



#169-20

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089

www.newtonma.gov

City of Newton, Massachusetts

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

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	April 28, 2020
Land Use Action Date:	July 14, 2020
City Council Action Date:	July 27, 2020
90-Day Expiration Date:	July 27, 2020

DATE: April 24, 2020

TO: City Council

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

SUBJECT: **Petition #169-20**, for SPECIAL PERMIT/SITE PLAN APPROVAL to change the existing nonconforming use from the existing two-family use to three single-family dwellings on one lot, and to determine appropriate density and dimensional controls at **148 Pine Street**, Ward 4, on land known as SBL 44, 17, 32, containing approximately 18,235 square feet of land in a district zoned SINGLE RESIDENCE 3. Ref: §3.1.3, §3.4.1, §5.4.2.B, §7.3.3, §7.4, and §7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2015.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the City Council will want to consider in its discussion at a subsequent Working Session.



148 Pine Street

EXECUTIVE SUMMARY

The subject property located at 148 Pine Street consists of 18,235 square feet of land, improved with a two-family dwelling constructed circa 1890. The property is located within the Single Residence 3 (the “SR-3”) zone in Auburndale. Two-family dwellings are not allowed within the SR-3 zone; as such, the use is legal nonconforming. The petitioner proposes to raze the existing structure to construct three single-family dwellings. Three single-family dwellings are not allowed on one lot; therefore, the petitioner requires a special permit to convert the existing nonconforming two-family residential use to a new nonconforming use comprised of three single-family dwellings. As three single-family dwellings are not allowed by right, the Newton Zoning Ordinance “Ordinance” states that the City Council determine the density controls for the use and whether the proposed dimensional controls are appropriate.

The Planning Department is concerned with the challenges that the steep grade change presents to locate three single-family dwellings on the site with the proposed dimensional controls. The Planning Department has concerns with proposed dimensional controls of the front setbacks of Units 1 and 3, as well as the lot area per unit for the three single-family dwellings on one lot. The petitioner submitted architectural elevations for each unit, however the Planning Department requests more detailed sections that show the property from the street as well as each property line and how the structures will relate to one another on the site.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The proposed nonconforming residential use will be substantially more detrimental than the existing nonconforming use is to the neighborhood (§7.8.2.C.2).
- The site and structures as proposed are an appropriate location for the density and dimensional controls for the proposed three single-family dwellings (§7.3.3.C.1, §3.1.2.A.3).
- The proposed three single-family dwellings will adversely affect the neighborhood (§7.3.3.C.2, §3.1.2.A.3).
- There will be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3, §3.1.2.A.3).
- Access to the sites over streets is appropriate for the types and number of vehicles involved (§7.3.3.C.4, §3.1.2.A.3).

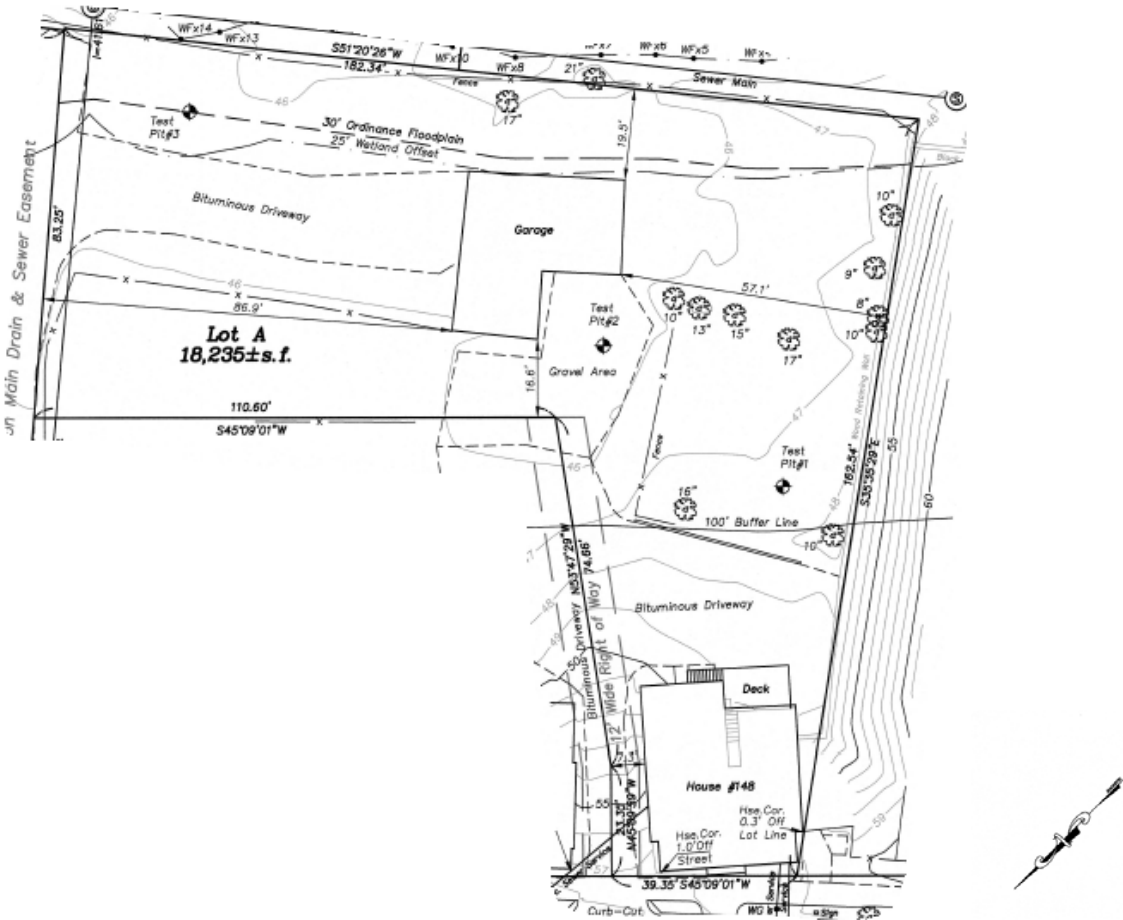
II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Pine Street in the SR-3 zone in Auburndale. Directly to the west is a Multi Residence 1 zone, while to the northwest is a Public Use zone. Otherwise, the SR-3 zone encompasses the area (**ATTACHMENT A**). There is a multi-family use to the west and an Open Space parcel in the form of the Burr Elementary school to the northwest. Otherwise, the area consists predominantly of single-family uses except for a few multi-family uses (**ATTACHMENT B**).

B. Site

The site consists of 18,235 square feet of land in the shape of an “L”, improved with a two-family dwelling constructed circa 1890 and a detached garage. The structure has a nonconforming front setback of 1 foot. Much of the site is located within the 100-foot buffer of an intermittent stream and a smaller portion of the lot is located within 30-feet of a floodplain; both conditions require review and approval from the City of Newton Conservation Commission. The site has a steep slope in that the front of the lot is 11 feet higher than the rear. There is a large wooden retaining wall along the western boundary that runs the entire length of the western property line. The site has access via a twelve-foot wide right of way shared with the abutter to the north at 146 Pine Street.



Existing Conditions

III. PROJECT DESCRIPTION AND ANALYSIS

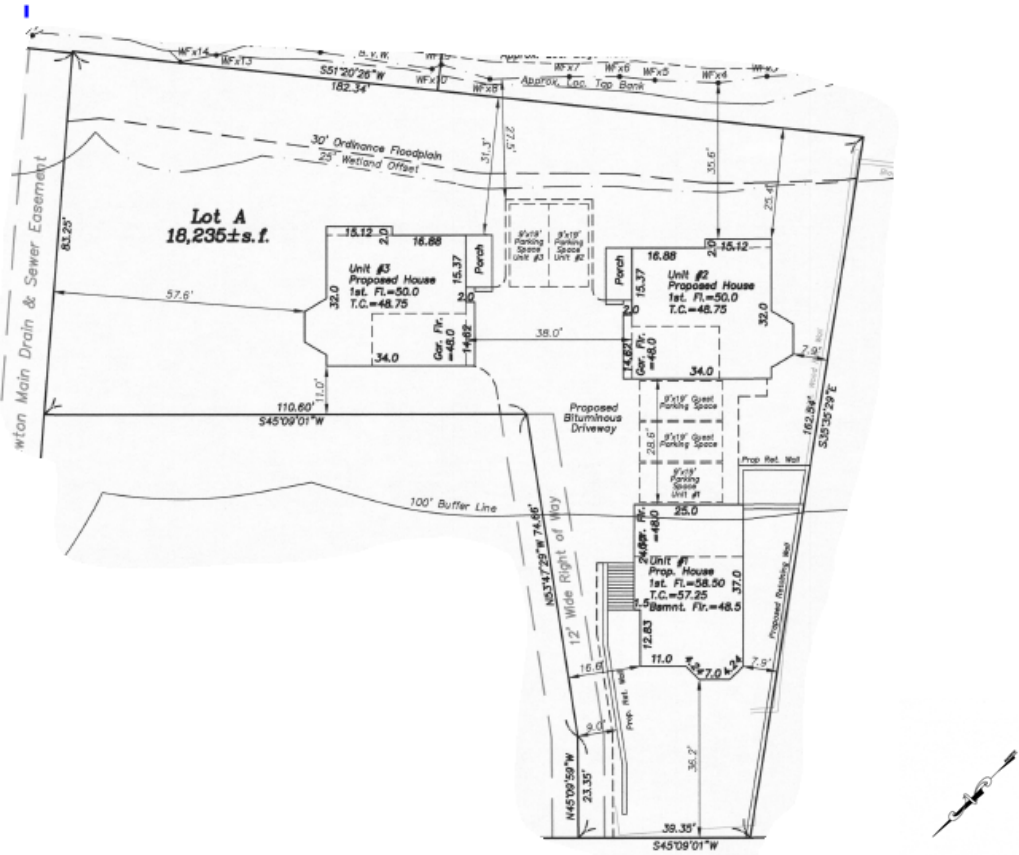
A. Land Use

The petitioner is proposing to convert the nonconforming two-family use into three single-family dwellings.

B. Site and Building Design

The petitioner is proposing to raze the existing two-family dwelling and detached garage to construct three single-family dwellings. The existing driveway will be maintained to provide access to the site. As described in the plans submitted, each single-family dwelling will be referred to as Unit 1, 2, and 3. Unit 1 will be the single-family dwelling nearest to the frontage along Pine Street. Unit 2 is located approximate 29 feet southeast of Unit 1, further into the site. Unit 3 is located

approximately 38 feet east of Unit 2 and diagonally to the rear of Unit 1.



Proposed Site Plan

As there are no dimensional controls set forth in the Ordinance for three single-family dwellings on one lot, the City Council must determine the appropriate dimensional and density controls for the site and whether the dimensional and density controls set forth for the site and project as designed are appropriate. The proposed dimensional controls are as follows:

Table 1. Proposed Density and Dimensional Controls – 148 Pine Street

	Unit 1	Unit 2	Unit 3	Required for single-family detached dwellings in SR-3 district
Front Setback	36.2 feet	100+ feet	11 feet	25 feet/30 feet rear lot
Side Setbacks	East: 16.6 feet West: 7.9 feet	East: 100+ feet West: 7.9 feet	East: 57.6 feet West: 100+ feet	7.5 feet
Rear Setback	85+ feet	25.4 feet	31.3 feet	15 feet
Stories	2.5	2.5	2.5	2.5
Height	34.83 feet	32.33 feet	32.33 feet	36 feet
Frontage	39.3 feet			70 feet
Lot Coverage	17.93%			30%
Open Space	63.68%			50%
Lot Area Per Unit	6,078 square feet/unit			10,000 square feet/unit
FAR	.36			.38

The front setback allows for a cohesive neighborhood context in how structures relate to the street and can provide an overall neighborhood character if structures are similarly set back from the street. Due to the shape of the lot, Unit 3's front setback is measured from the rear lot line of the abutting parcel. The Planning Department is unconcerned with the front setback of Unit 2; however, 11 feet is not desirable for the separation of Unit 3 from the abutter's property at 146 Pine Street. When comparing to the standards for a single-family detached dwelling on a rear lot, which this configuration is most similar to, a 30-foot front setback from the front lot is required for a principal structure. Additionally, the front setback of 36 feet for Unit 1 would not align with the rhythm of Pine Street because many dwellings are on the street providing presence on the street, but are also keeping the large grade change to the rear, hidden from view. The dwellings at the rear will not have a connection to the street and placing Unit 1 further from the street visually exacerbates the grade change

of the site.

The Planning Department is unconcerned with the proposed side and rear setbacks as they meet the dimensional standards of similar building types in the SR-3 zone. Unit 1 eliminates a nonconforming side setback of .3 feet. The project also meets the height standards for the SR-3 zone. In total, the three dwellings contain 6,593 square feet with a FAR of .36 while the maximum allowed by right for a single-family dwelling is 6,929 square feet and a FAR of .38. All units contain habitable space in the attic, but this space does not count towards the FAR.

The existing two-family dwelling has a nonconforming lot area per unit of 9,118 square feet, where 10,000 square feet per unit is required. The petition would increase the nonconformity to 6,078 square feet of lot area per unit. When reviewing the densities of properties within 300 feet, the median lot area per unit is 8,694 square feet while the petitioner is proposing 6,078 square feet per unit. Most of the neighborhood consists of single-family dwellings except for three parcels. When considering the building type of single-family detached dwellings, of the 25 single-family dwellings within 300 feet, only four have a lot area per unit of less than 6,000 square feet. The two two-family structures have lot area per units of 5,173, and 7,557 square feet, however these are contained to two units in one structure. Aside from the abutting property that consists of 28 townhome units, this project as proposed will have one of the highest densities in the neighborhood. Exceptions to the dimensional standards of lot area per unit are most appropriate when locating additional housing units near transit and in denser neighborhoods with a multi-residential context.

The Planning Department has concerns with the front setbacks of Units 1 and 3 as well as the lot area per unit proposed at 6,078 square feet. The Planning Department would like more information from the petitioner that shows sections of the proposed three single-family dwellings from all elevations.

C. Parking and Circulation

The petitioner is proposing to incorporate one-car garages in the basement of Unit 1 and the first floors of Units 2 and 3. All other stalls will be surface stalls.

D. Landscaping

The petitioner is proposing a significant amount of landscaping along the rear property line. The petitioner is proposing to construct several lawn areas associated with each single-family dwelling as well as outdoor patio space comprised of hardscape. The petitioner is also proposing to install plantings along the eastern and southern boundaries, including several plantings within the floodplain and were approved by the Conservation Commission.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum (**ATTACHMENT C**) provides an analysis of the proposal with regard to zoning. The petitioner is seeking the following relief:

- §3.4.1 of Section 30, to change a nonconforming two-family residential use to three single-family dwellings
- §3.1.2.A.3 of Section 30, to determine density and dimensional controls for the proposed use.

B. Engineering Review

Associate City Engineer, John Daghlian, reviewed this petition for conformance with the City of Newton Engineering Design Standards (**Attachment D**). Mr. Daghlian has several recommendations and identified areas which need more information from the petitioner. He identified the existing wood retaining wall at the western property line and asks for information regarding materials, drainage, and construction system for the proposed retaining wall that will replace part of the existing retaining wall along the western property line. The petitioner should address the comments raised in the attached Engineering Memorandum.

C. Conservation Commission Review

Much of the site is located within the 100-foot buffer of an intermittent stream and a smaller portion of the site is located within the 30 feet of a floodplain; both conditions require review and approval from the Conservation Commission. The petitioner appeared before the Conservation Commission, and was issued an Order of Conditions, dated February 21, 2020. Special conditions include but are not limited to location of snow storage on site, the proposed planting area, removal of poor-quality soil and replacement with high quality soil, and the approved Operations and Maintenance Plan.

D. Newton Historical Commission

The Newton Historical Commission found the existing structure “Not Preferably Preserved” at its November 1, 2018 meeting. As such, the petitioner can raze the structure.

V. PETITIONER’S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing, as necessary. Written responses to all significant

issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memo prior to any future public hearings.







ATTACHMENTS:

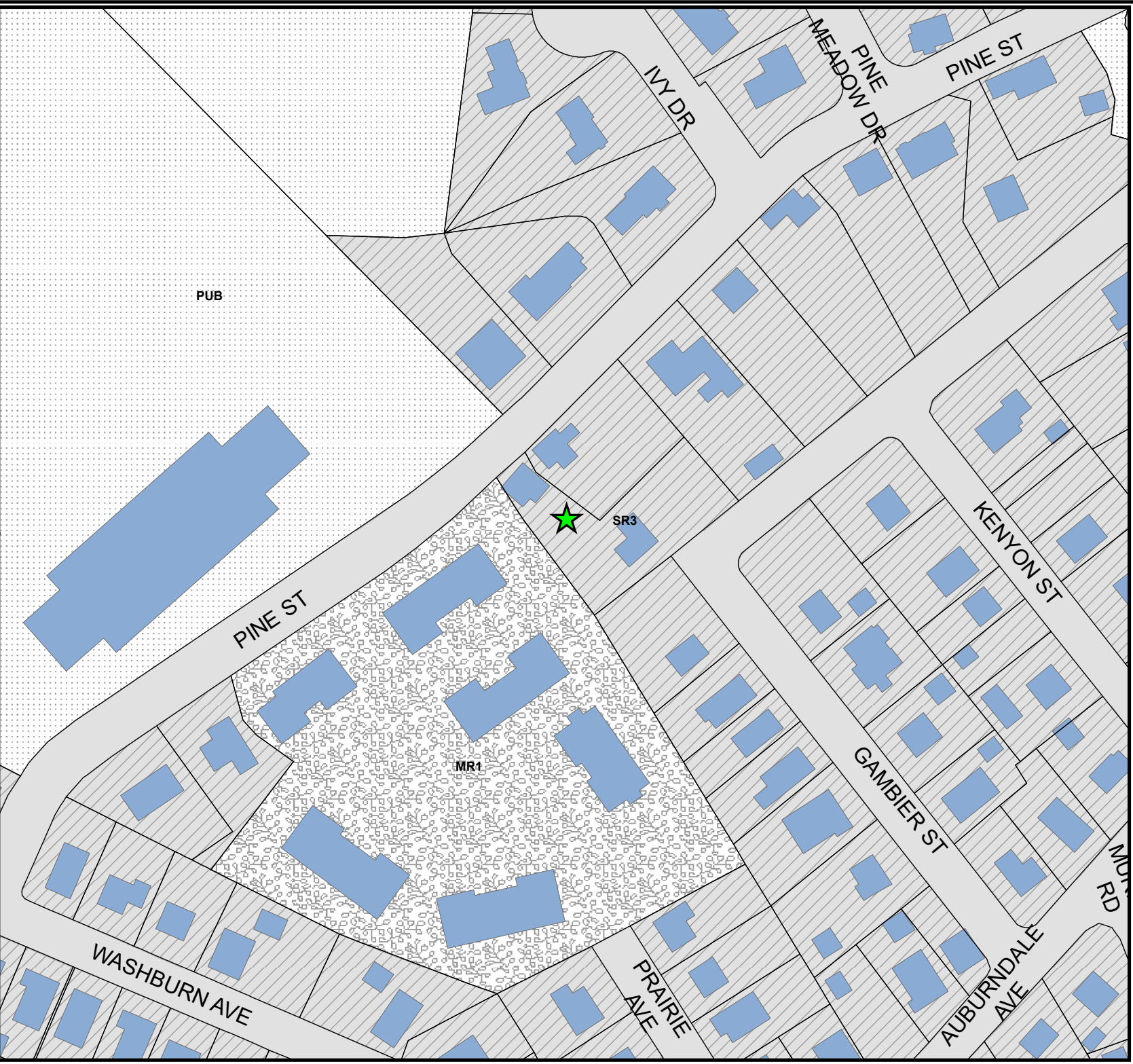
- Attachment A:** Land Use Map
- Attachment B:** Zoning Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** Engineering Division Memorandum

Attachment A Zoning Map 148 Pine St.

*City of Newton,
Massachusetts*

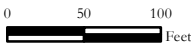
Legend

-  Single Residence 3
-  Multi-Residence 1
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller



Map Date: April 21, 2020








Attachment B Land Use Map 148 Pine St.

*City of Newton,
Massachusetts*

Legend

Land Use

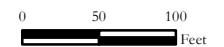
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Vacant Land
-  Building Outlines
-  Surface Water
-  Property Boundaries

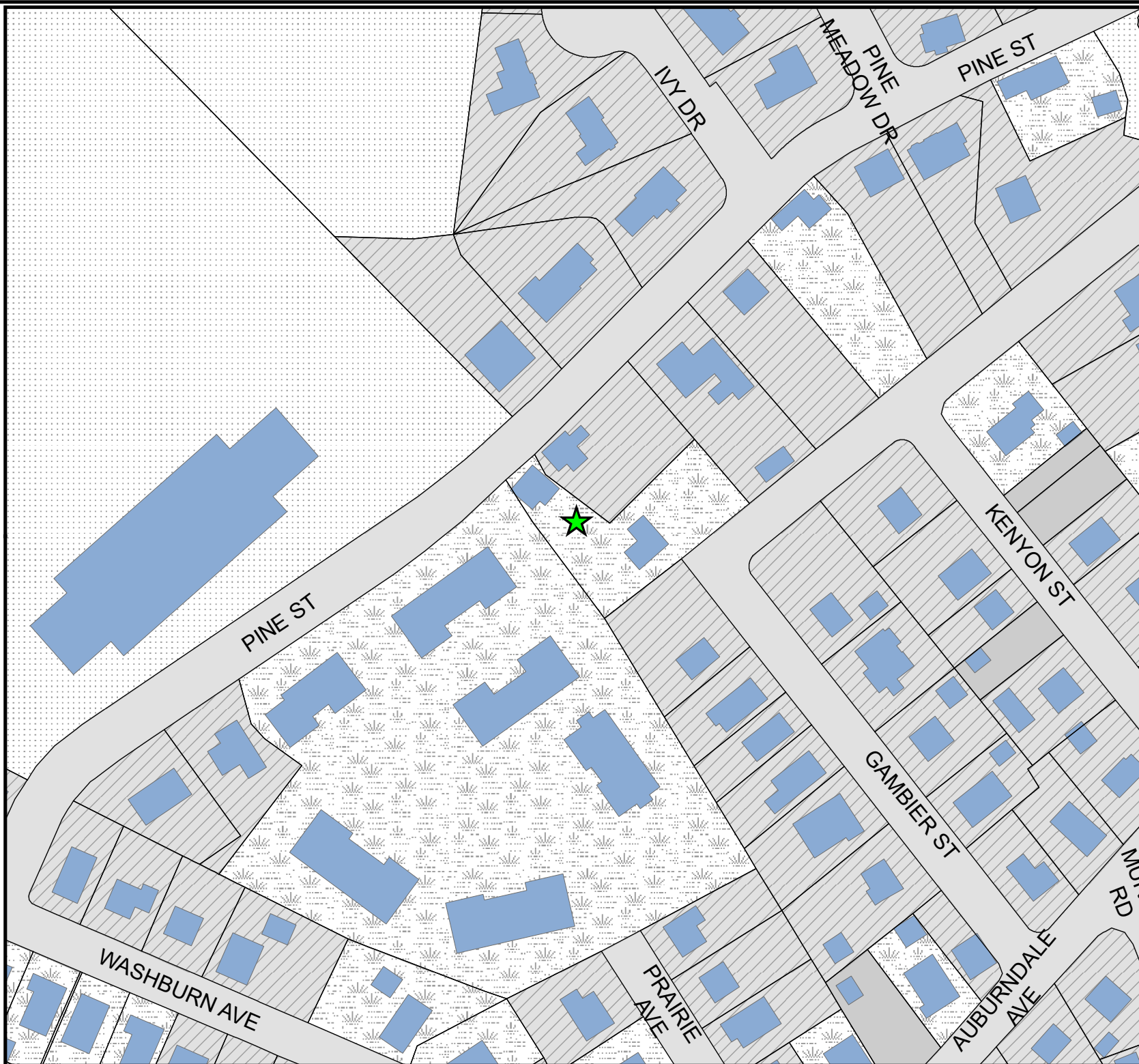


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller



Map Date: April 21, 2020





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: March 4, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Terrence P. Morris, Attorney
148 Pine Realty Trust, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to change from an existing nonconforming residential use to another to allow three separate single-family dwellings on one lot, and to determine appropriate density and dimensional controls.

Applicant: 148 Pine Street	
Site: 148 Pine Street	SBL: 44017 0032
Zoning: SR3	Lot Area: 18,235 square feet
Current use: Two-family dwelling	Proposed use: Three single-family dwellings

BACKGROUND:

The subject site consists of an 18,235 square foot dogleg lot in the Single Residence 3 zoning district improved with a nonconforming two-family dwelling constructed circa 1890 and a detached garage structure. Originally constructed as a single-family dwelling, the structure was converted into a two-family dwelling with a building permit in 1944. The petitioner proposes to raze the existing two-family dwelling and construct three single-family dwellings.

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

- Zoning Review Application, prepared by Terrence P. Morris, Attorney, dated 8/9/2019
- Existing Conditions Site Plan, prepared by Verne T. Porter, surveyor, dated 6/22/2018, revised 12/5/2019
- Proposed Layout Plan, signed and stamped by Verne T. Porter, surveyor, dated 8/2/2019, revised 12/5/2019
- Architectural Plans and Elevations, prepared by C.D. Calhoun Associates, architect, dated 7/16/2019, revised 10/3/2019
- Proposed Grading Plan, signed and stamped by Verne T. Porter, surveyor, dated 12/5/2019

ADMINISTRATIVE DETERMINATIONS:

1. The subject property is located in the Single Residence 3 zoning district. The existing nonconforming two-family dwelling use is the result of a conversion in 1944, an allowable use at the time. The petitioner intends to raze the existing two-family dwelling and detached structure and construct three single-family dwellings. To change from one nonconforming use to another requires a special permit per section 3.4.1 and 7.8.2.C.2.
2. Section 3.1.2.A.3 states that where a density or dimensional control is not set forth in section 3.1 for a use granted by special permit, the most restrictive density or dimensional control applicable to such use in any district where the use allowed as of right shall be applicable, unless otherwise required in the special permit by the City Council. The proposed use of three separate single-family dwellings on one lot is not allowed anywhere by right, and as such, the City Council determines the appropriate density and dimensional controls.
3. The lot is 18,235 square feet and has 39.35 feet of frontage. The dimensional requirements on an old lot for a by-right single-family dwelling are 7,000 square feet and 70 feet of frontage per section 3.1.3 for single- and two-family dwellings in the SR3 zoning district. The City Council must determine whether the proposed lot area and frontage are adequate for the proposed use.
4. The existing two-family dwelling has a nonconforming front setback of 1 foot, where 25 feet is required per section 3.1.3 for single- and two-family dwellings in the SR3 zoning district. The petitioner intends to raze the existing dwelling and construct three separate single-family dwellings. Unit 1 has a proposed front setback of 36.2 feet; Unit 2 is proposed at over 100 feet; and Unit 3 has a proposed front setback of 11 feet. The City Council must determine whether the proposed front setbacks are adequate for the proposed use.
5. The existing dwelling is 0.3 feet from the side lot line, where 7.5 feet is required per section 3.1.3 for single- and two-family dwellings in the SR3 zoning district. Unit 1 is proposed with side setbacks of 7.9 and 16 feet; Unit 2 is proposed with side setbacks of 7.9 and 100+ feet; and Unit 3 is proposed with side setbacks of 57.6 and 75+ feet. The City Council must determine whether the proposed side setbacks are adequate for the proposed use.
6. The existing dwelling has a rear setback of over 100 feet, where 15 is required per section 3.1.3 for a single- or two-family dwelling in the SR3 zoning district. Unit 1 is proposed with an 85+ foot rear setback; Unit 2 is proposed with a 25.4-foot rear setback; and Unit 3 is proposed with a 31.3 foot rear setback. The City Council must determine whether the proposed rear setbacks are adequate for the proposed use.
7. The existing two-family dwelling does not exceed the maximum height of 36 feet permitted by section 3.1.3 for a single- or two-family dwelling in the SR3 zoning district. Units 1 and 2 are proposed with a height of 32.33 feet; Unit 3 is proposed with a height of 34.83 feet. The City Council must determine if the proposed heights are appropriate for the proposed use.
8. The existing two-family dwelling is 2.5 stories where 2.5 is the maximum allowed by right for a single- or two-family dwelling in the SR3 zoning district. The proposed single-family dwellings are

all 2.5 stories. The City Council must determine if the proposed 2.5 story structures are appropriate.

9. Per section 3.1.3 and 3.1.9, the maximum allowable FAR for a single- or two-family dwelling in the SR3 zoning district is .38. The three proposed separate single-family dwelling units produce a total FAR of .36. The City Council must determine if the proposed FAR of .36 is appropriate for the proposed use.
10. The existing two-family dwelling had a nonconforming lot area per unit of 9,118 square feet where section 3.1.3 requires 10,000 square feet. The three proposed separate single-family dwellings produce a lot area per unit of 6,078 square feet. The City Council must determine if the proposed lot area per unit of 6,078 square feet is adequate.
11. The existing two-family dwelling and detached garage produce a lot coverage of 11.5% where 30% is the maximum allowed per section 3.1.3 for a single- or two-family dwelling in the SR3 district. The three proposed separate single-family dwellings produce a lot coverage of 17.93%. The City Council must determine if 17.93% lot coverage is appropriate for the proposed use.
12. The existing two-family dwelling and detached garage structure leave 72.7% open space, where a minimum of 50% is required for a single- or two-family dwelling in the SR3 zoning district. The three proposed separate single-family dwellings leave 63.68% open space. The City Council must determine whether 63.68% open space is adequate for the proposed use.

SR3 Zone	Required	Proposed
Lot Size	10,000 square feet	18,235 square feet
Frontage	80 feet	39.35 feet
Unit 1 Setbacks <ul style="list-style-type: none"> • Front • Side • Side • Rear Building Height Max Number of Stories	25 feet 7.5 feet 7.5 feet 15 feet 36 feet 2.5 (3 by SP)	36.2 feet 7.9 feet 17.7 feet ± 85 feet 34.83 feet 2.5
Unit 2 Setbacks <ul style="list-style-type: none"> • Front • Side • Rear Building Height Max Number of Stories	25 feet 7.5 feet 15 feet 36 feet 2.5 (3 by SP)	± 100 feet 7.9 feet 25.4 feet 32.33 feet 2.5
Unit 3 Setbacks <ul style="list-style-type: none"> • Front • Side • Rear Building Height Max Number of Stories	25 feet 7.5 feet 15 feet 36 feet 2.5 (3 by SP)	11 feet 57.6 feet 31.3 feet 32.33 feet 2.5
Lot Area Per Unit	10,000 square feet	6,078 square feet
FAR	.38	.36
Max Lot Coverage	30%	17.93%
Min Open Space	50%	63.68%

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§3.4.1 §7.8.2.C.2	To change from one nonconforming use in the SR3 district to another	S.P. per §7.3.3
§3.1.2.A.3	To determine density and dimensional controls for the proposed use	S.P. per §7.3.3

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 148 Pine Street

Date: March 30, 2020

CC: Barney Heath, Director of Planning
Jennifer Caira, Deputy Director of Planning
Neil Cronin, Chief Planner
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Katie Whewell, Sr. Planner

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

*Proposed Conditions Plan
148 Pine Street
Newton, MA
Prepared by: Verne T. Porter Jr., PLS
Dated: December 5, 2019*

Executive Summary:

This permit entails the demolition of an existing single-family home and the construction of three detached single-family units on an 18,235 square foot [0.41 acre] lot. The property has about 85-feet of frontage along Pine Street and has a shared common driveway with # 146 Pine Street that provides access to the rear of the site and garages. The topography varies from a high elevation at Pine Street at 57-feet and slopes steeply down the driveway to a low area at elevation 46-feet. Existing from the driveway is somewhat dangerous as there is an evergreen bush juxtaposed to the driveway apron on the east side which limits safe sight distance. Since this property is directly across the

Burr School students walk along this property, I would request that this bush be removed for safety concerns of all pedestrians.



View looking East existing the existing/ proposed driveway location



View looking North towards Burr School

The property has an existing wooden retaining wall that runs the entire length of the westerly property line and needs attention.



Existing wooden retaining wall along western property line

Portions of the wall will be removed, and a new wall is proposed; however, the material, drainage from behind the wall, and construction system has not been specified. Walls over 3-feet in height need a safety fence along its alignment. I recommend that the wall placement be setback 1-2 feet for ease of construction and future maintenance.

On site soil testing and investigation was performed on August 21st which revealed that the site has a high ground water elevation which was encountered between 2- 2.3' below the ground surface. I have a concern for dewatering during excavation of the foundations and installation of various utilities. The engineer of record has not addressed this issue. Associate with the high ground-water issue is waterproofing the proposed basements of the new dwellings. Additionally, the soils encountered are peat (a very organic soil having poor bearing capacity) the engineer of record and the architects need to ensure that proper foundations are designed to minimize any settlement. The proposed manhole and catch basin will need a spread footing beneath the precast units to minimize settlement.

The design includes a stormwater collection and infiltration system for runoff from the roofs and driveways. House unit #1 has the roof runoff connected to infiltration system that will be in the front yard. This system is less than 10-feet from the property lines therefore impervious barriers have been incorporated in the design surrounding the system. Units #2 & 3 have the roof runoff connected to the collection system that will direct the water to a pump chamber which will discharge flow to a proposed underground infiltration system. The applicant needs to add a standby generator to power the pumps that discharge water to the chambers as this is not a gravity system.

Design calculations for the pump chamber is needed for evaluation. The pump system will need backup power to ensure the pumps work during rainstorm events and if electric power is interrupted. There is a discrepancy in the drainage report specifically on page 2 of the Operations & Maintenance plan it references “*the major components associated with maintenance needs are the proposed leaching dry-wells and rain garden that will handle the runoff from the proposed roofs and paved driveway/parking areas.*” The revised plans do not have a “rain garden” it has an underground infiltration system comprising of 60 Cultec chambers. Calculations are needed that demonstrates that the chambers will completely drain within 72 hours as required by DEP. The drainage report although complete did have minor errors that need correction before being approved; there are early warnings for early flow that require earlier time spans, this needs to be corrected.

Sheet L1.1 shows an area for temporary construction parking area, the entrance to this area is directly over an existing City Sewer Easement, there is a concern that vehicles traversing over the sewer pipe may damage the pipe. It is recommended that the entrance be relocated to avoid cross over the existing pipes.

The Operations and Maintenance plan should be corrected by removal of the reference to “rain gardens” once this is updated it will be acceptable, and it needs to be recorded at the Middlesex Registry of Deeds and proof of the recording is required.

The site plan shows a 10-foot wide City sanitary sewer main traversing the site in a west to east orientation, however it appears that the pipe is outside the actual easement. Prior to any construction a Closed Circuit Television [CCTV] inspection with a tracer unit shall be performed & witnessed by the Engineering Division, to accurately delineate the pipe on the ground. Copies of the video inspection shall be provided to the City Engineer.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker’s vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency

contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.

2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean.

Drainage:

1. Elevations of the bottom of the rain garden is needed.
2. Detailed profile of the proposed drainage system is needed, specifically rim and invert elevations from the proposed catch basin to the pump chamber and then discharge pipe to the rain garden and finally at the overflow weir.
3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).
4. Minor warnings were encountered with the hydrography on page 12 of the Hydrocad software output, this needs attention.

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Sewer:

1. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.

2. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the City of Newton Construction Standards Detail Book.
3. All new sewer service shall be pressure tested and videotaped after final installation is complete. The sewer service will NOT be accepted until the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
4. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until the manhole(s) pass the testing requirements. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer.

Water:

1. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
2. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. 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. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage

system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*

4. 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. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to 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 should show all utilities and final grades, any easements and final grading, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. ***This note must be incorporated onto the final contract plans.***
7. All site work including trench restoration must being completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*
8. The contractor of record shall contact the Newton Police Department 48 hours in advanced and arrange for Police detail to help residents & commuters navigate around the construction activity.
9. If any changes from the original approved design plan that are required due to unforeseen site conditions, the engineer of record shall submit a revised design & stamped and submitted for review and approval prior to continuing construction.

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

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