decrease from the 25.8 proposed initially to 25.6 feet, which exceeds the 25-foot minimum setback. The open space was initially proposed at 54.9% and will now be reduced to 54.5%, though no additional relief is needed because it exceeds the required 50% minimum.

Parking: At the public hearing in July, several members of the Committee expressed a desire for additional parking on site, and the petitioner indicated that they were open to adding two additional parking stalls in front of the buildings. Though the petitioner did contemplate a design including two parking stalls in the front which are available on Newgov, ultimately the final design does not include those additional stalls. The eight parking stalls at the rear and walkways on site will be composed of permeable pavers, while the driveway and two parking stalls closest to the street will be made of impervious paving.

The revised zoning review memorandum reflects the updated relief required for the proposed parking. In total there will be 16 stalls where 12 are required, with four stalls dedicated to visitor parking. Six stalls will be located in attached garages exclusive to each unit, two surface stalls will be located along the driveway in front of buildings 1 and 2, and eight tandem parking stalls will be located at the rear, with four on either side. All ten tandem stalls on the site (eight rear tandem stalls at the rear, two along the driveway) require relief because they are proposed at 18 feet long, where the Ordinance requires

21 feet. The applicant has submitted a turn analysis plan showing the maneuvering of vehicles at the rear of the site in the shared parking area which is available on Newgov. These are currently under review by the Associate City Engineer.

Landscaping: The program for landscaping on the site remains the same as the July design. In total, 10 trees will be removed from the site. Approximately 16 deciduous canopy trees including northern red oak and red maples will be installed along the sides and rear of the site, along with evergreen trees, shrubs, and ornamental grasses to create screening. The City's Tree Warden has reviewed the proposed landscape plan for compliance with the Tree Ordinance and noted no issues. At the recommendation of the Tree Warden, the petitioner has replaced several silver maples initially proposed around the perimeter of the site with red maples, which are less prone to storm damage.

Stormwater and drainage: The Planning Department and Engineering Department raised concerns about the grading and retaining walls in the original site design, as well as the stormwater management systems. Initially, this petition included extensive retaining walls around all sides of the site. The retaining wall system would be allowed by right as they would be less than four feet tall but could serve to impede the natural flow of water over the site. The revised plans show that the rear portion of the site will no longer have a retaining wall, but the left side, the majority of the right side, and most of the front of the site will have retaining walls. Because no portion of these walls exceed four feet in height, this wall system does not require relief.

The City's Engineering Department has provided a revised memo responding to the updated design (**Attachment D**). In his analysis, Associate City Engineer, John Daghlian wrote that removing the retaining wall along the rear of the property will have a positive effect of allowing the existing flow of water to continue unimpeded. The revised plan also proposes two rain gardens which will bolster the site's ability to collect water and allow runoff to infiltrate. Mr. Daghlian confirmed that the proposed drainage and stormwater system meets the City's Stormwater ordinance. He notes that because the site currently has no stormwater management systems, the proposed work will greatly improve both water quality and quantity coming off the site. Additional test pits will be required as a condition of final approval, but Engineering has no issue with this aspect of the plan being finalized at the Building Permit stage.

Height and Grading: In the staff memo for the first public hearing for this petition, staff noted that based on the contour and retaining wall elevations on the existing and proposed plan, much of the site will be regraded and portions of the site raised several feet from the current elevation. At the request of staff and several Councilors, the petitioner has provided several sections and renderings to illustrate the proposed grading of the site. Staff note that should this petition be approved, these supplementary materials will not be referenced in the council order, as the proposed civil plan will be used to confirm the approved grading.

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. The regrading will be less dramatic at the rear of the site, with some portions proposed at the same grade as current conditions. The proposed dwellings will be 35.6 feet tall, which is taller than what currently exists on the site, and taken together with the regrading will overall be taller than what exists now.

ATTACHMENTS

Attachment A	Revised Zoning Review Memorandum
Attachment B	Comparison of as of right option and special permit
Attachment C	Planning Board Recommendation
Attachment D	Engineering Memorandum
Attachment E	DRAFT Council Order
Attachment F	DRAFT Rezoning Order



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 12, 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 associated parking waivers

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 8/12/2024
- 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, revised 5/22/2024, 5/28/2024
- Floor Plans and Elevations, signed and stamped by Ronald F. Jarek, architect, dated 7/9/2024

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. Per section 5.1.8.A.2, no outdoor parking may be within five feet of a building containing residential units. The proposed parking is within five feet of Buildings 1 and 2, requiring a special permit per section 5.1.13.
4. One parallel surface parking stall is proposed along the driveway at Buildings 1 and a second at Building 2. The stalls are both proposed with a depth of 19 feet. Per section 5.1.8.B.2, parallel stalls required a depth of 21 feet. A special permit per section 5.1.13 is required to reduce the depth of the parallel stalls.
5. Per section 5.1.8.C.2, a minimum width of 20 feet is required for the two-way drive aisle between the parallel parking stalls. The petitioner proposes an aisle width of approximately 15 feet, requiring a special permit per section 5.1.13.
6. Per section 5.1.8.D.1, entrance drives must be a minimum of 20 feet wide for two-way use. The petitioner proposes a 16 foot wide driveway entrance, four feet of which is delineated on the plans and intended to accommodate pedestrians, requiring a special permit per section 5.1.13.
7. Four tandem parking stalls are proposed on each side of the driveway between Building 1 and 3 and Building 2 and 3, for a total of eight parking stalls in this configuration. Per section 5.1.8.D.1, parking facilities should be designed so that vehicles may proceed to and from the stall without requiring moving another vehicle. The eight parking stalls in tandem configuration require a special permit per section 5.1.13.
8. Section 5.1.10.A requires that outdoor parking used at night has security lighting with a minimum intensity of one-foot candle. No lighting is shown on the plans, requiring a special permit per section 5.1.13.

MR1 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	25 feet	12.7 feet/ 16.3 feet	27 feet
• Side	25 feet	10.4 feet	25.3 feet
• Side	25 feet	59.5 feet	25.3 feet
• Rear	25 feet	25.6 feet	25.6 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	54.5%

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
	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.A.2 §5.1.13	Request to allow parking within five feet of a building with residential units	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	Request to allow reduced stall depth	S.P. per §7.3.3
§5.1.8.C.2 §5.1.13	Request to waive the minimum drive aisle width	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	Request to allow tandem parking	S.P. per §7.3.3
§5.1.10.A §5.1.13	Request to waive outdoor parking lighting requirements	S.P. per §7.3.3

Comparison of as of right option and special permit

	SR1 (by right single family detached old lot, lots combined)	SR3 (single family attached, lots combined)	MR1 (by right two family detached, old lot, lots combined)	Proposed (six single family attached units in MR1 by special permit, lots combined)
Units	1	1	2	6
Max height	36 ft, 2.5 stories	36 ft, 2.5 stories	36 ft, 2.5 stories	35.6 feet, 2.5 stories
Minimum setbacks	Front 25 ft Side 12.5 ft Rear 25 ft	Front 30 ft Side 25 ft Rear 25 ft	Front 25 ft Side 7.5 ft Rear 15 ft	Front 27 ft Side 25.3 ft Rear 25.6 ft
Max lot coverage	20%	30%	30%	24.6%
Minimum open space	65%	50%	50%	54.5%
Minimum lot size	15,000 sf	43,560 sf	7,000 sf	28,534 sf
Minimum lot area per unit	25,000 sf	10,000 sf	3,500 sf	4,756 sf
Max FAR	0.26	0.36	0.38	Approximately .46
Max FAR (in feet)	7,419 sf	10,272 sf	10,843 sf	Approximately 13,251 sf



CITY OF NEWTON

Planning and Development Board

August 6, 2024

To: The Honorable City Council President, Marc Laredo
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

CC: Honorable Newton City Councilors
Planning & Development Board

Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Nora Masler
Planning Associate

Members

Kevin McCormick, Chair
Amy Dain, Vice Chair
Edward Dailey, Member
Lee Breckenridge, Member
Peter Doeringer, Member
Jennifer Molinsky, Member
Barney Heath, *ex officio*

SUBJ: Planning & Development Board Recommendation on Docket #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.

Dear Honorable Council President Laredo:

The Planning and Development Board joined with Land Use Committee for the July 9, 2024, public hearing on the above petition. Following that public hearing, at the August 5, 2024, regular meeting of the Planning and Development Board, the Board voted 5-0-2 (Director Heath abstaining) to recommend approval of this rezoning request while urging the Land Use Committee and the City Council to comprehensively review the drainage and water use issues as part of the Special Permit process.

Sincerely,

Kevin McCormick, Chair

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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: September 24, 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
Last Revised: 9/16/2024

Executive Summary:

This permit entails the demolition of two dwellings, the first is on #335 River Street and the second is on 329-331 River Street. The combined frontage is +/- 178-feet & with a combined area of 27,752 square feet [0.63 acres]. If the special permit is approved an Approval Not Required [ANR] plan will be required in accordance with Massachusetts General Laws Chapter 41 Section 81P requiring the two separate lots to be combined into one lot and get recorded at the Middlesex Registry of Deeds.

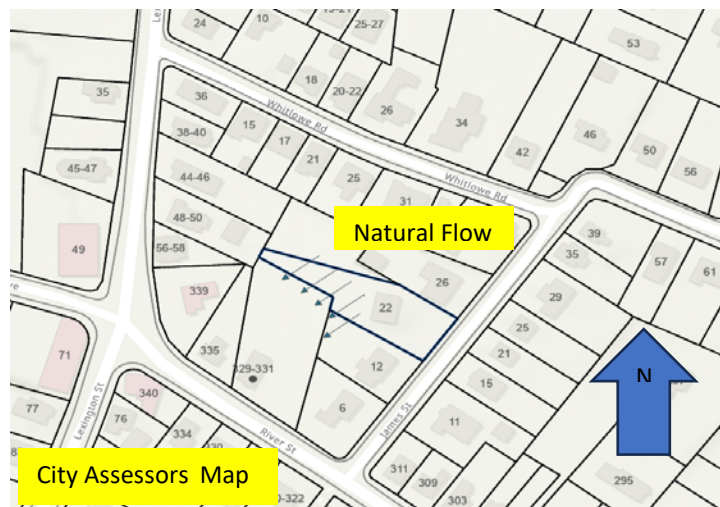
The site has residential homes abutting this property to the north and east and a commercial property is located to the west of the site.



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.

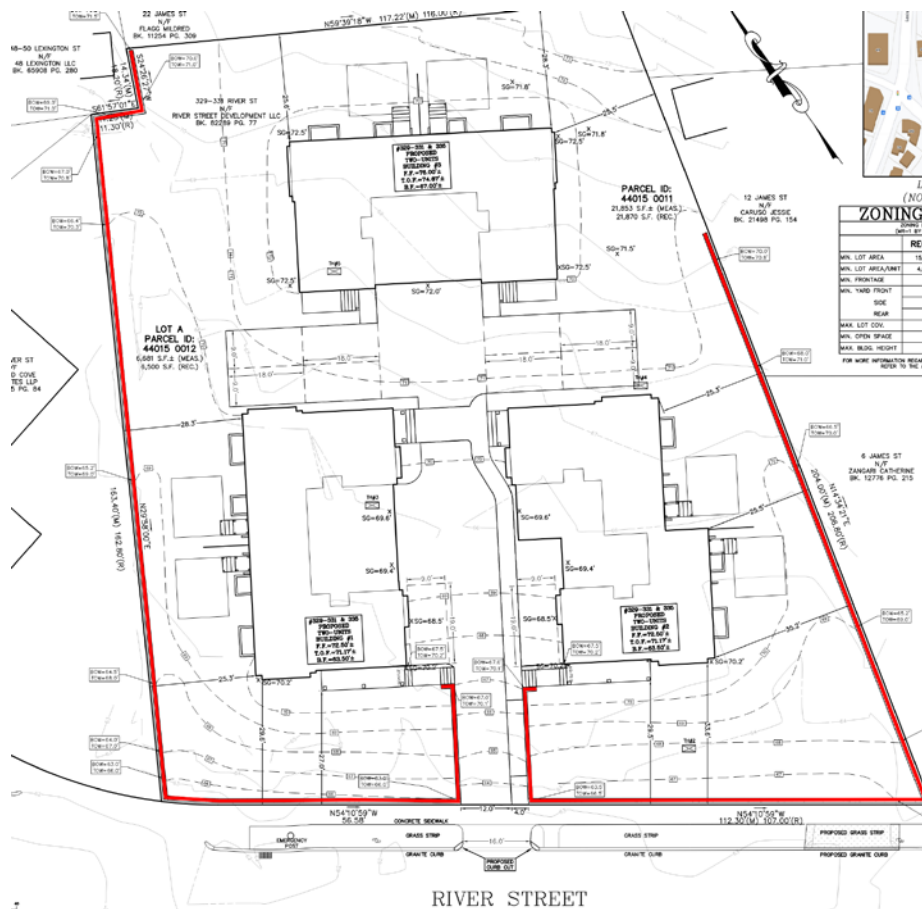
Retaining Walls:

Under existing conditions, stormwater runoff from #22 James Street sheet flows from its backyard onto the applicant's property. This updated plan shows the originally proposed retaining wall has been removed along the entire northern property line; this will allow the existing natural sheet flow to continue under proposed conditions. The redesigned plan also proposes two "rain gardens" to collect the natural sheet flow from the rear yard of #22 and portion of #12 James Street and allows the runoff to infiltrate, test pits will be required at these locations.



A retaining wall is proposed along the entire western property line, at the northwest corner the wall is 1.3-feet high and makes two 90° at which it becomes 3.8-feet high. This wall extends to River Street with an average height of 3.4'. A retaining wall is also proposed along the easterly property line this wall begins at River Street and extends northerly approximately 146 feet along the eastern property line. This wall's height at River Street is 4-feet, averages 3-feet high and terminates at 0.8 feet above current grade.

Along River Street a retaining wall is proposed from east to west with an opening for the proposed driveway. The wall is 4-feet high at the easterly corner and averages 3-feet towards the driveway opening. The western corner of this wall is at 3-feet above sidewalk grade and averages 3-feet up to the driveway opening.



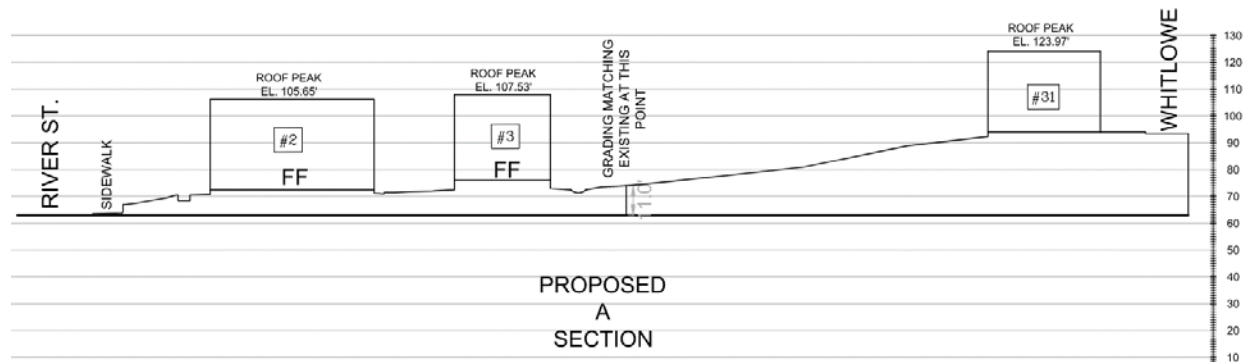
The heavy red line around the perimeter depicts the proposed retaining wall limits. In reading the various top & bottom proposed elevations of wall it is clear that the site is being raised from its natural existing state. The updated plan also has eliminated the two parking stall that were near the front portion of the accesses driveway.

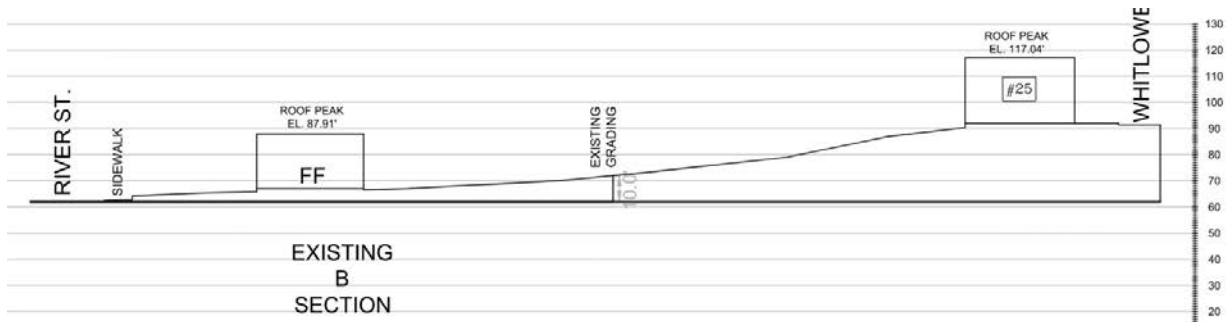
The applicant has also provided site cross-sections of existing & proposed conditions. On sheet 1 of 3 has sections A & B which shows the peak roof elevations of the two existing dwellings and the properties at #25 & 31 Whitlowe Road.

Sheet 2 of 3 shows the same cross-sections but with the proposed buildings 1, 2, and 3 and again #25 & 31 Whitlowe Road. The existing & proposed sections shown below indicates that the existing #25 Whitlowe Road home's peak elevation 117.04' and #31 Whitlowe Road is at 123.97'.

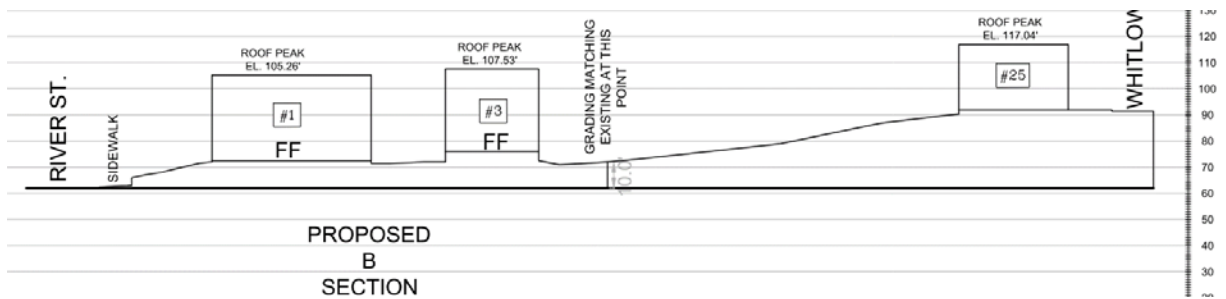


For the proposed conditions units 2 & 3 have roof peak elevations of 105.65' & 107.53' respectively and are 18.32' & 16.44' below the peak roof elevation at #31 at 123.97'.

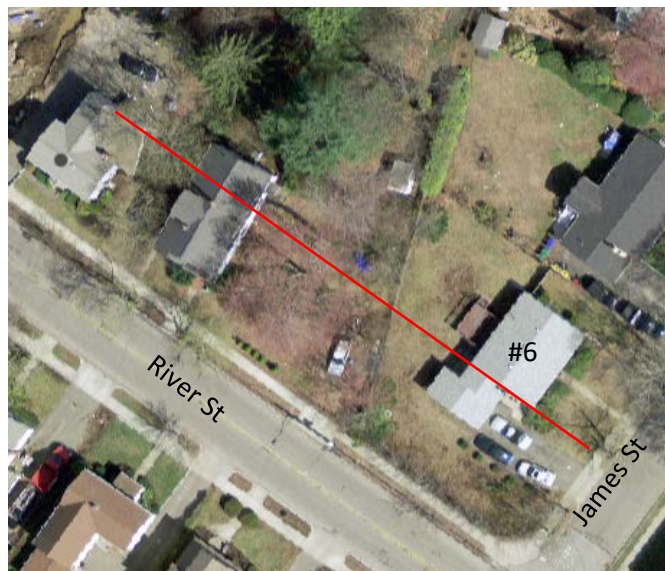




For the proposed conditions units 1 & 3 have roof peak elevations of 105.65' & 107.53' respectively and are 11.78' & 9.51' below the peak roof elevation at #25 at 117.04'.



Sheet 3 simply shows a side-by-side comparison of both sections. A third site section should have been taken to show both existing and proposed conditions which would include the two new units 1& 2 and the existing home at #6 James Street.



Drainage & Stormwater:

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 53 feet away. Additional testing will be required before final approval. The site currently has no stormwater management controls, the proposed system which include rain gardens, stormwater collection and infiltrations systems will greatly improve both water quality and quantity coming off the site in conformance with Dep & City Stormwater Ordinances.

1. 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).
2. On site soil tests were conducted by a Licensed Soil Evaluator having the following results:

DEEP OBSERVATION HOLE LOG											
DEEP OBSERVATION HOLE NUMBER:						GROUND ELEVATION:					68'
Depth (ft)	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	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
12-30	Bw	7.5Y 3	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
30-110	C	10YR 3	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.											H2O @ 2.5'

DEEP OBSERVATION HOLE LOG											
DEEP OBSERVATION HOLE NUMBER:						GROUND ELEVATION:					68'
Depth (ft)	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	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
8-28	Bw	7.5Y 3	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
28-100	C	10YR 3	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.											H2O @ 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 5/6	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
16-36	Bw	7.5Y 5/6	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
36-118	C	10YR 5/6	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.

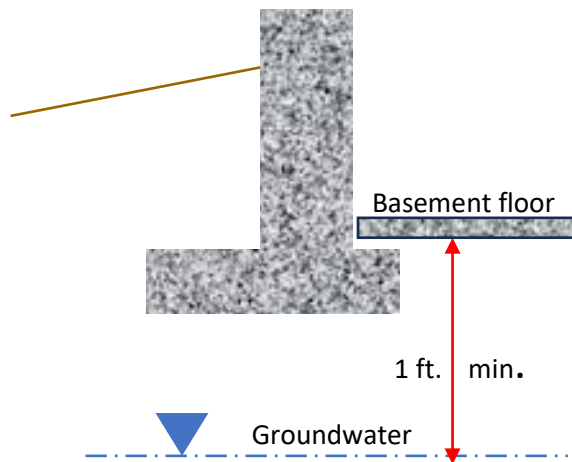
H2O @ 5.5 ft

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 5/6	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
24-38	Bw	7.5Y 5/6	--	--	--	SANDY LOAM	<5	<5	MASSIVE	FRIABLE	--
38-106	C	10YR 5/6	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.

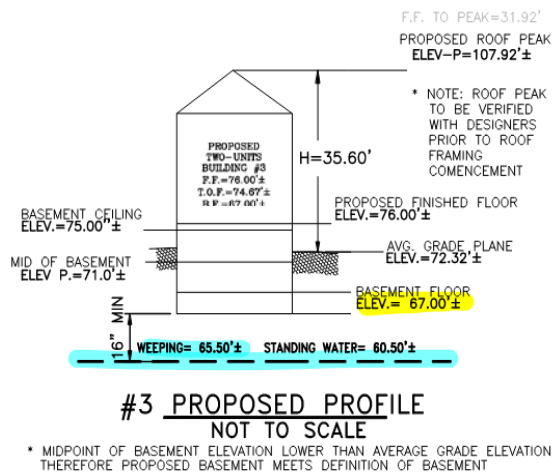
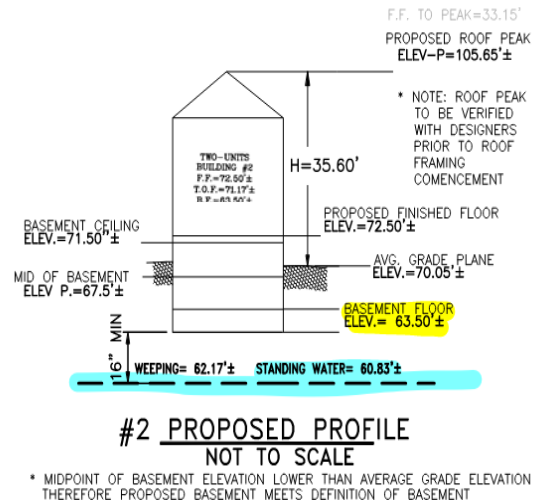
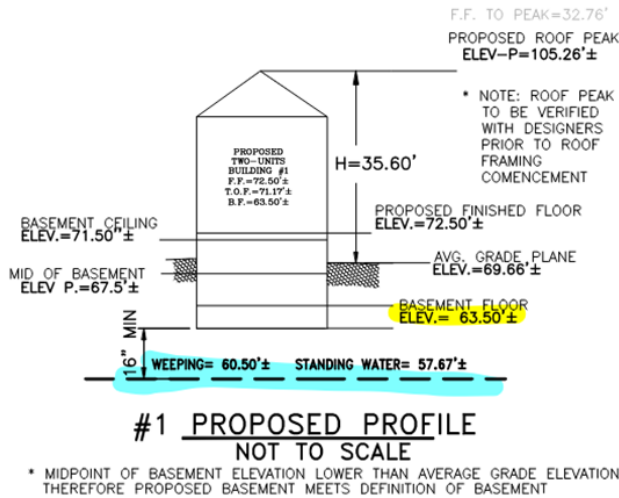
Groundwater depth varied throughout the site being the shallowest at test pit # 5 which is located within the proposed footprint of building # 3 towards the rear of the lot (See page 4 of 9 plan set).

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. The design meets these requirements.



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



The plans also indicate that sump pumps will be installed for each unit, it appears that they will discharge to two different infiltration trenches at the front of the lot. These are juxtaposed to within a few feet of the City sidewalk, as requested an impervious barrier has been added to the trenches to prevent any breakout, and an overflow connection is provided to the City drainage system. As with all proposed overflow connections, DPW requires and witnessed a Closed-Circuit Television CCTV Inspection of the City's 21-inch reinforce concrete drainpipe. The CCTV inspection revealed that the pipe is in good condition. Additionally, the engineer of record submitted capacity calculation of the exist 21-inch pipe and DPW has confirmed the calculations, and the pipe has adequate capacity.

Construction Management Plan:

- Any sidewalk closures will need to conform to the DPW Pedestrian Access Check list available online on the Engineering webpage before any closures are planned and shall be approved by the DPW Inspector.

Sanitary Sewer & Domestic Water Service(s):

If the Special Permit is approved the following notes shall be added to the final plans.

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 with 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. 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.
7. 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 the site has six units.

Electric & Telecommunications:

- Underground electrical & telecommunications service will be required and shall be designed to the State Electrical Codes, Eversource Electric, Verizon, Astound requirements. The applicant shall request the respective utility companies to apply for Grants of Locations for each provider via the City Clerk's Office.

General:

1. The proposed water services for the development has been corrected to DPW requirements. The 6-inch water pipe will be considered a service connection and not a main.
2. 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.
3. 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.*
4. All tree removal shall comply with the City's Tree Ordinance. *This note shall be incorporated onto the final plans.*
5. 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.*
6. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction. *This note shall be incorporated onto the final plans.*
7. 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.*

8. 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.*
9. 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.*
10. 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. *This note shall be incorporated onto the final plans.*
11. 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. *This note shall be incorporated onto the final plans.*
12. *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.

#274-24
329-331 River Street

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow six single-family attached dwelling units, six parking stalls with insufficient depth, parking within five feet of a residential building, a substandard drive aisle width, tandem parking, and waiver of outdoor parking lighting requirements as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The specific site is an appropriate location for the proposed residential project because the neighborhood has a variety of uses and residences with varying sizes and scales. (§7.3.3.C.1)
2. The proposed residential project as designed will not adversely affect the neighborhood because the lot area per unit and open space exceeds what is required for the district. (§7.3.3.C.2)
3. The proposed residential project will not create a nuisance or serious hazard to vehicles or pedestrians because new plantings including shade trees and ornamental flowers will be added along the street frontage and perimeter of the site. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. Literal compliance with the parking requirements is impractical due to the proposed configuration of parking areas on the site. Relocating the stalls from their current location would require an increase of paving and impervious groundcover, which is not in the public interest. (§5.1.13)

PETITION NUMBER: #274-24

PETITIONER: River Street Development LLC

LOCATION: 329-331 River Street and 335 River Street, Ward 4, West Newton, on land known as Section 44 Block 15 Lots 11 and 12, containing approximately 28,534 sq. ft. of land

OWNER: River Street Development LLC
40 Silver Birch Road
Waban, MA 02468

TO BE USED FOR: Construction of six attached single-family dwellings in three separate buildings with waivers for reduced depth for six parking stalls

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

- Single family attached dwellings (§3.4.1)
- Parking within five feet of a building with residential units (§5.1.7.A.2 and §5.1.13)
- Reduced parking stall depth (§5.1.8.B.2 and §5.1.13)
- Waive minimum drive aisle width (§5.1.8.C.2 and §5.1.13)
- Tandem parking (§5.1.8.D.1 and §5.1.13)
- Waive outdoor parking lighting requirements (§5.1.10.A and §5.1.13)

ZONING: Multi-Residence 1

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. Site plan prepared by Spruhan Engineering, P.C., signed and stamped by Christopher C. Charlton, Professional Land Surveyor, and Edmond T. Spruhan, Professional Engineer, dated 5/15/24 and revised 5/22/24, 5/28/24, 7/01/24, 7/15/24, 7/30/24, 9/16/24, and 9/23/24
 - b. A set of architectural drawings prepared by MGD+LLC signed and stamped by Ronald F. Jarek, Registered Architect, dated 9/17/24:
 - i. "Building A Floor Plans & Elevations" (SP.02) showing exterior elevations for Building A

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

- a. 24-hour contact information for the general contractor. This information shall also be posted in a clear and visible manner at the construction site.
 - b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - c. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction materials and delivery vehicles and equipment, and location of any security fencing and erosion control.
 - d. A plan showing temporary pedestrian access within work zones in accordance with DPW Policy.
 - e. Proposed methods for dust control including, but not limited to: watering, covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - f. Proposed methods of noise control, in accordance with the Revised Ordinances, §20-13. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - g. Tree preservation plan to define the proposed method(s) for protection of any existing trees to remain on site.
 - h. The CMP shall also address the following: safety precautions; anticipated dewatering during construction; site safety and stability; and impacts on abutting properties.
6. All appliances and utilities for the building shall be all-electric, including heating and cooling.
7. No building permit (other than a demolition permit) and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
- a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
 - b. Submitted final engineering, utility, and drainage plans, and a recorded copy of the O&M Plan with the Middlesex South District Registry of Deeds and provided a copy of the recorded document to the City Engineer in accordance with this Order.

- c. Submitted a Final CMP for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, and the City Engineer in accordance with this Order.
 - d. Received approval for the Pest Control inspection report and the remediation action plan and submitted a copy of such approval to the Director of Planning and Development in accordance with this Order.
 - e. Obtained a written statement/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
8. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with for the portion of the project for which occupancy is requested and the Petitioner has:
 - a. Filed with the building permit record statements by a registered architect (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1, including the as built FAR.
 - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.
 - c. Filed with the building permit record a statement by a registered landscape architect certifying compliance with the landscape plan referenced Condition #1.
 - d. Obtained approval from the City Engineer certifying that all engineering details for the portion of the Project for which a certificate of occupancy is requested have been constructed to standards of the City of Newton Public Works Department.
 - e. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, landscape features, fencing and parking areas related to or for the portion of the Project for which a certificate of occupancy is requested.
9. The Petitioner shall install all landscaping consistent with this Special Permit/Site Plan approval and shall maintain landscaping in good condition. Any plant material that becomes diseased or dies shall be replaced as soon as feasibly possible with similar material.
10. Provided that all other requirements in Condition #8 are satisfied and the project is substantially complete, the Commissioner of Inspectional Services may issue one or

more certificates of temporary occupancy for all or portions of the building prior to completion of final landscaping (including hardscape improvements).

CITY OF NEWTON

IN CITY COUNCIL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON AS FOLLOWS:

Section 30 of the Revised Ordinances of Newton, as amended, be and is hereby amended by amending sheets of plans entitled "City of Newton, Massachusetts, Amendments to Zoning Plans, adopted July 21, 1951, as amended from time to time," and the City of Newton Official Zoning Map as shown and maintained as part of the City's Geographic Information System (GIS), as amended from time to time, by changing certain boundaries from present zoning district as described below:

Zone Change Area

Change the following described real estate: all of the land located at 329-331 and 335 River Street also identified as Section 44, Block 15, Lots 0011 and 0012, currently zoned Single Residence 3 to Multi Residence 1 further described as follows:

Beginning at a point on the northerly side of River Street, thence running

- | | |
|---------------|--|
| N 29°58'00" E | By land n/f of Packard Cove Associates LLP on said plan, one hundred sixty-three and 40/100 (163.40) feet, as shown on said plan; thence |
| S 59°57'01" E | By land of 48 Lexington LLC, eleven and 25/100 (11.25) feet, as shown on said plan; thence |
| N 24°26'27" E | Again by said land of 48 Lexington LLC, fourteen and 34/100 (14.34) feet, as shown on said plan; thence |
| S 59°12'12" E | By land of Mildred Flagg, one hundred seventeen and 22/100 (117.22) feet as shown on said plan; thence |
| S 14°34'21" W | By land in part of Jesse Caruso and land in part of Catherine Zangari two hundred and 00/100 (204.00) feet as shown on said plan; thence |
| WESTERLY | By River Street, one hundred eighty-two and 30/100 (182.30) feet, as shown on said plan. |

The Zone change areas total 28,543 square feet or .655 acres more or less and are shown on the plan entitled "Site Plan of Land showing proposed zoning, located at 329-331 and 335 River Street, Newton, MA", dated March 27, 2024, and prepared by Spruhan Engineering, Inc.

This change of zone Order accompanies Special Permit #274-24. The benefits of this change may only be exercised in accordance with the terms of such Special Permit #274-24, as defined therein.

To the extent any provision of this change of zone Order shall be deemed invalid or unenforceable, all remaining provisions shall remain in full force and effect regardless of such invalidity or unenforceability.

DRAFT