



Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Rachel Powers
CD Program Manager
Planning & Development

Members

Peter Doeringer, Vice Chair
Kelley Brown, Member
Sudha Maheshwari, Member
Jennifer Molinsky, Member
Sonia Parisca, Member
Chris Steele, Member
Barney Heath, *ex officio*
Kevin McCormick, Alternate
James Robertson, Alternate

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CITY OF NEWTON

Planning and Development Board

AGENDA

DATE: Monday, July 9, 2018
TIME: 7:30 p.m.
PLACE: Newton City Hall, Room 211

- 1. Approve Minutes from June 4, 2018**
- 2. Board of Survey/Possible Vote: Farwell Street Subdivision**
- 3. Docket Item # 185-18 Discussion and Adoption of Needham Street Vision Plan/ Possible Vote**
- 4. Updates:**
 - a. Washington Street Vision Plan**
 - b. Zoning Redesign**
 - c. Inclusionary Zoning**
 - d. Proposed Marijuana Zoning**
 - e. Economic Development Strategy Draft**
 - f. Anticipated Development Projects**
 - g. 236 Auburn Street Affordable Housing**
- 5. Reorganization Discussion/Elections**
- 6. Discussion of Starting Times for Meetings**
- 7. Discussion of Potential Board Training**
- 8. Next Meeting: Monday, August 6, 2018**

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

June 4, 2018



Full Members Present:

Scott Wolf, Chair
Chris Steele
Jennifer Molinsky
Barney Heath, *Ex Officio*

Staff Present:

Rachel Powers, Community Development Programs Manager

Ruthanne Fuller
Mayor

Barney Heath
Director
Planning & Development

Rachel Powers
CD Programs Manager
Planning & Development

Members

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

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1. **Minutes from the Planning and Development Board Meeting held on 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:**
 - **Washington Street Vision Plan**
 - **Needham Street Vision Plan**
 - **Zoning Redesign**
 - **Inclusionary Zoning**
 - **Recreational Marijuana**
 - **236 Auburn Street**
 - **83-85 West Street**
 - **Board Training**
5. **Next Meetings**

1. Action Item: Approval of Minutes of May 7, 2018 meeting

Chair Wolf opened the meeting at 7:31 p.m. The motion was made by Chris Steele and Seconded by Chair Wolf and approved 3-0-1, with Jennifer Molinsky abstaining, to approve the minutes of May 7, 2018.

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

Roll Call (ALL MEMBERS): Upon a motion by Chair Wolf and Chris Steele, and passed 4-0-0, the Board of Survey was opened (7:33 pm).

City Engineer and Clerk of the Planning Board acting as the Board of Survey, Mr. Taverna's Taverna, re-introduced himself and the project in a continuation of the discussion on 56 Farewell Street. Several memos were distributed by the Engineering Division. There are still outstanding items, including MWRA approval of the proposed private way and the sewer main. The other is a question of the performance bond, which is required of every subdivision request. This is a mechanism to ensure compliance. Mr. Taverna is not planning to run through every waiver but will take questions from the Board of Survey.

Mr. Taverna also introduced Engineering staff John Daghlian and project developers, Steven Vona and Joe Porter. Voting depends upon the Board's comfort with the proposed conditions.

Chair Wolf inquired if there had been changes from the last meeting. Mr. Taverna indicated that they have approved the proponent's hydraulic drainage, but it does require a waiver. He also discussed concerns related to snow plowing of the street and access to emergency vehicles. The Commission is ok with the 20 foot road, but does require a waiver. A waiver for sidewalks is also being requested.

Chair Wolf also referenced concerns relative to access to the private way. Mr. Daghlian described the autoturn. Mr. Vona illustrated plans for the proposed roadway, which is double the width that is currently there. They'll complete a turning radius to ensure maneuverability. This is not itemized as a condition currently but can be added according to Mr. Taverna.

Chair Wolf asked about those items that had not been done and whether plans were sufficient given there is no indication of the centralized grade, etc. Mr. Taverna noted their vote was subject to these items being complete. The drawings would not be drawn tonight; they would be ready in July at the earliest. There is ample time for the proponent to make all corrections.

Chair Wolf brought up the Homeowner's Association; he is concerned that the governing doc would contain specifications on parking, lien and enforcement rights; he would like a progressive penalty scheme. Mr. Taverna reiterated this would be approved later by the legal department. Chair Wolf does not like the 20-foot provision on the proposed private way and wants to ensure this is written in as a condition. This would not be enforced by the Newton Police Department. Mr. Taverna encouraged Chair Wolf to share his ideas for consideration by the legal department.

Mr. Taverna mentioned that the sewer system would be connected to the MWRA system; he approved this on behalf of the city. This is currently being circulated. This will be private and the City would have no responsibility over this system. The City Council will need to approve as a water main extension. The HOA will also need to approve.

Ms. Molinsky inquired into the tree removal and tried to obtain assurance that the trees would be replaced. Relative to the HOA, she mentioned that someone would need to take care of the grassy swail. Mr. Taverna indicated that this would need to be drafted into the HOA bylaws. This will have to be maintained, otherwise homeowners risk water draining into their properties. She also asked about street lighting, to which Mr. Taverna identified the concern as a waiver citing that street lighting would be intrusive. Each home will have its own lighting; this will need to be managed and regulated by the HOA. Mr. Steele asked if lights would be connected to a sensor; Mr. Vona's team is exploring this since it couldn't be left to the discretion of homeowners.

Mr. Vona further indicated they granted an easement to the DEP, to later connect the proposed pathways to the existing. He also spoke to the MWRA's review of the project and replacement of the sewer pipe. The replacement could impact the timing of project implementation.

Public Comment (7:55 p.m.)

Paul Malloy, 1 Albermarle Road: Mr. Malloy read the letter he sent to Director Heath, outlining project concerns such as project density and the vote taken by the Conservation Commission. They are hiring legal counsel and request that the planning board take no action until conservation issues have been determined. He brought attention to the flooding problems, wildlife impacts through the proposed tree removal and potential issues with country drainage and winter snow banks. He is concerned about snow being left in the hammerhead.

Mia Jepsen, 43 Anthony Road: Ms. Jepsen echoes what Mr. Malloy said. She reiterated the situation with the narrowness of the proposed private way and existing congestion. The development would exacerbate these problems.

Philip Jepsen, 43 Anthony: Mr. Jepsen is concerned about the amount of space available once they are dealing with snow piles and the increased pressure on his fence.

Proponent Mr. Vona outlined the buffer zone and screening that will add a natural barrier. The lack of sidewalks and reduction of roadway are due to Conservation Commission requests related to drainage and recharging of water that is collected or melts. He described 10 feet being available to collect snow, 5-6 feet of buffer on either side of the road. They proposed a cul-de-sac, but Conservation Commission didn't want them to build out that way and preferred to reduce impervious surface. Conservation Commission governs the build-out due to the Rivers Act.

Mr. Vona also explained that many trees are dying and are invasive; the planned canopy will better replace this. He indicated that his team incorporated all feedback into their designs. Further, the proposed development is 6 feet above the flood zone. They have worked with numerous engineers to fully vet plans and proportions. They are rejuvenating this property. They have also consulted Conservation Commission regarding additional parking options but are limited at this point to certain areas.

Chair Wolf asked about Mr. Daghlian's position on the drainage; the City is requiring the catch basin system, the City standard, though Conservation Commission would prefer country drainage. Country drainage could potentially pose an issue with older pipes. More infiltrating water could deteriorate the system. The developer is not introducing anything that would increase the percolation of water.

Ms. Molinsky asked about the concerns to surface runoff; Mr. Daghlian explained how this could be controlled and processed. Staff member Ms. Powers indicated that she would forward the Conservation Commission Order of Conditions. Mr. Taverna explained that this Order of Conditions is being appealed. A site visit is being scheduled and the issues will be re-vetted.

Chair Wolf asked several procedural questions related to the vote. Mr. Taverna indicated it's the vote that counts, not the signatures. The record of the vote is what gets filed. A "No" vote means a hold; but could a new majority vote, not having attended the public hearings, and would the decision hold? The matter might have to be discussed with the Law Department.

Mr. Steele has more questions after reading the report; Mr. Taverna further outlined the logistics of water filtration and perspective of Conservation Commission.

Ms. Molinsky also tried to clarify the role of the Board of Survey and their responsibility in considering the list of waivers. Mr. Taverna confirmed that the waivers must be approved as a part of the subdivision. Ms. Molinsky was unclear about the Board's role in conjunction with the Newton Tree Ordinance; do they need to see the tree plan as it relates to the ordinance? Mr. Taverna indicated that members were entitled to review such plans to clarify any concerns or questions. Waivers are due in part to differences in modern construction standards.

Upon a motion by Chair Wolf, seconded by Mr. Steele, and passed 4-0-0, the Board of Survey moved to close the public hearing. (8:37pm)

Chair Wolf noted the public's legitimate concerns. He is inclined to get further resolve on the project's environmental concerns, lighting, parking and drainage and how these elements get incorporated into the HOA documents.

Mr. Steele added that he would further like to understand the Conservation Commission's rationale and how it should impact the Board of Survey's process moving forward.

Upon a motion by Mr. Steele, seconded by chair wolf, and approved 3-0-1 with Dir. Heath abstaining, the Board of Survey moved to hold the matter.

Upon a motion by Chair Wolf, seconded by Mr. Steele, the motion to adjourn the Board of Survey passed 4-0-0. (8:40pm)

3. Discussion: #203-18 Zoning Amendment for Moratorium on Zone Changes/Construction on Washington Street

Chair Wolf reiterated the discussion and public hearing related to the three zoning amendments; he highlighted the Board's vote and Vice Chair Doeringer's commentary on his abstention related to #203-18. ZAP is not slated to continue discussion until 6/11/18, but Dir. Heath said this meeting was an opportunity to review the appropriate language to frame the Board's decision.

Chair Wolf explained that he saw value in explaining the abstention, noting a recent Supreme Court decision that used similar methodology. Dir. Heath probed that if we include a paragraph on the dissenting opinion, that we should include a larger discussion on the majority opinion.

Chair wolf's sense was that the first two amendments, #201-18 and #202-18, didn't make sense in a development context. The issue with the third amendment, #203-18, was primarily that the MU4 zone was previously hashed out for a long time and added into the City's Comprehensive Plan. A moratorium is unnecessary because the City Council in its power could choose not to act on a special permit request. Ms. Molinsky also noted that introducing these changes in the mix of zoning reform was counterproductive.

Without a unanimous vote, Chair Wolf believes noting differing opinions is a worthwhile discussion and can influence the City Council's deliberations. Mr. Steele queried whether language should be asserted in the Planning and Development Board's decision around the power and discretion of the City Council in providing a critical checks and balance.

The consensus of the Board was to incorporate the following language in the Planning and Development Board's decision: "The Board strongly felt that the power of the City Council to exercise its Special Permit Granting Authority was a sufficient check on unfettered development along the Washington Street corridor."

Upon a motion by Mr. Steele and seconded by Ms. Molinsky, the motion to accept the letter as amended was passed 4-0-0.

4. Updates for Discussion:

a. Washington Street Vision Plan

Dir. Heath noted it was a big week for the Washington Street Visioning Plan. Tuesday kicks the event series off. Topic sessions will be held Thursday, Friday and Saturday. Sunday there is a block party scheduled to be hosted at Family Access. This event series will provide a number of opportunities for public input.

b. Needham Street Vision Plan-

Dir. Heath reminded the Board that the Plan would come back before ZAP on June 11th, and June 25th. It was noted that the 25th will be the joint Planning and Development Board hearing with ZAP.

c. Zoning Redesign-

Dir. Heath explained that this will be busy summer drafting the new Zoning Ordinance. A presentation to ZAP and Planning and Development Board is planned in the fall.

d. Inclusionary Zoning-

The discussion on Inclusionary Zoning still underway. The original proposal will be amended based on feedback from ZAP and RKG and represented in the fall.

e. Recreational Marijuana-

There will be continued discussion in June and July on this item, with public hearings anticipated in September and October. The City is in the process of identifying appropriate zoning; a moratorium is currently in place. A meeting is planned Wednesday night with City Council relative to a citizens' petition to add this matter to the ballot.

f. 236 Auburn Street-

Ms. Powers provided a brief overview of CAN-DO's acquisition of this property and the funding process. The project is leveraging CDBG, HOME, CPA and State FCF funding. CAN-DO/MetroWest CD received their Comprehensive Permit and closed on their CDBG, HOME and CPA funding in April. The Housing and Community Development Division hosted a ground-breaking event during CD Week at 236 Auburn Street. Project specifications were recently submitted and expected to go out to bid very shortly.

g. 83-85 West Street-

Ms. Powers explained how the project originated in partnership with the Newton Housing Authority. To address the property's significant public safety hazards, the Division granted CDBG funding to rehabilitate the home, closing in March. Improvements are well underway; the exterior is complete with punch list items being completing on the second floor. The project is expected to be completed during FY19.

h. Board Training-

Dir. Heath announced the availability of training opportunities through the Citizen Planner Training Collaborative and the variety of topics. Mr. Steele asked for information to be distributed. Chair Wolf indicated that procedural rules were a weak link and that training would be beneficial.

5. Next Meetings

Staff member Ms. Powers discussed the timeline for upcoming meetings and confirmed the availability of Board members. The Board decided to move their July meeting to July 9, 2018.

6. Action Item: Adjournment

Upon a motion by Chair Wolf, seconded by Mr. Steele, and unanimously passed 4-0-0, the meeting was adjourned at 9:03 p.m.

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Peter Doeringer, Vice Chair, Chairman Board of Survey & Board of Survey Members

From: John Daghlian, Associate City Engineer

Re: Definitive Subdivision Review: 56 Farwell Street

Date: July 5, 2018

CC: Lou Taverna, P.E. City Engineer
Robert Waddick, Assistant City Solicitor
Barney Heath, Director of Planning
Jennifer Caria, Chief Planner
Rachel Powers, Sr. Planner
Terry Morris, Esq.
Stephen Vona, Applicant

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: July 2, 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 West Newton. The proposed subdivision entails creating six single family lots and a private way from this parcel. The zoning for this property is single

family residents SR3 which requires a minimum lot size of 10,000 square feet, each of the proposed lots exceed this minimum requirement.



The property is bound on the north by the Charles River, to the west, east, and south by residential homes and Farwell Street (a public way). 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 has issued an 8M Permit allowing the subdivision to proceed with restrictions, and the damaged pipe will be rehabilitated by December 2019.

The applicant’s attorney is working with the City’s Law Department in regards to the Home Owners Association to address: parking along the proposed road, and required stormwater operations and long-term maintenance of the stormwater systems.

If the subdivision is approved the applicant will have to request a from the City Council permission to extend the City water main; a separate utility easement plan for the proposed water main will be required. The City will accept the water main once it has been installed, tested, and chlorinated. Both the sanitary sewer [which will be regarded as a private sewer connection] and all the stormwater improvements including but not

limited to [the infiltration trench, proposed grassy swale, and individual leaching facilities] will be owned and maintained by the Home Owners Association.

The applicant has applied for several waivers that are listed on the Title sheet of the definitive subdivision, the Board needs to determine whether or not to grant the waivers as part of the approval.

As required by Section IV B.5., Before endorsement of its approval of a plan, the Planning Board will require that the construction of ways and installations of municipal services and other utilities be secured by a Performance Guarantee (i.e. Performance Bond with the City of Newton as the Certificate holder), the value of this bond will be determined by the City Engineer and shall be posted prior to the commencement of the road construction.

Final approval, if granted shall be endorsed on original drawings of the Definitive Plan by the signatures of the 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.

General Comments:

1. The slopes of the centerline, left & right side labels on sheet VTP 11 are too small to read, the text needs to be enlarged.
2. 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 applicant has consulted with the City's Tree Warden for removal & replanting's.
3. If the subdivision is approved, the applicant will have to apply for a Utilities Connection Permits with the City DPW.
4. 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.
5. 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 in question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval.

6. 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.
7. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
8. 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, final grading, and swing ties for all underground utilities from building corners.
9. All site work shall be completed before a Certificate of Occupancy is issued.
10. No Building permit shall be issued until the road is paved to the binder course (i.e. first layer of paving) and all utilities are installed per City and MWRA Standards.

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**

July 5, 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 July 2, 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 July 2, 2018

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

, 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

Telephone: 617-796-1020

Fax: 617-796-1051

Ltaverna@newtonma.gov

Joe Porter, VTP Associates

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:

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:

- *#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 B. Specifications & Required Improvements for an Approved Subdivision:

1. Storm Drainage System

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:

- 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 in 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".
- An 8M permit has been issued 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 approved by the Law Department.
- 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 Performance Bond be submitted with the City named as the Certificate holder in an amount to be determined by the City Engineer.
- All conditions issued in the Order of Conditions by the Newton Conservation Commission shall also apply to this certification.
- No Building Permit shall be issued until all utilities are installed, tested and acceptable to the City Engineer and the road is paved to the binder level.

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

Draft



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

April 27, 2018

Stephen Vona
Turtle Lane, LLC
90 Oldham Road
Newton, MA 02465

RE: Order of Conditions and
Certificate of Understanding
Site: 56 Farwell Street
DEP#: 239-793

Dear Mr. Vona:

Enclosed you will find the Order of Conditions (the Order) issued pursuant to the Wetlands Protection Act, General Laws, Ch. 131, Sec. 40 and pursuant to the Newton Floodplain/Watershed Protection Ordinance, Section 22-22, for the above-referenced project.

No work on the project may begin until the following requirements have been satisfied:

- You have read and understand the enclosed Order of Conditions (especially Newton's Findings and Special Conditions). It is the responsibility of the owner/applicant to ensure that all conditions and approved plans are complied with. Deviation from the approved plans or conditions may result in a stop work order or further enforcement, as well as the inability to obtain a Certificate of Compliance at project completion. Special Conditions include, but are not limited to:

21. Written proof of MWRA permission must be submitted to the Commission for approval.
22. Develop a plan with an LSP for addressing soil contamination in the mitigation area. Plan must be submitted to the Commission for review and approval.
23. If Engineering review of observed test pits requires changes to the infiltration systems, the applicant will file for an amended OOC.
24. The applicant must schedule and attend a pre-construction site visit to review construction activities with the Conservation office with:
 - a. Applicant or Applicant's Representative(s)
 - b. Applicant's Construction Supervisor (person responsible for compliance with this Order and who may be held jointly responsible for any violations and the penalties under the law for said violations)
 - c. Agent(s) of the Commission

At the pre-construction site visit the following will be checked by an agent of the Conservation Commission:

- d. Sedimentation/erosion controls are properly installed in the correct locations – Limit of Work Line and catch basin protection.
- e. DEP File number sign of minimum size 2'x2' shall be displayed clearly visible from the street
- f. Proof of Recording the Order has been supplied to the Conservation office
- g. Contact information for those responsible for construction, sediment controls, and landscaping has been supplied to the Conservation office.
- h. Anticipated timeline has been supplied to the Conservation office.
25. Contingencies
 - a. Dewatering plans and accommodations: If dewatering on the project site is required, the Applicant shall provide to the Conservation Commission for review and approval prior to dewatering a dewatering plan designed to limit and control any effects of dewatering on the wetlands resource area adjacent to the project site.
 - b. Concrete washout plans and accommodations: If any concrete work will occur on the site, the Applicant shall provide to the Conservation Commission for review and approval prior to washouts a concrete washout plan designed to limit and control any effects of concrete washouts on the wetlands resource area adjacent to the project site. No concrete washout station for the Project shall be located in the Wetlands Resource Area or the Buffer Zone.
26. Natural Areas
 - a. Existing Trees and Shrubs

- a. The Applicant shall protect the trees and roots shown to be protected on the approved plans during construction in accordance with the recommendations of the professional arborist. Excavation shall, to the maximum extent possible, limit damage to roots of protected trees and shrubs.
 - b. If any trees marked to be protected within the wetland or buffer within the project area die within 2 years of the start of construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
27. An Environmental Monitor, paid for by the Applicant, shall be hired by and report to the Commission, to assist the Commission in its overall oversight of the activities approved by this Order. The name, e-mail address and cell phone number of the Environmental Monitor will be provided to the Applicant upon such designation. The Environmental Monitor will:
- a. *Review the Applicant's NPDES NOI and Storm Water Pollution Prevention Plan* to the extent it relates to the activities approved by this Order and make recommendation for proposed changes if necessary to protect the interests of the Wetlands Protection Act (WPA), the Town of Framingham *Wetlands Protection Bylaw* (Bylaw) and associated regulations issued there under;
 - b. *Advise on current erosion control practices* and make recommendations for proposed changes if necessary to protect the interests of the WPA and the Bylaw. Specifically Erosion Control methods to control sediment at the source shall be implemented;
 - c. *Ensure adherence to the Order of Conditions* and report any non-compliance to the Commission;
 - d. *Be present on site* during:
 - i. Preconstruction meeting and approval of access road footprint
 - ii. Weekly monitoring of the overall site during demo and construction, except as otherwise determined by the Commission based on the level and nature of construction activity on the site for any period of time.
 - iii. Construction of the Mitigation Areas.
 - iv. Spring and fall monitoring of mitigation area plantings.
 - e. *Oversee* any emergency placement of controls and regular inspection or replacement of erosion and sedimentation control devices.
 - f. *Have the authority and responsibility to stop work* at any time and/or to implement additional impact mitigation measures on site whenever necessary to prevent or halt existing or imminent violations of this Order;
 - g. *Provide memos* during the time period(s) when work is being conducted for items i-vii above. Said memos shall summarize work completed, hours worked, any problems that arise in the Commission's jurisdiction, corrective measure(s) made in the field, and any additional corrective measures needed. The Applicant will be supplied with all reports submitted by this outside consultant. The Applicant will be expected to make said changes immediately as identified and requested by the Environmental Monitor.
28. Landscape and mitigation plantings within Commission jurisdiction must:
- a. Be installed in compliance with the approved plans. Desired deviations from the approved plans must be approved by the Conservation office in advance
 - b. Survive over 75% of the planting area for 2 growing seasons for a Certificate of Compliance to be granted
29. Provide compensatory flood storage as per the approved plans.
30. The stormwater infiltration system must be installed as per the plans
31. The City Engineer must inspect the stormwater infiltration system. The applicant must submit proof of inspection

Perpetual Conditions Specific to this Project that shall not expire upon completion of the project or the issuance of a Certificate of Compliance.

- 32. Operation and Maintenance
 - a. The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
- 33. The use of herbicides and other pesticides is prohibited and fertilizers shall be limited to slow-release organic fertilizers to improve water quality in the adjacent wetlands and waterways.
- 34. In order to protect wildlife and/or vernal pool species, artificial lighting shall be designed to prevent lighting of the wetlands. Any outdoor lights within 200 feet of the wetland shall be directed so as not to radiate light towards those areas. Any such lights shall be limited to no more than 1,800 lumens per fixture and the fixture shall not illuminate any part of the wetland more than 0.2 footcandles. Exterior lights shall not be mounted higher than 25 feet above the ground.
- 35. Required mitigation planting areas shall be maintained in perpetuity in their predominantly natural condition.
- 36. Riverfront Redevelopment Project requires permanent protection of restoration and mitigation areas. The proposed mitigation areas should be bounded as per the plans and maintained in perpetuity.

Prohibitions Specific to this Project

- 37. No activities shall occur beyond the limit of work/erosion control barrier shown on the plan.

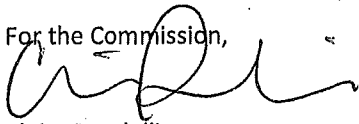
- The owner has signed and returned to me the attached Certificate of Understanding.
- The 10-business day appeal period had elapsed. The appeal period begins on the date of issue (pages 1 and 11 of the Order).
- You have recorded the original Order and Newton's Special Conditions at the Middlesex South Registry of Deeds and have forwarded proof of recording to the Conservation Commission and to the Building Department. The Order is not valid until it is recorded.
- The DEP file-number sign has been erected at the project entrance (see Condition 10 of the Order).

Upon completion of the project, you must:

- Submit a "Request for a Certificate of Compliance" (state WPA Form 8a),
- Submit a letter from an engineer stating that the project was completed in substantial compliance with the order and plans.
- Submit an engineer-stamped and signed "as-built plan"
- Submit a letter from a landscaper stating that the project was completed in substantial compliance with the plans.
- Record your Certificate of Compliance at the Middlesex South Registry of Deeds (& send proof of recording to Cons. Office)

If you have any questions, please don't hesitate to contact the office at 617-796-1152.

For the Commission,



Claire Rundelli
Assistant Environmental Planner

Enclosures: Order of Conditions

Certificate of Understanding

CC: *Wetlands Division, DEP - NERO, 205B Lowell St., Wilmington, MA 01887*

Corey Van Wyhe, MetroWest Engineering, 75 Franklin St, Framingham, MA 01702

Certificate of Understanding re Conditions and Restrictions in Wetlands and Buffer Zones

Street Address: _____

DEP File # _____

Owner: _____

OOC Issue Date: _____

I, _____, one of the owners of _____, Newton, Massachusetts, do hereby acknowledge and understand that:

<ul style="list-style-type: none"> • A portion of my property lies within buffer zones and/or wetlands and that any new work within this area is subject to review and approval by the Conservation Commission, 	initials _____
<ul style="list-style-type: none"> • I, as property owner, am responsible for all work on my property even if it is conducted by private contractors, 	initials _____
<ul style="list-style-type: none"> • I have received and read and understand all the conditions established in the referenced Order of Conditions (OOO), 	initials _____
<ul style="list-style-type: none"> • I have recorded the OOC at the Registry of Deeds and submitted proof of recording to the Conservation Office and Building Dept./ISD. 	initials _____
<ul style="list-style-type: none"> • There are specific requirements PRIOR to the start of work, 	initials _____
<ul style="list-style-type: none"> • There are specific requirements DURING construction and work, 	initials _____
<ul style="list-style-type: none"> • There are specific requirements for getting a Certificate of Compliance once all work is complete, and 	initials _____
<ul style="list-style-type: none"> • There are a number of ongoing/perpetual conditions that restrict the kind of landscaping and maintenance activities allowed within wetlands and/or buffer zones. 	initials _____

I have carefully reviewed and understand all these requirements and agree to adhere to them.

(Signature)

(Printed Name)

(Date)

Please complete this form and return it to:

Jennifer Steel
Conservation Commission
1000 Commonwealth Avenue
Newton, Massachusetts 02459



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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A. General Information

Please note: this form has been modified with added space to accommodate the Registry of Deeds Requirements

Important: When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.

1. From: Newton
Conservation Commission

2. This issuance is for (check one):
 a. Order of Conditions b. Amended Order of Conditions

3. To: Applicant:
Stephen Vona
 a. First Name b. Last Name
Turtle Lane, LLC
 c. Organization
77 Oldham Road
 d. Mailing Address
Newton MA 02465
 e. City/Town f. State g. Zip Code

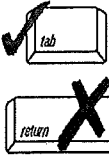
4. Property Owner (if different from applicant):

 a. First Name b. Last Name

 c. Organization

 d. Mailing Address

 e. City/Town f. State g. Zip Code



5. Project Location:
56 Farwell Street Newton
 a. Street Address b. City/Town
21001 0012
 c. Assessors Map/Plat Number d. Parcel/Lot Number

Latitude and Longitude, if known: d m s d m s
 d. Latitude e. Longitude



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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):

Middlesex

a. County

67548

c. Book

b. Certificate Number (if registered land)

302

d. Page

7. Dates: 9/12/17 4/26/18 4/26/18
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance

8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):

Proposed Conditions at 56 Farwell Street

a. Plan Title

VTP Associates

b. Prepared By

3/2/18

d. Final Revision Date

Proposed Planting Plan

f. Additional Plan or Document Title

Joseph Porter

c. Signed and Stamped by

1-20

e. Scale

4/4/18

g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. Public Water Supply
- b. Land Containing Shellfish
- c. Prevention of Pollution
- d. Private Water Supply
- e. Fisheries
- f. Protection of Wildlife Habitat
- g. Groundwater Supply
- h. Storm Damage Prevention
- i. Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



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B. Findings (cont.)

Denied because:

- b. the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3. Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) _____ a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
4. <input type="checkbox"/> Bank	a. linear feet _____	b. linear feet _____	c. linear feet _____	d. linear feet _____
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet _____ e. c/y dredged _____	b. square feet _____ f. c/y dredged _____	c. square feet _____	d. square feet _____
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet _____	b. square feet _____	c. square feet _____	d. square feet _____
Cubic Feet Flood Storage	e. cubic feet _____	f. cubic feet _____	g. cubic feet _____	h. cubic feet _____
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet _____	b. square feet _____		
Cubic Feet Flood Storage	c. cubic feet _____	d. cubic feet _____	e. cubic feet _____	f. cubic feet _____
9. <input checked="" type="checkbox"/> Riverfront Area	26360 a. total sq. feet _____	26360 b. total sq. feet _____		
Sq ft within 100 ft	c. square feet _____	d. square feet _____	e. square feet _____	f. square feet _____
Sq ft between 100-200 ft	g. square feet _____	h. square feet _____	i. square feet _____	j. square feet _____



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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
14. <input type="checkbox"/> Coastal Dunes	a. square feet	b. square feet	c. nourishment cu yd	d. nourishment cu yd
15. <input type="checkbox"/> Coastal Banks	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	a. square feet	b. square feet		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. Restoration/Enhancement *:
 a. square feet of BVW _____ b. square feet of salt marsh _____
24. Stream Crossing(s):
 a. number of new stream crossings _____ b. number of replacement stream crossings _____

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 4/26/21 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 239-793 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1) is subject to the Massachusetts Stormwater Standards
- (2) is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited:
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached "Findings and Special Conditions of the Newton Conservation Commission" on page 10-A et seq

20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? Yes No
2. The Newton Conservation Commission hereby finds (check one that applies):

- a. that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:
Newton Floodplain Ordinance 22-22
 1. Municipal Ordinance or Bylaw 2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:
Newton Floodplain Ordinance 22-22
 1. Municipal Ordinance or Bylaw 2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

See attached "Findings and Special Conditions of the Newton Conservation Commission" on page 10-A et seq.

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-793, 56 Farwell St, 6-lot SFH subdivision with new roadway

Findings (considered as and given equal status as special conditions)

- **Owner:** Stephen Vona (Turtle Lane, LLC)
- **Applicant:** Stephen Vona (Turtle Lane, LLC)
- **Representative:** Joe Porter (VTP Associates) and Corey Van Wyhe (MetroWest Engineering)
- **In case of emergencies, problems, or questions, contact:** Jennifer Steel: 617-796-1134.
- **Approved Project:**
 - **Project Summary:** This project involves the construction of a new roadway, partially crossing an MWRA sewer easement, to provide frontage for a 6-lot subdivision and the construction of 6 single family homes with associated grading, driveways, utilities, stormwater management, and landscaping. The applicant is also proposing a permanently bounded 10,000 sf mitigation area along the Charles River and a public pathway along the Charles.
 - **Jurisdiction/Performance Standards**
 - **Buffer Zone:** 301 CMR 10.53(1)
 - **Riverfront Area:** Riverfront Area: 10.58(4)
 - **RFA: Redevelopment within Previously Developed Riverfront Areas; Restoration & Mitigation:** 10.58(5)
 - **Bordering Land Subject to Flooding:** 301 CMR 10.57
 - **Impact Summary/Reasons for Approval**
 - RFA numbers:
 - Lot area = 102,726
 - Total RFA = 96,871
 - 10% of RFA = 9,687
 - Already legally degraded = 22,181
 - Proposed total degraded = 26,360
 - Proposed new degraded = 4,179
 - Minimum required mitigation = 8,358
 - Proposed permanently protected mitigation = 10,700 sf native plantings along the Charles River.
 - RFA plant plan:
 - Removing: 433" of (13) healthy trees and 124" of (3) "unhealthy" trees.
 - Planting: 400" of (160) canopy trees and (320) shrubs and understory trees.
 - Flood Zone: Proposed alteration within the flood zone is now limited to permissible activities, including tree removal, grading (provision of compensatory storage), crawl spaces beneath three of the six houses and a retaining wall, and mitigation planting.
 - Applicant is proposing to provide a reservation for a public access pathway along the river, marked on the approved plans.
 - Applicant is providing stormwater mitigation on a site that currently has none.
- **Final Approved Plans:**
 - Plans entitled: "Definitive Plan of Land Proposed Private Way Off Farwell St" (11 Sheets), prepared by BETA, stamped and signed by Joseph Porter, P.E. No. 39051, dated 9/5/17 (revised 3/2/18).
 - Plans entitled: "Proposed Riverfront Area Plan" (2 Sheets), prepared by Metrowest Engineering, Inc, stamped and signed by Robert Gemma, P.E. No. 37046, dated 8/18/17 (revised 4/4/18).
- **Plan Revisions**
 - The Newton Conservation Commission shall retain the right to require the submittal of additional information or additional construction measures deemed necessary to ensure the protection of wetland resource areas
 - Any required or desired deviations from this plan shall be requested in writing of the Commission Office, who shall determine if said changes require filing a new Notice of Intent.
 - When plans are updated it is the responsibility of the applicant to provide all City Departments involved in the permitting and approval process complete and consistent plans.

Newton's Conditions Specific to this Site

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-793, 56 Farwell St, 6-lot SFH subdivision with new roadway

Prior to the start of work

21. Written proof of MWRA permission must be submitted to the Commission for approval.
22. Develop a plan with an LSP for addressing soil contamination in the mitigation area. Plan must be submitted to the Commission for review and approval.
23. If Engineering review of observed test pits requires changes to the infiltration systems, the applicant will file for an amended OOC.
24. The applicant must schedule and attend a pre-construction site visit to review construction activities with the Conservation office with:
 - a. Applicant or Applicant's Representative(s)
 - b. Applicant's Construction Supervisor (person responsible for compliance with this Order and who may be held jointly responsible for any violations and the penalties under the law for said violations)
 - c. Agent(s) of the Commission

At the pre-construction site visit the following will be checked by an agent of the Conservation Commission:

 - d. Sedimentation/erosion controls are properly installed in the correct locations – Limit of Work Line and catch basin protection
 - e. DEP File number sign of minimum size 2'x2' shall be displayed clearly visible from the street
 - f. Proof of Recording the Order has been supplied to the Conservation office
 - g. Contact information for those responsible for construction, sediment controls, and landscaping has been supplied to the Conservation office.
 - h. Anticipated timeline has been supplied to the Conservation office.
25. Contingencies
 - a. Dewatering plans and accommodations: If dewatering on the project site is required, the Applicant shall provide to the Conservation Commission for review and approval prior to dewatering a dewatering plan designed to limit and control any effects of dewatering on the wetlands resource area adjacent to the project site.
 - b. Concrete washout plans and accommodations: If any concrete work will occur on the site, the Applicant shall provide to the Conservation Commission for review and approval prior to washouts a concrete washout plan designed to limit and control any effects of concrete washouts on the wetlands resource area adjacent to the project site. No concrete washout station for the Project shall be located in the Wetlands Resource Area or the Buffer Zone.
26. Natural Areas
 - a. Existing Trees and Shrubs
 - a. The Applicant shall protect the trees and roots shown to be protected on the approved plans during construction in accordance with the recommendations of the professional arborist. Excavation shall, to the maximum extent possible, limit damage to roots of protected trees and shrubs.
 - b. If any trees marked to be protected within the wetland or buffer within the project area die within 2 years of the start of construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).
27. An Environmental Monitor, paid for by the Applicant, shall be hired by and report to the Commission, to assist the Commission in its overall oversight of the activities approved by this Order. The name, e-mail address and cell phone number of the Environmental Monitor will be provided to the Applicant upon such designation. The Environmental Monitor will:
 - a. *Review the Applicant's NPDES NOI and Storm Water Pollution Prevention Plan* to the extent it relates to the activities approved by this Order and make recommendation for proposed changes if necessary to protect the interests of the Wetlands Protection Act (WPA), the Town of Framingham *Wetlands Protection Bylaw* (Bylaw) and associated regulations issued there under;
 - b. *Advise on current erosion control practices* and make recommendations for proposed changes if necessary to protect the interests of the WPA and the Bylaw. Specifically Erosion Control methods to control sediment at the source shall be implemented;
 - c. *Ensure adherence to the Order of Conditions* and report any non-compliance to the Commission;
 - d. *Be present on site* during:
 - i. Preconstruction meeting and approval of access road footprint

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-793, 56 Farwell St, 6-lot SFH subdivision with new roadway

- ii. Weekly monitoring of the overall site during demo and construction, except as otherwise determined by the Commission based on the level and nature of construction activity on the site for any period of time.
 - iii. Construction of the Mitigation Areas.
 - iv. Spring and fall monitoring of mitigation area plantings.
 - e. *Oversee* any emergency placement of controls and regular inspection or replacement of erosion and sedimentation control devices.
 - f. *Have the authority and responsibility to stop work* at any time and/or to implement additional impact mitigation measures on site whenever necessary to prevent or halt existing or imminent violations of this Order;
 - g. *Provide memos* during the time period(s) when work is being conducted for items i-vii above. Said memos shall summarize work completed, hours worked, any problems that arise in the Commission's jurisdiction, corrective measure(s) made in the field, and any additional corrective measures needed. The Applicant will be supplied with all reports submitted by this outside consultant. The Applicant will be expected to make said changes immediately as identified and requested by the Environmental Monitor.
28. Landscape and mitigation plantings within Commission jurisdiction must:
- a. Be installed in compliance with the approved plans. Desired deviations from the approved plans must be approved by the Conservation office in advance
 - b. Survive over 75% of the planting area for 2 growing seasons for a Certificate of Compliance to be granted
29. Provide compensatory flood storage as per the approved plans.
30. The stormwater infiltration system must be installed as per the plans
31. The City Engineer must inspect the stormwater infiltration system. The applicant must submit proof of inspection

Perpetual Conditions Specific to this Project that shall not expire upon completion of the project or the issuance of a Certificate of Compliance.

32. Operation and Maintenance

- a. The approved Operations and Maintenance Plan is appended hereto and must be adhered to.
33. The use of herbicides and other pesticides is prohibited and fertilizers shall be limited to slow-release organic fertilizers to improve water quality in the adjacent wetlands and waterways.
34. In order to protect wildlife and/or vernal pool species, artificial lighting shall be designed to prevent lighting of the wetlands. Any outdoor lights within 200 feet of the wetland shall be directed so as not to radiate light towards those areas. Any such lights shall be limited to no more than 1,800 lumens per fixture and the fixture shall not illuminate any part of the wetland more than 0.2 footcandles. Exterior lights shall not be mounted higher than 25 feet above the ground.
35. Required mitigation planting areas shall be maintained in perpetuity in their predominantly natural condition.
36. Riverfront Redevelopment Project requires permanent protection of restoration and mitigation areas. The proposed mitigation areas should be bounded as per the plans and maintained in perpetuity.

Prohibitions Specific to this Project

37. No activities shall occur beyond the limit of work/erosion control barrier shown on the plan.
-

Newton's Standard Conditions (Note: Violation of any condition stated herein may result in Enforcement Action.)

Before Work Begins

38. Before any work on-site begins, all other applicable federal, state &/or local permits and/or approvals must be obtained.
39. Notice shall be given to the Newton Conservation Commission no less than two (2) business days prior to the commencement of construction activities.
40. This document shall be included in all construction contracts, subcontracts, and specifications dealing with the work proposed and shall supersede any conflicting contract requirements. The Applicant shall assure that all contractors, subcontractor and other personnel performing the permitted work are fully aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order resulting

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-793, 56 Farwell St, 6-lot SFH subdivision with new roadway

from failure to comply with its conditions. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this Order.

41. Wetlands flags in the vicinity of the work area are to be clearly marked and numbered exactly as they are surveyed on the approved plan cited in this Order. They must be maintained at all times and replaced if missing or illegible.

During Construction

42. Appropriate erosion control measures must be installed, inspected, and maintained during the construction period until the site is stable. Erosion control measures shall be installed as shown on the approved Plan and shall indicate the limit of work. Earth shall not be backfilled against or allowed to overtop erosion control barriers. Silt and sand accumulating behind said barriers shall be removed regularly. If a breach of the erosion control barriers occurs, the Newton Conservation Commission shall be notified, and measures shall be taken to remediate said breach under the guidance of the Commission. All soils must be contained on the site. City streets shall be kept clean and catch basins in the immediate area shall be protected from eroding soils. Hay bales, for any purpose without explicit permission from the Commission, are prohibited by this Order. An adequate supply of extra erosion control materials shall be stored on-site at all times for repair or replacement. Erosion control barriers shall remain in place until a Certificate of Compliance is issued for said work or upon written authorization from the Newton Conservation Commission.
43. The applicant shall ensure that throughout the construction period, all measures necessary to prevent any damage to the wetland resource area are taken. Should any damage occur during the course of the project, the applicant, any successor in interest, or successor in control shall be responsible for and bear the full cost of restoration of the wetland to the satisfaction of the Conservation Commission.
44. A copy of the approved plans and Order of Conditions shall be kept on-site and available for review at all times. All contractors are expected to adhere to the approved plan and these Conditions.
45. "Good housekeeping practices" shall be implemented at all times, including:
- a. appropriate limits to discharges within a Resource Area, Buffer Zone, or an area leading to a stormwater conveyance system
 - b. appropriate stockpile area management
 - c. appropriate limits to vehicle refueling, washing, etc.
 - d. appropriate litter management
 - e. appropriate controls for tire tracking
46. During the construction period and prior to issuance of a Certificate of Compliance, members and agents of the Conservation Commission shall have the right to inspect the applicant's project to evaluate compliance with the approved plans and these conditions.
47. Work shall be immediately halted on the site if an Agent of the Commission or DEP determines that any of the work is not in compliance with this Order of Conditions or Special Conditions.

Big Projects

48. Construction materials, vehicles, and earth shall be stored outside of the 100-foot buffer zone of wetland resource areas or 200-foot Riverfront Areas, unless otherwise demarcated and authorized on the approved plans. The storage of dumpsters, construction materials, and stockpiles in the floodplain is prohibited. All stockpiles shall have appropriate erosion controls.
49. Refueling of vehicles shall not take place within wetland resource areas, the 100-foot buffer zone of wetland resource areas &/or 200-foot Riverfront Areas.

Upon Completion of the Project

50. Upon completion of the project, all exposed soil areas shall be stabilized and re-vegetated. Any excess spoil material which is to remain on Applicant's premises and all areas of disturbed soil shall be left stabilized with mulch, grass or other plantings and protected against erosion and sedimentation. All materials not to remain on Applicant's premises shall be removed from said premises and disposed of in a legal manner.


Findings and Special Conditions of the Newton Conservation Commission
DEP #239-793, 56 Farwell St, 6-lot SFH subdivision with new roadway

51. Upon completion of the project, the Conservation Office shall be notified, and permission to remove sediment barriers and the DEP file number sign shall be sought.
52. No Certificate of Occupancy shall be approved by Conservation unless a Certificate of Compliance has been issued or the request receives the written approval of the Sr. Environmental Planner.
53. Upon completion of the project, the applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting:
 - a. A completed "Request for Certificate of Compliance (WPA Form 8A)."
 - b. A written statement from a Professional Engineer registered in Massachusetts certifying that the work has been completed in substantial compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). If the completed work differs from that in the approved plans and conditions, the report must specify how the project differs.
 - c. An as-built plan signed and stamped by a professional land surveyor registered in Massachusetts. This plan will include all structures, grading (topography), drainage, and landscape features and plantings.
 - d. A letter from a landscaper certifying compliance with the approved planting scheme. A Certificate of Compliance shall not be issued until after two growing seasons after plantings have been installed and found to be well established.

Stormwater Operation and Maintenance Plan:
Six Lot Subdivision – Private Way off Farwell Street
56 Farwell Street, Newton MA

Prepared for: *Turtle Lane, LLC*
77 Oldham Road
Newton, MA 02465

Prepared by: *MetroWest Engineering, Inc.*
75 Franklin Street
Framingham, MA 01702
(508) 626-0063

 3/2/18
Brian Nelson, Project Engineer

September, 2017

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APPENDIX A: STORMCEPTOR OWNER'S MANUAL

Stormwater Operation and Maintenance Plan
Six Lot Subdivision – Private Way off Farwell Street, Newton MA
Prepared By: MetroWest Engineering Inc.
Prepared For: Turtle Lane LLC

General

The project site is located on the easterly side of Farwell Street, near the Newton/Watertown line in the City of Newton, Massachusetts. The property is shown on Newton Assessors Map 21001, Lot 12 and has an area of approximately 2.40± acres. An existing concrete block building is located in the center of the property with paved and gravel parking areas surrounding the building. The majority of the site is covered by gravel/paved parking areas and turf lawn. The Charles River, a perennial stream, is located north of the property with northerly boundary of the property following the mean annual high water line of the River.

The property will be redeveloped with a private road providing access to six new single-family house lots. Each lot will be serviced by municipal utilities including electric, gas, sewer and water services. Each lot will have a subsurface infiltration system dedicated to storing and recharging runoff from proposed roof and driveway surfaces. The proposed private street will drain into a grass swale located along the southerly and easterly boundary lines with overflows directed into the Charles River.

Wetland Resource Areas

The Charles River, a perennial stream is located north of the subject property. The 200-foot Riverfront area extends in a southerly direction encompassing the majority of the property. A small bordering vegetated wetland is located adjacent to the river bank on the eastern side of the property. The FEMA 100-year flood hazard area is located in close proximity to the bank of the Charles River on the northerly side of the property.

Drainage Approach

The site is currently developed with an existing building, paved and gravel parking areas and supporting utilities. The borders of the site are currently wooded with the remainder of the site covered by turf lawn. There is no presently no stormwater management system on site

A stormwater management system is designed for the proposed subdivision that will reduce runoff rates and volumes from the project site in the post-development condition. Furthermore, all storm water runoff from paved driveways and roof surfaces will be directed into one of twelve subsurface infiltration systems. Runoff from the paved portion of the proposed private street will be directed into a grass swale located along the southerly and easterly boundaries of the property.

Stormwater Operation and Maintenance Plan – Six Lot Subdivision
Private Way off Farwell Street, Newton MA

Maintenance Requirements

The project's stormwater collection and treatment system is designed to collect and treat stormwater so that all discharges from the system are in compliance with all local, state and federal environmental regulations. Periodic routine inspection and maintenance of the system is critical if the system is to continue to meet required performance standards.

Responsible Party

The property owner shall be responsible for all maintenance and repair activities throughout the site relating to the grounds, pavement surface, stormwater collection system and subsurface infiltration systems. Contact information for the owner/responsible party is listed below:

Owner/Responsible Party
Turtle Lane LLC – Stephen Vona
77 Oldham Road
Newton, MA 02465

If ownership of the subject property changes, the new owner shall become the responsible party. This Operation and Maintenance Plan shall run with the land.

The owner/responsible party shall be responsible for the implementation of this Operation and Maintenance Plan and the proper training of employees to ensure compliance with all daily and long term aspects of the plan.

Required Maintenance

Grounds

All slopes shall be inspected and any exposed areas or other locations susceptible to erosion shall be stabilized with mulch, sod, seed, stone or other suitable measures. All litter and trash shall be picked up and removed from all paved, landscaped and wooded areas on a regular basis. All grass clippings, leaves, brush and other natural materials will be transported to an approved composting facility. No clippings or leaves will be deposited in wooded areas or on abutting Properties.

Fertilizers and pesticides shall be applied in accordance with manufacturer's instructions and all applicable local and state regulations. They shall be applied sparingly by trained personnel.

BMP1 – Paved Subdivision Road and Driveways

The paved street shall be vacuum-swept at least four times per year to remove sediments. One cleaning shall be performed during the mid-winter period of late January to early February, and another cleaning shall be performed in the spring during April or May. All sediment removed shall be disposed of in accordance with DEP policy and requirements for the disposal of road sediments.

Stormwater Operation and Maintenance Plan – Six Lot Subdivision
Private Way off Farwell Street, Newton MA

During winter months, the use of de-icing compounds shall be kept to a minimum. Untreated sand shall be used to the minimum extent necessary to provide for tire traction. During extreme events sand treated with a non-sodium de-icer may be used.

BMP 2 - Catch Basins

All catch basins shall include a deep sump and an MDC type oil/water separation hood. Catch basin sumps shall be cleaned and inspected twice per year, once in the spring and again in the fall. Catch basins may be cleaned with either clamshell bucket or by vacuum truck. Pipe inlets, outlets and MDC hoods shall be inspected at the time of the sump cleaning and shall be immediately repaired as necessary. All sediment removed shall be disposed of in accordance with DEP policy and requirements for the disposal of road sediments.

BMP 3 – Oil & Sediment Separator Tank

Oil and sediment separator tanks shall be inspected twice per year, once in the spring and again in the fall. Additionally, the depth of sediment in the units shall be measured twice yearly. Additional cleaning shall commence when the depth of sediment in the tank reaches within 12-inches of the inlet or when oil is observed in the unit. A vacuum truck shall remove sediment and oil from the tank and dispose of the sediment in accordance with the current standards and requirements of the MADEP. Pipe inlets and outlets shall be inspected at the time of the cleaning and shall be immediately repaired as necessary.

BMP 4 – Subsurface Infiltration Systems

The subsurface infiltration systems shall be inspected twice per year to evaluate sediment accumulation and once per year during a storm event. Routine inspection for sediment accumulation shall consist of the inspection of each chamber where an inlet is located. An inspection port cover is located at each point. Any sediment that has entered into the system at the inlet locations shall be removed and disposed of in accordance with MADEP policy.

The systems shall also be observed at least once per year during a major storm event. A major storm event shall be defined for this Operation and Maintenance Plan as one in which the 24-hour rainfall volume exceeds one-inch. The inspection shall include removal of an inspection port cover to measure the water depth inside the system. The inspection should take place after at least one-inch of rainfall has fallen and prior to the end of storm. Following the inspection, the precipitation volume, based upon the nearest reporting weather station, should be recorded in the inspection log book.

BMP 5 – Grass Swale

The grass swale shall be inspected a minimum of once per year to ensure that it is operating as intended. All slopes shall be stable and vegetation established on the bottom and sides of the swale. Any areas where erosion has occurred shall be repaired immediately. Sediment collecting in the bottom of the swale shall be inspected annually, and removal shall commence

Stormwater Operation and Maintenance Plan – Six Lot Subdivision
Private Way off Farwell Street, Newton MA

any time the sediment reaches a depth of six inches anywhere in the swale. Any sediments removed shall be disposed of in accordance with the latest DEP guidelines for storm water sediment disposal.

Snow Removal

Snow from the roadway will be plowed into the five-foot area immediately adjacent to the paved surface. No other snow storage areas will be utilized onsite. De-icing material shall consist of sand mixed with a non-sodium based de-icing agent. Snow shall be removed from all drain inlets immediately after a snow event to prevent the accumulation of ice in driveways or on the private street.

Storage and Use of Chemicals

Chemical storage on the site shall be limited and all chemicals stored on site shall be done in accordance with the manufacturer's recommendations and all applicable local and state regulations.

Hazardous Waste

All hazardous waste materials shall be stored and disposed of in accordance with all applicable local and state regulations. In the event of an accident or spill involving and/or other hazardous materials the facilities manager shall contact a hazardous waste removal contractor and immediately notify local and state regulatory agencies.

There shall be no illicit discharges into the stormwater management system.

Recommended Personnel

A commercial contractor should be engaged to perform the periodic cleaning and inspections required for the drainage and infiltration systems. A landscape contractor may perform gutter cleaning.

A professional engineer with expertise in drainage systems, hydrology or similar sciences should perform an annual inspection of the infiltration system and should evaluate the infiltration system during a major storm event.

Record Keeping

A logbook or other record should be maintained for all inspection, cleaning and maintenance activities. The logs or records should be provided to the drainage professional engaged to perform the annual inspection of the drainage and infiltration system. An annual report should be prepared by the drainage professional to summarize inspection and maintenance activities, review the performance of the infiltration system, and provide recommendations for repair or remedial measures required to maintain the performance of the system. The annual report should be submitted to the property owner and operator and kept on site.

Stormwater Operation and Maintenance Plan – Six Lot Subdivision
Private Way off Farwell Street, Newton MA

Emergency Contacts

In the event of a major drainage system failure, a release of dangerous materials or other unforeseen accident, the following organizations may be contacted:

City of Newton Health Department
(617) 796-1420

City of Newton Conservation Commission
(617) 796-1120

City of Newton Building Department
(617) 796-1060

Massachusetts Department of Environmental Protection
(617) 654-6500

MetroWest Engineering, Inc. (Design Engineer)
(508) 626-0063

Stormwater Operation and Maintenance Plan – Six Lot Subdivision
Private Way off Farwell Street, Newton MA

Form 1 - INSPECTION REPORT FORM FOR STABILIZATION MEASURES

INSPECTOR: _____ DATE: _____

Days since last rainfall: _____ Amount of Last Rainfall: _____ inches

Area	Date last disturbed	Date of next Disturbance	Stabilized?	Stabilized With	Condition

Comments and Stabilization Required:

To be performed by: _____ On or Before: _____

Stormwater Operation and Maintenance Plan – Six Lot Subdivision
Private Way off Farwell Street, Newton MA

Form 2 - INSPECTION FORM FOR DRAIN CATCH BASIN- Ongoing Maintenance

INSPECTOR: _____

DATE: _____

Days since last rainfall: _____

Amount of Last Rainfall: _____ inches

Structure Number	Rim Elev.	Sediment Depth	Condition	Date and Description of Cleaning

Comments and Maintenance Required:

To be performed by: _____ On or Before: _____

Stormwater Operation and Maintenance Plan – Six Lot Subdivision
Private Way off Farwell Street, Newton MA

Form 2 - INSPECTION FORM FOR TRENCH DRAIN- Ongoing Maintenance

INSPECTOR: _____

DATE: _____

Days since last rainfall: _____

Amount of Last Rainfall: _____ inches

Structure Number	Rim Elev.	Sediment Depth	Condition	Date and Description of Cleaning

Comments and Maintenance Required:

To be performed by: _____ On or Before: _____

Stormwater Operation and Maintenance Plan – Six Lot Subdivision
Private Way off Farwell Street, Newton MA

Form 3 - *INSPECTION FORM FOR OIL & SEDIMENT SEPARATOR*

Ongoing Maintenance

INSPECTOR: _____

DATE: _____

Days since last rainfall: _____

Amount of Last Rainfall: _____ inches

Rim Location	Rim Elev.	Sediment Depth	Condition	Date and Description of Cleaning

Comments and Maintenance Required:

To be performed by: _____ On or Before: _____

Stormwater Operation and Maintenance Plan – Six Lot Subdivision
Private Way off Farwell Street, Newton MA

Form 4 - INSPECTION FORM FOR SUBSURFACE INFILTRATION SYSTEM

Ongoing Maintenance

INSPECTOR: _____

DATE: _____

Days since last rainfall: _____

Amount of Last Rainfall: _____ inches

Inlet/Outlet Location	Rim Elev.	Sediment Depth	Condition	Date and Description of Cleaning

Comments and Maintenance Required:

To be performed by: _____ On or Before: _____

Stormwater Operation and Maintenance Plan – Six Lot Subdivision
Private Way off Farwell Street, Newton MA

Form 5 - INSPECTION FORM FOR GRASS SWALE

Ongoing Maintenance

INSPECTOR: _____

DATE: _____

Days since last rainfall: _____

Amount of Last Rainfall: _____ inches

Inlet/Outlet Location	Rim Elev.	Sediment Depth	Condition	Date and Description of Cleaning

Comments and Maintenance Required:

To be performed by: _____ On or Before: _____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

239-793

eDEP Transaction #

City/Town

E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

4/26/18

1. Date of Issuance

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Jessica H. Gurnea
Judith R. Hepler
[Signature]

[Signature]
[Signature]

by hand delivery on *Stephen Vona*
4/27/18
Date

by certified mail, return receipt requested, on
Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
 Bureau of Resource Protection - Wetlands
WPA Form 5 – Order of Conditions
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

MassDEP File #

239-793

eDEP Transaction #

City/Town

G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number: _____

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP _____

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

a. Street Address _____

b. City/Town, Zip _____

c. Check number _____

d. Fee amount _____

2. Person or party making request (if appropriate, name the citizen group's representative):

Name _____

Mailing Address _____

City/Town _____

State _____

Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name _____

Mailing Address _____

City/Town _____

State _____

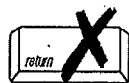
Zip Code _____

Phone Number _____

Fax Number (if applicable) _____

4. DEP File Number: _____

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



B. Instructions

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number:

**Request for Departmental Action Fee
Transmittal Form**

Provided by DEP

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Newton Zoning Ordinance – Redesign Outline

Article 1. General Provisions

Article 1 begins with a set of standard sections that recognize the legal authority of the City to have a zoning ordinance, address conflicts within and between this ordinance and other rules and regulations, severability, and other legal issues. Most significantly, the beginning of this Article includes the purpose statement of the overall ordinance (see below) and a section establishing the Zoning Map and the Zoning Districts depicted on it.

This proposed purpose section is intended to reflect the purpose and intentions of both the Zoning Ordinance and the review of development beyond that of the basic health and safety issues of the Building Code. Most significantly, this section recognizes that Newton has a formally adopted Comprehensive Plan and that the implementation of such a plan is an important purpose of a Zoning Ordinance. DRAFT purpose statements are below:

Sec. 1.2. Purpose of Chapter

The provisions of this Chapter are ordained by the City for the purpose of promoting the health, safety, convenience and welfare of its inhabitants by:

- A. Implementing the Comprehensive Plan of the City of Newton as well as other plans and policies adopted by the City Council.
- B. Coordinating development and redevelopment according to neighborhood, village, and other area plans developed collaboratively with community members.
- C. Equitably balancing the interests of property owners with the interests of the community as a whole.
- D. Protecting and promoting the social, environmental, and economic benefits provided by a walkable development pattern.
- E. Preserving and enhancing the existing character of Newton’s traditional walkable villages and neighborhoods in an effort to promote a sense of community, respect the existing built form, and honor the historic development pattern inherent to the city.
- F. Permitting redevelopment and infill construction that contributes to and preserves the character of Newton.
- G. Guiding reinvestment in established neighborhoods to build upon and reinforce their unique characteristics.
- H. Promoting the adaptation and preservation of existing buildings.
- I. Providing a range of housing types, unit sizes, and price points to accommodate the diverse household sizes and life stages of Newton residents at all income levels, particularly housing that is affordable to individuals and families with low and moderate incomes and is accessible for those with disabilities.

- J. Promoting a welcoming community where people of diverse demographics, origins, and income levels will be able to find a home and opportunity for success.
- K. Addressing the public aspects of private development and how building form, placement, and uses contribute to the quality of the public realm.
- L. Promoting arts and culture for community and economic benefit by improving the public realm, enhancing community life, and growing a vibrant creative sector.
- M. Assisting in the provision of transportation, water, sewage, schools, parks, open spaces and other public facilities.
- N. Encouraging the use of public transportation, bicycling, and walking.
- O. Decreasing vehicular air and water pollutant emissions, conserving energy resources and reducing ambient noise levels by reducing vehicular trips, total vehicle miles traveled, and traffic congestion within the city.
- P. Reducing the demand for parking facilities and increase the capacity and efficiency of existing transportation infrastructure.
- Q. Increasing the commercial tax base in support of the fiscal health of the City.
- R. Protecting and promoting a diverse mix of businesses and employment opportunities.
- S. Providing opportunities for businesses to remain in Newton as they develop and grow.
- T. Promoting environmentally sustainable building and site design practices.
- U. Providing clear and consistent procedures for appropriate and effective public involvement in land use and development decisions.
- V. Providing clear regulations and processes that result in predictable, efficient, and coordinated review processes.

Rules of Measurement [or General Standards]

The second part of Article 1 describes the Zoning Ordinance’s “Rules of Measurement.” These are the basic rules applicable across the entire ordinance. These include a number of definitions and descriptions of how dimensional requirements are to be measured.

Building Types - Building types collect in one place all of the applicable lot and building standards for new construction, renovation of existing structures, and redevelopment in all zoning districts. In contrast to applying generic dimensional standards to all principal structures, the use of Building Types as a regulatory tool allows dimensional standards to differ from one class or kind of structure to another within the same district and is authorized by M.G.L. Chapter 40A, Section 4. Effectively, by using building types, the City can recognize and support the diversity of buildings in Newton’s neighborhoods; the current approach is to encompass that diversity into one set of building standards, resulting in a wide range of allowed massing and creating the tear-down incentive.

This section explains how building type standards are used and provides guidance on how existing buildings are classified into a specific building type to determine the applicable set of rules. Definitions

are also provided for building components, which create a clear and predictable set of rules for such things as dormers, porches, balconies, and building additions in the same illustrated and organized format as the building types. Similarly, accessory building types are defined here.

Lot Standards – Lot standards provide definitions as to what constitutes a lot and some of the rules governing lots, such as the definition of ‘lot coverage’. This section also describes how lots are measured. The only significant change in this section is that it now defines a difference between primary and secondary front lot lines, which is important for later rules governing front door locations.

Building Placement – Building placement provides definitions and rules governing how setbacks are determined. Exceptions to setback rules that apply citywide are listed here and include such things as chimneys, eaves, fire escapes, and accessible ramps, with limits on the extent to which they can encroach into setbacks.

Massing & Height - Massing and height are treated together in the proposed ordinance. As with those above, this section provides the definitions and rules for measuring height and massing. There are two main proposals highlighted in this section. The first is to replace the use of Floor Area Ratio (FAR) as a tool for regulating massing with direct rules governing the allowed width and depth of a building – coupled with height, these rules together effectively manage massing in a way that is transparent for the general public and easy to use and administer.

The second proposed change is to regulate height through setting a maximum number of stories, with each story having a maximum individual height. The current ordinance has both a total building height and stories, which results in conflicts between the two provisions in which the number of stories allowed does not fit into the allowed height.

In regulating height, there are two important considerations: the location of the ground level and the attributes allowed to exceed the top. The current ordinance outlines an array of accessory features that may extend above the roof of a structure, and that list is maintained, with the addition of solar panels. As for the ground level, the current ordinance uses the average grade at the base of the building, measured out six feet. This rule has led to some builders mounding the land up before beginning construction in order to establish a higher existing grade. Staff is proposing to use the average grade at the lot perimeter to define the base of the building for the purposes of height measurement to remove the option for builders to change the grade.

Another idea under consideration is to regulate roof types and minimum and maximum slopes. Such rules appear in some ordinances as a way to further ensure that the desired massing and height of buildings, consistent with the character and norms of a given neighborhood, is achieved. Builders often use flatter roofs to achieve greater living space within the massing requirements in a way that is out of character with the neighborhood, as has been evident in Newton over the last several years.

Front Façade Features – The front façade of a building is an essential element for defining the public realm of the adjacent street. The front façade contributes to the sense of community and safety of the street by creating an atmosphere that is welcoming and gives the sense that there are “eyes on the street.” On commercial retail streets, it is particularly important for there to be a high-level of transparency (windows) on the first floor as this feature contributes to the sense of activity and interest for pedestrians on the street, encouraging them to walk and overall making for a more

attractive and desirable shopping district. This section provides the definitions and rules of measurement for how these rules for transparency are applied to all building types.

Article 2. Public Use, Institutions, and Open Space Districts

Article 2 describes the zoning districts associated with public uses, institutions, and open space or recreational areas and explains the review processes and other provisions for any allowed buildings or activities. These districts are each described below.

Public Use District – The Public Use District encompasses all City, State, and Federally owned land in the City, except those otherwise zoned. The intent of the district is to ensure that public lands are developed and maintained so as to be positive contributions to the neighborhoods in which they exist. The uses allowed range from public governmental buildings such as city hall and the courthouse to public schools, recreational playing fields and conservation properties. Public street right-of-ways are in the Public Use District. All City public buildings are subject to review under section 5-58 of the City Ordinances and are therefore exempt from review under the Zoning Ordinance. Those buildings and activities not subject to section 5-58 or otherwise governed by Newton Ordinances are subject to site plan review according to Article 7 of this ordinance. Public buildings and uses within this district are not subject to other zoning requirements not contained within this section.

Educational Institutions District - This proposed zoning district would encompass the colleges and universities in Newton as well as private non-profit secondary schools with a campus, all of which are currently zoned residential. The intent of this district is the harmonious development of these institutions with their surrounding neighborhoods and clear and timely development review that holistically addresses any proposed development within the context of the overall campus while creating predictability for the neighborhood. The development review process will remain the administrative site plan review process currently employed, though staff will recommend that the City pursue home rule legislation in the future to allow the City to use a Campus Master Plan review process as is currently used by the City of Boston (see Article 7). This district will include standards for education facility buildings, as allowed under the “Dover” rules and drawing from the City’s existing rules for such facilities.

Open Space District - The proposed Open Space District would incorporate all privately held properties where the primary use of land is of a general open space or unbuilt character. These properties are currently zoned residential. Such properties would include the golf courses cemeteries, and privately held conservation lands subject to conservation easements. The intent of this district would be to maintain these open space areas for the environmental, public health, and community character values they contain. Permitted development would be limited to accessory uses to these primary open space uses and regulated by administrative site plan review or site plan review depending on scale.

Article 3. Residential Districts

Article 3 describes the zoning districts associated with residential uses. Residential districts make up the primary land use within the City in terms of land area and generally, these districts are constructed to

protect and reinforce the existing character of Newton's neighborhoods. The extensive data collection of the Pattern Book informed the creation of these districts and the building type standards associated with them. The districts are largely differentiated by how buildings present from the street. The seven residential zoning districts are described below.

PART I: Districts

Neighborhood 1 District – The proposed Neighborhood 1 District is characterized by relatively large lots with large single-unit houses, most exemplified by neighborhoods like Chestnut Hill, West Newton Hill, and Bald Pate Hill. The intent of this district is to preserve the character and history of these neighborhoods.

Neighborhood 2 District – The proposed Neighborhood 2 District represents the quintessential suburban neighborhood with ample lawns and single-unit homes. Developed in the middle of the last century in the spaces between Newton's villages, the intent of this district is to create predictability and preservation of neighborhood character.

Neighborhood 3 District – The proposed Neighborhood 3 District offers a denser version of the Neighborhood 2 District with larger single-unit homes relative to the lot size, as is characteristic of early 20th century neighborhoods like Newton Highlands south of Route 9. Again, the intent is to create predictability and preservation of neighborhood character.

Neighborhood 4 District – The proposed Neighborhood 4 District represents a suburban scale neighborhood composed of single, two, and possibly three-unit homes and frequently walking distance to transit and activity centers. The intent of this district is to preserve neighborhood character, support predictability, and to integrate homes in two and three-unit buildings.

Neighborhood 5 District – Within a short walk of the amenities, mixture of uses, and transit options of Newton's village centers, the proposed Neighborhood 5 District serves as a transition from the villages to the neighborhoods of single-unit homes beyond. With easy access to the above amenities, these areas are appropriate for a wider range of housing types, consistent in scale with the neighboring single and two-unit homes, including 2-4 unit buildings, cottage clusters and townhouses. The intent of this district is to offer a wider range of housing choices, including affordable housing options, in walkable neighborhoods close to transportation and to direct such housing to support the existing character of the neighborhood.

Neighborhood 6 District – The proposed Neighborhood 6 District is closest to the largest of Newton's village centers where the greatest array of amenities, shopping, and transportation options are found. With easy access to the above amenities, these areas are appropriate for a slightly wider range of housing types than the Neighborhood 5 district such as courtyard apartments, while continuing to maintain a consistent scale with the neighboring single and two-unit homes. The intent of this district is to offer a wider range of housing choices, including affordable housing options, in walkable neighborhoods close to transportation and to direct such housing to support the existing character of the neighborhood.

Multi-Unit Residential District – The proposed Multi-Unit Residential District represents the large scale multi-family developments built in Newton in the latter half of the last century and the early 2000s. Ranging from large townhouse-style developments on private drives to residential towers, this district

is characterized by the large scale of the buildings, large landscaped areas, and the general isolation of these parcels from the surrounding built character. The intent of this district is to recognize these existing developments in the zoning ordinance and allow the opportunity for the City Council to approve future examples of this development type by rezoning parcels into this district.

Part II: Building Types

As described in the building types introductory paragraph in Article 1, building types allow the City to set dimensional controls that vary by type of building within the same zoning district. This ability is essential in a community like Newton where individual neighborhoods express a diversity of buildings, reflective of development before the institution of zoning ordinances. Without a building types approach, the City has two options: setting dimensional standards that leave many, if not most, buildings non-conforming, or setting very broad standards that encompass the range of existing buildings and allow a wide range of building scales. Newton's current ordinance does both with the result that most of the buildings built pre-zoning are non-conforming while large homes, out of scale with the existing neighborhoods, are allowed by right.

House Types A, B, C – There are three proposed 1-2 unit house building types, with the number of units allowed in the building depending on the zoning district. These building types are primarily differentiated by height, with House A representing single story homes (ex. = ranches and capes), House B representing two-story homes, the predominant house type in Newton, and House C representing a nearly three-story home (ex. = classic Victorians). Generally, a House A type is trading height for width and as such, these homes can be a little wider, within the allowed side setbacks. House types B and C are generally narrower. These distinctions are there to limit the so-called “monster homes,” whose scale is driven by the building being both tall and wide, and therefore out of character with the neighborhood.

The proposed building types group 1 and 2 unit buildings into the same building type in order to address the significant challenge of very large, out of scale two-unit buildings in Newton's current MR districts. For these buildings to be in scale, they must present as the same scale as the existing single and two-unit buildings that make up the existing neighborhood.

Missing Middle Housing Types – The next scale of building type proposed for the Zoning Ordinance are the “Missing Middle” housing types, which allow more units within a building, but are at a scale compatible with otherwise single and two-unit neighborhoods. These building types would include the traditional triple decker, the cottage court, the multi-unit mansion, courtyard apartments, and the live-work. As proposed, these building types would be allowed in the Neighborhood 5 and 6 districts in some combination and with appropriate restrictions and standards.

Large Residential Housing Developments – The final scale of residential building type is the large multi-unit building or large secluded condominium campus as exemplified by such projects as the Avalon developments, Nahanton Woods, Hancock Estates, the Towers at Chestnut Hill and others. As proposed, new developments of this scale would require a rezoning into the Multi-Unit Residential District and would be subject to minimum lot size requirements among other standards.

Civic and Institutional Buildings – The last building type available for this district will be for civic-type buildings like religious institutions, which are allowed in all districts, subject to standards, and governed by the “Dover Amendment.”

Part III: Building Components

Much as the current ordinance provides standards for adding dormers to a building, this section will provide standards for a range of add-on building components, including dormers, porches, and additions. As with the existing dormer rules, these rules would be intended to ensure that these types of components appropriately conform to the character of the City’s neighborhoods and are appropriately placed and scaled.

Building components are particularly important for consideration of additions to a building. Regulations should ensure that additions are done in a predictable way, both for neighbors and the homeowner, and in ways that respect existing character.

Roofs are a particular kind of building component that have significant meaning for both neighborhood character and the overall scale and massing of new homes. Roof standards will direct the appropriate roof slopes, helping to address the increasingly flat roofs that builders have been constructing in order to get around FAR and height restrictions.

Part IV: Accessory Buildings

The draft ordinance will include standards for accessory buildings and present those standards in a similar format as the building types described above. With this approach, different types of accessory building can have standards appropriate to that type. The proposed accessory building types will include sheds, garages, carriage houses, and back cottage.

Part V: Other Residential District Provisions

Rear Lots – While rear lot developments do create an opportunity to introduce additional housing into a neighborhood, they also create a range of urban design challenges as private backyards become intermingled with the public front yard of the rear home, additional density is introduced into the neighborhood, and a potential incentive is created to tear-down existing homes. Staff will be presenting additional standards and rules to govern rear lot development including potentially reducing the districts in which they are allowed, increasing lot sizes, implementing additional lot design and building placement requirements, and/or creating other new rules.

Single Unit to Multi-Unit Conversions – Currently allowed in all residential districts, the intent of this section is to allow a property owner to convert a large structure from a single-unit building into a multi-unit building in order to preserve a historic building as no exterior changes are allowed. Effectively, this approach is very similar to the multi-unit mansion building type. The proposed ordinance will retain this provision but modify the standards to be consistent with the multi-unit mansion building type.

Cluster Development – As a largely built out city, the Cluster Development provision is unlikely to be used as there are few parcels of sufficient size. Staff will analyze the viability of this section, determine if there is an alternative set of standards that would make it viable, and propose either keeping or eliminating the section.

Part VI: Allowed Uses

No significant changes are proposed to the allowed uses in the residential districts. Generally, these remain household living/dwelling units, various forms of group homes and similar, and civic and religious institutions. One addition to consider would be to allow bed & breakfasts (differentiated from short term rentals).

Accessory Uses – Accessory uses also largely remain the same, with updates to the home business accessory use, as described below under Article 6.

Article 4. Business, Mixed Use & Manufacturing Districts

Article 4 describes the zoning districts associated with the commercial areas of the City. Such areas vary widely, including Newton’s traditional village centers, areas comprised of manufacturing and industrial type uses, commercial strips like Four Corners, and office areas like Wells Ave. The scale of these areas also varies widely with a 10-story office building in Newton Corner and small single story commercial clusters in various parts of the City. These districts attempt to strike a balance between increasing commercial vibrancy and tax revenue growth while also being sensitive to the adjacent residential areas. The seven commercial zoning districts are described below.

Part I: Districts

Village 1 – The proposed Village 1 District represents the smallest of the village centers in Newton, exemplified by such places as Waban and Newton Highlands. This district generally has a maximum height of two stories, perhaps allowing three stories by special permit. Buildings are required to front directly on the sidewalks and feature active storefronts and small commercial spaces to encourage local businesses. The intent is to promote these districts as locally oriented destinations for the immediate neighborhoods.

Village 2 – The proposed Village 2 District represents the middle-sized villages in Newton, exemplified by Newton Centre and West Newton. This district restricts heights to three stories, with four or five allowed by special permit. Buildings are required to front directly on the sidewalk with active storefronts and a mixture of small and medium sized commercial spaces to promote mostly local businesses with some regional or national stores also present. The intent of this district is to feature a vibrant mixed-use village with a significant residential population, primarily local serving office space, and a shopping destination for residents of Newton and neighboring municipalities.

Village 3 – The proposed Village 3 District represents Newton’s highest intensity village, exemplified by Newton Corner, but also potentially applicable to a place like Riverside. Buildings in this district would be encouraged to have a minimum height of four stories and heights greater than five would require a special permit. Buildings are required to front directly on the sidewalk with active storefronts and a mixture of small and medium sized commercial spaces to promote mostly local businesses with some regional or national stores also present. The intent of this district is to feature a vibrant mixed-use village with a significant residential population, office space targeted towards regional or national companies, and a shopping destination for residents of Newton and neighboring municipalities.

General Business District – The proposed general business district would apply to areas of the City with strictly commercial uses, generally favoring retail with some office components. Heights would be limited to two stories. The intent of this district would be to recognize these commercial areas of the City and retain them for commercial uses. Generally serving immediate neighborhood needs, like Four Corners, these areas are not appropriate for a greater intensity of mixed uses.

Regional Business District – The proposed regional business district would apply to those areas of the City that feature large commercial, mostly retail, developments that draw on a regional customer base, primarily based on the east end of Route 9. The intent of this district would be to recognize these commercial areas of the City and retain them mostly for commercial uses, while allowing some residential as appropriate.

Office District – The proposed Office District would apply most prominently to the Wells Avenue office park, though might also be appropriate for other office buildings in different parts of the City. This district would be oriented primarily toward office uses, though allowing for some complementary amenities such as restaurants, gyms, etc. This district would allow heights of up to five stories, with up to eight stories allowed by special permit. The intent of this district is to promote locations strictly for commercial space that could accommodate regional and nationally oriented companies.

Fabrication District – Applied to Newton’s many small manufacturing areas, the proposed Fabrication District is intended to preserve these areas for manufacturing/fabrication, innovation, arts, and a range of light industrial uses not appropriately placed within village centers of neighborhoods. The nature of these districts as small, scattered, and closely adjacent to many residential neighborhoods requires special attention be paid to managing any nuisances or environmental factors that might emanate from uses in these districts. This district would also include accessory uses that compliment allowed uses like food tasting cafes, artist lofts, or similar.

Part II: Building Types

The specific building types for Newton’s commercial districts are still under development, but will include mixed-use buildings at different heights, standard commercial buildings, office buildings, and warehouse/industrial type buildings.

Part III: Other Commercial District Provisions

Planned Multi-Use Business Development (PMBD) – The PMBD provisions were created as an option for the Chestnut Hill Square project but ultimately not used. There are currently no other properties in

the City that could qualify for the use of this provision based on the required zoning of BU4 and the minimum lot size of 10 acres. Generally, all of the requirements of this section are otherwise addressed in the proposed zoning ordinance or through the typical special permit process in Newton. Staff recommend that this section be removed.

Part IV: Allowed Uses

Newton's current ordinance lists 68 commercial uses ranging from the very specific (ATM, bowling alley) to the general (office, retail sales). The objective of the proposed changes will be to group uses into categories to which the same rules would apply uniformly while only calling out those specific uses within a category for which there would be specific requirements. A handful of new uses will be added, such as:

Co-Working. A commercial or non-profit organization providing multiple individuals and small firms access to workplace facilities, including but not limited to, creative studios, office suites, for-rent 'hot-desks', dedicated workstations, conference rooms, meeting rooms, event space, resource libraries, and business or administrative support services.

Craftsman/Artisan Retail. A retail use with an associated production/fabrication space. Goods produced in this space must be hand-made and available for sale in the establishment. Examples might include a candy or chocolate maker, a jewelry maker, a toy maker, etc.

Article 5. Development Standards

Article 5 includes standards for various aspects of development generally applicable to all uses and building types. These include parking and transportation standards, signage requirements, stormwater management, and inclusionary zoning among others.

Part I: Transportation & Parking

Draft purpose statements for the section on transportation and parking are provided below. Purpose - The intent of these provisions is that any use of land be designed and operated to:

- A. Ensure safe travel for all moving along public ways and in and out of private property;
- B. Encourage the use of public transportation, walking, and bicycling;
- C. Decrease vehicular air and water pollutant emissions, conserve energy resources, and reduce ambient noise levels by reducing vehicular trips, total vehicle miles traveled, and traffic congestion within the city;
- D. Reduce the demand for parking facilities and increase the capacity and efficiency of existing transportation infrastructure;
- E. Protect the use of adjacent property from nuisance caused by noise, fumes, and glare of headlights;
- F. Enhance and protect the visual quality of the city;

Bicycle Parking – The proposed bike parking section will expand on the existing bike parking requirement. Rather than the number of stalls required being tied to a percent of the size of the vehicle parking lot, bike parking requirements will have their own standard by land use and district. The proposed section will also include further design requirements, including separate standards for retail and other visitor oriented places and requirements in residential developments where indoor bike parking facilities for longer term bike parking make sense.

Automobile Parking – Setting parking standards in a zoning ordinance can be a challenging issue. Too small of a requirement and there is a perception that there will be insufficient parking while too high of a standard induces greater volumes of automobile traffic. Parking is also expensive to build and maintain and takes away valuable space that otherwise could be devoted to taxable buildings. Finally, parking lots themselves are detrimental to environmental health, particularly that of nearby water bodies. Modern best practices in zoning recommend setting parking maximums and removing required parking minimums from walkable mixed-use areas, instead relying on the management of on-street and public parking resources and shared parking programs in conjunction with expanded transportation options for walking, biking, and transit.

The draft zoning ordinance will reflect these best practices with reduced parking requirements, no parking requirements for ground floor uses in village center districts, and maximum parking requirements. Similarly, the proposed draft will not include a parking requirement for single and two-unit homes and will propose reducing the parking requirement for residential units in multi-family developments to one parking space per unit with a maximum of two spaces per unit. It is understood that these proposals intersect with other city policy areas around on-street parking management and transportation services.

An important strategy for reducing the negative economic and environmental impacts of parking lots is to allow property owners to share their parking. Shared parking allows for the most efficient use of the resource through the management decisions of the parking owners.

Off-street Loading - Off-street loading requirements largely will stay, though some consideration needs to be given to their universal applicability citywide. There are some places in the City, such as in village centers, where these requirements create a barrier to businesses and are better addressed through on-street loading zones and priority delivery hours outside of commuting peaks.

Transportation Demand Management – Transportation Demand Management (TDM) is a set of measures used to promote the use of alternatives to single occupancy vehicles and thereby reduce the traffic associated with development. All new development will be required to present a TDM plan and report their compliance with that plan on an annual basis. Some standard TDM measures include:

- Participation in the appropriate transportation management association (128 Business Council for properties south of Commonwealth Ave or the Watertown Transportation Management Association for properties north of Commonwealth Ave)
- Decoupling parking and rents – i.e. charging separately for rent and parking or separately selling parking and condo units. This is anticipated to apply both to residential and commercial uses.
- Subsidized transit passes for tenants in properties within ½ mile of Green Line, Commuter Rail, or Express Bus services
- Transportation options education program for new employees or residents

- Provision of secure indoor bike parking, showers, and locker rooms
- Commitment to assist the City in implementing neighborhood traffic mitigation plans, investment in sidewalks, lighting, bike network, traffic calming, etc.

All projects with transportation demand management plans will be required to set a peak hour mode-split target and track employee/resident commute mode-split, trip generation, and parking utilization periodically and report this to the City along with reports on the efficacy of transportation demand management measures utilized at the premises in that period. This section will also outline the process by which modifications can be made to a TDM plan if it is not proving effective in reaching the mode-split target.

Part II: Signs

The sign regulations section of the ordinance will largely remain the same, with only two issues to address, described below. Sign regulations are intended to reduce visual clutter and ensure the visual quality of the City, particularly in its commercial areas where the proliferation of oversized, highly varied and otherwise “loud” signs would have a detrimental effect. As the purpose of a sign is generally to draw attention to one’s business, lack of regulation or a common standard might otherwise lead to an arms race environment of larger and flashier signs degrading the environment for all. Signs are also necessary and represent protected free speech.

The section will continue to include definitions and illustrations of the regulated types of signs, include rules governing all signs, specify the size of signs allowed based on use, and identify the sign review process with some signs allowed by-right and some requiring a special permit. Signage related special permits could be of a type appropriate for the Planning Board rather than the City Council, with clear guidance provided by the Council through the Zoning Ordinance.

The first issue to be addressed is a relatively recent Supreme Court ruling (*Reed v. Town of Gilbert*) essentially directing municipalities engaged in regulating signs to ensure that sign regulations do not infringe upon protected free speech. The basic rule arising from this decision is that sign regulations must be content neutral; that regulation can govern size, lighting, location and similar aspects of the physical sign, but cannot be differentiated based on the content of the sign. Newton’s sign rules include numerous examples of content-based distinctions. The temporary signs section has the most examples of such rules, with different rules governing elections signs and real estate signs, for example. As the only difference in these types of signs is the content, these rules are clearly impermissible under the Supreme Court ruling.

Staff will review the sign section to carefully remove content-based rules while preserving the current intent of these sections to the greatest extent possible. The greatest challenge will be in the rules for temporary signs, which will necessarily only include rules governing the physical characteristics, location and duration of placement of these types of signs. The other challenge will be around off-premise signs as, to determine that a sign is off-premise, one must make reference to the sign’s content. Planning will work with Law staff to find the best possible solution to preserve the intent of these rules.

The second proposed change is to define “comprehensive sign packages”, which are sign design standards created by commercial property owners to govern the various signs on different storefronts

or businesses on a property. In this ordinance, staff is proposing that review and approval of these sign packages can replace review and approval of individual signs that are consistent with the sign package. Comprehensive sign packages are seen as a valuable clutter-management step because they require multi-tenant property owners to plan ahead and relate their signs to the building's architecture – giving space to both the first and last tenant. Right now, comprehensive sign packages are common special permit requests; this is an area recommended for opening more by-right options and for remaining special permits to be moved to the Planning Board.

Part III: Stormwater Management

Draft purpose statements for the section on transportation and parking are provided below.

Purpose - The intent of these provisions is that any use of land be designed and operated to:

- A. Contribute to the protection and restoration of Newton's waterways;
- B. Reduce the burden on the City's stormwater drainage infrastructure;
- C. Mitigate the potential for flooding of neighboring properties;
- D. Encourage sustainable and environmentally friendly development efforts; and
- E. Help to address requirements under the City's National Pollutant Discharge System permit;

There are three closely inter-related issues that fall within the overall topic of stormwater management, stormwater run-off, erosion and sediment control, and groundwater. This section of the ordinance will attempt to address the first and last of these while the DPW is working on a separate ordinance addressing erosion and sediment control, which is associated with construction site management.

The fundamental tool of regulation under the proposed ordinance will be a stormwater management plan, which must be submitted by any property owner triggering the stormwater requirements and must be approved by the Engineering Division of the DPW. The proposed threshold where these rules would apply is at 400 square feet of additional impervious area, aggregate across multiple lots or across time within five years. For projects adding between 400 and 1000 square feet of impervious area, the stormwater management plan is simple, something easily completed by a homeowner, and requiring only a commitment to install one or more of the following best practices on their property:

1. Gutter downspouts leading to vegetated areas, underground dry wells or stone infiltration trenches
2. Native plantings and xeriscaping
3. Rain barrels, cisterns and similar
4. Permeable pavers/surfaces for walkways, patios, etc.
5. Routing runoff from paved areas to vegetated areas

Larger impervious area projects, those over 1,000 square feet, will require a more elaborate stormwater management plan that includes measurements of potential stormwater volume and plans to manage the quantity of stormwater run-off generated and to address water quality issues with that water by essentially separating out pollutants carried by that water before it enters Newton's storm drain system or the City's streams. These plans will include on-going management responsibilities as well as reporting requirements so that the City can track compliance. For this larger category of project on

redevelopment sites, the management plan will require treatment not only of the new impervious area, but also require a reduction in the stormwater generated by existing impervious areas.

Any change to slopes on a property over a to be identified threshold will also trigger a requirement to provide a stormwater management plan that demonstrates no net increase in run-off to neighboring properties or the City storm drain system.

These rules will also offer an alternative compliance pathway through off-site improvements where it is demonstrated to the City engineer that on-site compliance is not possible due to site conditions.

Groundwater represents a significant issue in parts of Newton. Staff is investigating whether there is a zoning-type regulation that will help to address this issue in Newton.

Green Design

Purpose - The purposes of this section are to:

- A. Reduce the use of energy, water, and other natural resources in Newton's building stock;
- B. Increase the use of renewable energy sources for electricity, transportation and heat;
- C. Increase the use of electricity for transportation;
- D. Increase the number of energy efficient buildings
- E. Minimize the environmental impacts of construction materials and methods, including waste reduction

The current ordinance effectively requires green design attributes. These attributes consist of construction techniques that reduce the natural resources expended in constructing and/or operating a building, for any building over 20,000 square feet as a special permit criteria. In the proposed ordinance, this topic will be taken up in the main body of the ordinance in a two-part Green Design section. The first part will identify a list of building or site design green attributes that have commonly been required of large projects in the City through the special permit process and make them required through the ordinance. These requirements include such things as a percentage of parking spaces to be equipped with electric vehicle charging stations and a percentage of roof area to have solar panels or be solar ready. The second part proposed will be an incentive for projects achieving a 'Gold' ranking under the Leadership in Energy and Environmental Design program. The incentive would likely be something like a 10% increase in allowed buildable area.

Fences & Retaining Walls

Fences will be a reference to the City Ordinances.

Staff is investigating retaining wall rules that will more robustly address the concerns raised by these structures. As noted above, installation of a retaining wall will trigger stormwater management requirements.

Landscaping

This section will remain reserved for a future zoning ordinance amendment.

Great Ponds

This section requires a special permit for any development within 300 feet of a Great Pond (water body over 10 acres in size) in a business district. The only Great Pond in Newton with an adjacent business district is Hammond Pond and this requirement seems to be targeted towards The Street at Chestnut Hill. This requirement is aimed at preserving public views and access to the pond. As these objectives seem equally applicable to Newton's other Great Pond, Crystal Lake, staff proposes that this rule be generally applicable to development adjacent to both Great Ponds.

Noise

Reference to City Ordinances.

Outdoor Lighting

Reference to City Ordinances.

Tree Protection

Reference to City Ordinances.

Floodplain, Watershed Protection

Reference to City Ordinances.

Inclusionary Zoning

Staff and the Zoning and Planning Committee are currently working on an amendment/rewrite of this section. When that work is complete, it will be merged into the draft ordinance.

Article 6. Use Regulations

Article 6 provides rules and regulations specific to the different land uses allowed in the Zoning Ordinance. A detailed review of every section of this Article is beyond the scope of this outline, and thus only certain sections are highlighted below.

Use Determination

This section provides guidance to the Commissioner of ISD on how to determine the use a particular applicant is proposing, and therefore what rules apply. This section was added in the 2015 amendments and is proposed to stay.

Use Standards and Rules

The majority of this article is made up of the different uses allowed through the ordinance and their associated definitions and rules. Staff will be conducting a detailed review of this article, adding in the missing definitions and reviewing the existing rules to propose deletions, modifications, and retentions. There will be no proposed changes to the accessory apartment rules nor to adult uses and similar. The Marijuana related uses will be addressed separately through ordinance amendments the Zoning and Planning Committee will be considering over this summer and fall in response to the State law. Similarly, the Law Department is considering changes to the wireless rules based on new federal requirements.

Home Business Rules

A home business is a commercial occupation carried on by a resident of a dwelling unit where the occupation is secondary to the use of the dwelling unit for residential purposes and where the “quiet expectations” of neighbors take precedence over work needs of the occupation. Such commercial enterprises include a professional office or artist studios, but not uses that generate large numbers of visitors, noise or other nuisances that would potentially disrupt the neighborhood. Restaurants, retail, and auto repair are all not allowed.

The proposed standards are set with an objective that the home business should be effectively invisible. Most of the existing standards remain the same, with only a few changes intended to modernize the ordinance such as the removal of the limit on no more than one home business and the addition of rules governing deliveries. Parking is restricted to no more than one space as, by its nature, parking lots are not invisible and create a disruption to the neighborhood. Employment is restricted to no more than one and customers limited to no more than three at any given time. Staff recommends removing the special permit requirement to allow home businesses in multi-family buildings and accessory buildings as the standards set governing this use should adequately address any issues in those types of locations. At the same time, staff recommends removing the ability to exceed the limits set by the ordinance by special permit with preference given that if one’s business grows to the point of being potentially disruptive to the neighborhood, it should move to a village or other commercial district. Special permits stay with the property, creating a long-term right that may be inappropriate for a generally transient accessory use.

Article 7. Administration

Article 7 describes the processes by which the Zoning Ordinance is administered, covering such issues as how non-conforming buildings or land uses get treated and the process by which discretionary permits, such as special permits and variances, are decided. Some significant parts of this Article are determined by State law and therefore will remain the same.

Purpose

The fundamental objective of the administrative section of the ordinance is to ensure that decisions are made publicly, with a clear record as to the basis of a given decision and with opportunity for the community’s voice to be heard. Decisions must also be made efficiently, with a recognition that long processes impose high costs on both applicants and on the executive function of the City.

Development Review Bodies

No changes proposed here but definitions and roles must be described for each one.

Amendments

This section addresses the process by which amendments to the Zoning Ordinance can be made. This process is largely defined by State law. Currently this section directs all amendments to the Zoning and Planning Committee and should be updated to reflect the role of the Land Use Committee.

Special Permits

The current Zoning Ordinance directs all special permits to the same process through the City Council. The proposed Zoning Ordinance identifies tiers of special permit review, with smaller projects proposed to be directed to the Planning Board, reserving only larger projects for the City Council. While the process is largely the same for either body in the basic terms of how something is processed, the objective is to begin to address some of the challenges created by the City's legislative body engaging in the executive/quasi-judicial task of administering the special permit review process. There is nothing inherently wrong with the Council filling this role, it just must be done with consciousness of the differences between this role and the normal legislative role of the Council.

Special permits represent a land right that is granted by the Zoning Ordinance to property owners, subject to review for potential impacts on the community and necessary mitigations of those impacts. Special permits implement the legislatively adopted Zoning Ordinance (hence executive) and are also adjudicating rights relative to local, state, and federal law and court cases. The permit is discretionary, but is not discretionary in the same manner that the decision as to whether or not to enact a new ordinance is discretionary – the decision as to whether the type of development should be allowed in an area of the City has already been made with the adoption of the Zoning Ordinance; the special permit review task is about the specifics of a proposed project.

Most large projects in Newton require both a rezoning and a special permit, and therefore require a legislative process to change the zoning as well as the executive/adjudicative process of the special permit. Combining these into one process makes sense for the sake of efficiency and to that end, the Council should remain a special permit granting authority. For smaller projects, to ease the burden on the City Council, the special permit granting authority role could be delegated to the Planning Board, which should be composed of experts who can efficiently advance implementation of the Council's adopted ordinances and policies. The proposed zoning ordinance will include definition of what constitutes a large project, as adopted by the City Council.

The proposed ordinance will include more special permit findings and decision-making criteria that relate more closely to the different types of special permit, providing more guidance to the granting authority. There will also be a proposed section providing rules for special permit amendments and consistency determinations related to existing special permit requirements.

Site Plan (and Design) Review

The proposed ordinance will create a site plan review process that is administrative in character, with two potential tiers of review. The first will be for strictly staff-based administrative review as is currently used for educational and religious facilities. The second form of site plan review will be more of a design review process, will engage the Urban Design Commission (UDC), and will include a public meeting with the UDC and opportunity for public comment.

Campus Master Plan Review – Staff is investigating the potential for the City to utilize a campus master plan review process for the review of colleges, universities, and private secondary schools. The approach is used in Boston and Cambridge and allows for the comprehensive review of a campus master plan rather than the one-off review of individual campus improvements, creating efficiencies for staff and the institutions. As proposed, the Master Plans, and amendments thereto, would be reviewed on a regular basis by the Planning Board in a public hearing. Subsequent projects that conform to the Campus Master Plan would then be reviewable by staff simply for consistency.

Community Engagement

The proposed ordinance will include recommendations and guidance to property owners on public engagement processes, including recommended number and approaches to conducting public meetings.

Variances

No changes.

Appeals

No changes.

Nonconformities

One overall intent of the zoning redesign process has been to reduce the degree of non-conformity. As the specifics of the ordinance are developed, and the nature and degree of the resulting potential non-conformity are understood, this section will be updated to reflect what rules pertaining to non-conformity remain necessary.

It should be noted that under the current ordinance, owners of non-conforming properties can extend their non-conforming status substantially by means of a special permit. There is no clear upper bound to the amount of relief someone can seek, leaving neighbors with no clear picture of what can happen in their neighborhood. After properties are made conforming, there is still an option for relief from the ordinance, but the pathway is through a variance, which sets a much higher bar for granting the relief.

Article 8. Definitions

Article 8 contains definitions not otherwise provided elsewhere in the ordinance. This section will be reviewed and definitions updated or added as necessary.



Ruthanne Fuller
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Barney S. Heath
Director

MEMORANDUM

DATE: June 22, 2018

TO: Councilor Albright, Chair
Members of the Zoning and Planning Committee

FROM: Barney Heath, Director of Planning and Development
James Freas, Deputy Director of Planning and Development
Marie Lawlor, Assistant City Solicitor
Jennifer Caira, Chief Planner

RE: #376-18 Zoning Amendments for Recreational Marijuana Establishments
THE PLANNING DEPARTMENT requesting amendments to the Newton Zoning Ordinance, Chapter 30, to regulate the use of land, structures and buildings for the operation of marijuana establishments; to determine in which zoning districts and under what conditions marijuana establishments will be allowed; and to establish minimum standards and criteria.

MEETING DATE: June 25, 2018

CC: Jonathan Yeo, Chief Operating Officer
Ouida Young, Acting City Solicitor
John Lojek, Commissioner of ISD
Planning and Development Board
Marijuana Working Group

EXECUTIVE SUMMARY

The voters of Massachusetts passed a law to permit the cultivation, processing, distribution, possession and use of marijuana for recreational purposes in November 2016. The City of Newton approved the ballot referendum 55 percent to 44 percent. Effective December 15, 2016 the law allowed certain personal use and possession of marijuana. The Cannabis Control Commission

(Commission) was established in September 2017 to oversee all recreational and medical use marijuana and issued regulations regarding the licensing of commercial (non-medical) marijuana activities. On March 5, 2018 City Council adopted Ordinance B-4, establishing a moratorium for all recreational marijuana establishments until December 31, 2018. The moratorium was established in order to have time to review and respond to the regulations issued by the Commission in March and develop a zoning ordinance for recreational marijuana and other marijuana related facilities as non-medical marijuana establishments are not otherwise contemplated or addressed under the present Newton Zoning Ordinance.

CANNABIS CONTROL COMMISSION REGULATIONS

The Cannabis Control Commission (Commission) is tasked with reviewing applications from candidates for licenses, establishing a registration process, and performing background checks of individuals associated with applicants or licensees. In addition, the Commission is required to promulgate statewide regulations addressing: public health issues such as products, labeling, advertising and potency; industry issues such as cultivation, distribution, transportation and seed-to-sale tracking; and market participation for communities including women, minority, and veteran-owned businesses, as well as growing cooperatives. On March 23, 2018 the Commission published the final regulations for the adult use of marijuana. The regulations primarily focus on the licensing application and process; however, they also provide definitions for the various uses and some guidance for municipalities. Below is a summary of relevant regulations:

- During the application process for the Commission, applicants will be required to demonstrate they've held a community meeting and have executed a Host Community Agreement with the municipality. Once the application is complete, the municipality is notified and has sixty days to notify the Commission if the applicant is not in compliance with local zoning. Special Permits need not be granted by this deadline, the Commission just needs to know that a Special Permit would be available for that particular location.
- Host Community Agreements are required for all marijuana establishments (including medical marijuana dispensaries). The agreement may include a community impact fee of up to 3 percent of gross sales to be paid to the host community, as long as the fee is reasonably related to real costs imposed on the municipality due to the establishment operating there.
- Local ordinances may govern the "time, place, and manner" of marijuana establishments and may not be "unreasonably impracticable". Local laws cannot be so difficult to comply with that they would subject applicants to unreasonable risk, or require such a high investment of risk, money, time or any other resource or asset, that a reasonably prudent businessperson would not operate a marijuana establishment.
- A municipality may pass an ordinance limiting the number of marijuana retailers to 20% or more of the number of package store liquor licenses. A ban of any use or a limitation on retailers below 20% in Newton would require a ballot initiative.

- Under state law, a marijuana establishment may not be located within 500 feet of a pre-existing public or private k-12 school. Municipalities may adopt an ordinance to reduce that distance requirement.
- A municipality may regulate signage regarding marijuana-related uses, but the standard may not be more restrictive than those applied to retail establishments selling alcohol.
- Municipalities are prohibited from barring the transportation of marijuana or marijuana products or adopting an ordinance that makes transportation unreasonably impracticable.

EXAMPLE ORDINANCES

Very few municipalities in Massachusetts have adopted new zoning regulations for recreational marijuana use at this time (most have similar moratoriums or have voted to prohibit the use). Planning staff have reviewed draft and recently adopted ordinances and bylaws from Boston, Brookline, Amherst, Groton, Grafton, and Easthampton. Below are some examples of regulations from those communities:

- Most communities require a Special Permit for all marijuana related uses
- Retail marijuana establishments are generally permitted (by Special Permit) in business and some industrial zones
- Hours of operation are typically set by Special Permit or Host Community Agreement; however, several communities limited the hours to a maximum of 8 am to 8 pm. Salem requires the hours of operation be consistent with those for package stores.
- Most regulations included a buffer between marijuana establishments, ranging from 50 feet in Easthampton to one half mile in Boston.
- Several regulations include a prohibition on marijuana establishments being located within buildings that also contain residential units.
- Several regulations include a maximum size for retail marijuana establishments, ranging from 2,500 square feet to 5,000 square feet.
- Groton and Salem require that the Police Department review a security plan.
- Salem also requires an Operations and Management plan be submitted to the Building Department prior to issuance of a building permit. The plan must include organizational structure, location, property description, hours of operation and staffing, cultivation practices, processing practices, distribution practices, employee safety, general compliance, fire prevention, sanitation requirements, electrical system overview, proposed energy demand and proposed electrical demand offsets, ventilation system and air quality, and proposed water system.

- Salem requires cultivation and manufacturing facilities to offset 100 percent of electricity consumption.

PROPOSED REGULATIONS

In developing a draft ordinance regulating both recreational and medical marijuana, Planning staff have consulted with other City departments, and reviewed the regulations issued by the Commission as well as draft ordinances and bylaws from other municipalities in order to create a zoning ordinance that provides meaningful opportunities for marijuana establishments in accordance with state laws and regulations, while imposing reasonable safeguards to ensure public health, safety, well-being, and prevent undue impacts on the natural environment. Included below are definitions for the various uses, a discussion of potential zones for each use, and proposed regulations and criteria for approval to be included in the ordinance.

Definitions

- *Marijuana Establishment* – a Marijuana Cultivator, Craft Marijuana Cooperative, Marijuana Product Manufacturer, Marijuana Retailer, Independent Testing Laboratory, Marijuana Research Facility, Marijuana Transporter, or any other type of licensed marijuana-related business, except a medical marijuana treatment center.
- *Marijuana Retailer* – an entity licensed to purchase and transport cannabis or marijuana product from Marijuana Establishments and to sell or otherwise transfer this product to Marijuana Establishments and to consumers. Retailers are prohibited from delivering cannabis or marijuana products to consumers; and from offering cannabis or marijuana products for the purposes of on-site social consumption on the premises of a Marijuana Establishment.
- *Marijuana Cultivator* – an entity licensed to cultivate, process and package marijuana, and to transfer marijuana to other Marijuana Establishments, but not to consumers.
- *Craft Marijuana Cooperative* – a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, manufacture, process, package and brand cannabis or marijuana products to transport marijuana to Marijuana Establishments, but not to consumers.
- *Marijuana Product Manufacturing* – to compound, blend, extract, infuse or otherwise make or prepare a cannabis or marijuana product.
- *Marijuana Transporter* – an entity, not otherwise licensed by the Commission, that is licensed to purchase, obtain, and possess cannabis or marijuana product solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, but not to consumers.
- *Registered Marijuana Dispensary (RMD), also known as Medical Marijuana Treatment Center* – a not-for-profit entity registered under 105 CMR 725.100: Registration of Registered

Marijuana Dispensaries, that acquires, cultivates, possesses, processes (including development of related products such as edible cannabis or marijuana products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing cannabis or marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use.

- *Marijuana Research Facility* – an entity licensed to engage in research projects by the Cannabis Control Commission. A Marijuana Research Facility may cultivate, purchase or otherwise acquire marijuana for the purpose of conducting research regarding marijuana products. A research facility may not sell marijuana cultivated under its research license.
- *Independent Testing Laboratory* – Laboratory licensed by the Commission that is: accredited to the International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the Commission; independent financially from any Medical Marijuana Treatment Center (RMD), Marijuana Establishment or licensee for which it conducts a test; and qualified to test cannabis or marijuana in compliance with 935 CMR 500.160 and MGL c. 94C, Section 34.
- *Microbusiness* – Co-located Marijuana Establishment that can be either a Tier 1 Marijuana Cultivator or Product Manufacturer or both, in compliance with the operating procedures for each license. A Microbusiness that is a Marijuana Product Manufacturer may purchase no more than 2,000 pounds of marijuana per year from other Marijuana Establishments.

Locations

The Newton Zoning Ordinance currently allows RMDs (medical marijuana dispensaries) in the Business 2 (BU2), Business 5 (BU5), and Mixed Use 1 (MU1) zones, by Special Permit only. The ordinance will need to be updated to include allowed zones for each of the uses defined above. It is intended that all marijuana uses will be by Special Permit only. It should also be noted that all proposed zoning utilizes existing zones and will need to be updated at the time new districts are adopted as part of Zoning Redesign.

Retail Marijuana and Registered Marijuana Dispensaries

Retail Marijuana storefronts and RMDs have unique aesthetic concerns as they are prohibited from having the product visible from the street. Combined with security requirements and concerns, this can result in bunker-like retail establishments which are not always pedestrian friendly. The goal in locating these establishments is to try to locate outside of our most vibrant, pedestrian oriented zones within village centers, while establishing minimum transparency requirements to mitigate potential aesthetic concerns when located at the ground floor. Additionally, these establishments should be located in areas that are easily monitored by law enforcement and benefit from additional “eyes on the street” from pedestrian and vehicular traffic. Zones being considered for both Retail Marijuana and RMDs include the BU2, BU5, Business 4 (BU4), and Mixed Use 2 (MU2). These zones are being considered for the following reasons:

- The BU2 zone is generally located along commercial strips or nodes outside of village centers.
- The BU5 zone is primarily located along the western edge of the City and both BU2 and BU5 currently allow medical marijuana dispensaries.
- The BU4 zone includes The Square and The Street in Chestnut Hill as well as a couple other properties adjacent to Riverside and in Newton Corner. These locations provide regional access at the edges of the City, are mostly outside of village centers, and still maintain a high level of activity to contribute to a sense of safety.
- The Mixed Use 2 zone is located along the northeast portion of Needham Street and is just outside the village center while still maintaining vehicular and pedestrian activity.

Other commercial and industrial zones were considered and deemed not appropriate for the following reasons:

- The Business 1 (BU1) zone is primarily located in village centers, where high degrees of ground floor transparency are important but difficult to provide given the use and limitations on product visibility. Restricting Retail Marijuana and RMDs to above (or below) the ground floor was considered but determined to be impractical due to the lack of multistory commercial buildings and the lack of accessibility for persons with disabilities.
- The Mixed Use 1 (MU1) zone currently permits RMDs, though none have located in this zone at this time. This zone provides regional access and commercial buildings that are relatively isolated from residential neighborhoods, however the scale of development along this stretch of Needham Street is inconsistent with proposed regulations to limit the size of Retail Marijuana and RMDs. This section of Needham Street consists of large parcels and large-scale office and retail buildings. Additionally, the MU1 zone does not permit retail that is less than 5,000 square feet.
- The Mixed Use 3 (MU3) and Mixed Use 4 (MU4) zones are limited and have only been applied to specific projects that are a mix of residential and commercial uses. These would not be appropriate zones given the conflict of locating a marijuana establishment within a building with residential units.
- The Limited Manufacturing (LM) zone is only located at Wells Avenue. As this area is intended to be an office park with a focus on jobs-producing uses, it is not being considered as an appropriate zone for Retail Marijuana and RMDs. Additionally, allowing these uses would require an amendment to the Wells Avenue deed restriction.
- The Manufacturing (M) zone does not currently allow any retail uses. This zone is not being considered for Retail Marijuana or RMDs in order to preserve these zones for true manufacturing uses and for security concerns due to the nature and location of these zones and buildings, which tend to be less pedestrian oriented and more isolated.

Marijuana Research Facility and Independent Testing Laboratory

Marijuana research and testing uses are similar to laboratory and research facilities, which are permitted by-right in the Manufacturing and Limited Manufacturing zones. We are proposing these uses be permitted by Special Permit in the M and LM zones. While research facilities are permitted to cultivate marijuana, it is only for the purpose of conducting research and cannot be sold. As cultivation would be accessory to the research use and limited in size, these uses would be appropriate at Wells Avenue in the LM zone and in M zones.

Cultivation, Marijuana Product Manufacturing, Craft Marijuana Cooperative, and Microbusiness

The above uses are most appropriate in the Manufacturing district. Aside from Marijuana Product Manufacturing, the uses involve cultivation of marijuana, which typically occurs in warehouse buildings. These uses would not include direct sales to consumers and therefore do not need to have a public presence in a commercial corridor and would not be similar to the R&D and office uses located at Wells Avenue.

Standards and Criteria for Approval

Existing Registered Marijuana Dispensary (RMD) Ordinance

In addition to the use table, which lays out which uses are permitted in which zones, the zoning ordinance can include additional regulations for marijuana establishments as well as tailored criteria for approval for the various uses. Currently the existing ordinance for RMDs contains minimum criteria and limitations on approval for RMDs as well as specific criteria that must be met, in addition to the general Special Permit criteria, to grant approval of the RMD.

The existing RMD ordinance requires a 500-foot buffer from schools as well as places where children commonly congregate and places of worship. This buffer can be waived by City Council as part of Special Permit process. The ordinance also currently requires that RMDs be operated fully within a permanent building and fully comply with all zoning dimensional requirements, that the RMD be registered with the state, and that the RMD must receive a new Special Permit if they facility relocates to a new site or if a new RMD locates on the existing site. Hours of operation are not set by the ordinance; however, the RMD's hours of operation shall not adversely affect nearby uses. In addition, the ordinance requires that applicants submit a transportation analysis, a map and narrative of the anticipated service area, including anticipated number of clients, and a map showing all uses within 1,000 feet. Criteria for approval include: the RMD is located in an area that does not currently have reasonable access to medical marijuana, the site provides convenient, safe, and secure access and egress for clients and employees utilizing all forms of transportation, traffic shall not create a significant impact on nearby uses, aesthetic impacts have been mitigated, the building and lot are accessible to persons with disabilities, the lot is accessible to regional roadways and public transportation, and the site is located where it may be readily monitored by law enforcement and code enforcement personnel.

Proposed Standards for Marijuana Establishments

The following standards are being for marijuana establishments:

- Limit the number of Retail Marijuana storefronts to 20 percent of the package store liquor licenses, which translates into up to eight potential licenses for retail marijuana in Newton. This is the lowest limit that can be set without a ballot initiative.
- Provide a buffer between all storefront marijuana establishments (both retail and RMDs) of at least 1,000 feet, but no more than half a mile.
- Require a minimum transparency requirement for ground floor storefronts (both retail and RMDs) of at least 25 percent. We are exploring whether this number can be higher and still allow establishments to reasonably meet state requirements regarding visibility of products.
- Prohibit marijuana uses to be located in a building with residential units.
- Limit the size of Retail Marijuana establishments.
- Require all cultivation to offset 100 percent of energy consumption with renewable energy, either on site, through Newton Power Choice, or by buying Renewable Energy Certificates (RECs).
- Require a transportation analysis, including a traffic study and a parking study.
- Require a lighting plan.
- Set hours of operation by Special Permit or Host Community Agreement.
- Require review and approval of a security plan by Police.
- Require submittal of an emergency response plan to Fire and Police.
- Require submittal of an operation and management Plan to Inspectional Services and Planning.

Proposed Criteria

The criteria for approval for Retail Marijuana and RMDs can stay largely the same as the existing criteria for RMDs. Additional criteria regarding odors should be included for all marijuana uses, and further criteria beyond the existing RMD criteria, tailored to cultivation, manufacturing, research, and testing may be necessary and is currently being explored.

NEXT STEPS

Following discussion of this item, we would request that a public hearing be on this item for September.

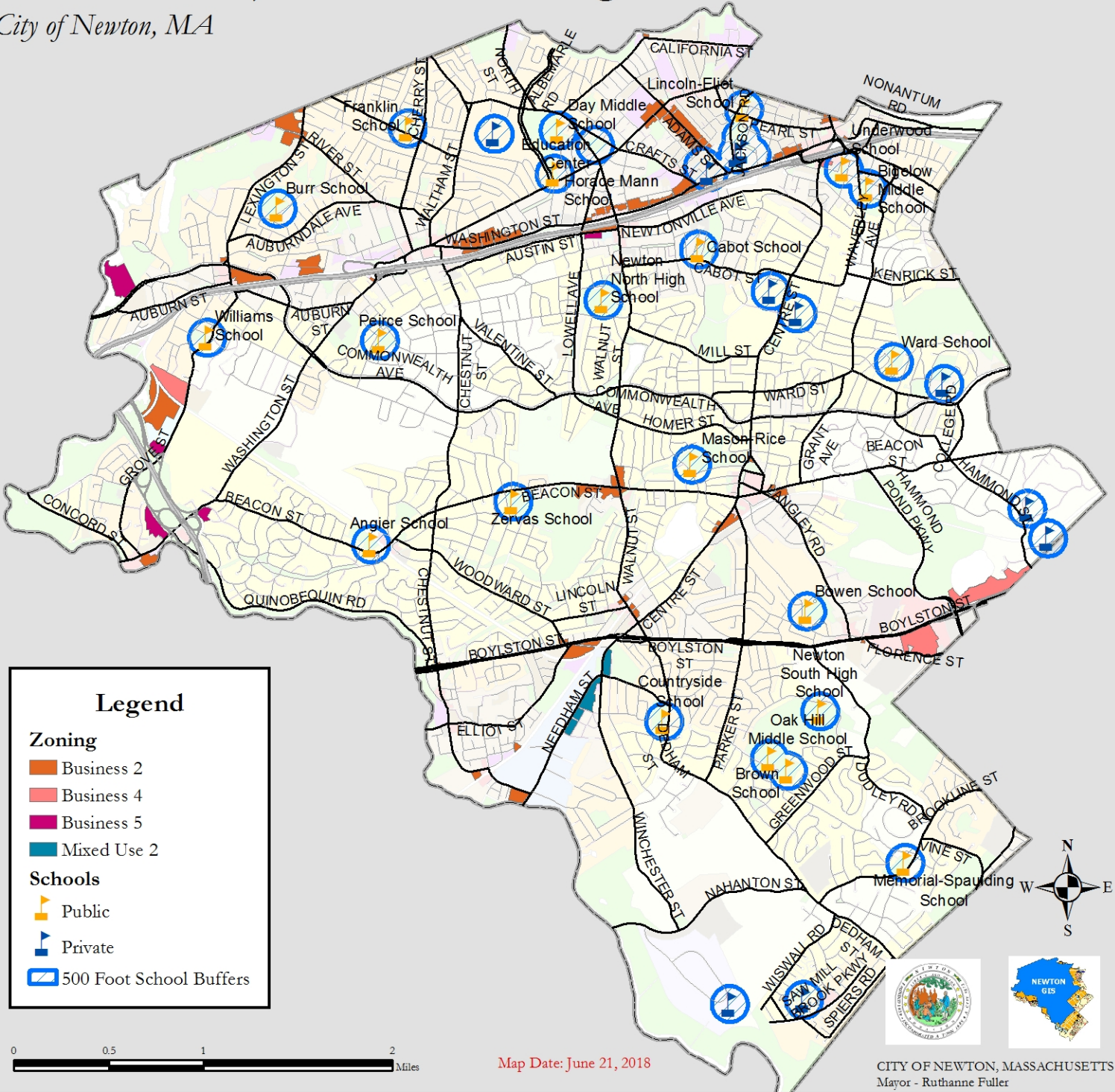
ATTACHMENT A: Draft Zoning Map for Retail Marijuana and RMDs

ATTACHMENT B: Draft Zoning Map for Marijuana Research Facilities and Independent Testing Labs

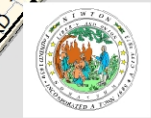
ATTACHMENT C: Draft Zoning Map for Marijuana Cultivation and Product Manufacturing

Draft Retail Marijuana and RMD Zoning

City of Newton, MA



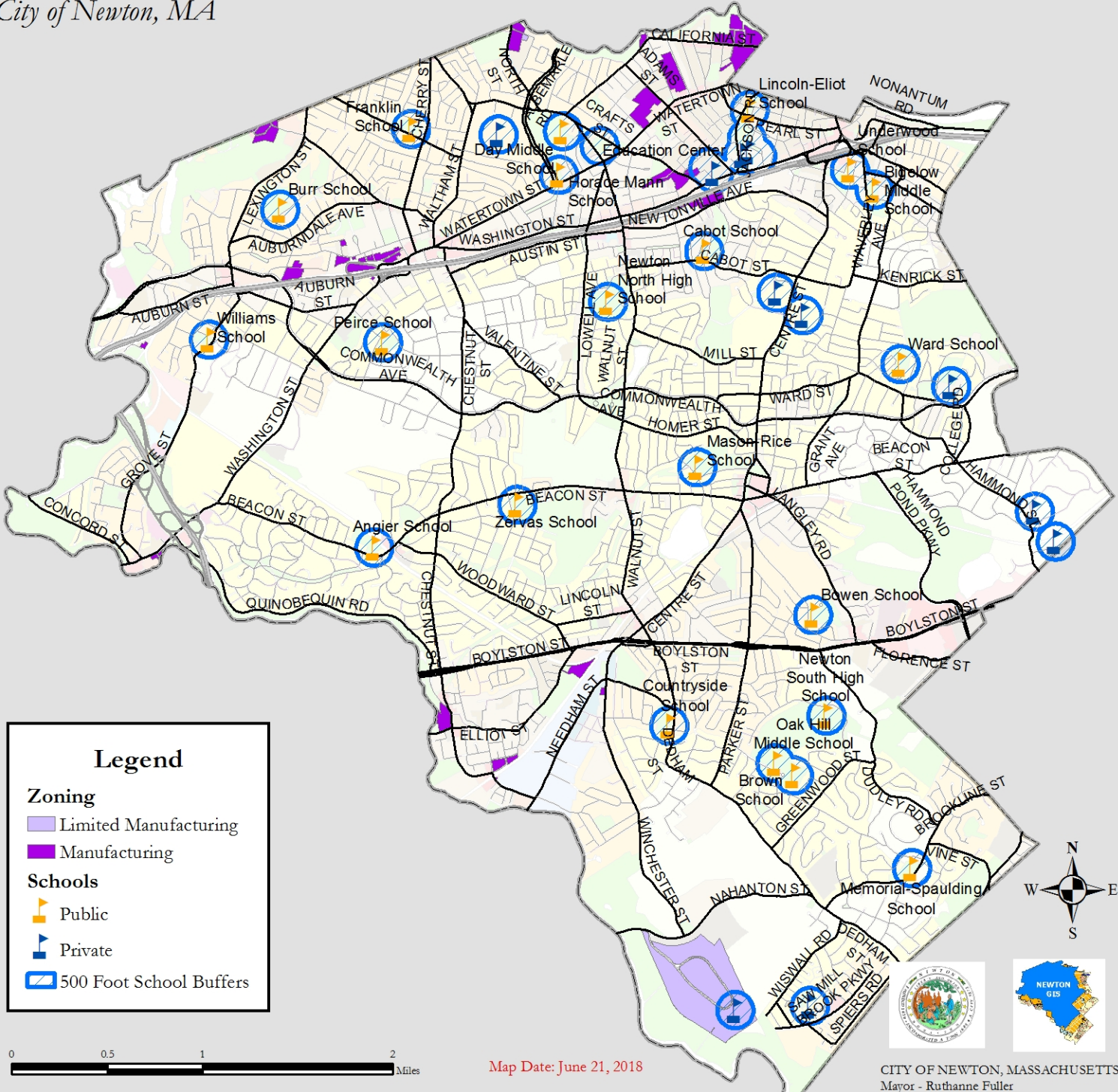
Map Date: June 21, 2018



CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller

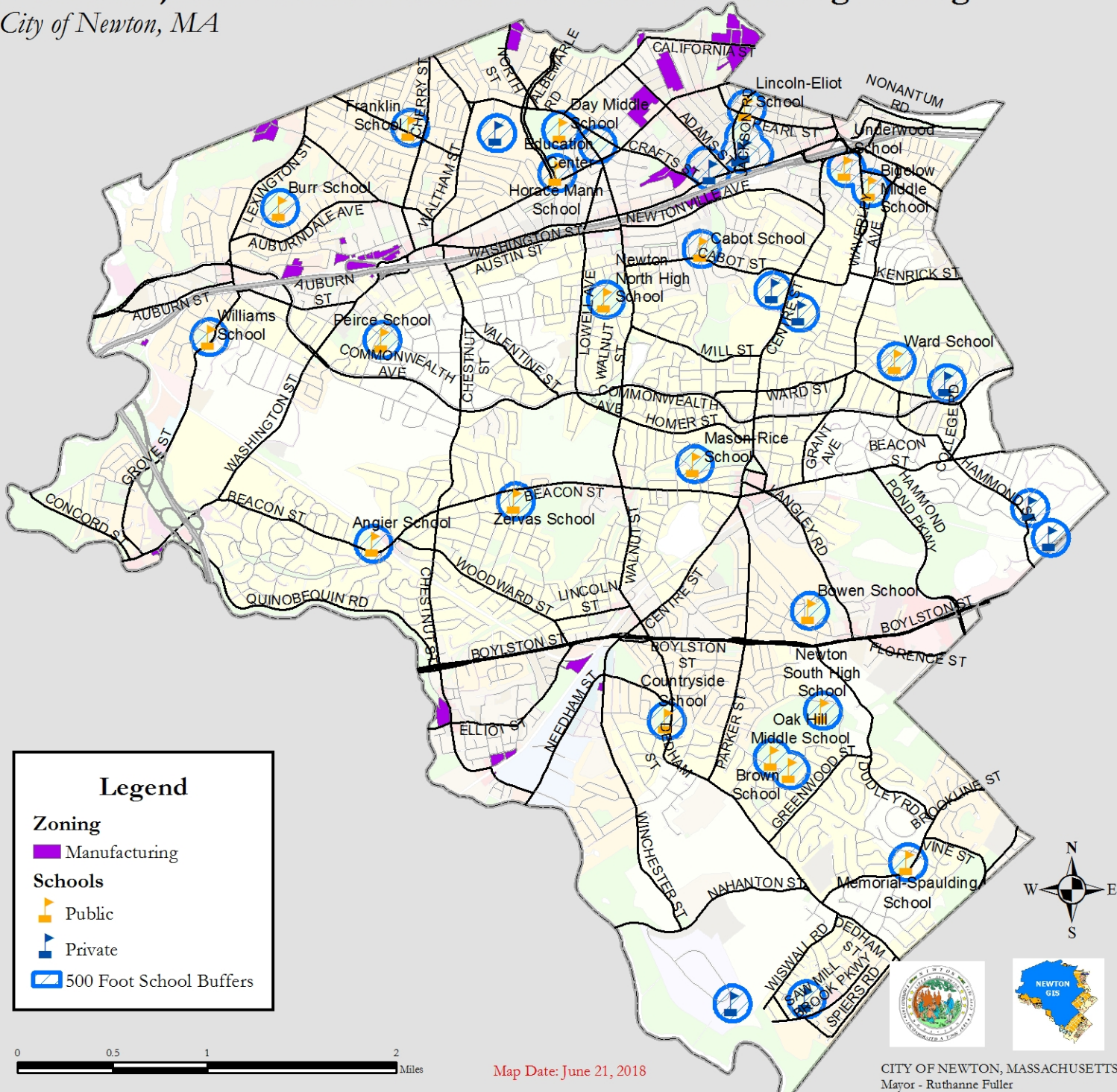
Draft Marijuana Research Facility and Independent Testing Laboratory Zoning

City of Newton, MA



Draft Marijuana Cultivation and Product Manufacturing Zoning

City of Newton, MA



DRAFT - City of Newton Economic Development Strategy

6/5/2018

DRAFT - City of Newton Action Plan Matrix - DRAFT

Goal 1: Take steps to pursue development types that make Newton both commercially successful and a great place to live, work, and play.

Rationale: For Newton to successfully move towards the desired future there are specific steps that Newton can take to encourage development of specific use-types

	Objective	Actions	Lead and Partners	Priority Level	Timeframe	Resources	Measures for Progress and Success
1.A.	Increase lab space in Newton to capitalize on highly skilled workforce with science background (2% of population) and regional economic trends.	<ul style="list-style-type: none"> i. Identify a corridor or collection of parcels that will be geared towards lab space and rezone as necessary to encourage development to that area. Look to areas with high market demand such as Nonantum, Wells Ave, and Riverside. Concentrate the lab space to encourage synergies between the businesses and employees. ii. Use City of Newton resources to invest in transportation infrastructure, technical infrastructure, permitting, etc. to make it easy and attractive for a business to establish a space. iii. Promote the potential opportunities of Newton to existing lab space developers and operators, including affordability, parking, and community support. Conduct targeted marketing including improved web presence, conferences, and other networking events. 	City of Newton, EDC	High	Short Term	Staff Time and High Level of Capital Investment	Total square feet of lab space, Number of related jobs in Newton, Number of related companies in the city.
1.B.	Increase office space in Newton including coworking space to attract and retain companies and increase the commercial tax base.	<ul style="list-style-type: none"> i. Add office space by allowing appropriately scaled additional stories in the zoning redesign in targeted areas with demand for office space such as Riverside, Wells Avenue, Nonantum, and village centers. 	City of Newton	High	Short Term	Staff Time	Total square feet of occupied office space
1.C.	Encourage mixed-use projects in villages and commercial corridors, especially those with mass transit.	<ul style="list-style-type: none"> i. Redo zoning to make sure that market driven mixed-use developments are allowed in village centers and along commercial corridors. Allow for additional development around commuter rail, T stations, and other multi-modal assets to create mixed-use nodes with increased economic activity, customer base, and vibrancy. ii. Evaluate proposed mixed-use projects in terms of the proportion of workforce housing to create skills match between housing and employment options. iii. Encourage development of housing geared towards young professionals and low to middle income families to create workforce to serve business growth and diversify the housing mix. iv. Encourage housing in villages and commercial corridors with mass transit to create "built in" customers for businesses who need less access to private automobiles. 	City of Newton	Medium	Short Term	Staff Time	Total square feet of occupied space within .25 miles of multi-modal assets, Number of residential units considered affordable for the workforce
1.D.	Take advantage of economic development tools	<ul style="list-style-type: none"> i. Use Tax Increment Financing (TIF), if necessary, to incentivize commercial development and attract businesses. Develop guidelines for evaluating TIF applications that establish Newton's desired outcomes from TIF-incentivized projects (e.g. quality job creation, sizeable capital investment, attraction of specific industry sectors, etc.) and specify targeted investment areas within the city, including Needham Street, Washington Street, Wells Avenue, the Charles River Mill District, and Newton Centre. ii. Utilize District Improvement Financing (DIF) for funding traffic and infrastructure improvements, parking structures, and other public projects needed to stimulate private investment in targeted areas within Newton, if necessary. Identify DIF goals and establish a Development District and Development Program for one or more areas within Newton iii. Assess the potential for using District Improvement Financing (DIF) revenues for Newton to acquire and lease out affordable retail space to local retailers in retail districts including Washington Street and Newton Centre. 	City of Newton	Medium	Mid-Term	Staff Time	New development induced

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Goal 2: Focus redevelopment efforts on key parcels and corridors in Newton

Rationale: There are a number of corridors and areas of Newton that are especially well positioned for economic development opportunities.

	Objective	Actions	Lead and Partners	Priority Level	Timeframe	Resources	Measures for Progress and Success
2.A.	Continue to revitalize Needham Street	i. Complete the Needham Street visioning process and implement recommendations. ii. Improve the physical environment of Needham Street corridor to make it more pedestrian friendly, implement traffic calming measures, and enhance the appearance. iii. Work collaboratively with Needham to implement N2 Innovation District initiatives. iv. Work with the developers of the Northland property to create a project that will have positive economic benefits for the community creating a mixed-use project that will provide housing, Class A office, retail, and other amenities and will offer new transportation options, types of housing, and more vibrancy.	City of Newton, EDC	High	Short	Moderate Staff Time	Number of community engagement sessions, Total number of commercial square footage
2.B.	Pursue development of Riverside project	i. Engage neighbors and community in project discussions. Assist with facilitation of conversations with local, regional, and statewide agencies. Highlight the potential of the site resulting from its location along the 128 belt and access to the MBTA station. ii. Encourage uses that align with the goals of the community in terms of building out co-working space/office space, diversity of housing types, and diversifying the tax base. iii. Build transportation infrastructure to serve the Riverside development to enhance multi-modal offerings and ability to move from the site to other places in Newton. Specifically, consider connecting the green line at Riverside to the commuter rail at Auburndale, creating safer walking and biking connections throughout, and creating a connected network of streets within Riverside that also connects at multiple points to the surrounding areas including Recreation Road to avoid overloading Grove Street. iv. Determine the right mix of uses and size/scale/building height so it works for Newton.	City of Newton, EDC	High	Short-Term	Minimal Staff Time	Number of community engagement sessions, Total number of commercial square footage
2.C.	Build out the Charles River Mill District	i. Align zoning with goals to be a mixed-use neighborhood with opportunities for lab space and support services. ii. Build the brand of the Charles River Mills District. iii. Inventory the assets and strengths of the area and incorporate into promotion material as a good option for those companies looking for a moderate cost and industrial/urban setting. iv. Look to develop lab space in this district as a potential emerging opportunity. v. Encourage the proper mix of services to serve businesses and employees.	City of Newton, EDC, City of Watertown	Medium	Mid-Term	Staff Time	Total commercial square feet in Charles River Mill District.
2.D.	Realign the Wells Avenue Business Park	i. Implement the recommendations from the Wells Ave Vision plan including creating a secondary entrance/exit. ii. Increase the height restrictions within the area to allow for additional growth. iii. Allow for a variety of non-housing (gyms, restaurants, cafes, personal services, etc.) and create additional amenities for businesses and workers. iv. Improve the quality of the roads, sidewalks, lighting, seating, signage, and general appearance of the Wells Avenue Business Park for all users.	City of Newton, EDC	Medium	Mid-Term	Minimal Staff Time	Occupancy in Wells Ave Business Park
2.E.	Revitalize Washington Street	i. Continue to engage the community in the Washington Street Visioning process and direct development to align with community vision. ii. Make physical improvements and transportation related improvements that align with the vision identified.	City of Newton, EDC	Medium	Mid-Term	Moderate Staff Time	Number of community engagement sessions, Total number of commercial square footage
2.F.	Develop a vision plan for Newton Centre	i. Complete a full market analysis to identify the specific opportunities for Newton Centre, including community infrastructure. ii. Engage community and neighbors in the process to allow for feedback on potential growth, uses types, new projects, and investments. iii. Amend zoning to be consistent with vision.	City of Newton, EDC	Medium	Mid-Term	Minimal Staff Time	Completion of market analysis, Zoning review complete
2.G.	Focus development of larger villages as regional centers for business and retail	i. Focus on creating a vibrant environment in the larger villages, especially those with mass transit, through attraction of restaurants, retail, housing, and office/co-working space. Review all zoning regulations to ensure they accommodate an increase in square footage of development that is in line with the community goals for each village. ii. Design parking recommendations to ease congestion and make it easier for businesses and residents.	City of Newton	High	Mid-Term and ongoing	Minimal Staff Time	Square feet of commercial use within village districts

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Goal 3: Support the start-up, growth, stability, and vitality of businesses and entrepreneurs in Newton

Rationale: By supporting entrepreneurs and businesses, Newton will grow its tax base, create new economic opportunities for all, and build vibrancy of villages and commercial corridors.

	Objective	Actions	Lead and Partners	Priority Level	Timeframe	Resources	Measures for Progress and Success
3.A.	Create a business environment in Newton that provides more support for small and local businesses	<ul style="list-style-type: none"> i. Create a regular communication system to ensure easy access of information related to business resources, training programs, and support that is available digitally and in hard copy. ii. Establish land use policies that encourage or require affordable rent for locally-owned retail establishments in targeted locations throughout the city. iii. Partner with Chamber, higher education, and other organizations to offer networking events for small businesses and entrepreneurs for both partnership development and to create a support system. Use events to highlight service providers that are well versed in the challenges facing small businesses working in Newton. iv. Make changes to zoning code to ensure co-working, incubator, and makers spaces are allowed as a right within targeted areas v. Continue to engage with the N2 Innovation District and collaborate on efforts that will benefit the larger area to pursue brand of Newton as attractive and open for business. vi. Identify funding sources for businesses and property owners to work with enforcement officials around improvements to bring buildings up to code. vii. Ensure zoning code allows home based businesses with appropriate regulations to preserve neighborhood character. 	City of Newton, EDC, Chamber of Commerce	High	Short Term and Ongoing	Moderate Staff Time	Number of businesses in Newton
3.B.	Leverage the Economic Development Commission	<ul style="list-style-type: none"> i. Use the Economic Development Commission as a critical overseer of the Economic Development Strategic Plan. ii. Weigh in on City of Newton matters related to or impacting business and economic development. iii. Communicate and work with the village stakeholders to understand and plan for how their goals and objectives fit into the Economic Development Strategic Plan. 	EDC	High	Short Term and ongoing	Minimal Staff Time	Number of actions implemented.
3.C.	Improve the external marketing of economic development in Newton	<ul style="list-style-type: none"> i. Create a more professional economic development website with web-based applications and GIS platforms. ii. Update the economic development website to make it easier to access. Include targeted demographic, economic and workforce data, infrastructure availability, and contact information. iii. Create a targeted bio/life sciences landing page that has marketing material targeted towards developers and businesses that highlight the workforce skills and qualifications of residents, available space and any shovel ready sites, Gold Bio-Ready Rating, and the ease of the process. iv. Create a workforce landing page that describes the workforce and why Newton is a good place to do business. v. Create a retail/demographic landing page that describes why Newton is a good place to open a store. vi. Enhance the City of Newton's commercial real estate connection services through use of MLS listing, tracking of available space, development of web-based applications, and redesign of the Commercial Real Estate Connection page. 	City of Newton, EDC, Consultant	High	Immediate and Ongoing	Moderate Staff Time and Cost	Number of visits to the websites
3.D.	Better understand and provide more support to existing businesses by expanding Newton's business visitation program.	<ul style="list-style-type: none"> i. Implement a formal Business Retention and Expansion program, and partner with an organization such as the Chamber of Commerce. Work with partner organizations to create a base list of questions for all contacts and a central point for documentation of the visit to make sure all information is shared and follow-up conducted. ii. Create a schedule and priority list for what companies to conduct visitation with. Focus efforts on the larger businesses first with regular integration of the smaller businesses that have potential to grow. iii. Create a pre-visit survey to identify topics for discussion, conduct visit, track information and issues, and follow-up site visits with responses back to the business. Input all data and information in a digital system or platform to keep track of any necessary follow-up. Use information to address immediate issues through referral or immediate action and/or identify themes and provide recommendations to the City of Newton. 	City of Newton, EDC, Chamber of Commerce	High	Short Term and Ongoing	Moderate Staff Time	Number of businesses visited each year

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3.E.	Implement policies to support small retailers and improve their ability to remain viable.	<p>i. Recognize historic businesses as historic assets by creating a registry of long-established small retail businesses and using this information to design a financial assistance program.</p> <p>ii. Consider employing small business friendly zoning that limits chain stores in village centers, preserves and increases supply of small retail spaces, and includes a business diversity ordinance.</p> <p>iii. Work to engage landlords in discussions around economic development issues in villages and the role that they play in supporting small retail.</p> <p>iv. Create opportunity for local businesses in government properties when appropriate.</p>	City of Newton, EDC, Chamber of Commerce	High	Immediate and Ongoing	Extensive Staff Time	Number of locally owned small retail establishments in Newton.
3.F.	Expand capacity of Newton Innovation Center (NIC)	<p>i. Clarify the purpose and focus of the Center: who it is trying to serve and why, what goals and objectives Newton is trying to accomplish. Focus on entrepreneurs and businesses with employees who live and work in Newton or at least have expressed interest in growing in Newton outside of the NIC.</p> <p>ii. Actively look for a larger building closer to more restaurants, coffee shops, entertainment, small offices, and mass transit.</p> <p>iii. Establish guidelines for accepting and graduating clients/tenants connected to the purpose, goals and objectives. Make clients and tenants apply and then base acceptance on a case-by-case basis using the guidelines.</p> <p>iv. Develop and implement a more formal evaluation and metric system specifically to show progress towards meeting goals and objectives. Report results annually to the EDC and City of Newton.</p> <p>v. Expand the focus to include small business services (regardless of sector) for existing Newton businesses.</p> <p>vi. Increase visibility through social media, stories, and the Website.</p> <p>vii. Seek additional partners as warranted by any refocus.</p>	City of Newton, EDC, Chamber	High	Immediate	Extensive Staff Time	Number of companies in NIC, Number of companies leaving NIC and staying in Newton
3.G.	Implement regular opportunities for feedback from the villages	<p>i. Run a series of round-table discussions in each of the villages to gather information from landlords, property owners, business owners and residents about what they want for their village. Use these conversations to focus on identifying priority projects, specific improvements, opportunities to establish a unique village, and what business owners need. Assess what citizens and businesses are interested in committing their time and efforts to.</p> <p>ii. Identify what is needed from the City of Newton to make priority projects happen in terms of funding, support, and education, and provide this information to village representatives following round-table discussions.</p>	Mayor, City of Newton, EDC	High	Short-Term and ongoing	Staff and volunteer time	Number of events held, Number of attendants
3.H.	Target growth sectors based on Newton's strengths - bio/life sciences; healthtech; professional and technical services (including IT)	<p>i. Integrate tactics geared specifically towards these sector opportunities into business expansion and attraction efforts. Identify Stage 1 and 2 companies (1-10 employees) looking to grow but not necessarily wanting a City of Boston location.</p> <p>ii. Update website to reflect information on economic development related to these targets and tactics. Identify, highlight, and promote success stories of companies in Newton in these targeted sectors through social media, press releases, and newsletter communications.</p> <p>iii. Work with Newton North High School and Newton South High School to create internships, career pathways, and other workforce development systems to prepare students for potential careers or business opportunities.</p> <p>iv. Work with Chamber and regional partners on coordinating attraction efforts.</p>	City of Newton, EDC, School District	Medium	Short Term	Moderate Staff Time	Number of businesses in targeted industries
3.I.	Create an inventory of funding sources and financing tools	<p>i. Inventory all the funding sources and resources available to businesses in Newton for a variety of issues including mentoring, capital costs, training, retaining, etc. Make this information available on the website and update regularly. Look to inventory Small Business Assistance programs, low interest loan options, grant programs, and other alternative financing tools.</p> <p>ii. Reach out to residents of Newton to consider establishment of a Newton-specific angel investment fund to support entrepreneurs and start-ups who want to stay and grow in Newton. Engage existing investors and businesses in Newton and highlight the benefits of growing and keeping successful businesses local. Align this effort with the strategies and efforts for the NIC.</p>	City of Newton	Medium	Mid-Term	Minimal Staff Time	Inventory of financial tools, Creation of a DIF or TIF district

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Goal 4: Make the development process more predictable and efficient including community consensus and refinement of the review process

Rationale: Enhancing the efficiency of the development process, while at the same time respecting the wishes of the community, will create a more positive business environment and attract additional development to Newton.

	Objective	Actions	Lead and Partners	Priority Level	Timeframe	Resources	Measures for Progress and Success
4.A.	Create positive, community-based conversations around the future of Newton	<ul style="list-style-type: none"> i. Engage the villages around what they want for their local area. Include a citywide discussion around the future of Newton, and the role of "village" within the larger city as it pertains to the future. ii. Find ways to engage the residents of Newton in regular positive, open discussions around the core issues facing Newton including diversity, residential growth, inclusion, local initiatives and funding for projects. Make these conversations ongoing through multiple channels and use the information gathered to guide development in the direction desired by the community. 	City of Newton, EDC	High	Immediate and ongoing	Moderate Staff Time	Number of events and sessions held
4.B.	Improve the development review process	<ul style="list-style-type: none"> i. Create two tracks for zoning review (smaller vs larger commercial projects) to allow for a more efficient process. ii. Improve the existing one stop shop within Newton to assist with larger projects and act as a liaison through the review process. iii. Improve and possibly streamline procedures for engaging the community around large projects that are being proposed. Engage developers early in community discussions to identify issues and have fewer delays. iv. Implement a customer service survey for applicants to identify areas for improvement. Implement recommended changes as appropriate. 	City of Newton, EDC	High	Immediate and ongoing	Moderate Staff Time and Salary	Development review process time,
4.C.	Review all land use regulations and development policies	<ul style="list-style-type: none"> i. Complete the zoning redesign project and ensure regulations are predictable and align with stated goals of the community around economic development, livability, diversity, density, and inclusion. Create guidelines for when and where to increase height and square footage allowed in commercial areas to growth the commercial tax base and have vibrancy. Focus on core commercial areas and village centers, particularly those areas with multi-modal transportation options and existing infrastructure. ii. Zoning redesign focus on reducing the need for special use permits to make development more predictable and easier in places where it is appropriate. iii. Reduce or eliminate parking requirements for ground floor uses in village centers. iv. Provide the public and decision makers better information about the fiscal of land use decisions. Prepare an impact analysis guide that outlines the cost of different types of development on the city including types of residential, commercial, retail, open space, etc. Use this as a tool to guide policy, decision making, and public education. 	City of Newton	High	Immediate	Moderate Staff Time	Complete the re-zoning project
4.D.	Improve development review process to create more walkable developments in areas close to Newton's transit assets	<ul style="list-style-type: none"> i. Use zoning update process to clarify incentives for more walkable villages and commercial corridors and to consider parking requirements in context. ii. Require multimodal counts as part of development analysis to understand impacts. iii. Streamline design review process to make it predictable and efficient for applicants. iv. Create a transportation fund, where developers can pay for site context improvements or for specific elements to be implemented in the capital improvement program that provide value. 	City of Newton	Medium	Short Term	Moderate Staff Time	Zoning update

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Goal 5: Maintain and enhance the special qualities of Newton while improving transportation throughout Newton for residents, businesses, and visitors

Rationale: Quality of place is an important factor for economic development and specifically business and talent attraction. The City of Newton offers residents and businesses a high quality of place. In order to maintain and enhance this quality of place, there are some improvements that can be made in village centers and throughout Newton.

	Objective	Actions	Lead and Partners	Priority Level	Timeframe	Resources	Measures for Progress and Success
5.A.	Promote multimodal transportation safety and comfort in villages and neighborhoods	<ul style="list-style-type: none"> i. Enhance sidewalks, crossings, and add bike parking to increase safety, attractiveness, and usability and to support a "park once" environment to reduce extra driving in village centers. ii. Expand placemaking and beautification measures at street level to promote activity. iii. Implement slow zones where needed. iv. Invest in transit and cycling networks and services to serve younger, educated workforces that wants alternatives to commuting by car. Specifically, focus on linking gaps between mass transit services and bike paths and employment centers 	City of Newton	High	Short Term and Ongoing	Capital Investment	Number of improvements made
5.B.	Use shared parking to reduce parking footprint in village centers	<ul style="list-style-type: none"> i. Update zoning policy to enable shared parking exceptions. ii. Assist willing property owners in drawing up and implementing joint agreements. iii. Establish and adopt a parking availability goal (could be village-wide or sub areas) iv. Regularly evaluate supply and demand of public and private facilities to evaluate needs and compliance with goal. v. Use supply and utilization data to examine the right fit for parking needs as part of future developments. vi. Use parking technology to encourage motorists to park in the most appropriate places. 	City of Newton	High	Short Term	Minimal Staff Time	Number of shared parking agreements
5.C.	Comprehensively evaluate private shuttle routes that operate to create a more inclusive and comprehensive community transit system	<ul style="list-style-type: none"> i. Partner with operators to develop a mutually-beneficial system between private and institutional shuttles while also filling needed gaps in service. ii. Partner with adjacent municipalities to create sub-regional service. iii. Promote and incentivize ridership. 	City of Newton, Operators	Medium	Mid-Term	Minimal Staff Time	Number of partnerships established, Number of riders
5.D.	Focus on maintaining the character and unique feeling of the villages while supporting economic vibrancy	<ul style="list-style-type: none"> i. Newton representatives visit businesses and attend neighborhood meetings to identify concerns and challenges to the business environment and how small businesses can be supported. Work with residents to identify any issues or concerns that impact their quality of life and their ability to interact at the neighborhood level. ii. Invest in public infrastructure, streetscape improvements, street furniture, parks, and green space to create opportunities for increased interactions among neighbors. iii. Work cooperatively with business and residents to create small scale community gathering places (playgrounds, street furniture, etc.) events and opportunities for place making and neighborhood scale networking. 	City of Newton, Chamber of Commerce	Medium	Mid-Term	Staff Time	Number of commercial businesses in smaller village centers
5.E.	Enhance Newton's thriving arts community	<ul style="list-style-type: none"> i. Support the Newton Cultural Alliance and Newton Pride and engage the arts community in identifying and addressing what issues or challenges they are facing. ii. Develop a Newton Cultural Plan that outlines needs, opportunities, and specific strategies for implementation. iii. Review permitting process for art events and other events in the community. Make adjustments as appropriate to streamline requirements and make it more accessible. iv. Incorporate art into new projects such as space for artists to live or work, commissioning of pieces, and more community art experiences. v. Continue to provide matching funds to support Newton's participation in the Mass Cultural Council. vi. Work with the Chamber and Economic Development Planner to continue to connect developers with the art community for engagement and strategizing. 	Newton Cultural Alliance, Chamber of Commerce	Medium	Mid-Term	Minimal Staff Time and Financial Resources	Completion of a Newton Cultural Plan
5.F.	Create initiatives that highlight and promote the unique aspects and quality of life of Newton	<ul style="list-style-type: none"> i. Enhance the use, appreciation, and protection of the Charles River by attracting water enhanced and water based businesses. Implement recommendations identified in the N2 Innovation District Plan to develop trail connections along the Charles River to create a "river walk." Repurpose the unused rail bridge across the river between Christina Street and the river walk for pedestrian access. Expand infrastructure for canoeing and kayaking in the Charles River, such as additional boat launches. Market these recreational opportunities to residents, employees, and visitors. Highlight access and view points to incorporate the Charles into the day-to-day life of Newton residents and workers. ii. Invest in the gateways at the main "entrances" to Newton including signs, planters, street art, and other techniques to engage those who are passing through and ensure that they know they are arriving somewhere special. iii. Enhance the unique Newton feel of each village and commercial corridor with signage, benches, light fixtures, planters, art, etc. . 	City of Newton, N2	Medium	Mid-Term	Staff Time and Moderate Investment for Gateways	Reuse of the unused rail bridge, Amount of investment in infrastructure for river use, Number of gateway improvements