



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Rachel Powers
CD Programs Manager
Planning & Development

Members

Scott Wolf, Chair
Peter Doeringer, Vice Chair
Megan Meirav
Sonia Parisca
Chris Steele
Jennifer Molinsky
Barney Heath, *ex officio*

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CITY OF NEWTON

Planning and Development Board

AGENDA

DATE: **Monday, June 4, 2018**
TIME: **7:30 p.m.**
PLACE: **Newton City Hall, Room 204**

1. **Minutes:** Approve minutes from the May 7, 2018
2. **Board of Survey/Public Hearing:** Farewell Street- VTP Associates
3. **Discussion:** #203-18 Zoning Amendment for Moratorium on Zone Changes/Construction on Washington Street
4. **Updates for Discussion:**
 - a. Washington Street Vision Plan
 - b. Needham Street Vision Plan
 - c. Zoning Redesign
 - d. Inclusionary Zoning
 - e. Recreational Marijuana
 - f. 236 Auburn Street
 - g. 83-85 West Street
 - h. Board Training
5. **Next Meetings:**
 - June 25, 2018 at 7:00 p.m., Joint Zoning (ZAP) and Planning – Public Hearing (Needham Street Area Vision Plan & Shared Parking)
 - July 2, 2018 at 7:30 p.m., Planning & Development Board (Regular Meeting)- **RESCHEDULE?**
 - August 6, 2018 at 7:30 p.m., Planning & Development Board (Regular Meeting)

The location of this meeting is wheelchair accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton's ADA/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

PLANNING & DEVELOPMENT BOARD MEETING MINUTES

May 7, 2018



Full Members Present:

Scott Wolf, Chair
Peter Doeringer, Vice Chair
Megan Meirav
Sonia Parisca
Chris Steele
Barney Heath, *Ex Officio*

Staff Present:

Rachel Powers, Community Development Programs Manager
Danielle Bailey, Grants Manager
Elizabeth Valenta, HOME Program Manager
Malcolm Lucas, Housing Planner

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Chris Steele

1. **Minutes from the Planning and Development Board Meeting held on April 2, 2018**
2. **Board of Survey/Public Hearing: Farewell Street- VTP Associates**
3. **Board of Survey/Public Hearing: Withdrawal of Definitive Application- Carlson Avenue Extension**
4. **Presentation/Vote: Draft FY19 (July 1, 2018-June 30, 2019) Annual Action Plan**
5. **Discussion: 128 Chestnut Street Landmark**
6. **Zoning Redesign Update**
7. **Washington Street Vision Plan Update**

1. Action Item: Approval of Minutes of April 2, 2018 meeting

Chair Wolf opened the meeting at 7:30 p.m. The motion was made by Vice Chair Doeringer and Seconded by Chair Wolf and approved 4-0-2, with Chris Steele and Dir. Heath abstaining, to approve the minutes of April 2, 2018.

2. Board of Survey/Public Hearing: Farewell Street- VTP Associates

Roll Call (ALL MEMBERS): Upon a motion by Chris Steele and Vice Chair Doeringer, and passed 6-0-0, the Board of Survey was opened (7:30 pm).

City Engineer and Clerk of the Planning Board acting as the Board of Survey, Louis Taverna, re-introduced himself and the project proponent, Joe Porter of VTP Associates, to discuss definitive plans for the creation of a subdivision off of 56 Farwell Street in Newton, bordering the Charles River. The proposal includes 6 housing lots and a private way to service those lots in order to ensure the necessary frontage.

The City of Newton Engineering Division is not ready to make a recommendation on the proposal and is still in the process of reviewing the project and finalizing their conditions by which to issue an approval. Associate City Engineer, John Daghlian, provided a summary of the review process and subdivision proposal for the 2-acre parcel. Some of the concerns center around utilities being constructed directly over

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Massachusetts Water Resources Authority (MWRA) sewer mains, which run the length of the property. The City has been notified of a crack in one of the pipes and the MWRA is currently reviewing options for those repairs. Additionally, the project applicant must obtain permission and access from the MWRA to install the new utilities on the property. Another issue of concern was the applicant's proposed "country drainage." This particular type of run-off is hard to maintain in our region. The Engineering Division prefers standard catch basins and gas traps. The project has met Conservation Commission requirements, with no net increase of run-off, and has been given an order of conditions.

Chair Wolf inquired about the fire department's requirements for access and whether temporary or permanent on-street parking would be allowed. Engineering staff indicated that any fire trucks would likely pull in and out versus attempting a three-point turn and that they would like to see parking restricted. Given the narrow nature of the rotary, it would be safer to avoid parking. Mr. Daghlion suggested that the proponent consider installing a fire compression system in each of the homes.

A homeowner's association would need to be initiated in order to maintain utilities, as well as a private sewer that would need to be approved by the City Council.

Ms. Parisca requested clarification on the sloping and drainage requirements. Mr. Daghlion explained the logistics of this and where the proposed private way will end. He also confirmed with Mr. Porter that the fire department signed off on the applicant's driveway plans.

Vice Chair Doeringer asked if issues related to granite curbing, snow removal and storm run-off would be reduced by having a wider roadway and whether it was realistic to limit parking. Mr. Daghlion assured that there would be less run-off due to the smaller roadway and the granite curbing further preserves the roadway. Mr. Taverna added that the HOA would need to enforce parking and that no street lighting had been approved.

Chair Wolf questioned if the Planning and Development Board would be able to review the proposed HOA documents in the hope that homeowners would be able to enforce the parking restrictions; Mr. Daghlion explained that the Law Department would need to review these documents. Ms. Meirav also inquired about any ongoing issues in the city relative to parking on private ways; this was unknown at the time.

Public Comment (7:46 p.m.)

Joanne Polci, 71 North Street: Ms. Polci grew up in the area and is vehemently opposed to the proposed destruction of land. She pointed out issues related to existing homes and future development. She also raised parking, traffic, flooding and drainage concerns. She would prefer to preserve the land and feels it is a mistake to develop,

Josephine Bryant, 65 Anthony Road: Ms. Bryant is also concerned with the amount of development and size of the proposed road. She is distressed about limited access to emergency vehicles and suggested that the proponent is not considering the potential amount snow or traffic. Ms. Bryant referenced several accidents, the displacement of water and questioned long range impacts of the project.

Mia Jepsen, 43 Anthony Road: Ms. Jepsen agreed with the previous speakers and reiterated that the development and removal of trees were too much for the area. She presented pictures of flooding in and around the site, as well as the letter she submitted to the Conservation Commission.

Sally Malloy, 1 Albemarle Road: Ms. Malloy explained that she has seen flooding in neighboring yards, as well as her own. She is concerned about the proposed road and how emergency vehicles would get in and out. She also expressed concern about the snow removal, snow melt and area wildlife.

Sonia Leon, 31 Anthony Road: Ms. Leon presented concerns and her opposition to the development. Traffic was her primary concern, as well as reductions to open space and impacts to the wildlife. She also spoke to the benefits of the land to the existing residents.

Silvia Kalorestian, 37 Anthony Road: Ms. Kalorestian confirmed that the land does flood, as well as her basement. She is extremely pessimistic about the project and reinforced the neighborhood's concerns.

Chair Wolf requested that the public hearing remain open.

Josephine Bryant, 65 Anthony Road: Ms. Bryant asked an additional question and wonders how the MWRA approvals will get resolved.

Mr. Taverna indicated that the City would condition subdivision approvals on the proponent receiving the MWRA's permissions. The proponents and City are coordinating with the agency, but no timeline was known at this time.

Chair Wolf asked if the proposed homes are at their maximum sizes/FARs? The proponent described the extensive Conservation Commission process and the plans to mitigate the flooding and revitalize the property. Initially, the proponents considered developing a multi-family property applying for 40B; instead they opted for a smaller project. All the proposed lots will be larger than those on Anthony Circle and provide more open space. The proponent could build larger houses. As part of the remediation process with Conservation Commission, they are replacing trees, pitching the road and providing additional screening. The roadway was narrowed in order to minimize the impact of impervious pavement. Trees will serve as a buffer, with more being added than taken out. The existing property had numerous violations that will be corrected as a result of development. The 100-Year storm has been accounted for in the proponent's plans and projections. Drainage requirements have been satisfied for the Conservation Commission and Engineering Division. The project was approved by Conservation Commission with conditions on April 26, 2018.

Ms. Meirav asked for clarification on the minimum square footage requirements for a new lot in a SR-3 zone; the proponent indicated that 10,000 s.f. was the minimum.

Vice Chair Doeringer inquired if there were alternative ways conservation goals could have been met without requiring a narrow 20-foot road; what are the trade-offs? Mr. Taverna indicated that going with the catch basins, in lieu of the "country drainage" was the trade-off and confirmed that rulings could be amended but would need to be reflected with the Conservation Commission.

Chair Wolf spoke to a subdivision case involving a 20-foot road in another community and was incredulous that the town had even considered so narrow a roadway. He is considered about approving something so narrow. Mr. Taverna explained that this was a compromise between Engineering and Conservation Commission to manage run-off. Other subdivisions have been approved with similar conditions.

Ms. Parisca queried if Newton had a City ordinance related to the Charles River Bank; Mr. Taverna confirmed that Newton does not, but Watertown does. Chair Wolf also asked if the proposed walkway connects to any other pathway. The proponent discussed future plans to potentially connect to the main pathway.

Upon a motion by Chair Wolf, seconded by Ms. Meirav, and passed 6-0-0, the public hearing is held until the next Planning and Development Board meeting, scheduled for June 4, 2018.

3. Board of Survey/Public Hearing: Withdrawal of Definitive Application- Carlson Avenue Extension

City Engineer, Louis Taverna, indicated that the developer had withdrawn the definitive subdivision of land for the Carlson Avenue Extension. The proposal included plans for an 8-lot subdivision.

Upon a motion by Ms. Meirav, seconded by Chair Wolf, and passed 6-0-0, the withdrawal of the definitive application- Carlson Avenue Extension was accepted and approved.

Upon a motion by Chair Wolf and seconded by Ms. Meirav the motion to adjourn the Board of Survey passed, 6-0-0 (8:29 p.m.)

4. Presentation/Vote: Draft FY19 (July 1, 2018-June 30, 2019) Annual Action Plan

Dir. Heath introduced the Housing and Community Development Division staff leading in to the presentation of the City of Newton's FY19 Annual Action Plan.

Division Staff, including Rachel Powers, Malcolm Lucas, Danielle Bailey and Elizabeth Valenta presented and discussed proposed activities, goals and outcomes to be undertaken by the Housing and Community Development Division during the July 1, 2018-June 30, 2019 program year. CDBG, HOME and ESG Program budgets were updated to reflect HUD's FY19 final allocations, which were distributed just several days prior. For FY19, CDBG and HOME will see a 10.5% and 37% increase respectively. ESG went down slightly.

Chair Wolf asked if the ADA accessible bathroom project would be competitively bid. Ms. Powers indicated that the Building Department's on-call contractors have already gone through the City's competitive bidding process and that the work would most likely be performed through a change order on an existing contractor. She further clarified that the project would need to comply with Section 3 and Davis-Bacon requirements.

Mr. Steele asked for background on funding patterns and when the funding was essentially reduced. Ms. Powers noted that the reduced funding occurred around the time of the recession. Staff further noted anomalies in current increases and is not an indicator of future funding patterns.

Vice Chair Doeringer questioned the proposed FY19 beneficiaries in comparison with allocations. Chair Wolf further inquired into the beneficiaries estimates and how they are counted. Staff explained how estimates are generally made. Jon Firger of Family ACCess offered his perspective on the matter and brought up the definition of "eligibility" being a factor in making an estimate on the number of beneficiaries to be assisted. Those organizations serving families must meet HUD's financial requirements, while those serving seniors by definition are presumed eligible. He believes this is inflating the number projected for elderly.

Public Comment (9:07 p.m.)

Jayne Colino, Newton Senior Center: Spoke to Mr. Firger's comments, indicating that the Senior Center only projected the number of seniors to be served in their fitness classes.

Ms. Parisca asked about future opportunities to learn more about the human service agencies and programs, other than reviewing their applications. Chair Wolf indicated there was a time when the Board wouldn't recommend funding to an agency if they didn't attend the Planning and Development

Board's meeting. Dir. Heath noted that the CAPER completed by the Division each year includes a lot of the accomplishment data the Board is looking for.

Mary Lou Seitz, Newton Community Development Foundation: Ms. Seitz thanked the City and Planning and Development Board for their recommendation of CDBG funds. She advocated for NCDF and their mission. She explained that NCDF strives to support residents and preserve their tenancies.

Sandra Kelly, Newton Community Development Foundation/Cassleman House: Ms. Kelly is a resident of Cassleman House, an NCDF-managed property. She described her experience as a tenant and NCDF programming. She spoke to the diversity and benefits of living in an NCDF development. She is overwhelmed by the sense of community and loves living there. Ms. Kelly indicated that living with NCDF is one of the best things that has ever happened to her.

Sara Bellemore, EMPATH: Ms. Bellemore is the program director for the Career Family Opportunities program with EMPATH. She explained how CDBG supports Newton participants in the economic mobility program. Overall, they are serving 8 Newton families. Progress has shown gains of families earning \$300 more a month; one participant is earning getting their master's degree. The agency has a wide range of community connections that further help clients.

Sally Pellegroni, Cousens Fund: Ms. Pellegroni described her program and the range of clients being served. She explained how she assists applicants and how CDBG supports the program. The Cousens Fund seeks to provide stability for vulnerable residents.

Jon Firger, Family ACCESS: Mr. Firger thanked the allocation committee for their consideration. Their CDBG award funds affordable child care and social mobility programming. He described their client profile and how the agency assists residents. He was very pleased with the proposed FY19 allocations.

Sheila Farrell, The Second Step: Ms. Farrell explained that The Second Step manages two homes; each of which can house up to 8 households. She explained their mission to assist domestic violence victims to rebuild their life. In addition, they provide advocacy and community resources.

Jayne Colino, Newton Senior Center: Ms. Colino explained that the City initially helped to form the Senior Center, and now the Center is outgrowing their space and finding difficulty in accommodating the demand. The Senior Center will expand fitness classes out of the Center and into satellite locations. A collaboration with the Newton Housing Authority is one such example of providing an off-site fitness option for seniors.

Upon a motion by Chair Wolf, seconded by Chris Steele, and passed 6-0-0, the public hearing was closed.

Upon a motion by Vice Chair Doeringer, seconded by Ms. Meirav, and passed 5-0-1, with Director Heath abstaining, the Board voted to adopt the FY19 Annual Action Plan as presented.

5. Discussion: 128 Chestnut Street Landmark

Ms. Powers read a statement by Senior Preservation Planner, Katy Hax Holmes, relative to the landmark designation process and local landmark report prepared for 128 Chestnut Street. The Newton Historic

Commission (NHC) seeks the Planning and Development Board's review and recommendation for deliberation by the NHC.

Councilor Andrea Kelley spoke on behalf of the proposed designation, indicating that she has been joined by the other Ward 3 councilors in the effort. She noted the property's architectural significance and the contributions made by previous owner, Henry Lambert. Materials have become available on the historic home and its larger significance. Councilor Kelley is concerned about the impending demolition of the site; the demolition delay has expired. She hopes that the Newton Historic Commission issues a positive recommendation to preserve the property.

Vice Chair Doeringer inquired as to stronger protections being provided through designation as a local landmark versus being part of a historic district. Councilor Kelley indicated that the local landmarking served as a tool to save resources like this. Although, there was no method by which to stay or further delay the demolition during this landmarking process.

Ms. Meirav asked if the owner was interested in refurbishing the property, but this was not known. Councilor Kelley expected to file a permit shortly.

Ms. Parisca also questioned the availability of historic tax incentives that could preserve the property and its value.

Vice Chair Doeringer wondered about the number of landmarks already designated in Newton; Ms. Powers provided a listing made available for Senior Preservation Planner Katy Hax Holmes.

During the course of discussion, it seems the Planning and Development Board supports preserving the property as a landmark, although Chair Wolf indicated he would like a more prescribed process that would automatically trigger a historic review. An ordinance change could trigger a landmark designation review.

Ms. Meirav noted that there are few homes from this era in such great shape as this and that it is our responsibility to preserve these pieces of cultural history. Mr. Steele articulated that it was a problem that the City didn't have a tool to incentivize or compensate the owner to preserve this home. Vice Chair Doeringer was hesitant to express his comments, noting the "ad-hoc", impromptu quality of the process. Councilor Kelley further responded that it was important to flesh out these ideas as the City moved forward with zoning redesign. A development of an ordinance and/or procedures to address these issues would be helpful.

Chair Wolf expressed that it was unfair to comment; and Vice Chair Doeringer reiterated the desire to implement a formal procedure. There was a consensus across the Planning and Development Board that an ordinance and/or procedure was necessary, and that preservation must be carefully considered. Such a process requires certain tools with which to properly address preservation.

6. Zoning Redesign Update

Dir. Heath provided a brief update, indicating that the Planning Department was entering their last set of conversations on the zoning redesign process. The next focus is centered around the creation of the

new zoning map and residential districts. There would be further discussion of a full zoning map with the City Council on June 19th.

7. Washington Street Vision Plan Update

Dir. Heath discussed the City's commissioned study of the Washington Street corridor. Approximately 300 people showed up to the first meeting. There's a lot of excitement around the study. Post cards are being distributed announcing an upcoming schedule of events called "Hello Washington Street." The event is a week-long charette at 1239 Washington Street and a series of meetings to be hosted at other various spaces along Washington Street.

8. Next Meetings

Staff member Ms. Powers discussed the timeline for upcoming meetings and confirmed the availability of Board members.

9. Action Item: Adjournment

Upon a motion by Chair Wolf, seconded by Vice Chair Doeringer, and unanimously passed 4-0-0, the meeting was adjourned at 10:20 p.m.

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Scott Wolf, Chair, Chairman Board of Survey & Board of Survey Members

From: John Daghlian, Associate City Engineer

Re: Definitive Subdivision Review: 56 Farwell Street

Date: May 30, 2018

CC: Lou Taverna, P.E. City Engineer
Robert Waddick, Assistant City Solicitor

In reference to the above-proposed Definitive Subdivision, I have the following comments, for a plan entitled:

*Definitive Plan of Land
Proposed Private Way off Farwell Street
Newton, MA
Prepared By: VTP Associates, Inc.
Dated: August 18, 2017
Revised: April 3, 2018*

Executive Summary:

Turtle Lane LLC, 77 Oldham Rd, Newton, proposes to subdivide the existing lot at #56 Farwell Street into 6 lots. The city's Assessor database (section-block-lot: 21-1-12), indicates an existing 92,790 square feet lot, with a 50 foot frontage (approximately 2.1 acres) located in Nonantum. The proposed subdivision entails creating six single family lots and a private way from this parcel.

Reference: Section IV.B. Definitive Plan:

2. Contents:

The following information is missing:

- *Reference 2.a.22 Profile Plan sections a, b, and c regarding left, center and right side lines, that submitted plan does not show this.*

3. Procedure:

- *Review by Health Commissioner: The Health Commissioner shall in accordance with M.G.L. Chapter 41 Section 81U report to the Planning Board in writing his approval or disapproval of said plan.” This has not been provided, therefore a waiver is needed.*

Section V. Design Standards:

B. Streets:

- *1.d. The minimum centerline radii of curved streets shall be one hundred and twenty five (125) feet; the plan does not indicate the proposed centerline radius, is a waiver needed?*
- *1.e. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees. The plan does not indicate the intersecting angle, is a waiver needed?*
- *#3 Width: The minimum width of street right of way shall be forty-five (45) feet. Specific waiver is needed for the proposed width.*
- *#4. Grade: Grades of streets shall not be less than 0.6 per cent nor more than 12 per cent; the plan does not indicate the intended centerline grade.*
- *#5 Dead End & Cross Streets: d: If the Planning Board allows a dead end street... the closed end with a turnaround (cul-de-sac) having a minimum diameter of (95) feet.*

Section VI Specifications & Required Improvements for an Approved Subdivision:

B. Utilities:

2. A separate utility easement plan for the proposed water main is needed; the City will accept the water main once it has been installed, tested, chlorinated, after the applicant petitions the City Council for a water main extension.

3. Storm Drainage System c: waiver not listed.

5. Underground Electric Power Distribution & Service System; Underground Telephone: Sub paragraphs b & c.

6. Natural Gas Distribution: Waiting for word from gas company

D. Monuments or Bonds: 1 & 2: the plan does not show proposed bounds this should not be allowed as a waiver this is the only manner in which a private road can be “tied in” mathematically and is a cornerstone basic requirement for survey and property recreation basis.

The cover sheet needs to be updated to reflect the above, finally the MWRA must sign off on the plans before they are endorsed, the following language is requested to reflect the MWRA’s release:

FINAL APPROVAL OF THIS SUBDIVISION SHALL BE PENDING APPROVAL AND CONDITIONS SETFORTH BY THE MASSACHUSETTS WATER RESOURCE AUTHORITY.

The following were concerns that have not yet been addressed:

Snow storage areas need to be identified on the plan.

The Operations and Maintenance plan is acceptable for the design intent however; a Homeowner’s Association needs to be formulated and funded with at least \$10,000.00 to inspect, clean and maintain the numerous systems. Additionally someone needs to be responsible to keep the grassy swale clean from trash and debris; otherwise it will end up in the river and in the back yards of lot6 and #1 Albemarle Road.

The access road is only 20-feet wide, when cars or trucks are parked along one side the travel lane will be reduced to 12-feet, additionally with snow bank which can be 2-3 feet wide the road gets even narrower; the standard city road for new developments is 29-feet.

The proposed hammerhead is problematic for emergency vehicles trying to turn when vehicles are parked in the roadway. Turning movements should be demonstrated with vehicles parked along the proposed roadway.

Finally, the proposed subdivision has numerous design variations that do not meet the design standards of the Rules & Regulations of the Planning Board acting as the Board of Survey. The engineer of record needs to formally list the waivers on the title sheet and submit a formal request to the Board. Additionally the Board needs to determine what type of Performance Guarantee would be provided as required by [Section 5] which states *“before endorsement of its approval of the plan, the planning Board will require that the construction of ways and installation of municipal service and other utilities be secured.”*

General Comments:

1. No street lighting is proposed, street lighting is required under Board of Survey (Granting Authority of Subdivisions).
2. Sharp angel of proposed roadway and existing curve of Farwell Street, this needs modification for turning movements of emergency vehicles.
3. The applicant needs to submit proof of access or easement rights over the existing MWRA Sewer Easement.
4. A letter from the MWRA is needed that indicates that the proposed roadway and traffic loads will not negatively impact the two sewer trunk lines. An 8M permit is required from the MWRA for all construction adjacent to their sewer mains.
5. Based upon a site visit, several trees will need to be cut down for this development. The applicant will have to address any tree cutting in accordance to the City Tree Ordinance. The applicants shall consult with the City's Tree Warden.
6. If the subdivision is approved, the applicant will have to apply for a Utilities Connection Permits with the city DPW.
7. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property.
8. The contractor 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 service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval.
9. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction.
10. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
11. Prior to a Certificate of Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division & Conservation Commission in both

digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading.

12. All site work shall be completed before a Certificate of Occupancy is issued.

This concludes my review, if you have any questions please feel to contact me @ 617-796-1023.

City of Newton



Ruthanne Fuller
Mayor

DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
OFFICE OF THE CITY ENGINEER
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449

May 31, 2018

D R A F T

CERTIFICATE OF ACTION

To: Newton Planning Board Acting as a Board of Survey

From: Louis M. Taverna, P.E., City Engineer
Clerk of the Board of Survey

Subject: Definitive Plan of Land, Proposed Private Way off Farwell Street
Showing Proposed Conditions (six single family lots) at #56 Farwell Street

Note: The following requested waivers, and conditions for approval, of the proposed subdivision will be presented at the Board of Survey meeting on June 4, 2018. The final certificate of action will be prepared after the meeting and vote.

I, Louis M. Taverna, P.E., City Engineer and Clerk of the Planning Board acting as a Board of Survey, propose the following action to be taken on June 4, 2018, concerning the definitive subdivision plan filed on August 18, 2017 and final revised on April 3, 2018 entitled:

Definitive Plan of Land
Proposed Private Way off Farwell Street
Showing Proposed Conditions at #56 Farwell Street
Newton, Massachusetts
Dated: August 18, 2017
Final Revised: Revised April 3, 2018

The following Board of Survey members are in attendance at the meeting:

Scott Wolf, Chair
Peter Doeringer, Vice Chair
Megan Meirav
Sonia Parisca
Chris Steele
Barney Heath, Ex Officio Member

Staff attending include:

Rachel Powers, Planning Department
Louis M. Taverna, P.E., City Engineer
John Daghlian, Associate City Engineer

Proponents attending include:

Steve Vona, Developer
Joe Porter, VTP Associates

Telephone: 617-796-1020

Fax: 617-796-1051

Ltaverna@newtonma.gov

After discussion, the motion was moved and seconded that the definitive subdivision plan, as revised, be approved subject to the waivers and conditions set forth below. The Board voted X-X to approve such plan with the following waivers and conditions:

Waivers Requested:

The content requirements for a Definitive Plan are defined within Part 2, Section IV of the Rules and Regulations of the Planning Board Acting as a Board of Survey, City of Newton, Massachusetts, last revised and adopted July 7, 1997.

The proposed Private Way off Farwell Street generally meets the content requirements for a Definitive Plan, with the following exceptions. For each exception, the Proponent is requesting a waiver from the City.

SECTION VI. SPECIFICATIONS AND REQUIRED IMPROVEMENTS FOR AN APPROVED SUBDIVISION (as requested by the Developer)

A. Street and Roadway

1. All construction for new streets shall be in accordance with the following: The revised Ordinances (1973) of the City of Newton, Section 19-73m Subsection (h); Specifications and General Construction Details established by the City Engineer; and Standard Specifications of the City of Newton---Special Provisions---Highway established by the City Engineer. The aforementioned specifications established by the City Engineer shall be those in effect at the time of the approval of the plan by the Planning Board. The specifications of the City Engineer are to be used only with the respect to the standards contained therein for construction.

B. Utilities

3. Storm Drainage System

- a. Storm Drains and appurtenances shall be installed as provided in Chapter 18 of the revised Newton Ordinances of 1973.
- b. The storm drainage system shall be designed in accordance with the City of Newton Drainage Design Criteria established by the City Engineer.

5. Underground Electric Power Distribution and Service Systems; Underground Telephone System

- a.Poles of a design approved by the Commissioner of Public Works shall be provided for street lighting and for the mounting of police call, fire alarm and emergency boxes. Street lights and appurtenances shall be approved by the Commissioner of Public Works. The underground electrical power and service system shall incorporate provision for service to street lighting and to alarm, emergency, and police call boxes.

C. Sidewalks

1. Sidewalks as shown in Specifications and General Construction Details, Typical Cross Sections of Streets shall be constructed on both sides of each roadway on all streets shown on the Definitive Plan.

2. In the constructing of all sidewalks, the method of construction shall be in accordance with specifications of the City of Newton---Special Provisions---Highway (cement concrete walks).

F. Planting Strips or Loam Borders

1. The grade, extending from the back of the sidewalk to match existing ground, shall not exceed a slope of three (3) horizontal to one (1) vertical, all as shown on City of Newton General

Construction Details. In areas where differential is more than three (3) feet or the character of the material warrants, the Planning Board may grant a revision of slope requirement.

Additional waivers required for approval are as follows (as noted by the Engineering Division):

Reference: Section IV.B. Definitive Plan:

2. Contents:

The following information is missing:

- *Reference 2.a.22 Profile Plan sections a, b, and c regarding left, center and right side lines, that submitted plan does not show this. Waiver needed.*

3. Procedure:

- *Review by Health Commissioner: The Health Commissioner shall in accordance with M.G.L. Chapter 41 Section 81U report to the Planning Board in writing his approval or disapproval of said plan.” This has not been provided, therefore a waiver is needed.*

Section V. Design Standards:

B. Streets:

- *1.d. The minimum centerline radii of curved streets shall be one hundred and twenty five (125) feet; the plan does not indicate the proposed centerline radius, waiver needed.*
- *1.e. Streets shall be laid out so as to intersect as nearly as possible at right angles. No street shall intersect any other street at less than sixty (60) degrees. The plan does not indicate the intersecting angle, waiver needed.*
- *#3 Width: The minimum width of street right of way shall be forty-five (45) feet. Specific waiver is needed for the proposed width.*
- *#4. Grade: Grades of streets shall not be less than 0.6 percent nor more than 12 per cent; the plan does not indicate the intended centerline grade. Waiver needed.*
- *#5 Dead End & Cross Streets: d: If the Planning Board allows a dead end street... the closed end with a turnaround (cul-de-sac) having a minimum diameter of (95) feet. Hammerhead provided, waiver needed.*

Section VI Specifications & Required Improvements for an Approved Subdivision:

B. Utilities:

2. A separate utility easement plan for the proposed water main is needed; the City Council will accept the water main once it has been installed, tested, chlorinated, after the applicant petitions the City Council for a water main extension.

3. Storm Drainage System c: waiver required.

5. Underground Electric Power Distribution & Service System; Underground Telephone:
Sub paragraphs b & c.

6. Natural Gas Distribution: Waiting for word from National Grid as to capacity of gas main.

D. Monuments or Bounds: 1 & 2: the plan does not show proposed bounds, this should not be allowed as a waiver as this is the only manner in which a private road can be “tied in” mathematically and is a cornerstone basic requirement for survey and property recreation basis. Waiver not recommended.

E. No street lighting is proposed, street lighting is required under Board of Survey. Waiver needed.

F. The paved area of the access road is only 20-feet wide, when cars or trucks are parked along one side the travel lane will be reduced to 12-feet, additionally with snow bank which can be 2-3 feet wide the road gets even narrower; the standard city road for new developments is 29-feet. Waiver needed.

G. The proposed grassy swale that will receive excess surface runoff from the roadway is considered by some as “country drainage”. Waiver needed.

Conditions for Approval:

Reference Section V Design Standards:

- Open Space: “In proposed development for which open space preservation is not otherwise provided in applicable zoning ordinances, the Zoning Act or other laws, the Planning Board may also in appropriate cases require the plan to show ...or for providing light and air”. With the proposed lots, the Board should consider a “buffer zone” between the neighbors along Farwell Street, Anthony Road and Anthony Circle which would be of a certain dimension in which no trees are cut, and no grading is performed, and possibly a vegetated planting buffer is provided. **Condition:** The zoning ordinance requires a 60’ vegetated buffer between the proposed building and parking and the neighboring properties. The lot plans to be filed will provide this buffer. Limited grading in the Buffer Zone will be necessary and will be shown on the Plan review plans.
- Prior to construction, a full drainage report with associated plans for the development shall be submitted for the City’s review.
- Details shall be provided on proposed retaining walls, if any, to the Engineering Division and the Department of Inspectional Services.
- The applicant shall address any tree cutting in accordance to the City Tree Ordinance. The applicants shall consult with the City’s Tree Warden.
- If the subdivision is approved, the applicant shall apply for a Utilities Connection Permits with the Department of Public Works.
- All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property.

- The contractor 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 service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval.
- The applicant shall apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction.
- The applicant shall apply for a Building Permits with the Department of Inspectional Service prior to any construction.
- Prior to a Certificate of Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan shall show all utilities and final grades, any easements and final grading.
- If a Certificate of Occupancy is requested prior to all site work being completed, including final paving, the applicant shall be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work.
- Final approval, if granted, shall be endorsed on 2 sets of original Mylar drawings of the Definitive plan by the signatures of a majority of the Planning Board, "but not until the statutory twenty (20) days appeal period has elapsed following the filing of the Certificate of the Action of the Planning Board that no appeal has been filed. After the Definitive Plan has been approved and endorsed, the Planning Board will retain the original for official record".
- The property is bound on the north by the Charles River, to the west, east, and south by residential homes and Farwell Street. There are two existing Massachusetts Water Resources Authority (MWRA) large diameter sanitary sewer interceptor mains that traverse the site from west to east. The two trunk lines are a 42" diameter relief sewer main and a 42" x 48" oval main. These two trunk lines transmit sewage from Newton and suburbs west of Newton to the Deer Island Wastewater Treatment plant. One of the sewer trunk lines has a crack in the crown of the pipe for a distance of 1,000-feet into the property, the MWRA is still considering various options for replacement or repair of the pipe, as of this memo no final approval or decision has been provided to the Engineering Division. The applicant proposes to construct a roadway and install utilities over these trunk lines; as of this memo the applicant still does not have written approval from the MWRA for an access easement nor to install utilities within the easement. Any work within the easement must obtain an 8M permit from the Authority. The applicant needs to submit proof of access or easement rights over the existing MWRA Sewer Easement. A letter from the MWRA is needed that indicates that the proposed roadway and traffic loads will not negatively impact the two sewer trunk lines. An 8M permit is required from the MWRA for all construction adjacent to their sewer mains.
- All site work shall be completed before a Certificate of Occupancy is issued.
- The Operations and Maintenance plan is acceptable for the design intent however; a Homeowner's Association needs to be formulated and funded with at least \$10,000 to inspect, clean and maintain the numerous systems. Additionally the Homeowner's Association needs to be responsible to keep the grassy swale clean from trash and debris.
- Snow storage areas need to be identified on the plan.
- The proposed subdivision has numerous design variations that do not meet the design standards of the Rules & Regulations of the Planning Board acting as the Board of

Survey. The engineer of record needs to formally list the waivers on the title sheet and submit a formal request to the Board. Additionally the Board needs to determine what type of Performance Guarantee would be provided as required by [Section 5] which states *“before endorsement of its approval of the plan, the planning Board will require that the construction of ways and installation of municipal service and other utilities be secured.”* Engineering Division recommends that a certified bank check be provided.

- All conditions issued in the Order of Conditions by the Newton Conservation Commission shall also apply to this certification.

Sincerely,

Louis M. Taverna, P.E.
City Engineer

cc: Barney Heath, Ex Officio Member, Director Planning and Development
Rachel Powers, Planning and Development
John Daghlian, Associate City Engineer
Robert Waddick, Law Department
James McGonagle, Commissioner of Public Works
Amy Hamel, DPW Chief of Staff
Deborah Youngblood, Commissioner, Department of Health

Paul Malloy
One Albemarle Road
Newtonville, Massachusetts 02460

May 27, 2018

Mr. Barney Heath, Director
Planning and Development Board
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: 56 Farwell Street, Newtonville, MA DEP File # 239-793

Dear Mr. Heath,

My name is Paul Malloy. My wife, Sally and I are the owners of the property adjacent to the parcel of land on which Mr. Stephen Vona, c/o Turtle Lane LLC, seeks permission to build six 3500± square foot homes on 92,970 square feet of land.

My concerns were set forth in my letter to The Newton Conservation Commission dated February 1, 2018, a copy of which is enclosed for your review.

In addition to my concerns regarding the destruction of a wildlife preservation, the abutters and I, as well as many other neighbors object to the approval of the proposed subdivision due to its density, which caused Associate City Engineer, John Daghion, to cite his concerns in his memorandum to Mr. Scott Wolf, Chair of the Planning and Development Board dated May 3, 2018.

Focusing on the concerns of those of us who oppose the subdivision as proposed, I would like to make the following points:

1. We believe The Conservation Commission erred in its approval by a four to two vote (of which one member who voted in favor, (Mr. Daniel Green, a developer), should have recused himself) demonstrates there were serious concerns by one third of the Commission members that voted.
2. We have appealed The Conservation Commissions approval to The Commonwealth of Massachusetts Department of Environmental Protection and they have scheduled a site visit for Wednesday, June 6, 2018 at 10:00 a.m.
3. We are also in the process of hiring legal counsel with expertise in environmental protection to review the proposed development and determine if it contains any violations of State or Federal laws, rules, or guidelines which may justify a lawsuit.

Consequently, it is our request that The Planning and Development Board take no action on the petitioners plan until after the conservation issues have been definitively determined.

Highlighting the issues presented by the associate engineer, we believe his concerns regarding infiltrating storm waters and snow banks along the side of a private roadway, that is really nothing more than a wide driveway, demonstrates the sensitivity the area is subject to due to the nature of the flood plain adjacent to the proposed homes and the displacement of the volume of water generated by hurricane weather.

We as neighbors have seen and experienced the flooding in this area, our basements and roadways in extreme weather. We have also witnessed flooding above the present 100 year high water mark.

We are also bringing to the "Tree Warden's" attention, the developer's proposal to cut down several 100 year old oak trees that are not only the home to wildlife but whose roots contribute to the absorption of rain water and the stabilization of the river bank.

The engineers report has brought to light for the first time that the "country drainage" appears to be nothing more than a channel to divert the flow of excess water from its property to mine which is insensitive and unlawful. It is my understanding, as well that "country drainage" is used only in communities where there are several areas of land to allow the diversion of the excess water without it, jeopardizing the flooding of the basements of its next door neighbors.

The proposed right of way with winter snow banks is little more than a driveway. The narrowness of the roadway coupled with the hammerhead, rather than a cul-de-sac, could present a tactical nightmare for police, fire, and other emergency vehicles in case of a fire during a winter blizzard or snow storm; a situation that could clearly jeopardize the life and safety of those residents in the adjoining homes or their expeditious transport to a hospital in case of an emergency.

We are also concerned about the impact additional vehicles will have on what is already a heavily troubled area due to its proximity to North Street which carries a very high volume of traffic back and forth between Newton and Waltham.

The neighbors and abutters will be present at the June 4th meeting of the Planning and Development Board to voice their objection to this subdivision in its present form.

Sincerely,

A handwritten signature in cursive script that reads "Paul Malloy". The signature is written in dark ink and is positioned above the printed name.

Paul Malloy

PLANNING & DEVELOPMENT BOARD



Date: May 30, 2018

The Honorable City Council President, Marc Laredo

City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Rachel Powers
CD Programs Manager
Planning & Development

Dear Honorable Council President Laredo:

Following the public hearing held on May 29, 2018, the Planning & Development Board (P&D Board) discussed petitions #201-18 concerning the proposed zoning amendment to limit the residential portion of projects to 50% in business zone developments; #202-18 concerning the proposed zoning amendments to eliminate, reduce dimensional controls, and/or place a moratorium on Mixed Use 4 districts; and #203-18 concerning the adoption of a moratorium on zone changes and construction on Washington Street through September 30, 2019.

Relative to #201-18 and #202-18, the Planning Board voted 0-6-0 to oppose the proposed zoning amendments.

Members

Scott Wolf, Chair
Peter Doeringer, Vice Chair
Barney Heath, *ex officio*
Megan Meirav
Sonia Parisca
Chris Steele
Jennifer Molinsky

However, on #203-18, the Planning Board voted 0-5-1 to oppose the proposed zoning amendments. The intention of the Board member's abstention was to underscore the importance of deferring final action on any new development proposals received during the proposed moratorium until their impact and sustainability can be assessed within the larger context of the Washington Street Visioning process.

Submitted on behalf of the Planning & Development Board.

Sincerely,

Scott I. Wolf
Chair

Cc: City Council

1000 Commonwealth Ave.
Newton, MA 02459
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