



Setti D. Warren  
Mayor

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

135-12  
Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Candace Havens  
Director

M E M O R A N D U M

TO: LAND USE COMMITTEE OF THE BOARD OF ALDERMEN

FROM: CANDACE HAVENS, DIRECTOR OF PLANNING AND DEVELOPMENT  
EVE TAPPER, CHIEF PLANNER FOR CURRENT PLANNING ET  
DEREK VALENTINE, SENIOR PLANNER

RE: INFORMATION FOR JULY 17, 2012 WORKING SESSION

DATE: JULY 13, 2012

CC: PETITIONERS  
JOHN LOJEK, COMMISSIONER OF INSPECTIONAL SERVICES

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

PETITION #135-12

258 NEVADA STREET

PROPOSAL TO EXPAND A NONCONFORMING STRUCTURE AND EXCEED THE FAR FOR AN EXPANDED TWO-FAMILY DWELLING.

The petitioner is proposing to expand an existing two-family structure built circa 1870 to contain a total of two larger units. The FAR will increase from .31 to .57, where .48 is allowed by right. This project had a public hearing on June 12, 2012. Since the public hearing, the petitioner has submitted a revised site plan, a landscape plan, and a landscape elevation. At the working session, the following issues may be discussed:

- **Curb cuts.** The petitioner is proposing a parking plan that includes four curb cuts. One curb cut is located on Nevada Street and the other three curb cuts are located on Linwood Avenue. This proposed condition is in conflict with policy of the Commissioner of Public Works as well as sound planning principles. *As written in the Engineering Division's memo for this project, The Commissioner will not approve more than three curb cuts on the property unless the petitioner provides ADA compliant pedestrian ramps at all four corners of the intersection of Nevada Street and Linwood Avenue (see ATTACHMENT A).* In addition, the Planning Department believes that this number of access points over a limited linear street frontage is not consistent with the City's goal of improving pedestrian safety and eliminates on-street parking opportunities in this neighborhood.

- **Sidewalk upgrade.** There is an existing concrete sidewalk and granite curb in satisfactory condition along the Linwood Avenue frontage, but none on the Nevada Street frontage. The petitioner has agreed to provide a concrete sidewalk and granite curb along the Nevada Street frontage. The most recent plan shows this sidewalk.
- **Landscape plan.** A landscape plan has been submitted along with a landscape elevation, which demonstrates how the landscaping will be used to mitigate the mass of the building, particularly when viewed from Linwood Avenue. In reviewing the landscaping plan, the Planning Department notes that many of the plantings will only be 2-2.5' at planting and will be ineffective at breaking up the mass of the building for many years. The petitioner should increase the size of the planting stock and provide more medium-height trees along the Linwood Avenue frontage to create more of an impact at the time of planting. Stepping back the addition further away from Linwood Avenue would effectively break up the massing of the structure.

The existing street trees appear to be in poor condition and will be further affected by the construction process. The petitioner should work in consultation with the Director of Urban Forestry to remove and replace the street trees along both street frontages as necessary.

**ATTACHMENT A:** Engineering Division Memo

**CITY OF NEWTON  
ENGINEERING DIVISION**

**MEMORANDUM**

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – #258 Nevada Street

Date: June 7, 2012

CC: Lou Taverna, PE City Engineer (via email)  
Linda Finucane, Associate City Clerk (via email)  
Eve Tapper, Chief Planner (via email)  
Derek Valentine, Planner (via email)

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

*Topographic Site Showing Proposed Conditions at  
#258 Nevada Street  
Newton, MA  
Prepared by: VTP Associates Inc.  
Dated: Feb. 13, 2012  
Revised: March 15, 2012*

*Executive Summary:*

The plan indicates that a single-family residence will be completely demolished and a two family unit will be constructed. There are 3 curb cuts proposed for off street parking & garage access along Linwood Avenue. Typically, the Commissioner of Public Work has a policy of limiting the number of curb cuts for a single lot. Since this proposal is a two family dwelling; and given the fact that there is no street parking during the winter months; the Commissioner will allow the three curb cuts, with two conditions. First, that new concrete sidewalk & granite curb is installed along the Nevada Street frontage; and second, the four pedestrian curb cuts (aka HP ramps) at the Linwood Ave. / Nevada St. intersection shall all be upgraded to current ADA & Architectural Access Board's and City of Newton Construction Standards as a Public Benefit.

4' Grade Change with Setbacks:

1. Details of the proposed retaining walls along the Linwood Avenue frontage, and the southerly property line are needed. The detail needs to show the wall construction, wall materials, footings, and how drainage from behind the walls will be addressed, as well as wall stability.
2. A City Street bound is not shown on the site plan, it MUST be located and its integrity maintained during and after construction. It is located at the intersection of the existing retaining wall along Nevada Street and Linwood Avenue.
3. Walls greater than four feet need a non-climbable safety fence along the top of the wall to prevent falls.

Construction Management:

1. The contractor of record shall ensure that the sidewalks along this property are passable at all time during construction. Any sidewalks damaged due to the construction of this project shall be replaced in-kind and constructed to Construction Standards.

Drainage:

1. A drainage analysis needs to be performed based on the City of Newton's 100-year storm event of 6-inches over a 24-hour period. All runoff from impervious areas need to be infiltrated on site. The plan indicates that there are on-site systems designed, however; no drainage calculations, nor on site soil testing has been submitted for review.
2. Test pits are required within 20 feet of EACH system that is proposed.
3. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
4. 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 Homeowners Association.

Sewer:

1. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the site and properly back filled. The Engineering Division must inspect this work; failure to having this work inspected my result in the delay of issuance of the Utility Connection Permit.
2. 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. The new sewer service and/or structures shall be pressure tested or video taped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. The sewer service will NOT be accepted until one of the two methods stated above is completed. 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.***

General:

1. The natural gas service to the existing dwelling is not shown on the plan, it is located off Nevada Street approximately 22' northerly from the existing chain link fence, this needs to be shown before any demolition takes place.
2. As of January 1, 2009, 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. All tree removal shall comply with the City's Tree Ordinance.
4. 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*

5. 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.*
6. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
7. 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.*
8. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *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.