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Mayor

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Candace Havens  
Director

**WORKING SESSION MEMORANDUM**

Date: September 10, 2013  
To: Land Use Committee of the Board of Aldermen  
From: Candace Havens, Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Daniel Sexton, Senior Planner  
Cc: Petitioner

In response to questions raised at the Land Use Committee public hearing and/or staff technical reviews, the Department of Planning and Development is providing the following information for the upcoming working session. This information is supplemental to staff analysis previously provided at the public hearing.

**PETITION #218-13(2)**

**131 Otis Street**

Request to develop a rear lot subdivision to construct two single-family dwellings, and relief to locate the proposed rear house further away from the rear lot line.

The Land Use Committee held a public hearing on August 13, 2013.

**Rear Lot Subdivision Analysis.** At the last Land Use Committee meeting, the Committee asked staff to review the subdivision potential of select properties in the immediate neighborhood of the subject property through the creation of rear lots. Per the minimum lot area for the two zoning districts, all the evaluated parcels, except for 146 Otis Street, could meet the minimum lot area requirements for both the front and rear lots. Limiting the subdivision potential of certain properties examined, the lots at 156 and 170 Otis Street contain an intermittent stream, and 297 Lowell Avenue contains a church, constructed in 1983. Based on this analysis, five properties could be subdivided via a special permit as a rear lot subdivision.



### Rear Lot Subdivision Analysis

Zoning District	Lot	Existing Parcel		Proposed Front Lot		Proposed Rear Lot	
		Lot Area	Lot Frontage	Min. Req. Lot Area	Req. Lot Frontage	Min. Req. Lot Area	Req. Lot Frontage
SR-1	173 Otis Street	78,353	321	25,000	140	30,000	140
	149 Otis St.	46,908	140				
SR-2	148 Highland St.	44,300	175	15,000	100	18,000	100
	156 Otis St. **	44,260	145				
	170 Otis St. **	50,427	180				
	297 Lowell Ave. *	44,854	164				

\*\* Limited subdivision potential due to Conservation Buffer around intermittent stream.

\* Historic Church, St. Johns Parish, unlikely to be subdivided.

Additionally, the Department of Planning and Development notes that of the parcels analyzed, the properties at 173 Otis Street and 297 Lowell Avenue appear to be subdividable by right without creating a rear lot subdivision.

**Petition Supplements.** In response to the items requested in the public hearing memorandum, the petitioner submitted the following supplemental information:

- a revised site drawings showing the details and location of a sidewalk segment along Otis Street in front of the two proposed lots (**ATTACHMENT A**);
- a revised Construction Management Plan, including blasting conditions (**ATTACHMENT B**);
- a revised Landscaping Plan (**ATTACHMENT C**); and
- a Tree Management Report, prepared by Kray Small, Massachusetts Certified Arborist, and Tree Removal Permit (**ATTACHMENT D**).

According to the revised site drawings, the proposed lots meet the required dimensional controls. Per the public hearing, the petitioner has incorporated a sidewalk segment along the lot frontage paralleling Otis Street. The revised site plan was not reviewed by the Engineering Division of Public Works or the Fire Department, but does take into consideration comments raised by each department through earlier reviews. As a result, a condition will be incorporated into the Board Order requiring the final Site Plan to be reviewed and approval by the Engineering Division of Public Works and Fire Department prior to issuance of any building permit.

In an effort to mitigate the impacts of developing the two proposed lots, the petitioner has provided a preliminary Construction Management Plan (CMP), including standard blasting conditions. Through its different provisions, the CMP appears to address many of the concerns raised by adjacent property owners during the three community meetings. Should the Board choose to approve this petition, the Department of Planning and Development recommends a condition requiring the submission of a final Construction Management Plan prior to issuance of any building permit.

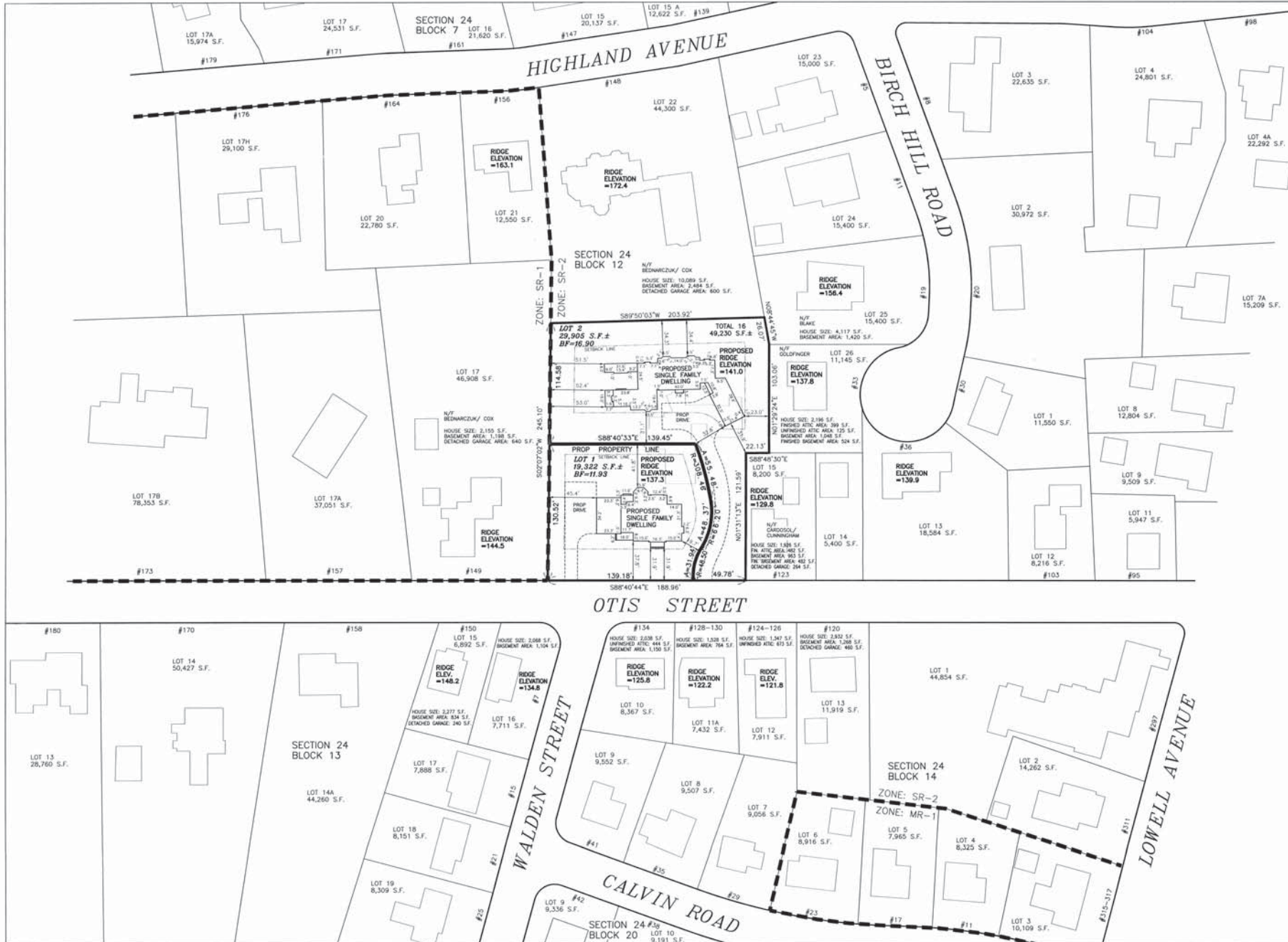
Following the submission of the revised Landscaping Plan and Tree Management Report, the Director of Urban Forestry met with the petitioner and Kray Small on-site to assess the proposed removal and planting of trees. As a result of that visit and the information provided, a Tree Removal Permit was issued for the project by the Director of Urban Forestry on August 13, 2013. The proposed planting plan will be presented by the Department of Planning and Development at the Work Session.

**Engineering Review.** Should the Board choose to approve this petition, a condition is recommended that requires the review and approval of the revised Site Plan by the Engineering Division of Public Works and the Department of Planning and Development prior to issuance of any Building Permit for the project.

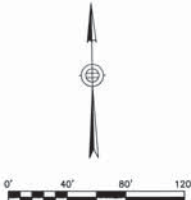
**Recommendation.** Based on these submittals, the Department of Planning and Development recommends **approval with conditions**.

#### **ATTACHMENTS**

- Attachment A:** Revised Site Drawings
- Attachment B:** Revised Construction Management Plan, including blasting conditions
- Attachment C:** Revised Landscape Plan
- Attachment D:** Tree Management Report and Tree Removal Permit



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SECTION 24  
 BLOCK 12  
 LOT 16



**SITE PLAN OF LAND IN  
 NEWTON, MA**  
 151 OTIS STREET  
 RIDGE ELEVATIONS

OWNER/ APPLICANT:  
 FALLON CUSTOM HOMES & RENOVATIONS  
 171 RESERVOIR STREET  
 NEEDHAM, MA 02494  
 781-237-0505

SCALE: 1 IN. = 40 FT.  
 DATE: MAY 2, 2013  
 DRAWN: JF/ES  
 CHECK: BD & MKK

REVISIONS:		
5/2/13	LOT 1 REVISIONS	ES
7/1/13	VARIOUS REVISIONS	ES
9/3/13	VARIOUS REVISIONS	ES

PROJECT NO. 24096 SHEET 1 OF 4



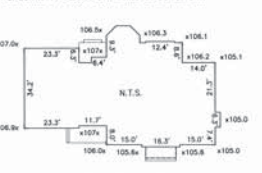
**GENERAL NOTES**

- ELEVATIONS REFER TO CITY OF NEWTON BASE, BENCHMARK, STONE BOUND ON OTIS STREET, ELEVATION = 107.97
- THE LOCATIONS AND ELEVATIONS OF ALL EXISTING UTILITIES SHALL BE CONSIDERED APPROXIMATE AND MUST BE VERIFIED BY THE CONTRACTOR PRIOR TO ANY CONSTRUCTION. THE CONTRACTOR SHALL VERIFY THE LOCATIONS OF ANY CROSSINGS OF PROPOSED AND EXISTING UTILITIES.
- MASSACHUSETTS STATE LAW REQUIRES UTILITY NOTIFICATION AT LEAST THREE BUSINESS DAYS PRIOR TO CONSTRUCTION. THE CONTRACTOR SHALL CALL 800-SAFE AT 1-888-344-7233 IN ORDER TO COMPLY WITH STATE LAW.
- ALL UTILITY CONSTRUCTION SHALL CONFORM TO THE CITY OF NEWTON GENERAL CONSTRUCTION DETAILS, LATEST EDITION, PREPARED AND ISSUED BY THE NEWTON ENGINEERING DEPARTMENT. COPIES MAY BE OBTAINED AT THE OFFICE OF THE CITY ENGINEER.
- NO WORK WITHIN ANY CITY OF NEWTON RIGHT-OF-WAY IS ALLOWED BETWEEN NOVEMBER 15TH AND APRIL 15TH IF AN EMERGENCY EXISTS OR THERE ARE OUTSTANDING OBLIGATIONS. THE APPLICANT MAY REQUEST PERMISSION FROM THE CITY ENGINEER, OR DESIGNEE FOR SUCH WORK.
- ALL CONSTRUCTION ACTIVITIES WITHIN THE CITY OF NEWTON RIGHT-OF-WAY MUST FULLY COMPLY WITH ALL CITY OF NEWTON CONSTRUCTION SPECIFICATIONS AS WELL AS 321 CMR 21.00 AND 22.00.
- PROPOSED SEWER PIPE SHALL BE 4" PVC SDR 35.
- PROPOSED WATER SERVICE SHALL BE 1" TYPE K COPPER.
- THIS PLAN IS THE RESULT OF AN INSTRUMENT SURVEY DONE ON THE GROUND.
- ALL WORK SHALL BE SUBJECT TO THE INSPECTION BY AND APPROVAL OF THE CITY ENGINEER.
- NO EXCAVATION SHALL BE MADE BY THE CONTRACTOR IN ANY PUBLIC WAY OR UTILITY EASEMENT UNLESS AT LEAST FORTY-EIGHT (48) HOURS, EXCLUSIVE OF SATURDAYS, SUNDAYS, AND HOLIDAYS BEFORE THE PROPOSED EXCAVATION IS TO BE MADE. HE WHO SUBMITTED BY REGISTERED MAIL, WRITTEN NOTICE OF THE PROPOSED EXCAVATION TO THE FOLLOWING:
  - SUCH PUBLIC UTILITY COMPANIES AS SUPPLY GAS, ELECTRICITY, AND TELEPHONE SERVICE IN THE CITY.
  - SUCH PUBLIC UTILITIES AS PROVIDE CABLE TELEVISION SERVICE IN THE CITY.
  - CITY OF NEWTON WATER & SEWER DEPARTMENT.
 AND A REASONABLY ACCURATE DESCRIPTION OF THE LOCATION OF THE EXCAVATION.
- THE CONTRACTOR SHALL PROVIDE CITY OF NEWTON POLICE OFFICERS FOR THE DIRECTION AND CONTROL OF TRAFFIC AS REQUIRED BY THE CITY ENGINEER.
- ALL TRENCHES IN TRUNK STREETS SHALL BE TEMPORARILY PATCHED WITH 1.5 INCH DEPTH OF BITUMINOUS CONCRETE, LAP HOT AND MAINTAINED UNTIL THE PERMANENT PATCH IS CONTROLLED.
- WITH THE EXCEPT OF GAS UTILITY TRENCHES, ALL UTILITY TRENCHES WITHIN ANY CITY OF NEWTON RIGHT-OF-WAY WILL BE BACKFILLED WITH TYPE E (LOCAL/MAXIMUM DENSITY) FILL, AS SPECIFIED BY THE CITY OF NEWTON ENGINEERING DEPARTMENT SPECIFICATIONS.
- WARNING SIGNS SHALL CONFORM TO PAGE 12 OF THE CITY OF NEWTON GENERAL CONSTRUCTION DETAILS.
- ALL TRENCHES, SUBSIDIARY OR OTHERWISE, SOIL MUST BE EXCAVATED AND REMOVED BELOW THE LEADING EDGE AND TO A DISTANCE OF 2' UNLESS OTHERWISE NOTED. THE SIDES OF THE AREAS, BACKFILL AS REQUIRED WITH A CLEAN GRANULAR SAND, FREE FROM ORGANIC MATTER AND DELETERIOUS SUBSTANCES. THE SAND SHALL HAVE A PERCOLATION RATE OF 2 MINUTES PER FOOT OR FASTER.
- IN CASES WHERE DEEP OR BULKHEADS ARE ENCOUNTERED, EVERETT M. BROOKS CO. WILL NOT BE RESPONSIBLE FOR THE ADEQUACY OF ROCK EXCAVATION.
- IF ANY PART OF THIS DESIGN IS TO BE ALTERED IN ANY WAY, THE DESIGN ENGINEER, AS WELL AS THE APPROVING AGENCIES, SHALL BE NOTIFIED BY WRITING BEFORE CONSTRUCTION.
- ALL OF THE ROOF RUNOFF FROM THE PROPOSED ROOF SURFACES SHALL BE COLLECTED BY GUTTERS AND DIRECTED TO THE PROPOSED LEACHING AREAS.
- BEFORE AN OCCUPANCY PERMIT BEING ISSUED, AN AS-BUILT PLAN SHOULD BE SUBMITTED TO THE ENGINEERING DIVISION IN BOTH DIGITAL, FORMAT AND HARD COPY. THE PLAN SHOULD SHOW ALL UTILITIES, AND DRAINAGE (INCLUDING BRICK-TED), EASEMENTS AND FENCE MARKING.
- THE APPLICANT WILL HAVE TO APPLY FOR A STREET OPENING & UTILITIES CONNECTION PERMITS AS WELL AS A SIDEWALK CROSSING PERMIT WITH THE CITY.
- THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE DESIGN ENGINEER FOR INSPECTIONS ON AS-BUILT LOCATIONS. EVERETT M. BROOKS CO. WILL NOT PROVIDE AS-BUILT CERTIFICATION OR UNANNOUNCED BACKFILLED UTILITIES. A MINIMUM OF 48 HOURS NOTICE IS REQUIRED PRIOR TO INSPECTIONS.
- WHENEVER THE PROPOSED SEWER PIPES DO NOT HAVE A MINIMUM OF 10' HORIZONTAL SEPARATION OR IS NOT AT LEAST 18" VERTICALLY BELOW THE EXISTING WATER PIPE, THE SEWER PIPE SHALL BE ENCASED IN CONCRETE.
- THE CONTRACTOR SHALL NOTIFY THE ENGINEERING DIVISION 48 HOURS IN ADVANCE AND SCHEDULE AN APPOINTMENT TO COMPLETE THE DRAINAGE SYSTEM. WATER & SEWER SERVICES NOTIFIED, THE SYSTEM & UTILITIES MUST BE FULLY EXPOSED FOR THE INSPECTOR. ONCE THE INSPECTOR IS SATISFIED, THE SYSTEM & UTILITIES MAY THEN BE BACKFILLED.
- THE EXISTING WATER & SEWER SERVICES SHALL BE CUT AND CAPPED AT THE MAIN AND BE COMPLETELY MAINTAINED UNTIL THE WORK IS PROPERLY BACKFILLED. THE ENGINEERING DIVISION MUST INSPECT THIS WORK; FAILURE TO HAVE THIS WORK INSPECTED MAY RESULT IN THE DELAY OF ISSUANCE OF THE UTILITY CONNECTION PERMIT.
- IF A CERTIFICATE OF OCCUPANCY IS REQUESTED PRIOR TO ALL SITE WORK BEING COMPLETED, THE APPLICANT WILL BE REQUIRED TO POST A CERTIFIED BOND CHECK IN THE AMOUNT TO COVER THE REMAINING WORK. THE CITY ENGINEER SHALL DETERMINE THE VALUE OF THE UNCOMPLETED WORK.
- ALL NEW SEWER SERVICE AND/OR STRUCTURES SHALL BE PRESSURE TESTED OR VOID FILLED AFTER FINAL INSTALLATION IS COMPLETE. METHOD OF FINAL INSPECTION SHALL BE DETERMINED SOLELY BY THE CONNECTION 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 COMPLETE. ALL TESTS MUST BE WITNESSED BY A REPRESENTATIVE OF THE CITY'S 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.
- ALL TRENCH EXCAVATION CONTRACTORS SHALL COMPLY WITH MASSACHUSETTS GENERAL LAWS CHAPTER 26A, 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 APPLICANT/CONTRACTOR SHALL RETAIN A QUALIFIED CONTRACTOR THAT SPECIALIZES IN CLOSED CIRCUIT TELEVISION (CCTV) INSPECTION OF DRAINAGE PIPES. TWO INSPECTIONS SHALL BE CONDUCTED: PRE-CONSTRUCTION & PRIOR TO APPROVAL OF THE BUILDING PERMIT AND POST-CONSTRUCTION. THE VIDEO TAPES/CD'S SHALL BE GIVEN TO THE REPRESENTATIVE OF THE ENGINEERING DIVISION AT THE END OF EACH INSPECTION. THE CONTRACTOR MUST PROVIDE A MINIMUM OF 48-HOUR NOTICE TO ALLOW A REPRESENTATIVE OF THE ENGINEERING DIVISION TO BE PRESENT AT THE TIME OF INSPECTION.
- PROPOSED DRAIN PIPE SHALL BE 8" PVC SCHEDULE 40.
- PROPOSED DRAIN BY OTHERS.
- ALL WATER CONNECTIONS SHALL BE COLORBAND & PRESSURE TESTED IN ACCORDANCE TO MAIN AND THE CITY OF NEWTON CONSTRUCTION STANDARDS AND SPECIFICATIONS PRIOR TO OPENING THE CONNECTION TO EXISTING PIPES.
- APPROVAL OF THE FINAL CONFIGURATION OF THE WATER SERVICES SHALL BE DETERMINED BY THE UTILITIES DEPARTMENT.
- ALL TREE REMOVAL SHALL COMPLY WITH THE CITY'S TREE ORDINANCE.
- THE APPLICANT WILL HAVE TO APPLY FOR A BUILDING PERMIT WITH THE DEPARTMENT OF INSPECTORAL SERVICES PRIOR TO ANY CONSTRUCTION.
- LOT 2 PROPOSED DWELLING SHALL BE FULLY SPRINKLERED.
- TOTAL AREA OF DISTURBANCE (INCLUDING BOTH LOTS) = 41,300 S.F. (0.93 ACRES)

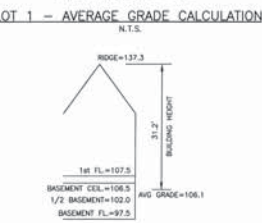
**LOT 1 - ZONING INFORMATION**

ZONE: SR-2 (NEW LOT)	
PREVIOUS PLAN DATED: OCTOBER 5, 1908	
DEED REFERENCE: BOOK 1347 PAGE 230	
LOT AREA	19,322 S.F. ±
LOT AREA PER/UNIT	15,000 S.F. MIN.
FRONTAGE	136.11 FT.
SETBACKS	
FRONT	31.9'
SIDE	30' MIN.
REAR	15' MIN.
REAR	34.4'
REAR	15' MIN.
FAR	0.18
FAR	0.20 MAX.
BUILDING HEIGHT	27.3'
STORIES	2
LOT COVERAGE	13.7%
OPEN SPACE	72% ±
BUILD FACTOR	11.93
BUILDINGS	3,401 S.F.
STRUCTURES	3,410 S.F. ±
DRIVE	2,884 S.F. ±
	4,544 S.F. ±

- NOTES**
- AREAS FOR F.A.R. CALCULATION PROVIDED BY ARCHITECT
  - ZONING COMPLIANCE DETERMINED BY MUNICIPALITY.



**LOT 1 - AVERAGE GRADE CALCULATION**  
N.T.S.

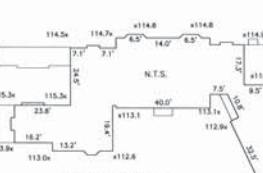


**LOT 1 - BUILDING HEIGHT DETAIL**  
N.T.S.

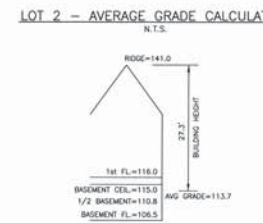
**LOT 2 - ZONING INFORMATION**

ZONE: SR-2 (DEAR LOT)	
PREVIOUS PLAN DATED: OCTOBER 5, 1908	
DEED REFERENCE: BOOK 1347 PAGE 230	
LOT AREA	29,905 S.F. ±
LOT AREA PER/UNIT	18,000 S.F. MIN.
FRONTAGE	49.78'
SETBACKS	
FRONT	31.1'
SIDE	30' MIN.
REAR	23' MIN.
REAR	54.4'
FAR	0.18
FAR	0.20 MAX.
BUILDING HEIGHT	27.3'
STORIES	2
LOT COVERAGE	13.7%
OPEN SPACE	72% ±
BUILD FACTOR	16.90
BUILDINGS	4,036 S.F.
STRUCTURES	4,036 S.F. ±
DRIVE	7,930 S.F. ±
	12,864 S.F. ±

- NOTES**
- AREAS FOR F.A.R. CALCULATION PROVIDED BY ARCHITECT
  - ZONING COMPLIANCE DETERMINED BY MUNICIPALITY.



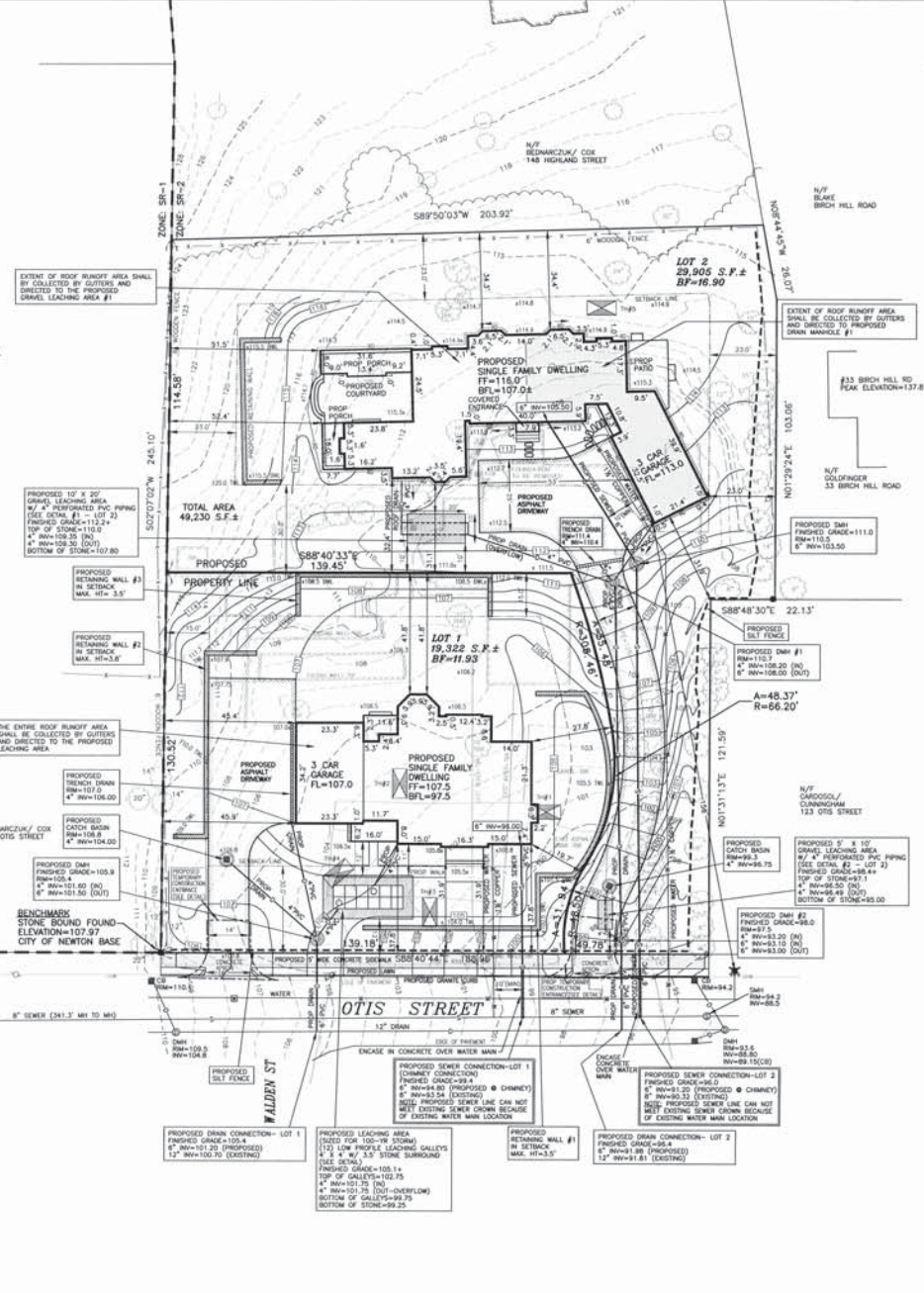
**LOT 2 - AVERAGE GRADE CALCULATION**  
N.T.S.



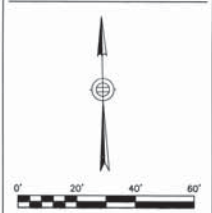
**LOT 2 - BUILDING HEIGHT DETAIL**  
N.T.S.

**SOIL LOG:**

TEST HOLE #1 (TH#1) MAY 17, 2013 ELEVATION = 103.8	0'-12" A SANDY LOAM 12'-30" B SANDY LOAM 30'-48" C SANDY LOAM 48' REFUSAL
TEST HOLE #2 (TH#2) AUGUST 27, 2013 ELEVATION = 103.8	0'-30" C SANDY LOAM 30' REFUSAL
TEST HOLE #3 (TH#3) AUGUST 27, 2013 ELEVATION = 101.6	0'-8" GRAVEL & ASPHALT 8'-20" A SANDY LOAM 20'-30" B SANDY LOAM 30'-60" C SANDY LOAM 60' REFUSAL
TEST HOLE #4 (TH#4) AUGUST 27, 2013 ELEVATION = 103.3	0'-8" GRAVEL & ASPHALT 8'-20" A SANDY LOAM 20'-30" B SANDY LOAM 30'-60" C SANDY LOAM 60' REFUSAL
TEST HOLE #5 (TH#5) AUGUST 27, 2013 ELEVATION = 103.8	0'-30" C SANDY LOAM 30' REFUSAL



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- LEGEND**
- UTILITY POLE
  - WATER GATE
  - HYDRANT
  - GAS GATE
  - SEWER MANHOLE
  - DRAIN MANHOLE
  - CATCH BASIN
  - LIGHT POLE
  - SIGN
  - TBR TO BE REMOVED
  - TBA TO BE ABANDONED
  - TOW TOP OF WALL
  - BTM BOTTOM OF WALL
  - PHI PERCOLATION TEST
  - 714.3 SPOT ELEVATION
  - PROPOSED CONTOUR
  - EXISTING CONTOUR
  - DRAIN LINE
  - ROOF DRAIN
  - FLOOD PROTECTION DRAIN
  - WATER LINE
  - SEWER LINE
  - GAS LINE
  - FENCE
  - STONE WALL
  - TRE LINE



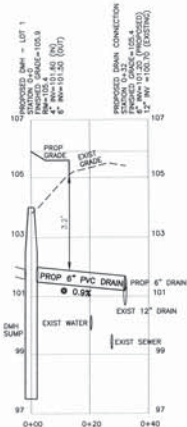
**SITE PLAN OF LAND IN NEWTON, MA**

131 OTIS STREET  
LAYOUT & UTILITY PLAN  
OWNER/ APPLICANT:  
FALLOU CUSTOM HOMES & RENOVATIONS  
171 RESERVOIR STREET  
NEEDHAM, MA 02494  
781-237-0500

SCALE: 1" IN. = 20' FT.  
DATE: MAY 2, 2013  
DRAWN: J.T.S.  
CHECK: BD & MSA

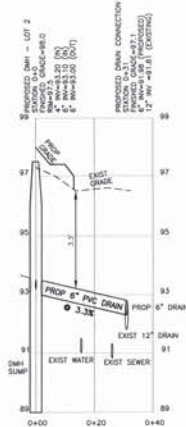
REVISIONS:		
3/21/13	LOT 1 REVISIONS	ES
7/1/13	VARIOUS REVISIONS	ES
9/3/13	VARIOUS REVISIONS	ES

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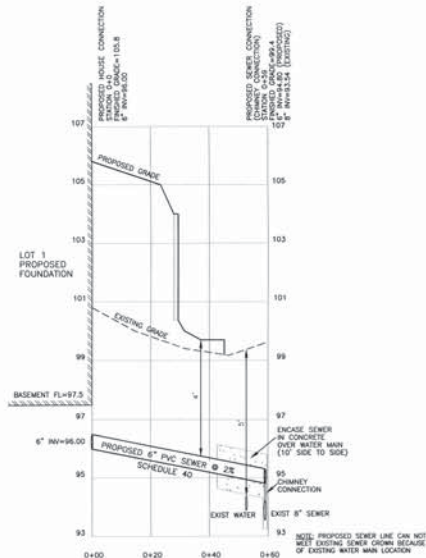
**PROPOSED DRAIN CONNECTION - LOT 1**

VERTICAL SCALE: 1 IN. = 2 FT.  
 HORIZONTAL SCALE: 1 IN. = 20 FT.



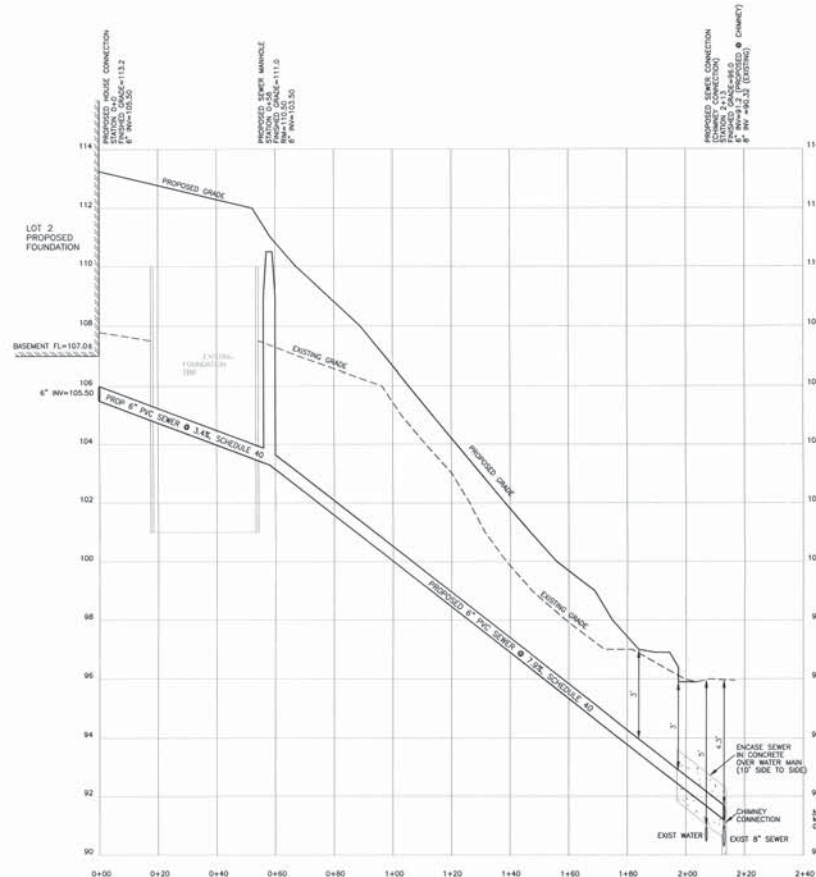
**PROPOSED DRAIN CONNECTION - LOT 2**

VERTICAL SCALE: 1 IN. = 2 FT.  
 HORIZONTAL SCALE: 1 IN. = 20 FT.



**PROPOSED SEWER CONNECTION - LOT 1**

VERTICAL SCALE: 1 IN. = 2 FT.  
 HORIZONTAL SCALE: 1 IN. = 20 FT.



**PROPOSED SEWER CONNECTION - LOT 2**

VERTICAL SCALE: 1 IN. = 2 FT.  
 HORIZONTAL SCALE: 1 IN. = 20 FT.



**SITE PLAN OF LAND IN NEWTON, MA**

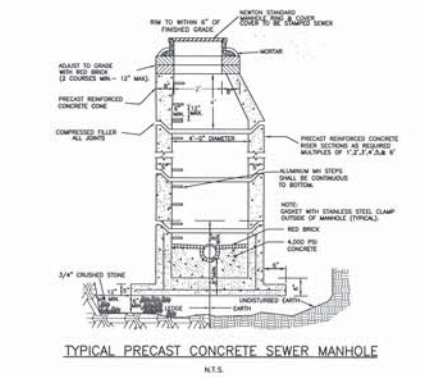
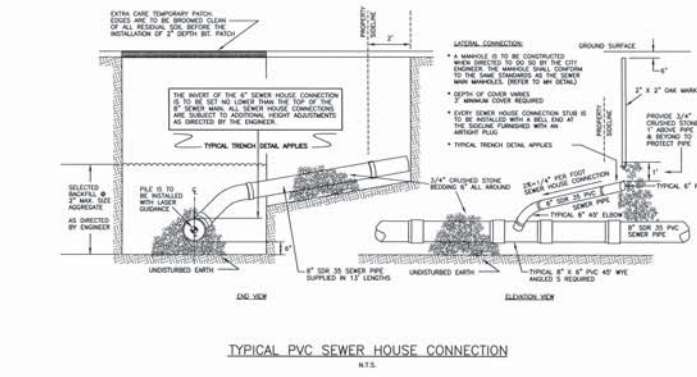
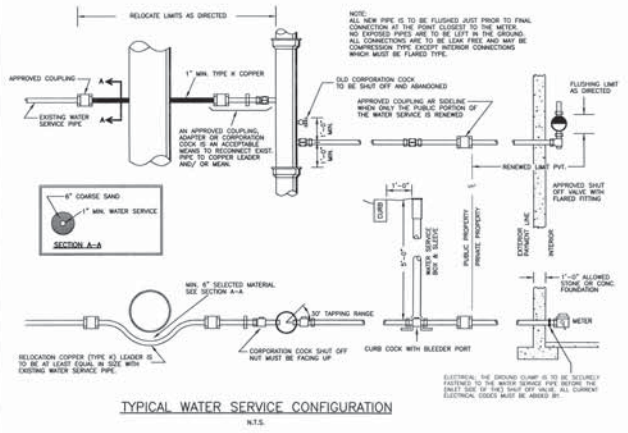
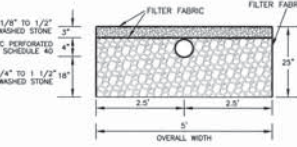
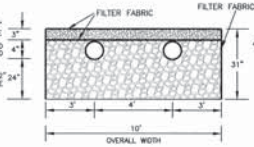
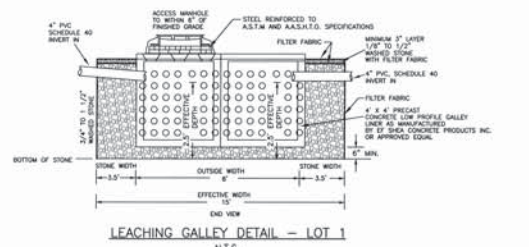
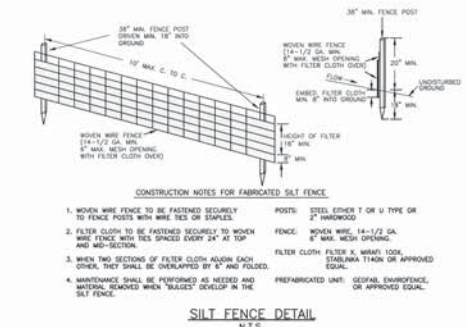
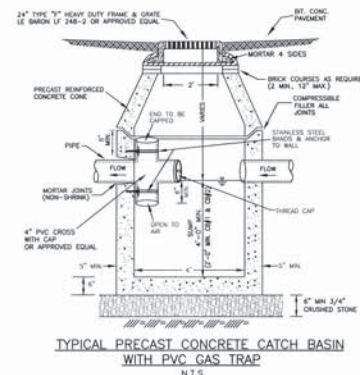
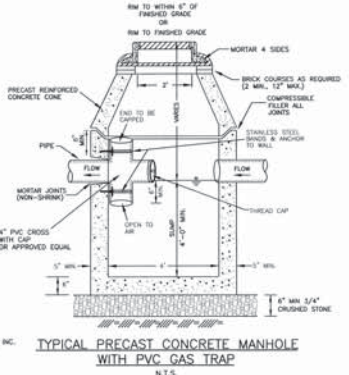
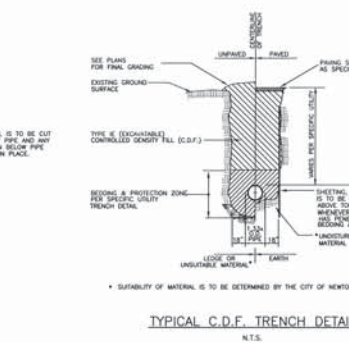
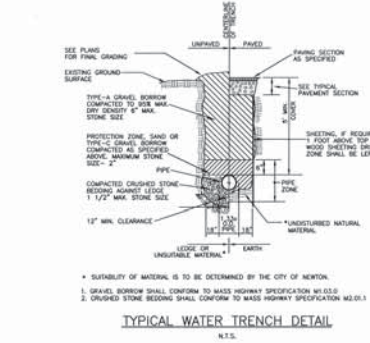
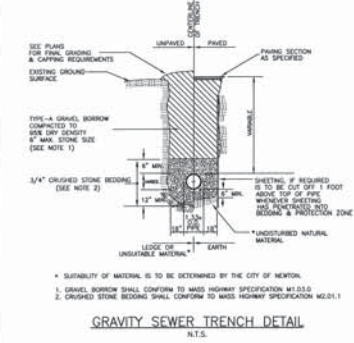
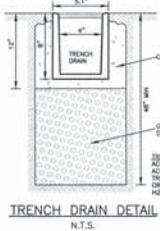
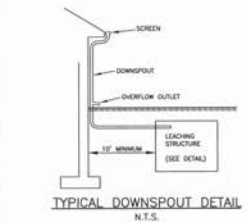
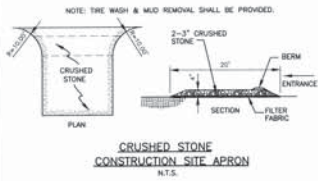
131 OTIS STREET PROFILES

OWNER/ APPLICANT:  
 FALLON CUSTOM HOMES & RENOVATIONS  
 171 RESERVOIR STREET  
 NEEDHAM, MA 02464  
 781-237-0505

SCALE:	1 IN. = 20 FT.	
DATE:	MAY 2, 2013	
DRAWN:	JF/ES	
CHECK:	DD & MSK	
REVISIONS:		
5/21/13	LOT 1 REVISIONS	ES
7/1/13	VARIOUS REVISIONS	ES
9/3/13	VARIOUS REVISIONS	ES

PROJECT NO. 24096 SHEET 3 OF 4





**SITE PLAN OF LAND IN  
 NEWTON, MA**  
 131 OTIS STREET  
 DETAIL S

OWNER/ APPLICANT:  
 FALLON CUSTOM HOMES & RENOVATIONS  
 171 RESERVOIR STREET  
 NEEDHAM, MA 02494  
 781-237-0505

SCALE: 1 IN. = 20 FT.  
 DATE: MAY 2, 2013  
 DRAWN: JFC  
 CHECK: DD & MSK

REVISIONS:		
5/21/13	LOT 1 REVISIONS	ES
7/1/13	VARIOUS REVISIONS	ES
9/3/13	VARIOUS REVISIONS	ES

**PRELIMINARY CONSTRUCTION MANAGEMENT PLAN**

PROJECT DESCRIPTION: REAR LOT SUBDIVISION WITH TWO DETACHED SINGLE FAMILY HOMES  
 DEVELOPMENT PROJECT LOCATION: 131 OTIS STREET, NEWTONVILLE, MASS.

DATE OF PLAN: September 4, 2013

**This is a preliminary construction management plan, and a more detailed final Construction Management Plan (“CMP”) shall be submitted by the Petitioner with the application for a building permit in accordance with the provisions of Board Order 218-13(2). The final CMP shall at a minimum contain the following provisions:**

1. The staging area and holding area for construction of 131 Otis Street will be located within the site so as to ensure safe and efficient construction with a minimum disruption to pedestrians and automobile traffic in the area, and so as to prevent the queuing of trucks waiting to deliver materials.
  
2. The contractor, subcontractors, and their respective employees shall try to limit the impacts of construction traffic and truck noise on adjacent residences along Otis Street through the enforcement of truck access in the following manner:
  - A. Construction vehicles and equipment of all types for access to the site shall only use those streets specifically designated by the City of Newton Planning Department and Newton Police Department.
  
  - B. Petitioner shall take appropriate steps to prevent vehicles exiting the site from carrying mud or construction debris onto surrounding streets.
  
3. Construction hours, excluding interior work after a building has been fully enclosed, shall be limited to Monday through Friday 7 AM to 6 PM and Saturdays 9 AM to 5 PM. There will be no on site construction on Sundays and holidays except in cases of emergencies.
  
4. All drainage will be contained on site during construction. Erosion and sedimentation controls will be utilized to minimize construction disturbances to the site and to prevent such disturbances to abutting properties in accordance with the standard City of Newton Regulations and construction details, as approved by the City Engineer, and shall be in place before the commencement of excavation or earth removal.
  
5. To reduce emissions of fugitive dust and to minimize impacts on the local environment, a number of strictly enforced mitigation measures will be adhered to. These include:
  - A. Using wetting agents on areas of exposed soil on a scheduled basis or as required;
  - B. Using covered trucks for transportation of excavated material;
  - C. Locating aggregate storage piles away from pedestrian activity and as far away as practical from residences on abutting properties;
  - D. Minimizing storage of debris on-site;
  - E. Monitoring of actual construction practices to ensure that unnecessary transfers and mechanical disturbances of loose materials are minimized;
  - F. Periodic street and sidewalk cleaning to minimize dust accumulations;
  - G. Controlling construction vehicles operating speeds on-site to minimize generation of dust.



6. Noise control and reduction measures
  - A. Noise levels at the site shall comply with the City's Noise Control Ordinance, Section 20-13.
  - B. Noise from heaters used during construction in winter conditions shall comply with the City's Noise Control Ordinance and any plastic sheeting used for weather protection shall be securely tied down to prevent flapping.
  - C. Staging activities will be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities will be conducted as far as practical from abutting residential properties. In addition, storage of bulk materials may be used as an intervening barrier between noise producing activities and noise sensitive locations. Additional methods to mitigate noise at the construction site include:
    - i.) Use of appropriate mufflers on all equipment;
    - ii.) Installing enclosures around the work area where stationary equipment is being used;
    - iii.) Replacing specific construction operations and techniques by less noisy ones – e.g. using welding instead of riveting;
    - iv.) Selecting the quietest of alternate items of equipment – e.g. electric instead of diesel powered equipment, hydraulic tools instead of pneumatic impact tools, where possible on the site and where available, for the work to be performed;
    - v.) Scheduling equipment operations to keep aggregate noise levels low, to synchronize noisiest operations with times of highest ambient levels, and to maintain relatively uniform noise levels;
    - vi.) Turning off idling equipment; and
    - vii.) Locating noisy equipment as far as possible from sensitive areas.
7. Construction security fencing shall be installed and maintained along the perimeter of the site during construction. The site shall be gated at the front of the access/egress driveways at Otis Street.
8. The Petitioner shall carry out rodent inspection, monitoring and treatment before, during and at the completion of all demolition and foundation work for the proposed project. Rodent extermination prior to work start-up will consist of treatment of areas throughout the project areas, including interior and exterior of all building. During the construction process, regular service visits will be made in order to maintain effective rodent control levels. All rodent control activities will follow Integrated Pest Management practices.
9. Petitioner shall provide a tree preservation/protection plan to define the proposed method for protection of existing trees on the site that are marked “to be preserved” on the tree preservation plan.
10. The CMP shall designate a Project Manager with responsibility for all matters pertaining to the implementation of the construction management plan. The Project Manager will be identified to the Police Department, the Commissioner of Inspectional Services, the Aldermen and the abutters as the contact person for the project, and the Project Manager will provide the foregoing with telephone numbers for 24-hour, seven days a week communication. Throughout the pre-construction phase, the contractor will troubleshoot all aspects of the project to ensure an efficient jobsite mobilization while keeping the construction zone safe at all times. The site will be secured, isolated, and signed.

Dated: September 4, 2013

**STANDARD BLASTING CONDITIONS  
FOR  
SPECIAL PERMIT/SITE PLAN APPROVALS  
RE: Special Permit # 218-13(2)**

If blasting is to occur in connection with projects receiving Special Permit/Site Plan approvals that reference these Standard Blasting Conditions, then all blasting and drilling for the driveway, utility trenches, service trenches and/or structures, whenever, they are built, shall be carried out in accordance with federal, state and local blasting permit practices, and in accordance with the following conditions:

a. Selection of the Blasting Contractor

A blasting contractor, acceptable to both the Petitioner or his successors and assigns and the Newton Fire Department, shall be selected after review of the qualifications of such contractor by a qualified independent geotechnical blasting consultant who shall also be acceptable to both the Petitioner and or his successors and assigns and the Newton Fire Department.

b. Independent Blasting Consultant

An independent geotechnical-blasting consultant shall be selected and paid for by the Petitioner or his successors and assigns, subject to the approval of the Newton Fire Department. The consultant shall review the qualifications of the blasting contractor, and review the blasting plan prepared by the blasting contractor, check the calibration of the seismograph monitors, approve the location and installation of the seismograph monitors, and, if required by the Newton Fire Department, shall determine the blast limits throughout the blast period and shall consult with the Newton Fire Department on an as-needed basis throughout the blasting period.

c. Preblast Survey

A preblast survey shall be done in accordance with State law for the interior and exterior of all structures within 275 feet of the blast area.

d. Insurance Coverage

The blasting contractor shall carry at least \$2 million in comprehensive liability insurance for damage to structures caused by underground explosion and collapse hazard. A certificate shall be submitted to the Newton Fire Department by the contractor documenting that the required coverage will be in force for the duration of the blasting at the site. If there is a general contractor or developer associated with the blasting, each shall carry a minimum of \$2 million of comprehensive liability insurance.

e. Blasting Limits

The blasting contractor shall set charges at one-half (1/2) of the State blasting limits. However, if, based upon the recommendation of the independent blasting consultant, the Newton Fire Department feels that a lower limit is necessary to protect the site and the abutting residential neighbors, that lower limit shall be in effect.

f. Notification

Not less than 72 hours prior to the commencement of any period of blasting, the Petitioner or his successors and assigns shall send written notification to the immediate abutters within 275 feet of the blast area stating when the blasting period will begin. Such notification shall include an explanation of the warning procedures for blasting including soundings. The Petitioner or his successors and assigns shall send another letter notifying the same abutters that the blasting period has been completed. If these immediate abutters provide email addresses, then notifications may be given by email.





Kray

Best

Call me if you have questions Peter.

provided the tree warden agrees to them.

denoted in amber, your total liabilities is 140". Everything denoted in red are to be removed without mitigation, Please find attached the work sheet I did for 131 Otis Street, Newton, MA. By adding all the DBH of trees in

Good Morning Peter,

**Attachments:** 131 Otis work sheet.docx

**Subject:** 131 Otis Street Newton, MA

**To:** Peter Fallon

**Sent:** Wednesday, July 31, 2013 6:20 AM

**From:** Kray Small [ksmall4214@charter.net]

---

Peter Fallon

Tree #	Species	Common name	DBH	G/R	Comments
1.	Acer platanoides	Norway Maple	18"	R	Broken top/column of decay*
2.	Picea abies	Norway Spruce	20"	R	Storm damage*
3.	Tsuga canadensis	Canadian Hemlock	12"	R	Hemlock Woolly Adelgid*
4.	Picea abies	Norway Spruce	20"	G	
5.	Picea abies	Norway Spruce	20"	G	
6.	Picea abies	Norway Spruce	20"	G	
7.	Tsuga canadensis	Canadian Hemlock	12"	R	Hemlock Woolly Adelgid*
8.	Picea abies	Norway Spruce	20"	G	
9.	Picea abies	Norway Spruce	16"	R	Crooked base/decay/canker*
10.	Picea abies	Norway Spruce	20"	R	Lower stem decay/canker*
11.	Tsuga canadensis	Canadian Hemlock	18"	R	Hemlock Woolly Adelgid*
12.	Picea abies	Norway Spruce	18"	G	
13.	Scrub under 8"		>8"	R	
14.	Scrub under 8"		>8"	R	
15.	Acer platanoides	Norway Maple	18"	G	
16.	Picea abies	Norway Spruce	20"	R	Bark inclusion*
17.	Scrub		>8"	R	
18.	Acer saccharum	Sugar Maple	22"	R	cables*
19.	Acer saccharum	Sugar Maple	22"	R	cables*
20.	Picea abies	Norway Spruce	10"	R	over grown top sparse canopy*
21.	Quercus rubra	Red Oak	15"	F	
22.	Acer platanoides	Norway Maple	15"	G	
23.	Scrub		>8"	R	
24.	Acer platanoides	Norway Maple	17"	G	

The following species of trees 8" DBH and above, have been inventoried and have been located and numbered on an engineered print. Trees that have been identified as either being diseased or hazardous have been denoted by a red R and an \*. Pictures in the back of this report support suggested removals without mitigation. An amber (RM), suggests that the tree be removed with mitigations attached and a G suggests the tree remain and be protected throughout the construction process.

I, Kray A. Small, Massachusetts Certified Arborist, License # 1797, have been retained by Peter Fallon of Fallon Custom Homes & Renovations, from 171 Reservoir Street, Needham, MA, to develop a tree inventory for a property located at 131 Otis Street, in Newton, MA.

Town Of Newton

To whom it may concern,

June 10, 2013



Tree #	Species	Common name	DBH	GFP	Comments
25.	Scrub		>8"	R	
26.	Scrub	Burning bush	>8"	R	
27.	Quercus rubra	Red Oak	20"	G	
28.	Acer saccharum	Sugar Maple	14"	G	
29.	Quercus rubra	Red Oak	16"	G	
30.	Acer rubrum	Red Maple	15"	G	
31.	Picea abies	Norway Spruce	8"	G	
32.	Prunus serotina	American Cherry	16"	G	
33.	Picea abies	Norway Spruce	14"	G	
34.	Picea abies	Norway Spruce	18"	G	
35.	Picea abies	Norway Spruce	8"	G	
36.	Pinus strobus	White Pine	16"	R	Roots compromised
37.	Picea abies	Norway Spruce	10"	G	
38.	Picea abies	Norway Spruce	12"	G	
39.	Pinus strobus	White Pine	14"	G	
40.	Quercus rubra	Red Oak	22"	G	
41.	Acer platanoides	Norway Maple	>8"	R	
42.	Carya glabra	Pignut Hickory	24"	G	remove overgrowth*
43.	Quercus rubra	Red Oak	18"	R	root rot*
44.	Quercus rubra	Red Oak	18"	R	canker at base root rot*
45.	Quercus rubra	Red Oak	30"	R	canker at base root rot*
46.	Quercus rubra	Red Oak	20"	R	root rot*
47.	Acer platanoides	Norway Maple	10"	R	bitter sweet engulfed canopy*
48.	Acer saccharum	Sugar Maple	>8"	R	REMOVAL
49.	Pinus strobus	White Pine	22"	KM	REMOVAL WITH MITIGATION
50.	Pinus strobus	White Pine	20"	KM	REMOVAL WITH MITIGATION
51.	Picea abies	Norway Spruce	10"	KM	REMOVAL WITH MITIGATION
52.	Picea abies	Norway Spruce	27"	R	cytosporia canker*
53.	Picea abies	Norway Spruce	12"	KM	REMOVAL WITH MITIGATION
54.	Picea abies	Norway Spruce	14"	R	cytosporia canker*
55.	Quercus rubra	Red Oak	18"	R	Broken top/canker at base*
56.	Carya glabra	Pignut Hickory	16"	R	large cavity; column of decay*
57.	Acer saccharum	Sugar Maple	>8"	R	REMOVAL
58.	Acer platanoides	Norway Maple	12"	G	
59.	Acer platanoides	Norway Maple	12"	R	Cavities 10' & 20' main stem*
60.	Quercus rubra	Red Oak	16"	R	Dead*
61.	Acer platanoides	Norway Maple	16"	G	
62.	Acer platanoides	Norway Maple	9"	R	Canker on main stem*
63.	Carya glabra	Pignut Hickory	16"	R	Canker on main stem*
64.	Acer platanoides	Norway Maple	18"	G	

Tree #	Species	Common name	DBH	GFP	Comments
65.	Acer saccharum	Sugar Maple	9"	R	Canker on main stem*
66.	Acer saccharum	Sugar Maple	20"	R	20' column of decay*
67.	Pinus strobus	White Pine	18"	RM	REMOVAL WITH MITIGATION
68.	Quercus rubra	Red Oak	15"	G	
69.	Acer platanoides	Norway Maple	22"	G	
70.	Morus alba	Common Mulberry	22"	R	Cabled/decay*
71.	Juniperus virginiana	Eastern Red Cedar	20"	R	REMOVAL within 5' of dwelling
72.	Malus spp.	Crab Apple	20"	R	Cabled/decay*
73.	Scrub			R	
74.	Scrub			R	
75.	Acer saccharum	Sugar Maple	26"	G	
76.	Scrub			R	
77.	Acer saccharum	Sugar Maple	12"	G	
78.	Scrub			R	
79.	Picea abies	Norway Spruce	8"	R	Cytosporia canker*
80.	Picea abies	Norway Spruce	10"	R	Cytosporia canker*
81.	Picea abies	Norway Spruce	15"	R	Cytosporia canker*
82.	Picea abies	Norway Spruce	15"	R	Cytosporia canker*
83.	Picea abies	Norway Spruce	8"	R	Cytosporia canker*
84.	Picea abies	Norway Spruce	10"	R	Cytosporia canker*
85.	Picea abies	Norway Spruce	13"	R	Cytosporia canker*
86.	Picea abies	Norway Spruce	15"	R	Cytosporia canker*
87.	Picea abies	Norway Spruce	10"	RM	
88.	Picea abies	Norway Spruce	12"	RM	
89.	Picea abies	Norway Spruce	13"	R	Cytosporia canker*
90.	Picea abies	Norway Spruce	10"	RM	
91.	Picea abies	Norway Spruce	12"	R	Broken top/canker*
92.	Picea abies	Norway Spruce	14"	R	Bark inclusion/ canker*
93.	Picea abies	Norway Spruce	13"	R	Cytosporia canker*
94.	Picea abies	Norway Spruce	13"	R	Cytosporia canker*
95.	Picea abies	Norway Spruce	15"	RM	
96.	Picea abies	Norway Spruce	11"	RM	
97.	Picea abies	Norway Spruce	8"	R	Cytosporia canker*
98.	Picea abies	Norway Spruce	24"	R	Bark inclusion/canker*

removal of scrub under 8"

Pictures

G Tree is in good condition

R Removal without mitigation

F Removal with mitigation

Fair

Photos of diseased and hazard trees 131 Otis Street, Newton MA

Photo #1

Tree #1 Norway Maple, left, and tree #2 Norway Spruce are shown. An arrow points to cavity in maple about 6' high in main stem. The top of the spruce has been blown off due to a cytosporia canker in the main stem at the point of the break.

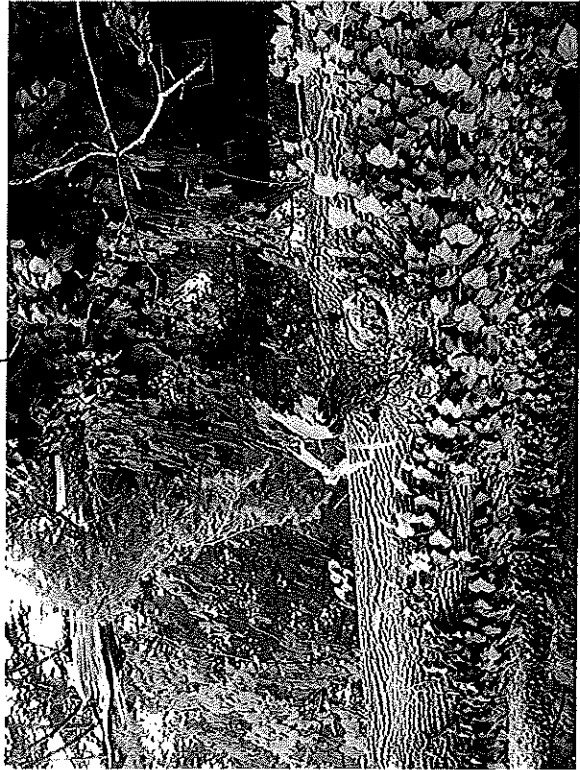


Photo #2



Tree #1 stripped out leader from failed spruce



Tree # 9, Norway spruce crooked/ overgrown stem.



Photo #4

Tree #3 and Tree #7, Canadian hemlocks arrow points to sparse canopy due to insects, Hemlock Woolly Adelgid.

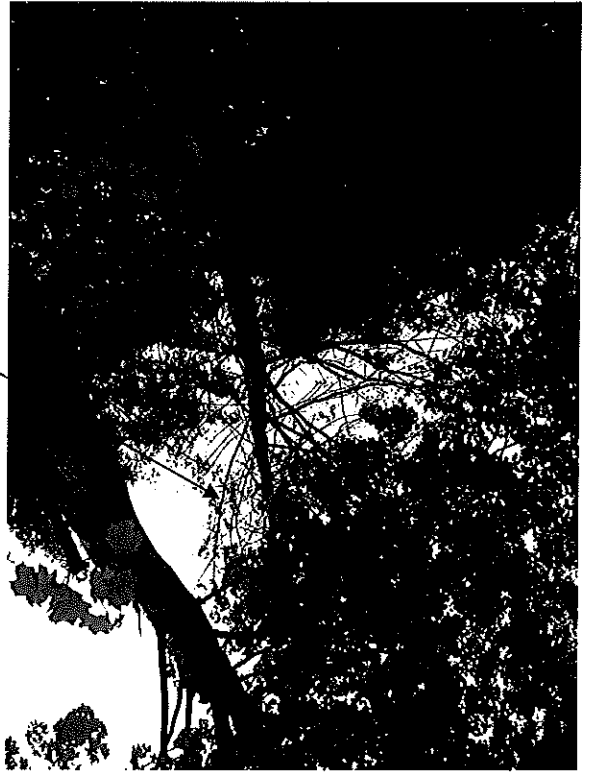


Photo #3

Tree #16 arrows points to bark inclusion towards base of Norway spruce



Photo #6

Tree #10 crooked stem Norway spruce



Photo #5



Photo #8- sugar maple, arrow points to bark inclusion from co-dominant leaders.



Photo #7 - Tree #18, sugar maple, arrow points to bacterial oozing from bark inclusion from co-dominant leaders.

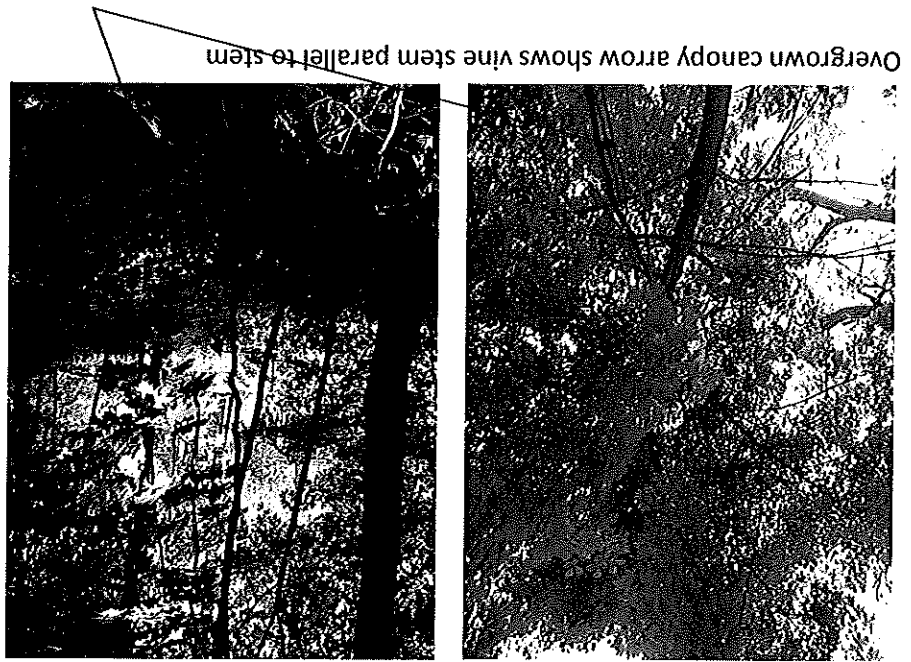




Photo#10-Trees #43, 44, 45, and 46 Red Oaks, trees are infected with shoe string root rot, arrow points rhizomorphs of the fungi. This is soil born, 2 oaks are already dead, the 2 left have canker at base.



Photo #9- tree #20 Norway spruce, overgrowth in tree sparse canopy



Overgrown canopy shows vine stem parallel to stem

Photo #11- tree #47 Norway maple over grown by bitter sweet

Swollen bark from cytosporia canker, same canker that caused Tree #2 to fail

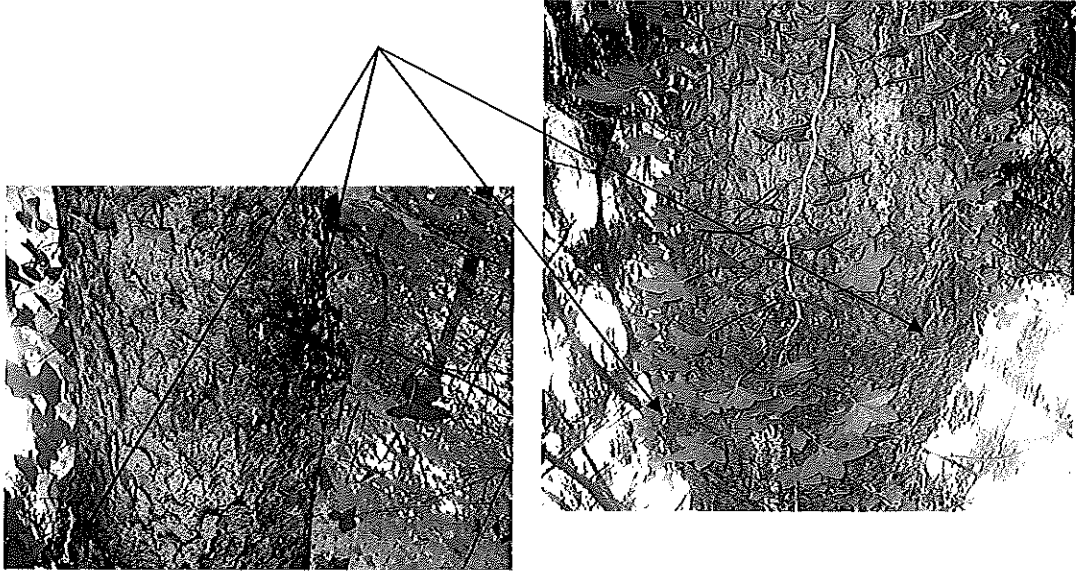
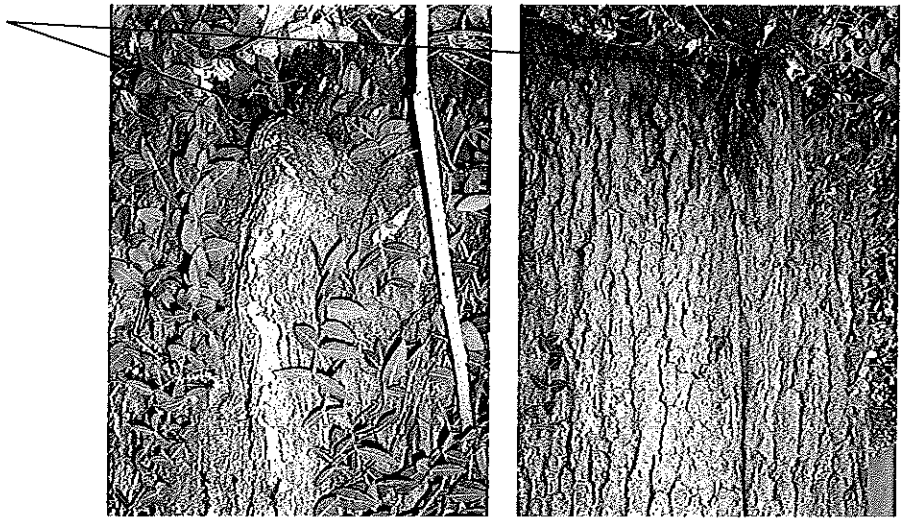


Photo #14 and #15- Trees #52 and 54, Norway spruce



Photo# 12 and #13-Trees #44 and 45, Red Oaks, canker at base of plants

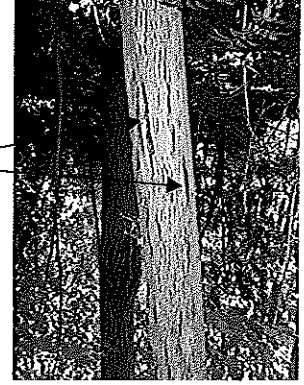


Photo #20-tree #62 Norway maple arrows show cankers.



Swollen trunk cause by canker or gall

Photo #21-tree #63 Pignut Hickory

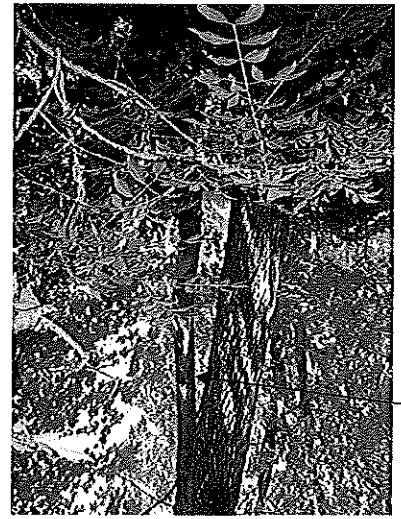


Photo # 18-tree #59 Norway maple

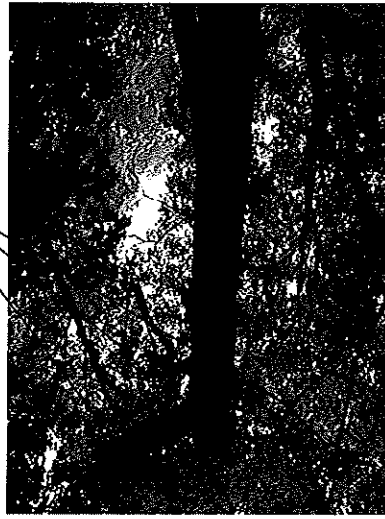


Photo # 19-tree #60 dead red oak arrow shows broken branches



Photo #16-Tree #55, Red Oak



Photo # 17-tree #56 Pignut Hickory arrow points to cavity at 20'



Photo #22 and #23-trees #65 and #66 sugar maples

Tree #65 has a canker that engulfs 50% of the main stem as arrow points out.

Tree #66 has major scaffold branches torn out allowing for a column of decay to enter main stem.



Tree #66



Tree #65

Photo #24-tree #70 Mulberry arrows points out bacterial oozing from main stem; tree is cabled



Cables



Photo #26-tree#72 crabapple with cables



Photo #25-tree #72 crabapple has numerous cavities of decay and cables holding the plant together

Trees #79-98 Norway spruces are all in some sort of decline caused either by disease, mechanical, or bad genetics. Most trees are predisposed to have cytosporia canker. It is recommended that the following trees be removed without mitigation. Trees #79-80-81-82-83-84-85-86 (#86 is the dead tree in the stand), 89-91-92-93-94-97 and 98.

Trees #87-88-90-95 and 96 could be removed but with mitigation attached.

The following photos are a sampling of infected trees along Otis Street:

Photo #27



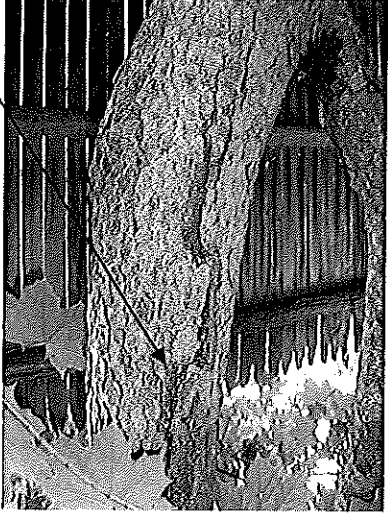
Tree #79 basal wound

Photo #28



Tree #80 bark inclusions

Photo #29



Tree #81 bleeding cytosporia canker

Photo #30

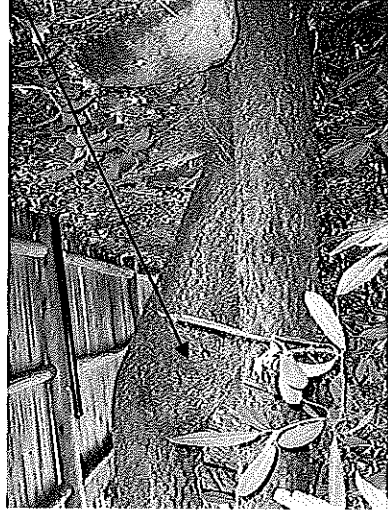


Tight crotch under 20 degrees with bark inclusions

Photo #31



Photo #32



Crooked stem

Sparse canopy



Photo #36

Swollen stem from cytosporia



Photo #37



Photo #38

Bleeding cytosporia canker



Photo #33

Canker at base of plant



Photo #34

Topped off trees for utilities



Photo #35

Kray A. Small, Massachusetts Certified Arborist #1797

Respectively Submitted,

Woodville, MA 01784.

If any questions arise, I may be reached by telephone at 508-328-4214 and by email [ksmall4214@charter.net](mailto:ksmall4214@charter.net) any other correspondence can be mailed to Kray Small P.O. Box 163,

Tree #91 broken top dual leader



Photo #39

Tree #94 bark inclusions



Photo #40

Tree #98 bark inclusions and cankers



Photo #41





**RECORD OF ACTION ON APPLICATION FOR  
TREE REMOVAL PERMIT**



SETTI D. WARREN  
MAYOR

Name of applicant: Fallon Custom Homes & Renovation

Property named in application: 131 Otis Street

Date application received by Tree Warden: 8/13/2013

The following action has been taken on this application:

Application is approved as submitted.  
 Permission is hereby granted to remove, transplant and/or replace protected trees to the extent indicated in the application. Any changes from this approved plan must be submitted for review and approval before work continues.

Application is approved with conditions.  
 Permission is hereby granted to remove, transplant and/or replace protected trees to the extent indicated in the application, except as indicated below. Any changes from this approved plan must be submitted for review and approval before work continues.

Application is incomplete.  
 No action will be taken on the application until the following information is submitted:

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Application is denied

Action taken by: *Marc R. Welch* Marc R. Welch, Director of Urban Forestry  
 (Tree Warden or designee)

Date of Action: 8/13/2013

For additional information, contact the Parks and Recreation Department at (617) 796-1500

Copy to:

- Inspectional Services Department
- Planning and Development Department

# APPLICATION FOR TREE REMOVAL PERMIT

## TREE PRESERVATION ORDINANCE

Sections 20-30 through 20-39, Revised Ordinances, City of Newton

Submit to Tree Warden, Newton Parks and Recreation Department,  
124 Vernon Street, Newton, MA 02458



I/We, Peter Fallon Development LLC

(Please print or type name or names)

owner(s) of 131 OTIS ST

(Please print or type address)

herby apply for a permit to remove see attached trees from this property,

equaling a total of see attached diameter inches measured 4.5 feet from the ground.

I/We have attached the following documents to this application, as the Tree Preservation Ordinance requires:

1. A Tree Removal Plan that indicates:

(a) The shape and dimensions of the parcel of real property to be developed, together with the existing and proposed locations of structures and improvements, id any.

(b) A tree plan showing the location, type and size of each protected tree indicating which protected tree(s) are to be removed, and the location, type and size of replacement trees.

(c) The proposed relocation of each existing protected tree AND the statement referenced in Item 2 below.

(d) The location of existing and proposed underground and overhead utility services, existing and proposed roadways (including driveways), bikeways, walkways and parking areas.

(e) Any proposed grade changes which might adversely affect or endanger a protected tree AND the statement referenced in Item 2 below.

(f) The proposed method of protecting the remaining protected trees during the course of construction in accordance with section 20-33 (e) of the Tree Preservation Ordinance. (Note: This section prohibits specific activities with in the drip line of a protected tree except as provided in a tree removal permit.)

2. A Statement prepared by a Certified Arborist explaining, as applicable:

(a) With respect to any protected tree which is to be relocated, how each such protected tree is to be relocated and maintained.

(b) With respect to any proposed grade change which might adversely affect or endanger any protected tree, how each such protected tree shall be protected and maintained

3. A check in the amount of fifty dollars (\$50.00), payable to the City of Newton.  
Note: Any payment to the Tree Replacement Fund must be made before Tree Removal Permit is granted.

Name of Building Inspector (if known): Buddy

By My/Our signature(s) below, I/We hereby certify that I am/We are the record owner(s) of the property referenced above. I/We understand that the City has no obligation to act on this application until it is deemed to be complete.

Applicant Name: Peter Fallon

(please print clearly)

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Applicant Signature: [Signature]  
Date: 8/13/13