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Barney S. Heath
Director

MEMORANDUM

DATE: August 10, 2018

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner

RE: **Petition #397-18, SPECIAL PERMIT/SITE PLAN APPROVAL** to construct a single-story two-car garage and front entry vestibule, creating an FAR of .41 where .39 is allowed and .39 exists at 47 Rokeby Road, Ward 5, Waban

On Tuesday, August 8, 2018, the Land Use Committee voted to approve the above petition, subject to second call, to allow for the submission of a memorandum from the Engineering Division.

The memorandum (attached), indicates the need for further clarification on driveway materials and the placement of some features. As these will determine the adequacy of the proposed design, the Planning Department will be working with the petitioner and the Engineering Division to arrive at an appropriate resolution of these issues.

Attachment: Engineering Division Memorandum (dated August 10, 2018)

CITY OF NEWTON
 Department of Public Works
 ENGINEERING DIVISION

MEMORANDUM

To: Council Gregory Schwartz, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – #47 Rokeby Road

Date: August 9, 2018

CC: Barney Heath, Director of Planning
 Jennifer Caira, Chief Planner
 Lou Taverna, PE City Engineer
 Nadia Khan, Committee Clerk
 Michael Gelba, Sr. Planner

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

*47 Rokeby Road
 Newton, MA
 Prepared By: Peter Nolan & Associates, Inc.
 Dated: 8-7-'18*

Executive Summary:

Calculation by	Proposed Garage Sq. Ft.	Proposed Vestibule Sq. Ft.	Existing Paved Driveway to be Removed Sq. Ft.	Net Impervious Added Sq. Ft.	4% of Lot Area (0.04 x 9,280)
City	543.84	168	364.1	347.74	371.2
Plan	527	104	354	277	371.2

Although there are some differences in the total amounts calculated between my measurements and the quantities submitted by the engineer of record, the net impervious added for both are below the [4% of the lot size] maximum per the City’s Drainage policy.

Based on the existing policy, stormwater collection and infiltration is not triggered, however; the DPW encourages applicants with this situation to install rain barrels to collect rain water and re-use it for lawn or landscape plantings. Based on a site visit today, the site is well established with a lawn and landscaping however from the photos shown below, all the roof runoff is collected via a gutter system and all the downspouts direct water towards the rear left corner [southeast corner], this is why DPW encourages the installation of rain barrels.



View from the southeastern corner

The applicant's plan shows a proposed driveway to be constructed of either crushed stone or permeable pavers; one of the two material options has to be a definitive choice. The City does not allow credit to "*permeable pavers*" since these must be properly vacuum swept periodically [typically 3 times a year] to be truly considered "*pervious*" therefore the DPW considers these as impermeable due to a lack of maintenance; additionally there is still a coefficient of runoff associated with permeable pavers so if this option is selected, on site drainage would be needed as the pavers are not 100% pervious.



View from the Southwest Corner



Southeast Corner

The proposed gravel walkway along the western property line appears to go directly through an existing mature deciduous tree, I would recommend that the proposed retaining wall be shifted away from this property line and allow more space between the walkway and the tree.

Finally, if the dwelling is to be renovated or gutted by more than 50% then the water and sanitary sewer must be updated to current standards.

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 applicant will have to apply for Trench permit with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
4. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
5. 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.***
6. 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.*

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.

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to increase the Floor Area Ratio (FAR) from 0.39 to 0.41 where 0.39 is the maximum allowed by-right, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The expanded structure that would result from the proposed increase in floor area ratio (FAR) from 0.39 to 0.41, where 0.39 is the maximum allowed by-right will be consistent with and not in derogation of the size, scale and design of other structures in the neighborhood and conform to other relevant dimensional requirements (§3.1.9),
2. The proposed attached garage will provide off-street, enclosed space for the required parking stalls.

PETITION NUMBER: #397-18

PETITIONERS: Randi and Darby Leigh

LOCATION: 47 Rokeby Road, on land known as Section 55, Block 88, Lot 29, containing approximately 9,280 square feet of land

OWNERS: Randi and Darby Leigh

ADDRESS OF OWNER: 47 Rokeby Road
Newton, MA 02468

TO BE USED FOR: Single-family Dwelling

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: §3.1.9 and §7.3, to exceed the maximum floor area ratio (FAR) allowed by-right

ZONING: Single Residence 2 (SR2) district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. A plan entitled "47 Rokeby Road, Newton, Massachusetts- Proposed Plot Plan," prepared by Peter Nolan & Associates LLC, dated October 20, 2017, stamped and signed by John M. Grenier, Registered Professional Engineer
 - b. A plan entitled "Certified Plot Plan Showing Existing and Proposed, 22 Beecher Place, Newton, Mass.," prepared by Field Resources, Inc., dated August 7, 2018, signed and stamped by Peter J. Nolan, Professional Land Surveyor
 - c. A set of architectural plans entitled "Leigh Residence-Garage, 47 Rokeby Road, Waban, Massachusetts 02468," prepared by Tiny Desk Designs, dated April 14, 2018, as revised through June 25, 2018, signed and stamped by Shannon M. Finley, Registered Architect:
 - i. Basement - Demolition Plan (A1.0),
 - ii. Basement - New Work Plan (A1.1),
 - iii. First Floor - Demolition Plan (A1.2),
 - iv. First Floor - New Work Plan (A1.3),
 - v. Second - Demolition Plan (A1.4),
 - vi. Second - New Work Plan (A1.5),
 - vii. Front Elevation (A2.0),
 - viii. Side Elevation (A2.1),
 - ix. Latitudinal Building Section (A3.0),
 - x. Longitudinal Building Section (A3.1),
 - xi. Interior Elevation (A5.0).
 - d. A document entitled "Floor Area Ratio Worksheet, Property Address: 47 Rokeby Rd.," signed and stamped by Shannon M. Finley, Registered Architect.
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
3. The driveway shall be constructed of crushed stone or permeable pavers and shall not be otherwise paved or surfaced except as specifically provided by an amendment to this special permit.
4. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:

- a. Recorded a certified copy of this order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Newton Historical Commission approving the final plans.
 - e. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1, including the floor area ratio (FAR) of the structure.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.