

CITY OF NEWTON

LAND USE COMMITTEE REPORT

TUESDAY, JUNE 5, 2012

Present: Present: Ald. Hess-Mahan (Chairman), Ald. Crossley, Laredo, Fischman, Harney, and Schwartz; absent: Ald. Albright and Merrill; also present: Ald. Lappin
City staff: Alexandra Ananth (Senior Planner), Ouida Young (Associate City Solicitor), Robert Waddick (Assistant City Solicitor), Linda Finucane (Assistant Clerk of the Board)

The following petition was held in Committee on June 4.

#93-12 TIMOTHY ADLER petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a new single-family dwelling with a Floor Area Ratio of .45 where .39 is allowed by right at 35 NORWOOD AVENUE, Ward 6, Newton Centre, on land known as SBL 62, 1, 28, containing approximately 9,573 sq. ft. of land in a district zoned Single Residence 2. Ref: 30-24, 30-23, 30-15(u)(2) of the City of Newton Rev Zoning Ord, 2007.
(Approved 5-1 (Hess-Mahan) on May 22, 2012.)

ACTION: **APPROVED AS AMENDED @.42 FAR 4-1 (Hess-Mahan)**

NOTE: Subsequent to the working session on May 22, at which this petition was approved 5-1, the petitioner, after meeting with the Planning Department, submitted a revised design that reduces the proposed FAR from .45 to .42. Consequently, the item was held in Committee at the full Board on June 4.

The revised design reduces:

- FAR to .42 from the .45 requested;
- third floor area by 101 square feet;
basement FAR by 114 square feet - the proposed basement windows are smaller and don't require window wells, reducing the amount of exposed basement counting towards FAR.
- the total FAR Gross Floor Area by 215 square feet, to 4,067 square feet, which brings the total FAR Gross Floor Area of what might be allowed if the 1,163 square feet between the lot's rear boundary and Crystal Lake shore that was created through accretion was added to the petitioner's lot.

Ms. Ananth said that if the 1,163 square feet could be added to the lot it would increase it to 10,700 square feet, which would change the maximum FAR to .37 instead of .39, so the proposed house would still not quite make it by-right. However, Alderman Crossley pointed out that the Planning Department suggested the petitioner reduce the size by 550 square feet and has now reduced it to within 100 square feet.

Alderman Fischman moved approval of the petition with a reduced Floor Area Ratio of .42 and with the same findings and conditions contained in the previous special permit draft board order.

Alderman Hess-Mahan said he does not find the proposal consistent with the size, scale or design of other structures in the neighborhood and still cannot not support the petition for the reasons he stated in the committee report of May 22, 2012.

The motion to approve the petition carried 4-1, with Alderman Hess-Mahan opposed.

#92-12 GOLDEN DEVELOPMENT CORP./JEAN E. GREER REVOCABLE TRUST petition for a SPECIAL PERMIT/SITE PLAN APPROVAL for a rear lot subdivision and to increase the Floor Area Ratio requirement from the maximum of .24 to .36 to construct two single-family dwellings at 112-116 DEDHAM STREET, Ward 5, Newton Highlands, on land known as SBL 83, 5, 17, containing approximately 38,075 sq. ft. of land in a district zoned Single Residence 3. Ref: Sec. 30-24, 30-23, 30-15(r), of the City of Newton Rev Zoning Ord, 2007.

ACTION: HEARING CLOSED; HELD 6-0

NOTE: The public hearing on this item was opened on May 15 and continued to June 5 pending the Associate City Engineer's review of the plans. The petitioners were represented by Attorney Terrence Morris and Lou Wolfeson proprietor of Golden Development Corporation. The entire site contains approximately 64,750 square feet on which there is an existing two-family home and a barn that has a residential unit and an office. There was a one-year demolition delay placed on both buildings, but it expired in September 2011; both buildings will be demolished. The site was previously the subject of a controversial proposal which was withdrawn. Golden Development Corporation has a signed agreement with the prior petitioner and has created three smaller lots through an approval not required (ANR) subdivision. The petitioners could create four by-right house lots through a conventional subdivision and five lots through the special permit process but have chosen to seek a special permit for four lots because it makes the lots more buildable and requires less alteration to the existing grade. Access to all the proposed four lots would be provided by a common driveway from an existing curb cut on Dedham Street. The driveway ends in a hammerhead and follows the configuration and contours of the existing driveway, which precludes alterations to the grade.

A special permit allows proposed lot frontage to be measured along the rear line of the lot in front in order to create a rear lot. The petitioners are seeking a special permit to subdivide Lot 1, which contains approximately 38,075 square feet, to create Lot 4, which would consist of 15,033 square feet, leaving 23,042 square feet in Lot 1. The petitioners are also seeking a special permit to exceed the maximum Floor Area Ratio (FAR) on the proposed new lot. The maximum FAR allowed for rear lots in a Single Residence 3 District is .24; the petitioners are proposing an FAR of .36.

The Planning Department stated in its memorandum of May 11 that it had no concerns with the density of four single-family lots, but recommended reducing the height and scale of the proposed 2.5-story, 5,452 square-foot house to keep more in scale with neighboring homes. Although it acknowledged that a .36 FAR on the rear lot is close to what would be allowed if this were a by-right lot, it pointed out that rear lots require a lower maximum FAR just as they require greater setback requirements to lessen the impact on abutting properties. Mr. Morris pointed out that the calculations in the Planning Department's neighborhood FAR comparison are based on the Assessor's database, which is not necessarily accurate since areas counting

towards FAR in the new FAR ordinance are not included. Mr. Morris suggested that a number of the 17 surrounding neighborhood properties are well below their potential build out. The proposed house on Lot 4 meets all setback requirements. The proposed height is 32.7 feet to the ridge with a peak elevation of 186.6. The height exceeds the average height of abutting properties but because of the topography it is actually less than surrounding homes. A conventional subdivision would move the houses on Lots 4A and 3 closer to the abutters on Shady Hill Road. The existing three-lot subdivision could support houses of approximately 8,000 square feet.

The petitioners have submitted a planting plan, but have not provided a landscape plan. Mr. Wolfeson said the subject property has a number of trees and is surrounded by a natural buffer, of hemlocks, white pines, and a variety of other enclosures which include stockade fencing, a brick wall, and a white vinyl fence – which the petitioners will continue if that abutter prefers. Compressors will be located well away from abutting properties and screened. A tree removal/preservation plan will be submitted to the city. The Planning Department suggested the petitioners consider installing a sidewalk along the entire length of the property frontage since it is located with walking distance to the Countryside Elementary School. The petitioners need to submit a construction management plan.

The Associate City Engineer has not yet reviewed the plans. The petitioners' engineer explained that the conventional four-lot plan places the house on the rear lot five feet from the rear lot line. Whereas the three-lot ANR plan has no house fronting on Dedham Street. Both plans add more impervious surface to the site than the proposed plan and have a narrow single driveway up to a flat area at the top of the site which would require significant modification of the grade. Currently, all water runs off to Dedham Street. The proposed plan employs catch basins to retain water on the site. A water main will connect Ledgewood Road to a fire hydrant on the proposed hammerhead turnaround. An additional fire hydrant will be installed on Ledgewood Road. The homeowners' association will be responsible for maintaining the drainage. There is sufficient space on-site for snow storage. Alderman Crossley asked about stormwater calculations and stormwater management. Is a federal permit required with a long-term maintenance plan because the site exceeds one acre? Will the ledge, some of which is exposed, be a challenge to managing stormwater? Would the petitioners be willing to mitigate mass by constructing beyond the energy code?

The petitioners' presentation included a photo of a similar house Golden Development built on Upland Road, which contains 4,500 square feet. When Alderman Albright asked about the apparent discrepancy between the square footage of the house on Upland Road and the proposed house, Mr. Morris explained that the old FAR calculations did not include attic space. Alderman Albright said this is why she is not comfortable using the Assessor's database. She also is not comfortable equating sustainability with mass.

Alderman Fischman asked if blasting will be necessary. The petitioners said they are not sure but will have more information for the working session. In response to a question from Alderman Fischman, the petitioners would agree to a condition prohibiting any access/egress through Ledgewood Road. Alderman Fischman suggested the petitioners consider switching the houses so that the larger house would be built on Lot 1 facing Dedham Street.

Alderman Kalis wondered about setting a precedent with an increase in the FAR. Also, the neighborhood has great concern about water runoff.

The Chairman explained that in the case of rear lots prior to 2011 there was no provision to even allow for an application to exceed the FAR.

Public comment included the following:

Lee Bardin, 62 Rachel Road, a life-long resident and contractor said the petitioners could not sell 8,000 square-foot houses. Water mitigation is important. The houses should be built to the allowed FAR. There is no parking at Countryside Elementary School. Where will construction vehicles park?

Julie Vasil, 1361 Walnut Street, appreciates the condition re access/egress on Ledgewood Road. She asked if a condition relative to pest control for when the barn and house are demolished could be included as well. She also wished to confirm that the petitioners are willing to extend whatever fence or wall exists on an abutting property.

Marcel Lachenmann, 60 Stony Brae Road, said he is generally not opposed. Four lots are better than five, although the other three lots are important as part of context so all four lots should be looked at. The size and scale of the project remain his concerns. Flipping the houses on Lots 1 and 4 is an interesting idea. Will this create an opportunity for subsequent owners to build out? What about the number of children in the Countryside Elementary School? What about parking? There are only two car garages for each house. Parking on Dedham Street should be discouraged. What about lighting? What about ground-mounted transformers for undergrounding utilities? What about the existing tenants?

Bob Nealon, agent for the seller said the existing tenants have lived in the main house for 40 years and are friends of the owner who is helping them relocate. The other tenants in the main house are young working professionals. The tenants in the unit in the barn were made aware of the proposed project before they rented the apartment.

Because the committee did not have a memorandum from the Associate City Engineer, the public hearing was continued until June 5, 2012.

This evening the public hearing was continued.

- Two emails (attached) were received from abutters at 44 Stony Brae Road and 111 Dedham Street.
- Jonathan Vershbow of 24 Shady Hill Road read a statement, attached.
- David Oliver, 1377 Walnut Street, concurred with Mr. Vershbow's comments.
- Lee Bardin, 62 Rachel Road, sent an email and also spoke again reiterating his testimony of May 22.

- Marcel Lachenmann, 60 Stony Brae Road, also spoke again reiterating his comments of May 22.
- Susan Richman, 14 Ledgewood, expressed some concern about landscaping and where contractors would park during construction.
- Several committee members reported receiving an email from an individual on Dedham Street asking if the petitioner would install a new sidewalk to Countryside Elementary School. The petitioners have agreed to install a new sidewalk along the frontage of the subject property.

The petitioners submitted a 4-page Construction Management Plan to the Planning Department, which has not yet had the opportunity to review it. The petitioners submitted a turning template for the hammerhead to ensure adequate Fire Department access. The Associate City Engineer's memo (attached) was received on May 24, but since the petitioners' engineer did not receive the memo until yesterday, a written response (attached) was submitted this evening. The committee had difficulty with the various landscaping elements and asked the petitioners to prepare a full-sized complete landscaping plan incorporating all the elements including a planting list, fencing, etc. The size of the proposed house on the proposed fourth lot remains a concern. The consensus of the committee was that it was not prepared to vote this evening. Alderman Fischman moved and the committee agreed to hold the petition, asking the petitioner to submit and/or address the following issues for the next working session:

- A full landscape plan
- A cross section of the area behind lot 4 and, because the houses on lots 1 and 4 appear to be out of scale, a cross section of the houses in scale
- A Construction Management Plan for review by the committee and the Planning Department
- Confirmation of the turning template submitted this evening.

Respectfully submitted,

Ted Hess-Mahan, Chairman

Attachments: 35 Norwood Avenue
Planning Department PowerPoint

114-116 Dedham Street
2 emails
Vershbow Statement
Associate City Engineer's memo dated May 24, 2012
Hayes Engineering memo dated June 4, 2012

Department of Planning and Development



PERMIT #93-12

35 NORWOOD AVENUE

**REQUEST TO EXCEED FAR FOR A NEW
SINGLE FAMILY DWELLING**

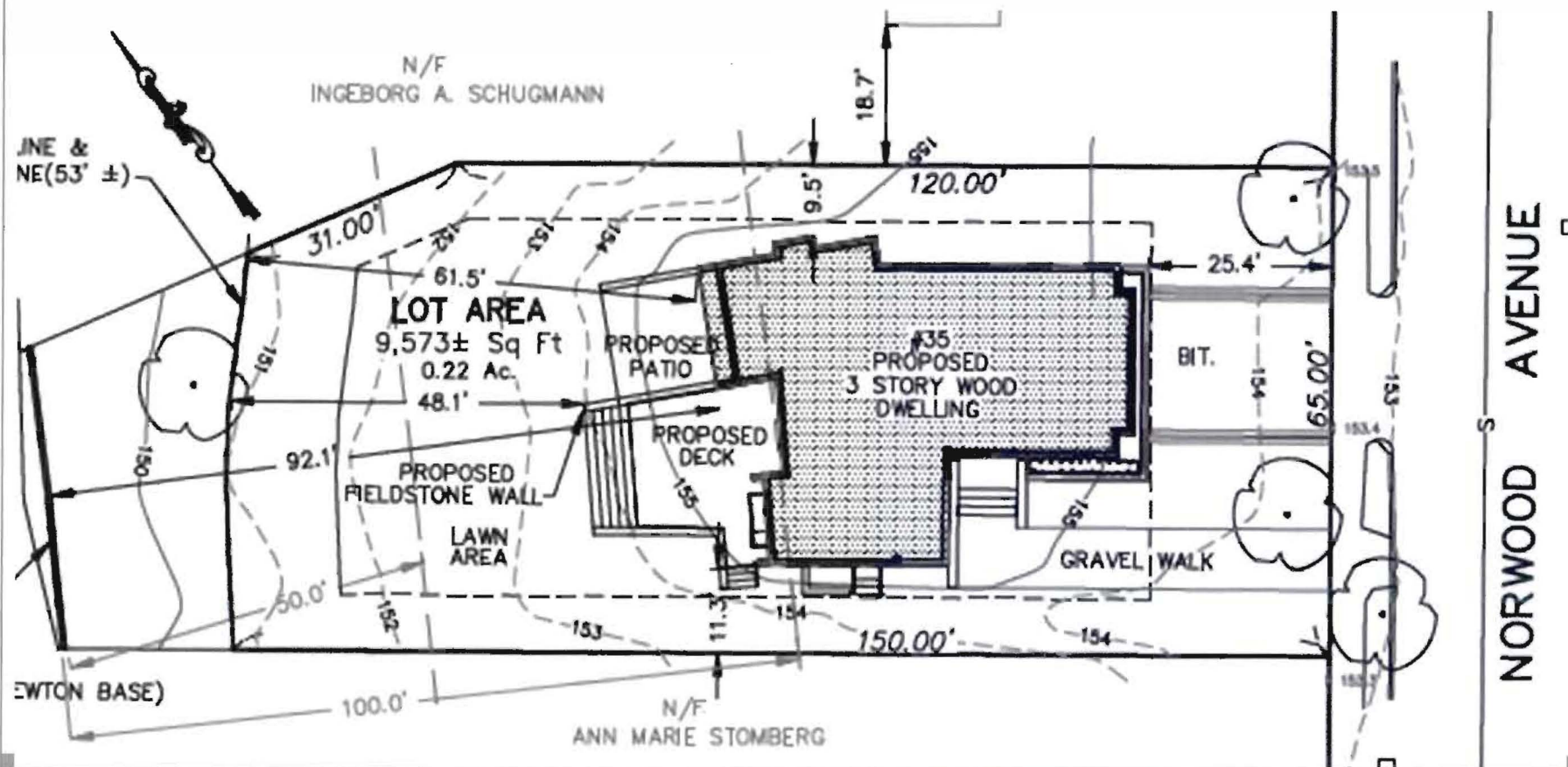
Update:

- Reduced requested FAR to .42
- Reduced 3rd floor by 101 sq. ft.
- Reduced basement FAR by 114 sq. ft.
- Reduced total FAR by 215 sq. ft.

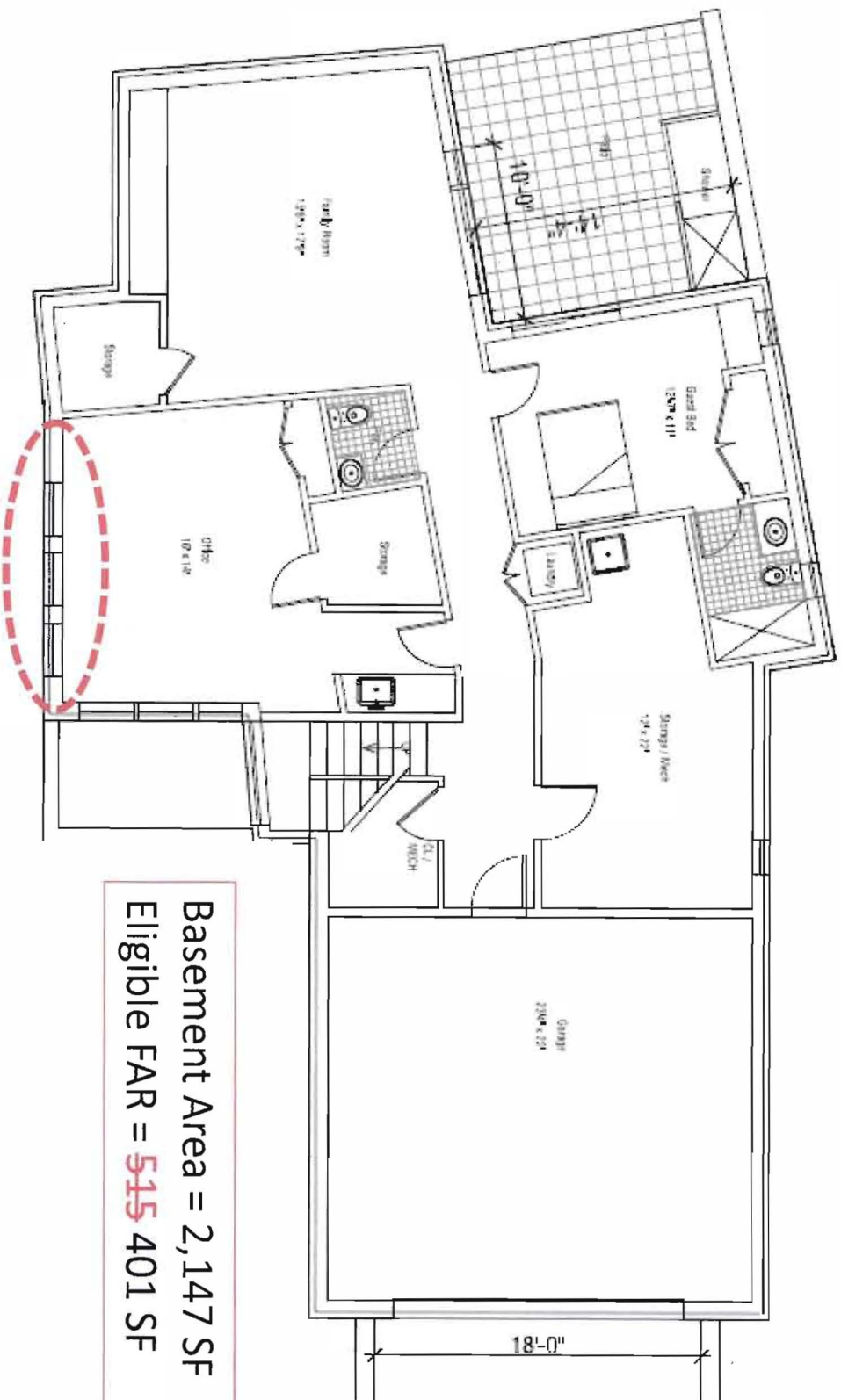


Project Description/Relief Requested:

- Demolish existing house and construct new ~~4,282~~ 4,067 SF house
- Section 30-15(u)(2), to allow an FAR of ~~.45~~.42 where .39 is allowed by right
- Now within total FAR allowed if Additional 1,163 SF Lot Area were included

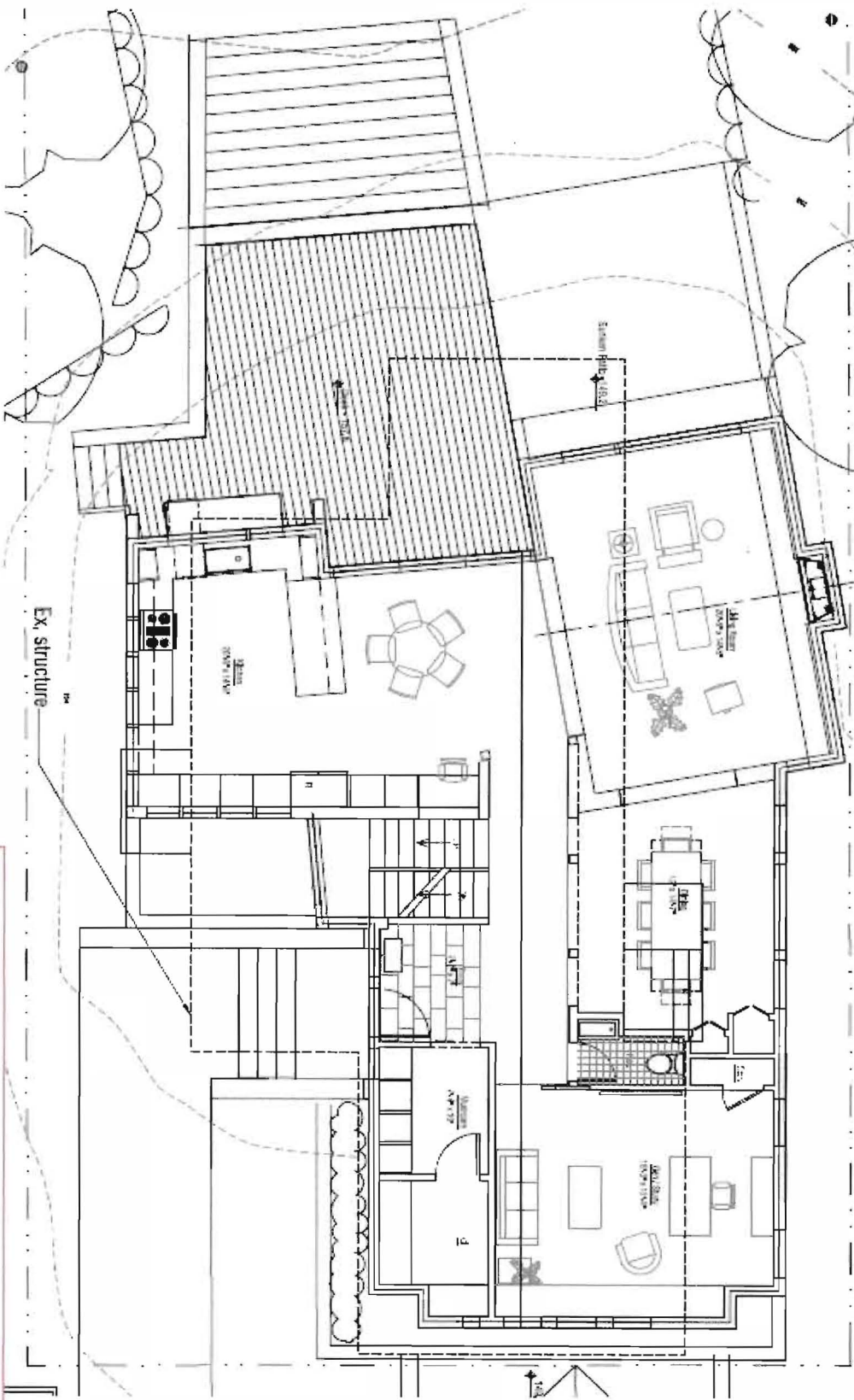


Proposed Basement:



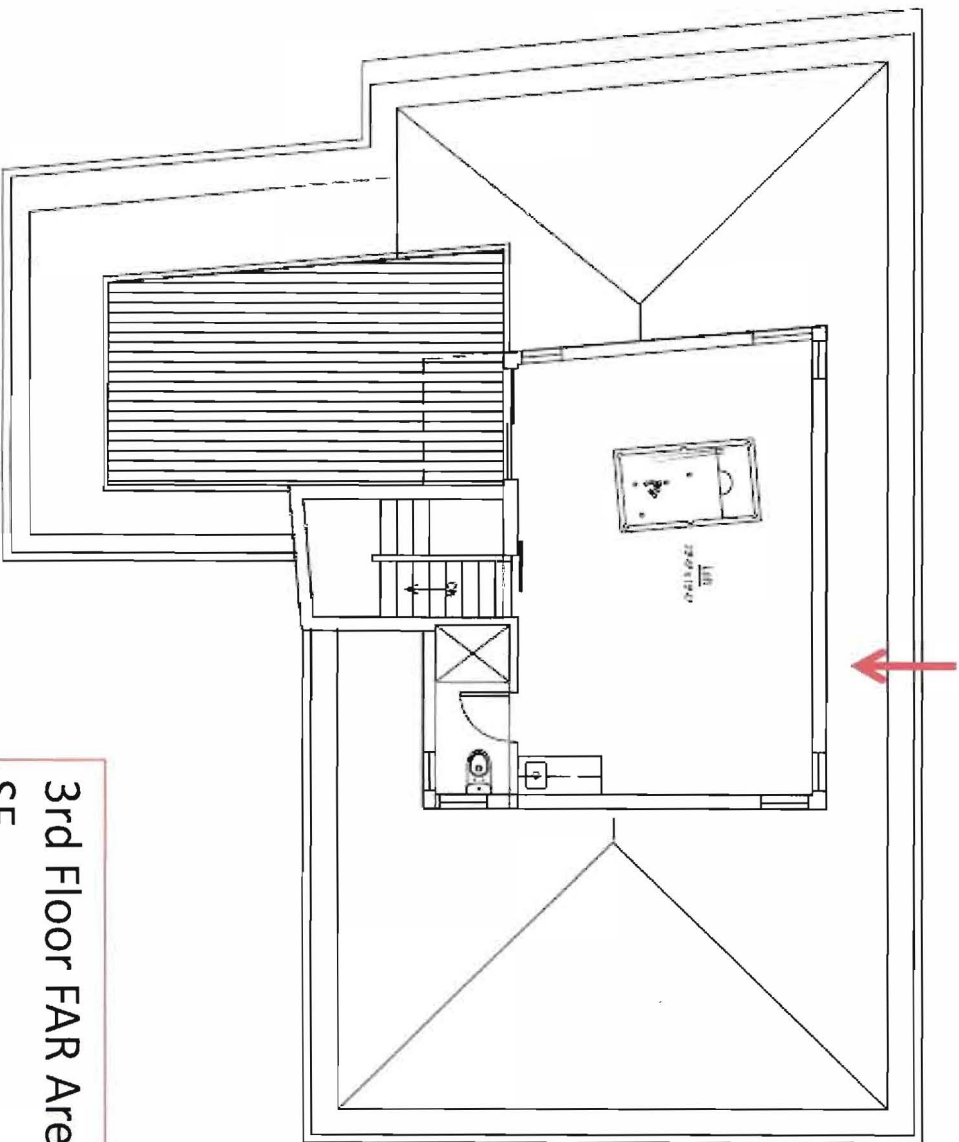
Basement Area = 2,147 SF
Eligible FAR = 515 401 SF

Proposed First Floor:



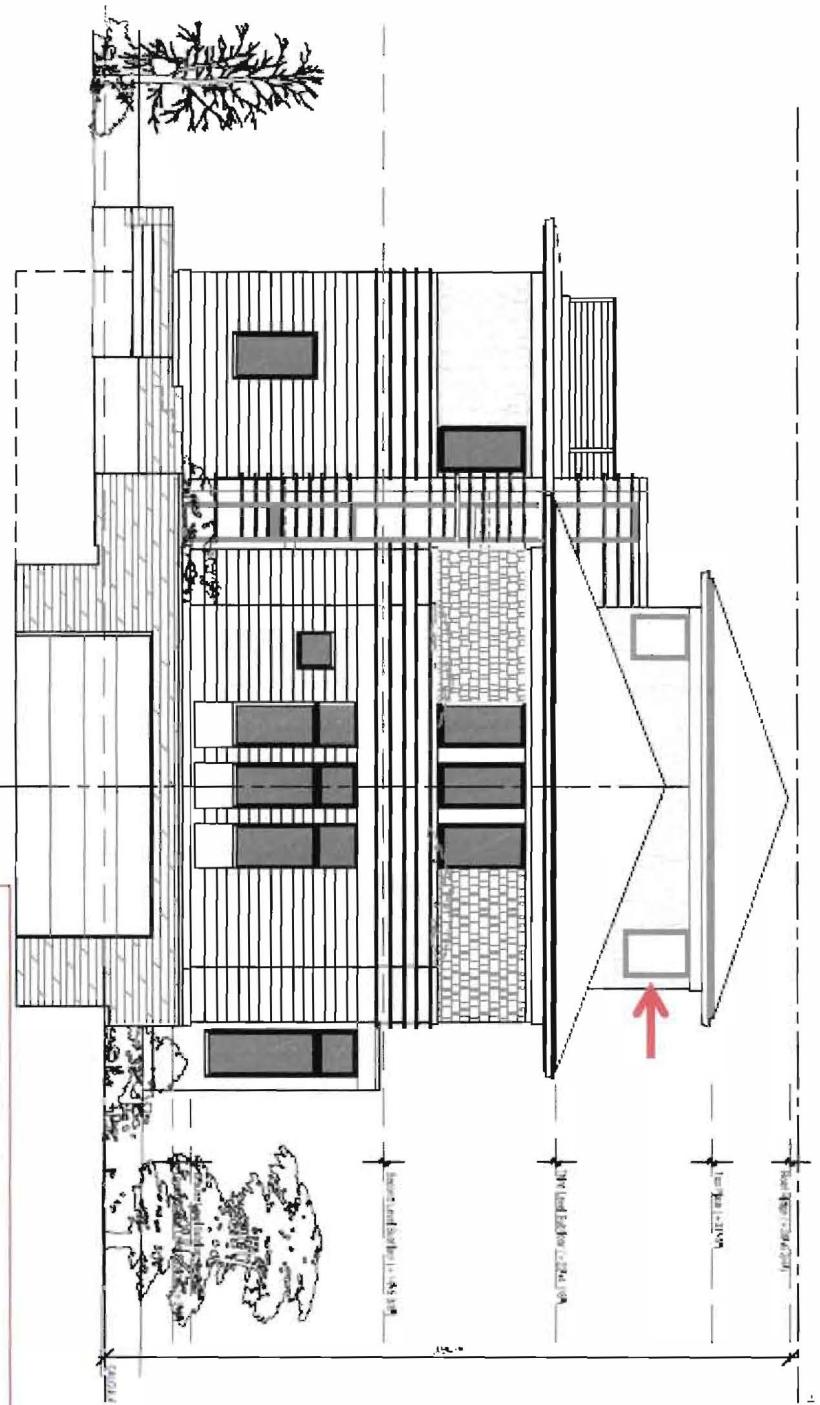
1st Floor FAR Area = 1,655 SF

Proposed Third Floor:



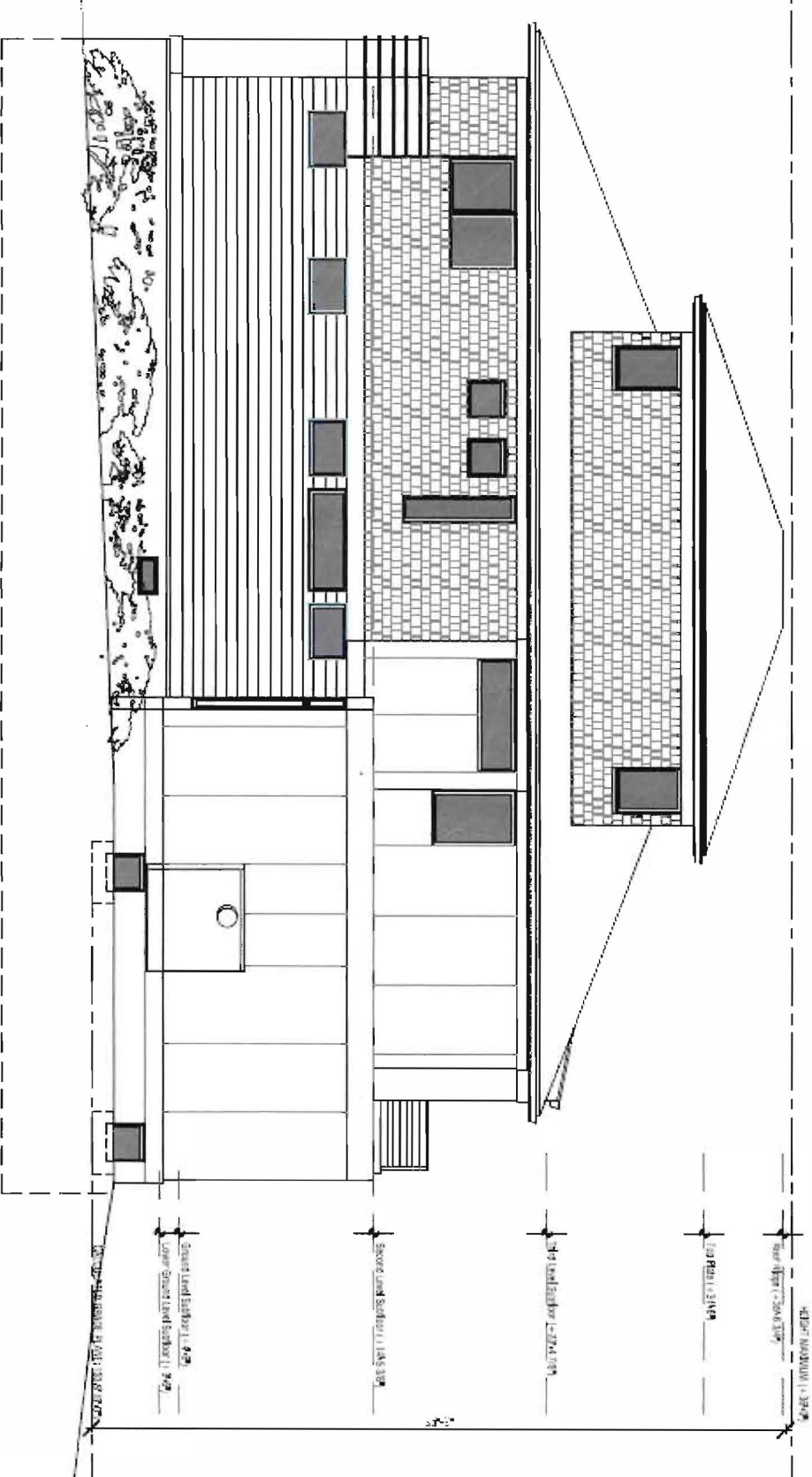
3rd Floor FAR Area = **538** 437
SF

Proposed Front Elevation:

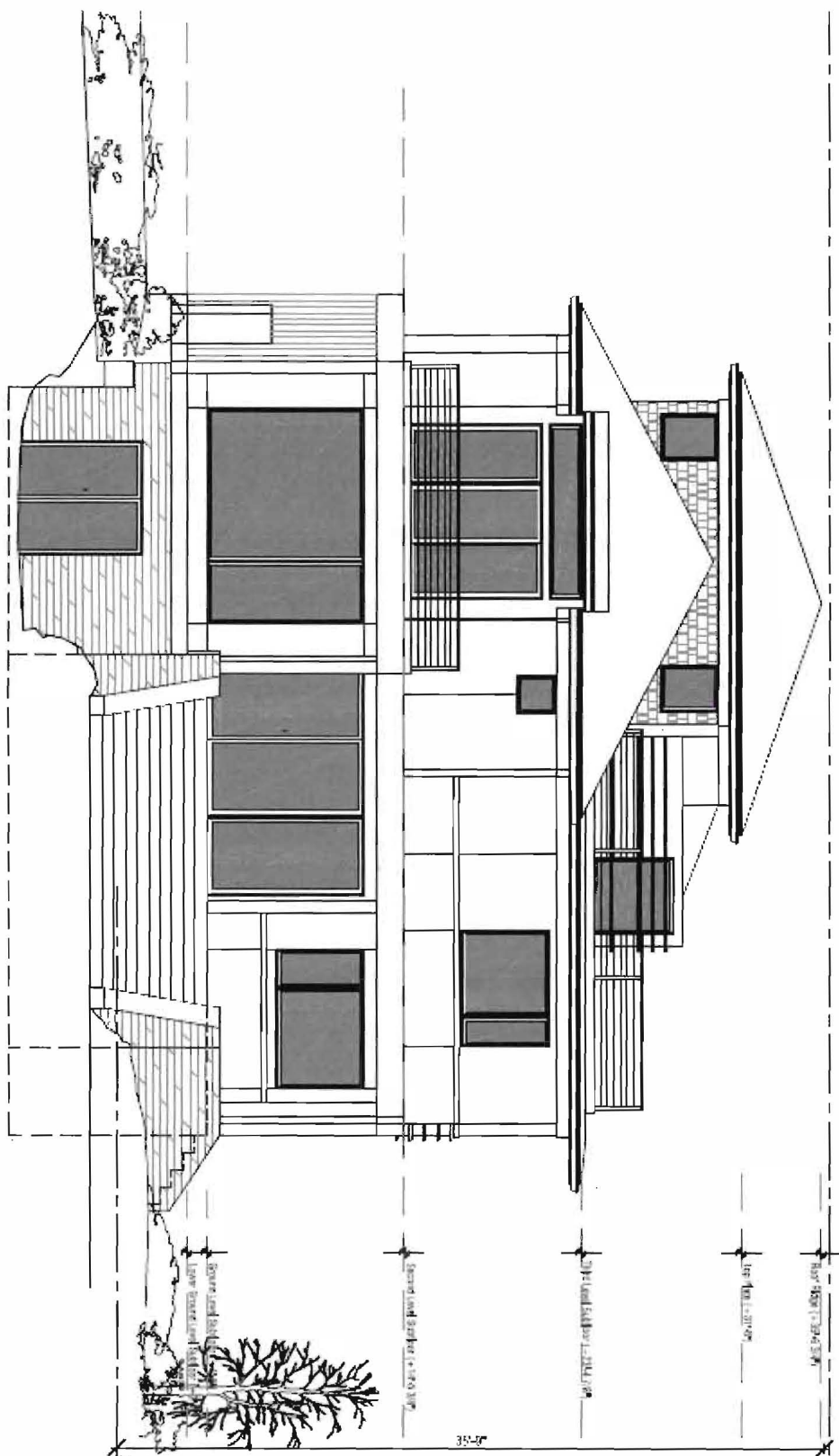


Raising house ~ 4 ft. to accommodate full basement
Height 35'-7"

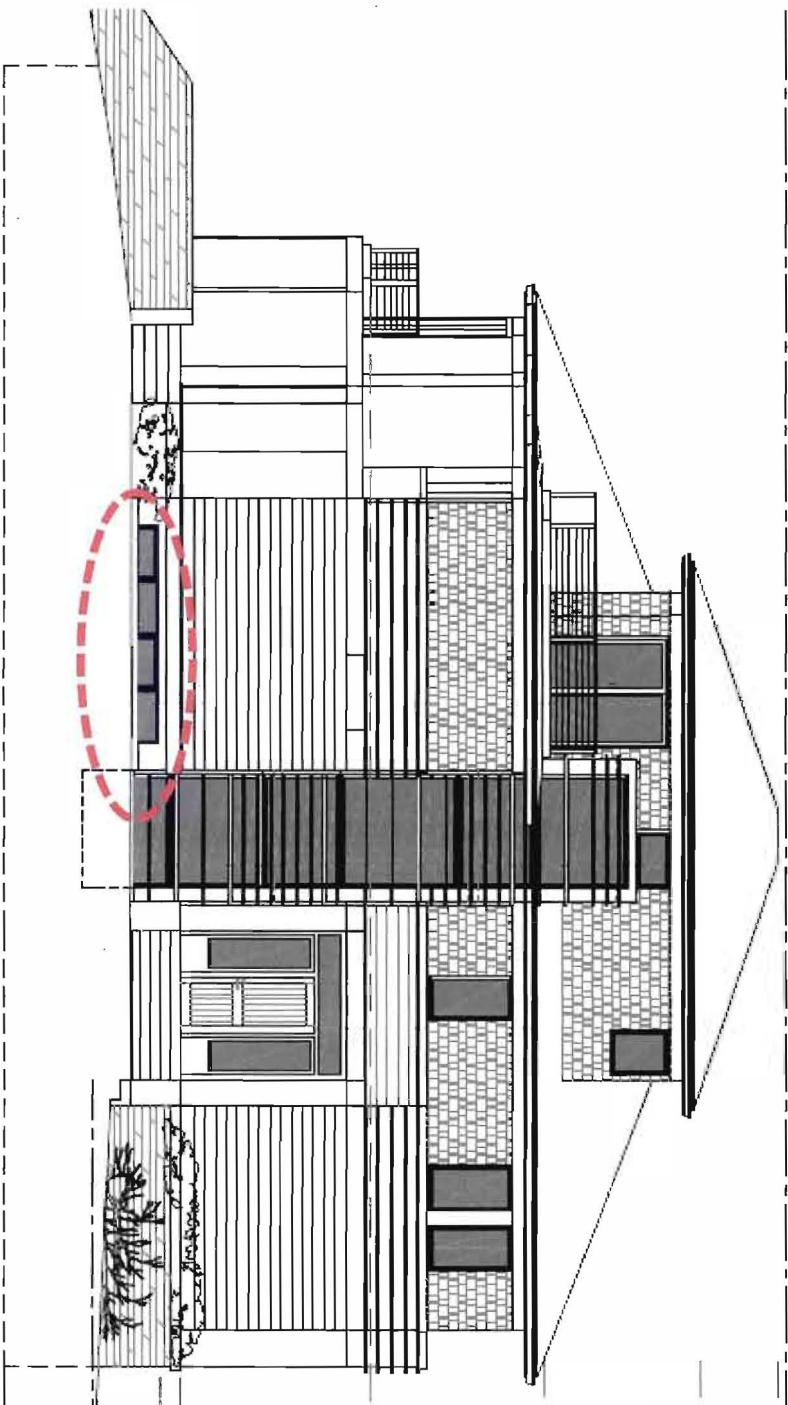
Proposed North Elevation:



Proposed Rear Elevation:



Proposed South Elevation:



FAR Calculation:

- Total FAR GFA = ~~4,282~~ 4,067 SF
- Actual GFA = ~~5,914~~ 5,813 SF (includes basement)
- Max FAR GFA Allowed =
 - $.39 * \text{Lot Area} = .39 * 9,573 = 3,733 \text{ SF}$
- Proposed FAR = ~~4,282~~ 4,067 / 9573 = ~~.45~~.42
- Exceeds Max .39 FAR by ~~550~~ 334 SF

FAR Calculation:

- If Additional 1,163 SF Lot Area included =
 $.39 * 10,736 = 4,187$ SF allowed
 $4,067 < 4187$
- If lot size 10,736 FAR .37 max allowed = 3,972
- Still exceeds
 Neighborhood Average FAR = .34 (3,556 SF)
 Neighborhood Median FAR = .31 (3,129 SF)

Neighborhood FAR Comparison Chart (Prepared by Planning Department based on information obtained from the Assessor's Database)

<u>Address</u>	<u>Lot Size</u>	<u># Units</u>	<u>Lot Area Per Unit</u>	<u>Approx. Sq. Ft.*</u>	<u>Approx. FAR</u>
35 Norwood Ave	9,573	1	9,573	2,401	(0.25)
20 Norwood Ave	11,689	1	11,689	3,106	(0.27)
32 Norwood Ave	11,149	2	5,575	3,129	(0.28)
44 Norwood Ave	11,496	1	11,496	3,228	(0.28)
53 Crescent Ave	13,212	1	13,212	3,818	(0.29)
10 Norwood Ave	6,543	1	6,543	2,050	(0.31)
6 Trowbridge St	8,090	1	8,090	2,766	(0.34)
15 Norwood Ave	11,574	2	5,787	4,129	(0.36)
39 Norwood Ave	10,240	1	10,240	3,840	(0.38)
43 Norwood Ave	6,520	1	6,520	2,977	(0.46)
31 Norwood Ave	15,400	1	15,400	7,667	(0.50)
Average	10,499		9,466	3,556	(0.34)
35 Norwood Ave Proposed	9,573	1	9,573	4,282	0.45
Median FAR					0.31

FAR Concerns:

- First completely new house to exceed FAR requirements
- Exceeds neighborhood average house size
- Although there are two homes that exceed the allowed FAR in immediate neighborhood do we want to add another?
- If Board continues to allow FAR to creep up, neighborhood average will increase
- If we continue to waive FAR why do we have it?
- Environmentally sensitive site deserves “right-sized” house
- 9,573 SF lot not constrained in any way

Additional Issues of Concern:

- Preservation of existing mature trees bordering property
- Proposed new house and rear deck projects into 100-foot wetland buffer zone – must get Con Com review and approval to build house as proposed
- Need Construction Management Plan and Tree Preservation Plan (including trees on abutting properties) prior to building permit

Proposed Findings:

- The proposed Floor Area Ratio of .42 where .39 is the maximum allowed by right is not in derogation of the size, scale or design of other structures in the neighborhood.
- The lot abuts Crystal Lake and extends further than the lot area shows when taking into consideration 1,163 square feet of adjacent property that appears to be part of the subject property and gives the lot the visual impact of a lesser FAR from the lake.
- Although wider than the existing dwelling, the proposed dwelling is dimensionally compliant in all other respects.
- The design of the proposed dwelling is environmentally sensitive, articulated to minimize the sense of mass, with approximately 500 sq. ft. of the garage located below grade in the basement level.
- The mass of the proposed third floor is set back from both the street and the lake and is screened on both sides of the property by existing mature trees.

Proposed Conditions:

- Submit CMP (8:00 A.M. start)
- Tree Preservation Plan (on site and abutting prop. during const.)
- Con Com review and approval

From: "Goldstein, Jill M." <jill_goldstein@hms.harvard.edu>
To: "lfinucane@newtonma.gov" <lfinucane@newtonma.gov>
Date sent: Mon, 4 Jun 2012 22:22:40 -0400
Subject: Petition # 92-12, Special Permit / Site Plan Approval

To the Alderman (sending to Linda Finucane),
I live at 44 Stony Brae Rd (Jill Goldstein) and would like my comments to be included in the record for the June 5 public hearing of the Land Use Committee. Unfortunately I cannot be present at the meeting.

First I would like to say that as a neighborhood member I would much prefer single family dwellings than the 16 (or potentially 20) unit condos previously proposed. Single family dwellings are a reflection of the neighborhood as a whole. Lou Wolfson has appeared to be responsive to the neighbors' concerns, met with us a number of times and I would like to think is willing to compromise on issues of primary concern to the abutters and neighbors on Stony Brae. It would be advantageous for us to include some of the language of those compromises in the permit, should the permit be acceptable to the alderman. Again, I am in favor of the development of single family dwellings on this property but do hope that particular issues of the immediate abutters can be resolved to people's satisfaction (and would be included as part of the permit should that go forward).

Of personal concern are drainage issues and I would hope that these would be resolved (and part of the language of the permit). We have had major flooding on Stony Brae Rd which has been extremely costly (i.e, major water damage in basements). If blasting was necessitated, for example, we live at the bottom of the stone ledge on the 112-116 Dedham property and this could cause serious new flooding issues, if not dealt with adequately.

Thank you for the opportunity to include these comments into the record.
Sincerely, Jill Goldstein 44 Stony Brae Rd.

From: "Jacki and/or Pat Rohan" <jprohan@verizon.net>
To: <lfinucane@newtonma.gov>
Subject: **112-116 Dedham Street Public Hearing**
Date sent: **Mon, 04 Jun 2012 18:57:56 -0400**

Linda, my name is Patrick Rohan and I live at 111 Dedham Street, directly across the street from the proposed housing development at 112-116 Dedham Street. While I am not opposed to the development, I do have concerns about the impact the development will have on water runoff. Right now, my house stays nice and dry in wet weather and I would like it to continue that way. I wonder if there have been studies performed to insure that the development will not result in increased water runoff toward my home and other homes on Dedham Street and Andrews Street. If not, I hope that the Alderman will make that a requirement for any approval.

Pat Rohan

My name is Jonathan Vershbow.

Thank you for the opportunity to speak tonight.

As the owner of the property at 24 Shady Hill Road, which directly abuts the proposed rear lot subdivision, I have serious concerns in regard to this petition.

Concern # 1: The house on Lot 4 is too big. I believe that you should not allow the house on Lot 4 to be built at the requested size. In support of this position, I offer three points:

- (1) The city's own planning department thinks it is too big, as they have noted in their memo dated June 1 that was prepared for this session, stating: "the house on Lot 4 be reduced in size and height to better reflect the intent of the rear lot subdivision ordinance".
- (2) The petitioner is offering what is in my view a false concession to reduce Lot 1 FAR as a means of getting approval for Lot 4. In my opinion, what they are offering to do is what they intended to do all along. Lot 1 can not support a so called "maximum build-out" – it just isn't feasible, not only because of topographical constraints but because it wouldn't be a sound business decision. So -- how can you "concede" something that you have no intention to do in the

first place ? This should not be used as a justification to grant a waiver to FAR.

- (3) The planning memo for tonight's meeting states: "The petitioner also notes that the combined FAR on the two lots as proposed is .29, more in keeping with the existing neighborhood, and more consistent with the other by-right houses in the proposed subdivision. " I do not understand why this is relevant. Shouldn't each of the proposed houses be evaluated on their FAR individually, not as an average of the two ?

My second concern: Drainage issues. Flooding has been and continues to be a serious issue in this neighborhood and beyond (extending to Countryside Elementary School playground). In fact, even my property, which is at the top of the hill, has had flooding issues. What will the city do to insure that this condition is not exacerbated ?

Concern # 3: Need for a detailed construction management plan. I strongly urge that the city accept the planning department recommendation for a CMP; and that in addition a stipulation is added to allow for neighbourhood involvement in development and approval of this plan.

My fourth concern is the common driveway and hammerhead: As noted in the planning memo: “The Planning Department recommends that paving be minimized and that parking should be restricted from the hammerhead-end of the driveway so as not to interfere with emergency vehicle access.” I agree 100% with this recommendation and hope that by ‘restricted’ it is meant ‘no parking ever’

Fifth: Is it possible to allow for a more thorough review of submitted plans for landscaping, screening & fencing ? I do not think enough time has been allowed to properly review this issue.

I would also like to make a few comments on what is included in the planning memo as “Attachment A Letter from Petitioner June 1, 2012”

The petitioner describes the existing barn location as a “deleterious condition ... to be remedied”. This is a matter of perspective. As a current abutter, and having lived with this condition since buying my house in 1986, I don’t consider this to be a problem and therefore no “remedy” is required.

Finally: The petitioner describes our neighbourhood as being filled with “existing houses as candidates for replacement with much larger structures” and uses this as justification for larger FAR on Lot 4. In

my view this argument has no merit unless the petitioner has found a way to predict the future.

Thank you.

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – Lot 4 Rear Lot Development (112 & 116 Dedham Street)

Date: May 24, 2012

CC: Lou Taverna, PE City Engineer (via email)
Linda Finucane, Associate City Clerk (via email)
Eve Tapper, Chief Planner (via email)
Alexandria Ananth, Sr. Planner (via email)

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

Lot 4 Rear Development
Dedham Street
Newton, MA
Prepared by: Hayes Engineering
Dated: February 8, 2012

Executive Summary:

This development is for a 4-lot single-family dwellings on a 1.5-acre parcel that current has a duplex dwelling and a barn. An 18-foot wide common driveway will be constructed from Dedham Street and extend approximately 665 feet, to a hammerhead. There will be an elevation difference of (24-feet) between the driveway entrance and the hammerhead; the low point of the proposed driveway at Dedham Street has an elevation of 132' and a high point of 156' at the proposed hammerhead at the northwest corner of the property.

An existing City owned 20-foot wide utility easement traverses the property. A City owned sanitary sewer main runs through this easement, which connects the sewer main from Ledgewood Road to Dedham Street, and will provide sewer service for these homes. The plan indicates a 6-inch ductile iron water main will be installed and terminate at a hydrant; this is unacceptable according to the Director of Utilities. The

new main shall be interconnected to the dead end portion of Ledgewood Road thus providing a looped system, and a benefit for the neighborhood.

As a public benefit, the developer should be required to install cement concrete sidewalks along the entire frontage of Dedham Street providing a safe walkway by filling in the missing portion of sidewalk from Stony Brae and #120 Dedham Street.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, for the respective lots, and the common driveway. The plans indicate that soil testing was performed, however; no information has been submitted.
2. Based on the driveway design there is approximately 60' of uncontrolled runoff from this driveway to the City's system.
3. The proposed subsurface stormwater management area located near the driveway entrance shall be installed with an impervious barrier along the downstream side of the system in order to prevent any breakout of stormwater on the embankment.
4. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds of the homeowners; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
5. 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, and pipes are the sole responsibility of the Homeowners Association.
6. If this subdivision/special permit is approved, a Homeowner's Association needs to be created which shall define the responsibilities of the four homeowners regarding the required maintenance of the proposed stormwater drainage system. It is recommended that a minimum of \$10,000 be set up in an account as seed monies for the future inspections and maintenance of the drainage system. The homeowners should be equal trustees of the Homeowners Association in order to have proper representation. The documentation for the Association should be drafted by the applicant's attorneys, reviewed, and approved by the Law Department.

7. Each lot shall have separate subsurface stormwater infiltration systems, to include roof and driveway runoff.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction material, construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor.
2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean. A detail of this is needed for approval.
3. If blasting of on-site ledge is required, the applicant/contractor shall obtain a Blasting Permit from the Newton Fire Department.

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.
3. As the total site disturbance is over an acre, a Phase II General Construction (NPDES) Permit will need to be filed with DEP & EPA. A Stormwater Pollution Prevention Plan (SWPPP) will need to be developed.
4. Trash & recycling from the development needs to be coordinated with the Director of Environmental Affairs of the DPW.

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts

labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. The crown of the service connection & the sewer main need to match.

2. All service connections shall be 6" PVC SDR 35 from the main to within ten feet of the foundation at which point the service connection can be reduced to 4" pipe per Massachusetts State Plumbing Code.
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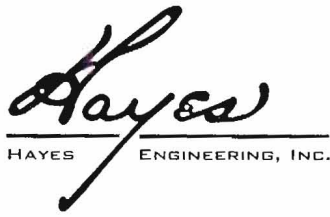
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If you have any questions or concerns please feel free to contact me @ 617-796-1023.



Memorandum

To: Lou Wolfson
Terrence Morris

JOB #: NEW-0028E

From: William R. Bergeron, P.E.

Date: June 4, 2012

Subject: Engineering Response / Dedham Street, Newton

RECEIVED
Newton City Clerk
2012 JUN -5 PM 9:16
David A. Olson, CMC
Newton, MA 02459

Gentlemen:

The following is in response to the May 24, 2012 memo from John Daghljan, Associate City Engineer for the City of Newton, relative to the above-referenced project. The section names and paragraph numbers in this response correspond to those in Mr. Daghljan's memo.

Executive Summary:

(Paragraph 2) – This was discussed with Engineering. If the City has the rights for the connection, it will be looped. The present property owner does not have the right.

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Drainage:

1. It is understood that a drainage analysis and soil testing will need to be done as part of the approval process prior to construction.
2. The entire driveway and parking area currently on site drains toward Dedham Street. The proposed system will reduce the flows.
3. This will be evaluated when the actual design is done for the approval.
4. Agreed.
5. Agreed.
6. This information will be developed prior to occupancy permits satisfactory to the Law Department.

Memorandum Response
Dedham Street, Newton
June 4, 2012

7. The proposed site will be designed to have common drainage structures that will be maintained by the Homeowners' Association. It is not likely that soils will be available on the individual lots to allow separate subsurface stormwater systems. See response to items 4 through 6, above.

Construction Management:

1. Agreed.
2. Agreed when the final design for the lots are submitted for review.
3. Agreed.

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1. We are not aware of any 21E investigations since this site is not a commercial site. It was used as a former farm and for residential purposes. The only site work done other than the construction of the structures was the construction by the City for the water and sewer.
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3. Agreed.
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2. Agreed.
3. Agreed.
4. The services will be cut and capped at main, but other sections will be abandoned in place.
5. Agreed.
6. Agreed.

My name is Jonathan Vershbow.

Thank you for the opportunity to speak tonight.

As the owner of the property at 24 Shady Hill Road, which directly abuts the proposed rear lot subdivision, I have serious concerns in regard to this petition.

Concern # 1: The house on Lot 4 is too big. I believe that you should not allow the house on Lot 4 to be built at the requested size. In support of this position, I offer three points:

- (1) The city's own planning department thinks it is too big, as they have noted in their memo dated June 1 that was prepared for this session, stating: "the house on Lot 4 be reduced in size and height to better reflect the intent of the rear lot subdivision ordinance".
- (2) The petitioner is offering what is in my view a false concession to reduce Lot 1 FAR as a means of getting approval for Lot 4. In my opinion, what they are offering to do is what they intended to do all along. Lot 1 can not support a so called "maximum build-out" – it just isn't feasible, not only because of topographical constraints but because it wouldn't be a sound business decision. So -- how can you "concede" something that you have no intention to do in the

first place ? This should not be used as a justification to grant a waiver to FAR.

- (3) The planning memo for tonight's meeting states: "The petitioner also notes that the combined FAR on the two lots as proposed is .29, more in keeping with the existing neighborhood, and more consistent with the other by-right houses in the proposed subdivision. " I do not understand why this is relevant. Shouldn't each of the proposed houses be evaluated on their FAR individually, not as an average of the two ?

My second concern: Drainage issues. Flooding has been and continues to be a serious issue in this neighborhood and beyond (extending to Countryside Elementary School playground). In fact, even my property, which is at the top of the hill, has had flooding issues. What will the city do to insure that this condition is not exacerbated ?

Concern # 3: Need for a detailed construction management plan. I strongly urge that the city accept the planning department recommendation for a CMP; and that in addition a stipulation is added to allow for neighbourhood involvement in development and approval of this plan.

My fourth concern is the common driveway and hammerhead: As noted in the planning memo: “The Planning Department recommends that paving be minimized and that parking should be restricted from the hammerhead-end of the driveway so as not to interfere with emergency vehicle access.” I agree 100% with this recommendation and hope that by ‘restricted’ it is meant ‘no parking ever’

Fifth: Is it possible to allow for a more thorough review of submitted plans for landscaping, screening & fencing ? I do not think enough time has been allowed to properly review this issue.

I would also like to make a few comments on what is included in the planning memo as “Attachment A Letter from Petitioner June 1, 2012”

The petitioner describes the existing barn location as a “deleterious condition ... to be remedied”. This is a matter of perspective. As a current abutter, and having lived with this condition since buying my house in 1986, I don’t consider this to be a problem and therefore no “remedy” is required.

Finally: The petitioner describes our neighbourhood as being filled with “existing houses as candidates for replacement with much larger structures” and uses this as justification for larger FAR on Lot 4. In

my view this argument has no merit unless the petitioner has found a way to predict the future.

Thank you.

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – Lot 4 Rear Lot Development (112 & 116 Dedham Street)

Date: May 24, 2012

CC: Lou Taverna, PE City Engineer (via email)
Linda Finucane, Associate City Clerk (via email)
Eve Tapper, Chief Planner (via email)
Alexandria Ananth, Sr. Planner (via email)

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

Lot 4 Rear Development
Dedham Street
Newton, MA
Prepared by: Hayes Engineering
Dated: February 8, 2012

Executive Summary:

This development is for a 4-lot single-family dwellings on a 1.5-acre parcel that current has a duplex dwelling and a barn. An 18-foot wide common driveway will be constructed from Dedham Street and extend approximately 665 feet, to a hammerhead. There will be an elevation difference of (24-feet) between the driveway entrance and the hammerhead; the low point of the proposed driveway at Dedham Street has an elevation of 132' and a high point of 156' at the proposed hammerhead at the northwest corner of the property.

An existing City owned 20-foot wide utility easement traverses the property. A City owned sanitary sewer main runs through this easement, which connects the sewer main from Ledgewood Road to Dedham Street, and will provide sewer service for these homes. The plan indicates a 6-inch ductile iron water main will be installed and terminate at a hydrant; this is unacceptable according to the Director of Utilities. The

new main shall be interconnected to the dead end portion of Ledgewood Road thus providing a looped system, and a benefit for the neighborhood.

As a public benefit, the developer should be required to install cement concrete sidewalks along the entire frontage of Dedham Street providing a safe walkway by filling in the missing portion of sidewalk from Stony Brae and #120 Dedham Street.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site, for the respective lots, and the common driveway. The plans indicate that soil testing was performed, however; no information has been submitted.
2. Based on the driveway design there is approximately 60' of uncontrolled runoff from this driveway to the City's system.
3. The proposed subsurface stormwater management area located near the driveway entrance shall be installed with an impervious barrier along the downstream side of the system in order to prevent any breakout of stormwater on the embankment.
4. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds of the homeowners; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
5. 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, and pipes are the sole responsibility of the Homeowners Association.
6. If this subdivision/special permit is approved, a Homeowner's Association needs to be created which shall define the responsibilities of the four homeowners regarding the required maintenance of the proposed stormwater drainage system. It is recommended that a minimum of \$10,000 be set up in an account as seed monies for the future inspections and maintenance of the drainage system. The homeowners should be equal trustees of the Homeowners Association in order to have proper representation. The documentation for the Association should be drafted by the applicant's attorneys, reviewed, and approved by the Law Department.

7. Each lot shall have separate subsurface stormwater infiltration systems, to include roof and driveway runoff.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction material, construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor.
2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean. A detail of this is needed for approval.
3. If blasting of on-site ledge is required, the applicant/contractor shall obtain a Blasting Permit from the Newton Fire Department.

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.
3. As the total site disturbance is over an acre, a Phase II General Construction (NPDES) Permit will need to be filed with DEP & EPA. A Stormwater Pollution Prevention Plan (SWPPP) will need to be developed.
4. Trash & recycling from the development needs to be coordinated with the Director of Environmental Affairs of the DPW.

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts

- labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. The crown of the service connection & the sewer main need to match.
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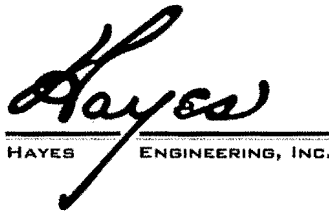
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