



Setti D. Warren
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


James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 12, 2015
Land Use Action Date: June 9, 2015
Board of Aldermen Action Date: June 15, 2015
90-Day Expiration Date: August 10, 2015

DATE: May 8, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner 

SUBJECT: **Petition #89-15**, NOBLE and DEVINE HOLDING COMPANY, LLC, for a SPECIAL PERMIT/SITE PLAN APPROVAL for a restaurant with more than 50 seats (94 seats), to allow a 1/3 reduction in the parking requirement, to waive 20 parking stalls, to allow parking in the side and rear setbacks, to allow a maneuvering aisle less than 24 feet wide, to waive screening, interior landscaping, lighting, surfacing and striping, and bicycle parking requirements at 271-283 AUBURN STREET, Ward 4, Auburndale, on land known as SBL 44, 25, 2, containing approximately 17,772 sq. ft. of land in a district zoned BUSINESS 1. Ref: Sec 30-24, 30-23, 30-11(d)(9), 30-19(d)(13), (d)(18), 30-19(h)(1), (3)a), 30-19(i)(1) and (2), 30-19(j)(1) and (2), 30-19(k), 30-19(m) of the City of Newton Rev Zoning Ord., 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. 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 Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



271-283 Auburn Street

EXECUTIVE SUMMARY

The property at 271-283 Auburn Street consists of a 16,518 square foot lot, improved with a multi-tenant one- and two-story commercial building constructed in the 1920s. The site is comprised of two lots and abuts the Massachusetts Turnpike to the south. The property is located in a Business 1 district (BU1), in the Auburndale commercial village center. The property has been used most recently as office and service uses; however, at one time a 71 seat restaurant (known as 'The Auburndale Café') operated on site. The petitioner is proposing to use the space formerly occupied by the café as a 94 seat restaurant, while maintaining the remainder of the site as office and service uses. The petitioner is seeking a parking waiver in order to accommodate the restaurant use, as well as a special permit to allow a restaurant with more than 50 seats. The petitioner is also seeking to legalize any deficiencies in the existing nonconforming parking lot. Because of the mixed-use nature of the site, the petitioner is seeking a 1/3 reduction in the parking requirement, reducing the required parking waiver to 20 stalls.

The Planning Department recommends the Board consider this request in conjunction with other development in the pipeline for the immediate area, namely the proposed development at the Turtle Lane Playhouse. Although a restaurant was originally proposed for the Playhouse project, this portion of their request has been withdrawn in favor of additional residential units. The Planning Department believes there is sufficient parking in the neighborhood to accommodate both uses.

The Planning Department believes that the proposed restaurant use will benefit the surrounding neighborhood and complements the current mix of commercial and residential uses in the area. We are, however, concerned about the additional parking pressure this use may create, especially considering the proposed Turtle Lane Playhouse project. To understand how the additional parking demand from the proposed restaurant will be accommodated in the surrounding neighborhood, the Planning Department recommends that the petitioner conduct a parking utilization study of the surrounding public parking options, especially the on-street parking stalls and municipal parking lots during peak weekday/weekend hours. The petitioner is further encouraged to develop a parking demand management plan.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The specific site is an appropriate location for the proposed restaurant use. (§30-24(d)(1))
- The proposed project, as developed and operated, will not adversely affect the neighborhood. (§30-24(d)(2))
- There will be no nuisance or serious hazard to vehicles or pedestrians (§30-24(d)(3))
- Access to the site over streets is appropriate for the types and number of vehicles involved. (§30-24(d)(4))

- Literal compliance with the parking requirements of the NZO is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§30-19(m))

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject site is located across the street from the intersection of Lexington Street and Auburn Street, in the Auburndale village center. There are a number of municipal parking lots in the immediate area, specifically on Melrose Avenue (42 stalls) and Auburn Street (35 stalls). The property was most recently a commercial use, consisting of office and service uses, and is adjacent to other commercially developed parcels as well as parcels containing mixed-use development, single- and multi-family residences, and open space (**ATTACHMENT A**). The zoning districts in the surrounding neighborhood consist of Single Residence 2 and 3, Multi-Residence 1 and 2, Business 1 and 2, and Public Use districts (**ATTACHMENT B**). The site itself is zoned as Business 1.

B. Site

The site consists of 16,518 square feet of land, improved with a one- and two-story multi-tenant commercial building, originally built in the 1920s. The site is comprised of two lots and abuts the Massachusetts Turnpike (Interstate 90) to the south. The property currently contains both office and service uses; however, at one time a restaurant with 71 seats (known as 'The Auburndale Café') operated on the site. The site slopes down to the rear (or east) and portions of the building are two stories from the rear with some tenants in what appears to be the basement level from Auburn Street.

The subject property contains parking both in front of and behind the building, with access to the rear lot via a right-of-way along the north of the property. There are small vegetated strips on either side of the driveway entrance and raised planter boxes along the front of the building.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner is proposing to add a restaurant use to the site with a seating capacity of up to 94 seats. From a land use perspective, the Planning Department does not have any concerns with the increase in the intensity of the site with a restaurant use, as the site is located in a mixed use village center and the restaurant is intending to operate at off-peak hours when the other businesses on

the site are closed. The Planning Department recommends that the petitioner explain how the additional parking demand will be accommodated in the immediate neighborhood, particularly during peak hours.

B. Building and Site Design

The petitioner is proposing to update the front façade of the building where the restaurant would be located with new storefront glazing and new signage. This tenant space is located towards the center of the building. Inside, the proposed restaurant would consist of a 40 seat bar/lounge area and up to 54 dining seats. The site's parking lot does not function very efficiently as currently striped, so the petitioner is proposing a new site plan to maximize the number of parking stalls while still allowing for the efficient circulation of vehicles. As a result of the petitioner's proposed parking layout, waivers to the design and dimensional controls for parking facilities with more than five vehicles are required.

C. Traffic and Parking

The petitioner is proposing to create a restaurant with seating capacity for 94 patrons and is anticipating having nine employees. Under §30-19(d)(13) of the Newton Zoning Ordinance, the petitioner is required to provide 35 parking stall on the site for this use. There are also seven other businesses, consisting of service, office, and medical office uses, on-site which have a total parking requirement of 34 parking stalls. As such, the proposed mix of uses requires 69 parking stalls in total. However, even with the new parking layout, which allowing for the efficient circulation of vehicles, the petitioner is only able to provide 26 parking stalls (includes handicap stalls) on the property. Since the site contains a mix of three or more uses, the petitioner is seeking a 1/3 reduction to the parking requirements per §30-19(d)(18), which if granted would be reduced the parking requirement to 46 stalls. To offset the remaining deficit of parking stalls, the petitioner is requesting a waiver of 20 required parking stalls.

Although the Planning Department generally believes that the neighborhood can accommodate the anticipated parking demand, the petitioner should conduct a parking utilization study of the surrounding public parking options, especially the on-street parking stalls and municipal parking lots during peak weekday/weekend hours. The Planning Department also recommends that the petitioner develop a parking demand management plan. The petitioner should also be prepared to explain how the additional parking demand will be accommodated before closing the public hearing.

The petitioner is also seeking waivers to the design and dimensional controls for the proposed parking facilities, which include: allowing parking stalls in the front and side setbacks; the reduction of the minimum maneuvering aisle width for two-way vehicle travel; to not provide parking lot screening; to not comply with the lighting

requirements, to waive surfacing and striping requirements; and to waive the bicycle parking requirements. The Planning Department is comfortable with most, but not all, the requested waivers. Since the proposed restaurant will increase the intensity of uses on the site, the Planning Department is not supportive of granting waivers to the screening and bicycle parking requirements. The Planning Department recommends that petitioner install a sight-obscuring fence around the dumpster in the rear of the site. From a land use perspective, the Planning Department believes that the petitioner can easily accommodate bicycle parking, which could help mitigate the aggregate parking demand on the site.

The petitioner should also consider developing a parking demand management plan that encourages employees to park at the rear of the site, freeing up parking in front of the building for customers. The petitioner should also look into the ability to rent stalls in the neighborhood for employees that may not need to access their vehicles during the day. Further, the petitioner is encouraged to consider ways to mitigate the off-site effects of the waiver, such as improvements to the surrounding pedestrian facilities or the potential for off-site and/or shared parking with abutters.

D. Landscape Screening

The petitioner is not proposing to install any additional landscape screening on site as part of this request. Per the project plans, it appears the expansion of the parking lot will result in the reduction of the current vegetated areas and the removal of three mature trees. The petitioner should explain how the project will comply with the City's Tree Ordinance. A Planning Department visit to the site revealed that the current landscaping is due to be refreshed, so the petitioner should also consider ways that these existing landscaped areas could be enhanced.

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 reliefs:

- §30-11(d)(9), to operate a restaurant with more than 50 seats;
- §30-19(d)(18), to allow a 1/3 reduction in the parking requirement;
- §30-19(d)(13) and §30-19(m), to waive 20 parking stalls;
- §30-11(h)(1) and §30-19(m), to allow parking in the side and rear setbacks;
- §30-19(h)(3)a) and §30-19(m), to allow a maneuvering aisle less than 24 feet wide;
- §30-19(i)(1) and §30-19(m), to waive screening requirements;
- §30-19(i)(2) and §30-19(m), to waive interior landscaping requirements;

- §30-19(j)(1) and §30-19(m), to waive lighting requirements;
- §30-19(j)(2) and §30-19(m), to waive surfacing and striping requirements;
and
- §30-19(k)(13) and §30-19(m), to waive bicycle parking requirements.

B. Engineering Review

The Engineering Division Memorandum (**ATTACHMENT D**) provides an analysis of the proposal with regard to engineering issues. Since the petitioner is not proposing to increase the amount of impervious surface on the site by more than 400 square feet, no drainage improvements are required. The Engineering Memorandum notes, however, that because the project entails a restaurant build-out and parking modifications, the sewer and water utility services will need to be upgraded and grease traps will be needed per the Massachusetts State Plumbing Code. Furthermore, petitioner will need to repair the sidewalk which was damaged as a result of the new gas service and the property owner will need to file an Approval Not Required plan to consolidate the two separate lots into one.

V. PETITIONER'S RESPONSIBILITIES

The Planning Department recommends that the petitioner consider the comments and suggestions raised by the Planning Department and Engineering Division. Prior to the close of the public hearing or scheduling of a working session, the petitioner should address and/or provide information regarding the following:

- A parking utilization study of the surrounding public parking options, especially the on-street parking stalls during peak weekday/weekend hours;
- A parking demand management plan; and
- Respond to how the project will comply with the City's Tree Preservation Ordinance.

ATTACHMENTS:

- Attachment A:** Land Use Map
Attachment B: Zoning Map
Attachment C: Zoning Review Memorandum, dated April 1, 2015
Attachment D: Engineering Division Memorandum, dated April 29, 2015










Land Use Map

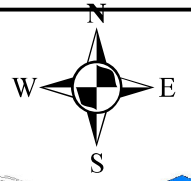
271-283 Auburn Street

City of Newton, Massachusetts

ATTACHMENT A

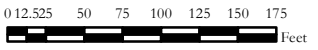
Legend

-  Building Outlines
-  Property Boundaries
- Land Use**
-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Mixed Use
-  Open Space
-  Vacant Land

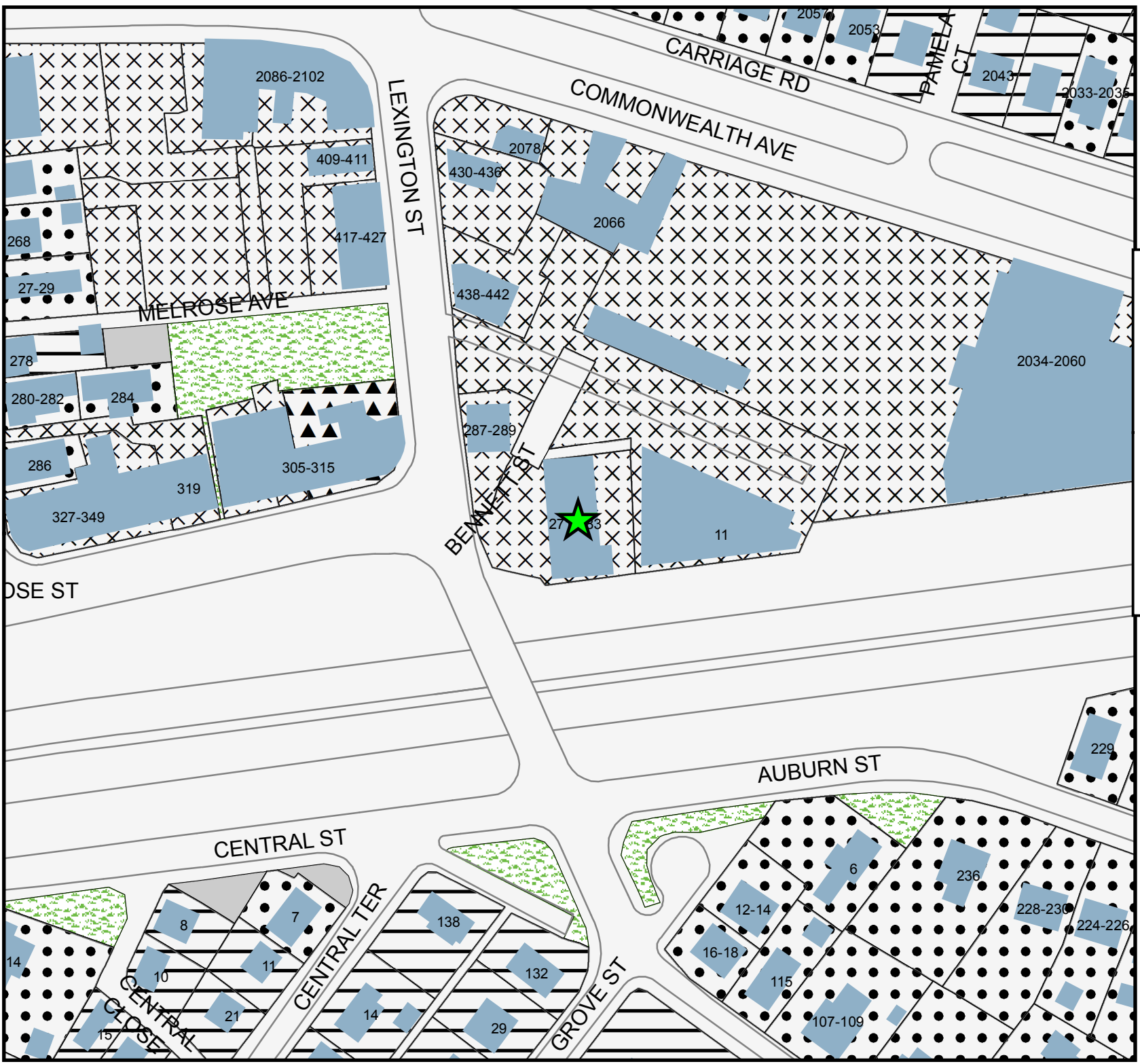


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
 Mayor - Setti D. Warren
 GIS Administrator - Douglas Greenfield



Map Date: May 05, 2015












Zoning Map

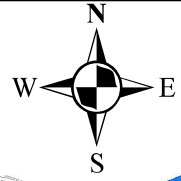
271-283 Auburn Street

City of Newton,
Massachusetts

ATTACHMENT B

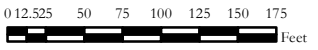
Legend

-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Business 2
-  Public Use
-  Building Outlines
-  Property Boundaries

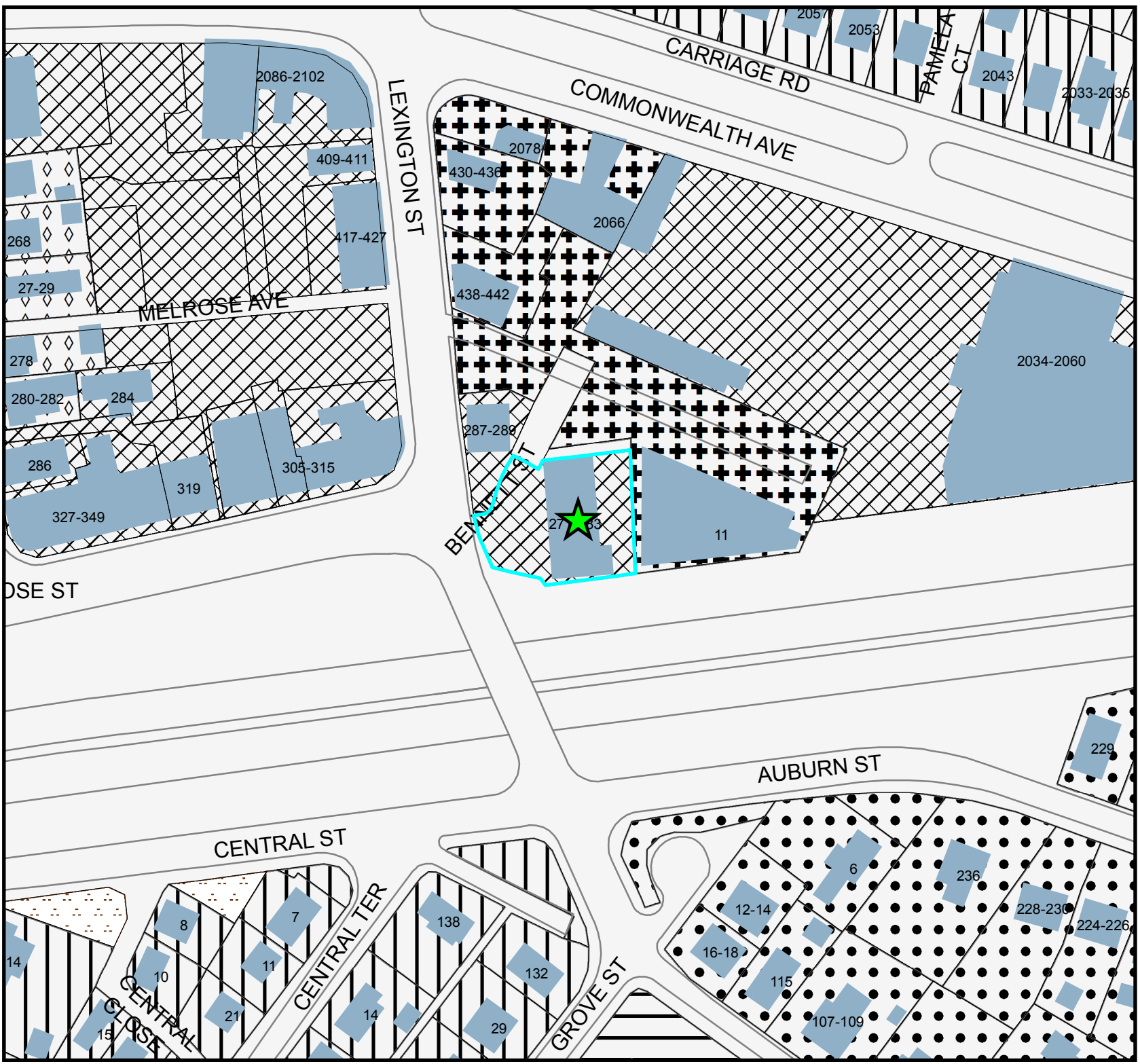


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: May 05, 2015





Setti D. Warren
Mayor

ATTACHMENT C

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

James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: April 1, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Walter Devine and Chis Noble, Applicants
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request for a restaurant with more than 50 seat and an associated waivers from parking requirements**

Applicant: Noble & Devine Holding Co, LLC	
Site: 271-283 Auburn Street	SBL: 44025 0002
Zoning: BU1	Lot Area: 16,518 square feet
Current use: Office and service	Proposed use: Office, service and 94 seat restaurant

BACKGROUND:

The property at 271-283 Auburn Street consists of a 16,518 square foot lot improved with a commercial building, originally built in the 1920s. The site is comprised of two lots and abuts the MA Pike to the south. The property has been used most recently as office and service uses. At one time, a 71-seat restaurant, The Auburndale Café, operated on site. The applicants would like to use the space formerly occupied by the café to open a 94-seat restaurant, while maintaining the existing office and services uses. A parking waiver is required to accommodate the restaurant, as well as a special permit to allow a restaurant with more than 50 seats.

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

- Zoning Review Application, prepared by Walter Devine, applicant, dated 3/4/2015
- Topographic Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 12/17/2014
- Proposed floor plan, signed and stamped by Ronald Bourque, architect, dated 2/11/2015

ADMINISTRATIVE DETERMINATIONS:

1. The applicants would like to open a 94-seat restaurant on the property. To operate a restaurant with more than 50 seats in the BU1 district, the applicant will require a special permit from the Board of Aldermen per section 30-11(d)(9).
2. A private right of way, known as Bennett Street, runs through the lot serving as access to the property at 287-289 Auburn Street. On paper the easement is over the parking stalls serving the building, however the access to the neighboring lot is not impeded by vehicles parked in the striped stalls.
3. There are seven other businesses on the property, including service uses, office and medical office. The total parking requirement for these uses is 34 stalls. A 94-seat restaurant with 9 employees at the busiest shift will require an additional 35 stalls, for a total of 69 stalls required on site per Section 30-19(d). Section 30-19(d)(18) allows for a 1/3 reduction in parking in the case of a combination of three or more uses on a site by special permit. Utilizing this provision creates a parking requirement of 46 stalls.

Use	Square Feet	# of Employees	Seats	PARKING REQUIRED
Dr. Robert Traiger, DDS	1072 sf			6
Auburndale Interiors	1262 sf	2		6
Ward 4 (proposed)		9	94	35
Abraxis Framing	198 sf	1		2
Heather Vaughn Design	640 sf	3		3
Pooch Parlor	519 sf	3		3
Cardio High	1520 sf	2		6
Noble & Devine LLP	1848 sf			8
TOTAL REQUIRED STALLS				69

4. There are 26 parking stalls on site, including three handicap stalls. With the one-third reduction provision of Section 30-19(d)(18) applied, 46 stalls will be required for the various uses on site. The applicant requests a waiver of 20 parking stalls per Section 30-19(m).
5. Section 30-19(h)(1) requires that no parking be located within any required setback. There are several parking stalls located within the side and rear setbacks, requiring a special permit.
6. Pursuant to 521 CMR 23, the applicant requires three handicapped stalls for a lot requiring up to 75 parking spaces. The applicant meets this regulation.
7. The maneuvering aisle for the parking in the rear of the building narrows to 16 feet. Section 30-19(h)(3)a) requires 24 feet for 90 degree parking for a two-way aisle. A special permit is required for an aisle less than 24 feet wide.

8. Section 30-19(i) requires screening for outdoor parking facilities with more than five stalls. Subsection a) requires a five foot wide vegetative buffer along the perimeter of the property, as well as a visual barrier such as a fence. The applicant must comply with these provisions or seek a waiver per Section 30-19(m).
9. Section 30-19(i)(2) also requires interior landscaping for parking lots with an area of at least five percent of the total area of the lot. This section requires one 3-inch caliper tree per each ten parking stalls and a planting area of at least 20 square feet. The applicant must comply with these provisions or seek a waiver per Section 30-19(m).
10. All parking facilities are required to provide security lighting which is not impactful on neighboring properties per Section 30-19(j)(1). To the extent that the existing conditions of the parking lot do not comply, a waiver per Section 30-19(m) is required.
11. All surfaces in the parking lot must be maintained and striped per Section 30-19(j)(2). To the extent that the existing conditions of the parking lot do not comply, a waiver per Section 30-19(m) is required.
12. Section 30-19(k) specifies that parking facilities containing twenty or more stalls must provide one bicycle space per each ten stalls. There is no existing or proposed bicycle parking. A waiver from this provision is required.
13. The applicant should ensure that all building, fire and safety permits and requirements are in conformance and consistent with any approvals granted through zoning.

14. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-11(d)(9)	To operate a restaurant with more than 50 seats	S.P. per §30-24
§30-19(d)(18)	To allow a 1/3 reduction in the parking requirement	S.P. per §30-24
§30-19(d)(13), §30-19(m)	To waive 20 parking stalls	S.P. per §30-24
§30-19(h)(1), §30-19(m)	To allow parking in the side and rear setbacks	S.P. per §30-24
§30-19(h)(3)a, §30-19(m)	To allow a maneuvering aisle less than 24 feet wide	S.P. per §30-24
§30-19(i)(1), §30-19(m)	To waive screening requirements	S.P. per §30-24
§30-19(i)(2), §30-19(m)	To waive interior landscaping requirements	S.P. per §30-24
§30-19(j)(1), §30-19(m)	To waive lighting requirements	S.P. per §30-24
§30-19(j)(2), §30-19(m)	To waive surfacing and striping requirements	S.P. per §30-24
§30-19(k), §30-19(m)	To waive the bicycle parking requirements	S.P. per §30-24

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 271-283 Auburn Street

Date: April 29, 2015

CC: Lou Taverna, PE City Engineer
Linda Finucane, Associate City Clerk
Alexandria Ananth, Chief Planner
Dan Sexton, Sr. Planner

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

*Topographic Site Plan
Newton, MA
At #217 -283 Auburn Street
Prepared by: VTP Associates, Inc.
Dated: March 30, 2015
Revised: March 31, 2015*

Executive Summary:

This project entails a restaurant build out and parking lot modifications. Since the use of the building is changing, both sanitary sewer and water service(s) shall be updated along with required grease traps for restaurant use in accordance to the State Plumbing Code.

The sidewalk needs to be repaired from the damage caused from the installation of a new gas service, see below.



If the special permit is approved an Approval Not Required (ANR) plan will be needed in accordance to Massachusetts General Laws Chapter 41 Section 81P requiring the two separate lots be combined into one lot.

Since no new impervious surfaces are proposed, no on-site drainage is required. However to improve stormwater quality the existing catch basins should be retrofitted with gas trap outlets, as these basins appear to be connected to existing dry wells that are infiltrating untreated storm water to the surrounding soils and groundwater. The engineer of record shall confirm the connections between the existing catch basins and drywells or drain manholes and where they discharge.

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. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer man need to match.
2. 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.
3. Use City of Newton Details in lieu of the details submitted they are in PDF format on the City's website.
4. 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.
5. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of 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.***

6. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of 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.

Water:

1. The Fire Department may require a fire suppression system therefore a fire flow test would be required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.
2. 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.
3. 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. Finalized utility connection plan reflecting the above changes that meets the minimal design standards of the City of Newton must be submitted for approval by the contractor of record with appropriate Bonds & Insurance. The Engineering Division makes no representations and assumes no responsibility for the design(s) in terms of suitability for the particular site conditions or of the functionality or performance of any items constructed in accordance with the design(s). The City of Newton assumes no liabilities for design assumption, error or omissions by the Engineer of Record.
2. 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*

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 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. *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. *This note must be incorporated onto the site plan.*
7. If a Certificate of Occupancy is requested prior to all site work being completed. *This note must be incorporated onto the site plan.*

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.