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James Freas  
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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: September 23, 2014  
Land Use Action Date: October 21, 2014  
Board of Aldermen Action Date: December 15, 2014  
Action Expiration Date: December 15, 2014

DATE: September 19, 2014

TO: Board of Aldermen

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

COPIED: Planning & Development Board

SUBJECT: **Petition #102-06(11)**, CHESTNUT HILL REALTY DEVELOPMENT, LLC./KESSELER DEVELOPMENT, LLC., to amend Ordinance Z-37, dated November 17, 2008, which adopted a change of zone from SINGLE RESIDENCE 3 to MULTI RESIDENCE 3 conditional upon the exercise of Special Permit #102-06(9), for a parcel of land located on LaGrange Street, Ward 8, identified as Section 82, Block 37, Lot 95, and shown as Lot H-1 on a Subdivision Plan of Land in Newton MA, "Toomey-Munson & Associates, Inc.," dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102.

**Petition #102-06(12)**, CHESTNUT HILL REALTY DEVELOPMENT, LLC./KESSELER DEVELOPMENT, LLC., to AMEND SPECIAL PERMIT/SITE PLAN APPROVAL #102-06(9), granted on November 17, 2008, by constructing a 4-story, 80-unit multi-family building with accessory parking, driveway, and landscaping, including waivers from the maximum height requirement, various parking dimensions, lighting requirements, and signage on land located on LaGrange Street, Ward 8, known as Sec 82, Blk 37, Lot 95, shown as Lot H-1 on a Subdivision Plan of Land in Newton MA, "Toomey-Munson & Associates, Inc.," dated April 28, 2004, recorded with the Middlesex South County Registry of Deeds in Plan Book 2005, page 102, containing approximately 640,847 sf of land in a proposed Multi Residence 3 district. Ref: §§30-24, 30-23, 30-9(d), 30-15 Table 1 footnote 5, 30-19(h)(2)a), 30-19(h)(5)a), 30-19(j), 30-19(m), 30-20(l), 30-5(b)(4) of the City of Newton Rev Zoning Ord., 2012.

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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 Public hearing/Working Session.



**View of site from LaGrange Street.**

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### **EXECUTIVE SUMMARY**

The petitioner, Chestnut Hill Realty, LLC, is looking to develop a multi-family residential building on property located along LaGrange Street. The subject property consists of a vacant wooded lot comprised of approximately 640,847 square feet, or 14.7 acres, of land and is part of the Kessler Woods Subdivision. In order to construct the proposed multi-family residential building, the petitioner is seeking to amend the existing special permit via Board Order #102-06(10) for the Kessler Woods Residential Development project and waivers for deviations from certain design and dimensional controls. As proposed, the amended proposal consists of a four-story (the first floor is a partially below grade parking garage) multi-family building with 80-units of rental housing and 160 on-site parking spaces, most of which would be in an underground parking structure.

The site is currently zoned Single Residence 3, thus the petitioner is also seeking a zoning map amendment to change the zoning to Multi-Residence 3. In 2006, a similar zoning map amendment was granted under Ordinance Z-37, but was contingent on the exercise of the prior special permit. The zoning change is necessary for the proposed multi-family development, since multi-family developments are not allowed in the Single Residence 3 zoning district.

As proposed, the project is noticeably different from the previous proposal approved under Board Order #102-06(10). To minimize the off-site impacts of the development and to preserve nearby conservation lands, the petitioner is proposing a single structure to concentrate the development footprint on the site, integrate the mass of the building into the topography of the site, reduce the development footprint, and lessen off-site impacts through a reduced blasting plan. Although the number of units has increased, the average apartment size is smaller and the number of bedrooms has not increased significantly. Furthermore, the petitioner has committed to provide 12 affordable units consisting of six at 50% of area median income and six at 80% of area median income.

The Planning Department does not have any major concerns with the proposed multi-family development and the requested zoning map amendment. While the proposed structure will

largely be screened from view during much of the year, the Department is concerned about the visibility of the structure by residential neighbors. Thus, the Department encourages the petitioner to consider incorporating further variations of the building's facades and exterior treatments, to lessen the visual mass and impact of the proposed structure. The Department believes the project with a few minor changes can protect the nearby conservation lands and will not adversely impact the proximate residential neighbors.

## I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The proposed amendment of Ordinance Z-37, which authorized a change of zoning from Single Residence 3 to Multi-Residence 3, is appropriate.
- The site is an appropriate location for a multi-family development with 80-units of rental housing within a single multi-family structure. (§30-24(d)(1))
- The location, design, and massing of the proposed structure is compatible with the character of the surrounding neighborhood and will not adversely affect the surrounding neighborhood. (§30-24(d)(2))
- The proposed development will not cause a nuisance or be a serious hazard to vehicles or pedestrians in the surrounding neighborhood. (§30-24(d)(3))
- Access to the site over streets is appropriate for the types and numbers of vehicles that will be accessing the site. (§30-24(d)(4))
- The design, construction, maintenance, or long-term operation of the site and structure, which exceeds 20,000 square feet in gross floor area, will contribute significantly to the efficient use and conservation of natural resources and energy. (§30-24(d)(5))
- The proposed waivers to the dimensional and design controls for outdoor parking facilities are appropriate. (§30-19(h)(2)(a), §30-19(h)(5)(a), §30-19(j)(1)(a), and §30-19(m))
- The proposed sign waiver is reasonable based on the nature of the use of the premises, its location with reference to the street is such that a free-standing sign is necessary, and the exception should be permitted in the public interest. (§30-20(e)(3) and §30-20(l))

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Background

In early 2003, Boston Edison announced that it planned to sell its surplus property known as Kessler Woods. For many years, the City had identified Kessler woods as a conservation priority in the City's *Recreation and Open Space Plan*. It was also determined that the acquisition of the property would meet the Community

Preservation Act (CPA) and that CPA funds could be used as a source of financing to acquire the property. Then Mayor David B. Cohen established a working group to respond to Boston Edison's solicitation.

The City sought, through an extensive design and selection process, a co-bidder with whom the City could purchase the land. From the nine proposals received and after seeking community input, the working group selected Cornerstone Corporation. Their proposal included the development of individual single-family residences on separate lots on the northernmost portion of the site and multi-family and townhouse style structures that mimicked large single-family homes nestled into the existing topography on the southernmost portion of the site off LaGrange Street.

After a first round of sealed bids, Boston Edison invited the City and Cornerstone Corporation to submit a second and higher bid. The bid of \$15.1 million, with \$10.1 million provided by Cornerstone and \$5 million funded with CPA funds, proved to be the successful bid. Per the terms of the Cooperative Bidding Agreement (Agreement), Lot J and Lot H (now recorded as Lot J, Lot 11, and Lot H-1) of the Kessler Woods site were acquired by Cornerstone from Boston Edison. The development of Lot J, through an Approval Not Required Plan that was approved by the City Engineer in 2004 and a subdivision plan, approved by the Conservation Commission in 2004 and Board of Survey in 2004, is in the final stages of being completed.

In 2006, a special permit via Board Order #102-06 was approved by the Board for the development of 62 condominiums on Lot H-1. This special permit, however, was never exercised even after two subsequent extensions. Per an extension granted in 2009 and the Permit Extension Act, this approval was further extended to November 17, 2014. No additional extensions are possible, so this special permit will expire if not exercised prior to November 17, 2014. Now, the Chestnut Hill Realty is seeking to amend the existing special permit via Board Order #102-06(10) and waivers for deviations from certain design and dimensional controls.

B. Neighborhood and Zoning

The property is located on LaGrange Street, and is bound to the east by the municipal boundary between the City and Town of Brookline. The subject property is currently vacant, but is abutted by single-family and multi-family land uses (**ATTACHMENT A**). To the north and west of the property is an area zoned Single Residence 2 and 3, with pockets of Public Use, which are accessed from Vine Street and Brookline Street. Across LaGrange Street is an area zoned Multi-Residence 1 and is proximate to a number of parcels in the City of Boston containing larger multi-residence zoned Multifamily Residential (MFR). The nearby properties located in the Town of Brookline off of Rangeley Road and Princeton Road include single-

family homes, zoned Single-family Residential (S-15). The site is currently zoned Single Residence 3 (**ATTACHMENT B**).

In accordance with the terms of the Agreement, the City acquired the environmentally sensitive portions of the Kessler Woods site contained within the area known as Lots C, D, and G. The City further holds a conservation restriction and easement over portions of Lots H-1 and 11, and has the option to acquire any land not required to meet the dimensional requirements for zoning and permitting.

C. Site

The site of the proposed development consists of a vacant wooded lot comprised of approximately 640,847 square feet, or 14.7 acres, of land and is part of the Kessler Woods Subdivision. Significant portions of the property contain sensitive environmental features and habitats including wetlands, floodplains, Saw Mill Brook and an intermittent tributary stream. Topographically, the site contains a large rock knoll and significantly steep slopes. From the highest portion of the property the grade drops dramatically towards the rear, down to the lowest elevations that are associated with the streams and wetlands that cross the property (**ATTACHMENT C**). Atop the knoll, which contains dramatic views of the surrounding area, there is an unusual pitch pine and scrub brush habitat, more typical of southeastern Massachusetts. The geologic formations on the site are formed of Roxbury Conglomerate, or Puddingstone. Per the City's current *Open Space and Recreation Plan*, dated 2014-2020, the undeveloped portions of Kessler Woods have been prioritized for protection and as a location for passive recreation.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The project will result in the partial development of the project site, which is currently vacant, with a single multi-family residential structure with 80-units of rental housing.

The petitioner is seeking approval of a zoning map amendment to change the zoning from Single Residence 3 (SR3) to Multi-Residence 3 (MR3). Changing the zoning to MR3 will allow the petitioner to request a special permit for the development of the multi-family residential structure. The proposed mix of units consists of one- and two-bedrooms. The petitioner has indicated that a total of 12 inclusionary (or "affordable") units will be developed in the proposed structure.

The petitioner has indicated that the change of zoning from SR3 to MR3 will support the preservation of the natural features of the site, while still allowing for the development of an economically viable project. The development plans appears to result in a more compact, less invasive, development plan with a building footprint

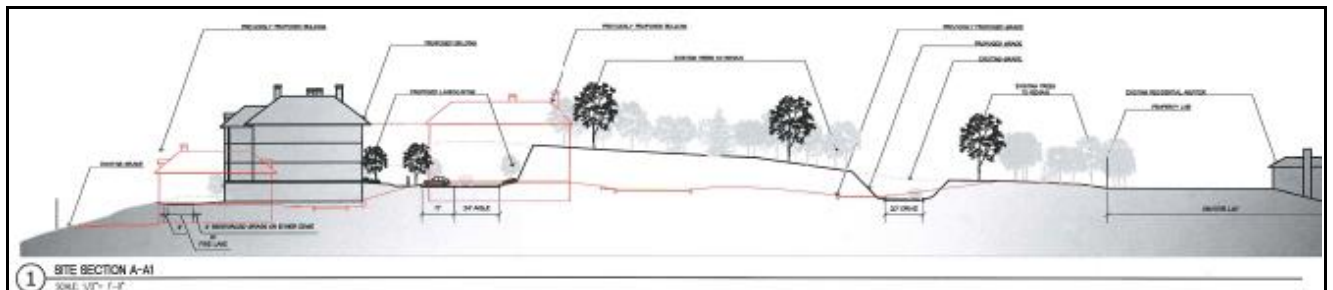
of approximately 51,268 square feet, or 1.18 acres, and maintains approximately 544,720 square feet, or 12.5 acres, of open space. Further, the petitioner has indicated how the development plan allows for a more substantial buffer, consisting of natural vegetation and the preservation of a portion of the rock knoll, for the residential neighborhood to the east in the Town of Brookline. At the public hearing, the petitioner should be prepared to describe the benefits of the natural buffer and how the proposal conserves more undisturbed land than earlier projects.

The Planning Department is generally supportive of the project and the requested change of zoning, because the majority of the distinguishing features and sensitive habitats on the site will be preserved.

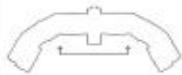
B. Building and Site Design

The proposed development plan concentrates the development footprint in order to preserve the largest amount of land in a natural state, especially those portions containing sensitive environmental features and habitats. The single multi-family structure is setback from all property lines in order to shield adjacent residential neighborhoods from the visual impacts of the development and to ensure a wooded corridor along LaGrange Street. The building is setback 150 feet from LaGrange Street, 182 feet from the east property line (municipal boundary between the City of Newton and Town of Brookline), 64 feet from the rear (northern) lot line, and 516 feet from the southwest lot line. To preserve wetlands located on the southwest side of the site and enable public access, the City has obtained a conservation restriction and easement under the terms of the Agreement. While it does not impact this project directly, the City also holds a conservation restriction and easement over portions of the property to the north.

The multi-family structure is off-set from the center of the development site, flanking the southwest side of the rock knoll and loop driveway. The building is four stories, with the first floor consisting of a partially below grade parking garage, and is 58.83 feet in height. From the nearest residential abutters, located in the Town of Brookline, the structure will appear to be one to three stories with a maximum height of 48.83 feet, and will be partially obscured by existing and proposed vegetation. The high point of the proposed multi-family building is 243 feet, above sea level, with the garage floor at 185 feet.



The development plan includes a looped driveway that links to a proposed fire access road, which wraps around the multi-family building. During certain times of the year, the structure will be visible from LaGrange Street, and to the residents living off of Vine Street, Kessler Way, Harwich Road, and Rangeley Road. However, the siting of the structure, changes in grade, and the proposed plantings appear to provide an adequate buffer between the structure and proximate residential properties. The site cross sections provided by the petitioner show the relationship of the proposed building to surrounding neighborhoods.



***Partial Front Elevation***

The architecture of the multi-family building is best described as contemporary traditional, and draws design elements and features from the rustic and vernacular styles of architectural. The façade of the structure is treated with a variety of architectural elements such as bay windows, hybrid-eyebrow windows, four-over-one window alignments, and balconies to try to visually disguise the height and mass of the building. While the development plans do not clearly articulate the building materials that will be used to treat the exterior façade, the petitioner appears to have incorporated a variety of materials and colors to add depth, texture, and variation to the building's façade.

The development plan indicates significant topographical changes to much of the development site. The highest point on the property at 218 feet will be reduced, through blasting, to 193 feet in order to accommodate the loop driveway and multi-family structure. In other portions of the development site, the blasting and filling of land will create the building pad. As shown on the "Grading Plan," the entire "Limit of Work" area will have grade changes of three feet or more. Different from the previous approval, the petitioner has chosen a building design that accommodates a site with a significant hill and rocky knoll, as currently exists.

To support the proposed topographical changes, the development plan utilizes a system of rip-rap slopes. In other portions of the site where the development will be depressed below grade, such as the looped driveway, the adjacent earth appears to be composed of rock and will not require the installation of a retention system.

During various meetings with the petitioner, the Planning Department has recommended that the petitioner make use of natural materials on the exterior of the building, and materials that would wear well over many years. While the proposed façade design attempts to use different architectural forms and features to disguise and add texture to the building, the design falls short of previous expectations. The Department encourages the petitioner to consider incorporating further articulation of the building's facades and roofline in order to break-up the mass and scale of the building, and to reduce the visual impacts of the structure on abutting properties. The petitioner should also provide further details on the exterior materials and treatments for the proposed structure. The Department has also encouraged the petitioner to consider the potential for safety hazards on and around the rock walls created through blasting. The petitioner should also provide a draft Construction Management Plan, including blasting details, prior to being scheduled for a working session.

C. Parking and Circulation

The development proposal provides 160 parking stalls, consisting of 30 outdoor and 130 indoor parking stalls, to meet the minimum number of parking stalls required by the Newton Zoning Ordinance. Of the proposed parking stalls, 85 parking stalls are dimensionally noncompliant in terms of width (8.5 feet rather than 9 feet) and 30 parking stalls are in a tandem configuration, and are all located in the partially below grade parking garage. Further, the development plan includes eight bicycle racks to accommodate parking for 16 bicycles. To allow the proposed noncompliant parking facilities, the petitioner is seeking waivers to the dimensional and design controls. The petitioner is also seeking relief from the lighting requirement for outdoor parking facilities.

The development plan indicates a looped driveway with segments of one-way and two-way travel, which provides access to the building's main entrance and encircles the rock knoll. The looped driveway also provides access to a fire access road that partially encircles the multi-family building. The petitioner is also proposing a sidewalk along the southeast edge of the driveway, allowing residents to safely walk to LaGrange Street and nearby transit stops. The petitioner is committed to fulfilling the obligations of various legal documents encumbering the site. In accordance with these documents, the petitioner will contribute funding and allow the City to plan, construct, and maintain footpaths and trails within designated conservation lands on the site.

The Planning Department is concerned about the potential for parked vehicles on the driveway with its width of 16 feet at the narrowest point, because it would limit emergency vehicle access to all sides of the structure during an emergency. The petitioner has indicated that the driveway and fire access road layouts have been designed to accommodate the turning radius of the City's emergency vehicles. The



Department encourages the petitioner to install signage prohibiting parking along the looped driveway, and that vehicles are parked in designated areas only.

The proposed entrance to the development is located at the crest of a hill on LaGrange Street. While the petitioner's traffic consultant, MDM Transportation Consultants, Inc., has indicated that the entrance location and visibility for vehicles entering and exiting the site is adequate, the Planning Department and Transportation Division are concerned about the placement of the proposed entrance and free-standing sign, and the impacts of existing and proposed vegetation. The Transportation Division further noted that the proposed landscaping and adjacent vegetation may need to be periodically trimmed along the right-of-way in order to maintain adequate sight distance.

The Planning Department is generally supportive of the proposed parking configuration and requested waivers. The Department believes the requested relief will help minimize the development footprint, preserve nearby conservation lands, and minimize off-site impacts. The petitioner should, however, consider relocating the four bike racks adjacent to the parking garage entrance inside the garage or covering them in their current location. In light of staff's concerns regarding the placement and visibility at the entrance, the petitioner should be prepared to speak to the adequacy of visibility. Further, the petitioner should be prepared to discuss the placement of the proposed pedestrian crosswalk on LaGrange Street.

D. Traffic

The petitioner has provided a detailed Traffic Impact Assessment (TIA), developed by MDM Transportation Consultants, Inc. (MDM), evaluating the existing and operational safety-related characteristics of the roadways servicing the site and the potential impacts associated with traffic generated from the site. To determine the project's potential traffic impacts, MDM examined the trip generation and traffic volumes (or level of service (LOS)) for the surrounding road network (study area). To determine the LOS within the study area, MDM studied traffic capacity of four intersections under existing, no build, and build scenarios. The specific intersections analyzed included: Vine Street and Corey Street at LaGrange Street, Broadlawn Park at LaGrange Street, Project Entrance at LaGrange Street, and Rangeley Road at LaGrange Street (in Brookline).

Based on the analysis, it appears that the existing traffic in the study area exhibits commuter trends (east-bound in the morning peak hour and west-bound in the evening peak hour). Presently, LaGrange Street appears to carry approximately 13,000 vehicles per day (VPD) with peak hour volumes ranging from approximately 955 vehicles per hour (VPH) in the morning and 1,140 VPH in the evening, respectfully. Per the proposal, it is estimated that the project will generate approximately 43 vehicle trips during the weekday morning peak hour and 62 vehicle trips during the weekday evening peak hour. As a result, MDM asserts that

adequate capacity exists along LaGrange Street and at the studied intersections to accommodate the projected traffic increases. Further, no change in the overall LOS in the study area is expected as a result of the project.

The City has contracted with McMahon Associates to perform a peer review of the petitioner's TIA. The results of this study are pending and will be presented at a subsequent meeting.

E. Inclusionary Housing

The proposal includes the development of 80-units of rental housing within a single multi-family structure. Of the total units being proposed, the petitioner has designated 12 units, or 15%, of the total units as inclusionary units, per the Newton Zoning Ordinance. These units will vary in size (913 square feet to 1,097 square feet) and are located in clusters on the first and second floors of the multi-family structure. The petitioner is proposing that half (six units) of the inclusionary units be available to households earning up to 50% of the area median income and the remaining half (six units) be available to households earning up to 80% of the area median income, which conforms to the Newton Zoning Ordinance. ***While the terms of the Cooperative Bidding Agreement stipulated that 20% of the housing units be designated as inclusionary units, previous proposals determined that such a level of inclusionary units was not financially feasible due to the site constraints.***

The Planning Department and the Newton Housing Partnership have encouraged the petitioner to remove or lessen the disparity of the unit square footages between the inclusionary and market rate units (**ATTACHMENT D**). The locations of the inclusionary units should be randomly dispersed throughout the building and provide for inclusionary units on the third floor of the multi-family structure. The petitioner should also identify the locations for the accessible units, at least 15% of which should be inclusionary units. Since the project proposal is being submitted by a different petitioner, the Department requests that a new Inclusionary Housing Plan be submitted for review.

F. Signage

The proposal includes a single free-standing sign at the entrance. The proposed free-standing sign is approximately 62 square feet in size, and is designed as a double-faced sign mounted on a pre-cast concrete wall with a stone veneer and piers at each end. Under the Newton Zoning Ordinance, specifically §30-20(e)(2), a single free-standing sign is allowed by right for a residential building containing more than two families. As proposed, the free-standing sign exceeds the maximum sign area allowed by ordinance, which is limited to 10 square feet. To allow the proposed free-standing sign, the petitioner is seeking an exception via a waiver under §30-20(l). The development plan does not include details or plans for directional signage within the site.

The proposed sign has not been reviewed by the City's Urban Design Commission. While a free-standing sign limited to 10 square feet would not provide adequate way-finding for the development from LaGrange Street, the Planning Department believes that a free-standing sign exceeding the maximum size of 35 square feet is unnecessary. Further, the Department and Transportation Division are concerned that a free-standing sign as proposed may reduce the visibility of vehicles leaving the site. The petitioner's traffic consultant should confirm that the design and placement of the proposed free-standing sign will not impact turning movements from the entrance drive.

G. Lighting

The petitioner's "Photometric Plan" shows a slight amount of light spillover at the intersection of the entrance drive and LaGrange Street. The source of this light trespass appears to be emitting from the externally lighting fixture for the sign and the overhead light fixture along the looped driveway. Per the City's Light Trespass Ordinance, specifically §20-25(a), no light source is allowed to emit light across a property boundary exceeding .35 foot candles. Further, the outdoor parking facilities do not meet the 1.0 foot candle standard as required by §30-19(j)(1)(a). The petitioner is seeking a waiver to allow below standard light levels over the outdoor parking facilities.

The project is residential in nature and adjacent to existing residential properties, thus the Planning Department believes that the requested waiver to the foot candle lighting requirement over the outdoor parking facilities is appropriate for the site. The Department encourages the petitioner to eliminate the light spillover near the entrance drive by changing the externally lighting fixture for the sign and moving the overhead light along the looped driveway.

H. Landscape Screening

The ability to maintain and provide adequate screening of the project site from abutting properties is a major issue associated with this proposal. The development plan represents a change for this area, as the property is currently undeveloped. Although the current proposal retains a large portion of the site in a natural state, the development site is located atop the most topographically prominent point on the property. Further, the multi-family structure will be constructed adjacent to the new highpoint of the property, at approximately 214 feet above sea level, and will project approximately 26.6 feet above this point. To ensure adequate screening of the project site from abutting properties in the neighborhood, the petitioner is proposing to employ a significantly reduced "Limit of Work," as compared to previous proposals, and a robust planting plan.

The petitioner is proposing to remove approximately 297 trees from the site. The total number of replacement trees is 464, or approximately 1,502 caliper inches. Of the proposed trees to be planted, the petitioner is proposing a mix of deciduous (72

trees), conifer (264 trees), and ornamental (128 trees) trees. The “Tree Removal Plan” is, however, unclear on the total caliper inches of the trees to be removed. City staff, therefore, cannot determine whether this project will be consistent with the City’s Tree Preservation Ordinance.

The Planning Department encourages the petitioner to submit a revised “Tree Removal Plan” and “Planting Plan,” which clearly lists the total caliper inches of trees to be removed and planted. Furthermore, the Department recommends that the petitioner file a tree removal application with the City’s Tree Warden in order to confirm compliance with the City’s Tree Preservation Ordinance. The petitioner should also be prepared to explain how trees not anticipated to be removed will be protected during construction.

#### IV. PLAN CONSISTENCY

##### A. Comprehensive Plan

Based on the *Newton Comprehensive Plan*, adopted in 2007, the proposed project appears to align with a number of the vision and goals for various sections of the plan. Under the Open Space and Recreation chapter, the plan indicates how residents of Newton desire “to maintain and preserve its natural assets and resources and able to meet both the passive and active recreational needs of its citizens.”<sup>1</sup> The Kessler Woods property has long been identified by the City as a target for acquisition and protection due to its natural habitat and sensitive wetlands. The sale of the property by Boston Edison enabled the City to acquire significant portions of the property and to establish a conservation restriction and easement on other areas acquired by Cornerstone Corporation. The development plan, with its compact development footprint, further preserves a significant amount of open space on the site and is considerate of the location.

The *Newton Comprehensive Plan* also prioritizes the development and strengthening of the City’s diversity of housing types. This project, as a multi-family development, “provides an important means through which [the] creation of housing choice and affordability”<sup>2</sup> can be served. By providing 12 inclusionary units, this project contributes to the City’s housing goals of maintaining economic diversity of housing and helps to ensure all citizens have access to housing.<sup>3</sup>

#### V. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT E**) provides an analysis of the

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<sup>1</sup> *Newton Comprehensive Plan*, 2007, Page 7-2.

<sup>2</sup> *Newton Comprehensive Plan*, 2007, Page 3-18 and 3-19.

<sup>3</sup> *Newton Comprehensive Plan*, 2007, Page 3-17.

proposal with regard to zoning. Based on this review, the petitioner is seeking a Special Permit/Site Plan Approval for the following reliefs:

- Amend Ordinance Z-37 to reflect new Board Order.
- §30-5(b)(4) to allow a retaining wall exceeding four feet in height within a setback.
- §30-9(b) to allow a multi-family dwelling in an MR3 zoning district.
- §30-15, Table 1, Footnote 5, to allow increased maximum height of 48 feet.
- §30-19(h)(2)(a) and §30-19(m) to reduce the parking stall width requirement from 9 feet to 8.5 feet.
- §30-19(h)(5)(a) to allow tandem parking configuration.
- §30-19(j)(1)(a) to waive the minimum one foot candle lighting requirement for outdoor parking facilities.
- §30-20(i) to allow a free-standing sign.
- §30-23 Site Plan review.
- §30-24(b) and §30-24(d)(5) to allow construction of a structure in excess of 20,000 square feet.
- §30-24(f) compliance with the Inclusionary Housing provisions.

B. Conservation Commission

According to a preliminary review of the proposal by the City's Environmental Planner, the Conservation Commission does not have jurisdiction with regard to this proposal (**ATTACHMENT F**). While the project parcel is impacted by a number of jurisdictional wetland resource areas, the footprint of the "Limit of Work" appears to be outside of these areas, with the exception of the sewer connection work. The Planning Department recommends that the petitioner submit revised plans taking into consideration the Conservation Commission's comments prior to scheduling another public hearing or working session.

C. Fire Department Review

The Assistant Fire Chief reviewed and stamped the proposed site plan. The Fire Department concurred with the Planning Department's suggestion that signage prohibiting parking along the looped driveway be installed, and that vehicles are parked in designated areas only (**ATTACHMENT G**).

D. Engineering Review

The Associate City Engineer, submitted an Engineering Review Memorandum (**ATTACHMENT H**), providing an analysis of the proposal with regard to engineering issues. According to the memorandum, the Engineering Division has some concerns regarding the Inflow & Infiltration (I&I) mitigation, the routing and connections of

the proposed sewer line and water lines, and a number of other issues.

Based on these concerns, the Planning Department recommends that the petitioner submit revised plans taking into consideration the Engineering Division's comments prior to scheduling another public hearing or working session. The petitioner should also work with the Engineering Division to determine the appropriate level of mitigation for I&I.

#### VI. PETITIONERS' RESPONSIBILITIES

The petitioner should consider the recommendations and suggestions raised by different City departments. 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 revised site plan depicting the location of the conservation restriction and easement on the subject parcel.
- An updated Tree Removal Plan and Planning Plan, clearly listing the caliper inches and locations of trees to be removed and planted.
- An updated Construction Management Plan, including how existing trees will be protected during construction and blasting plans.
- An updated Inclusionary Housing Plan.
- A comprehensive Sign Plan for all exterior signage on the site.
- Revised plans accordingly to address the recommendations raised by various City departments.

#### **ATTACHMENTS:**








<b>Attachment A:</b>	Land Use Map
<b>Attachment B:</b>	Zoning Map
<b>Attachment C:</b>	Environmental Features and Topography Map
<b>Attachment D:</b>	Newton Housing Partnership Letter, dated September 19, 2014
<b>Attachment E:</b>	Zoning Review Memorandum, dated September 4, 2014
<b>Attachment F:</b>	Conservation Commission, dated September 16, 2014
<b>Attachment G:</b>	Fire Department Email, dated September 18, 2014
<b>Attachment H:</b>	Engineering Review Memorandum, dated September 19, 2014

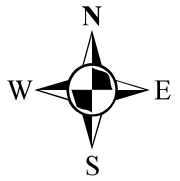
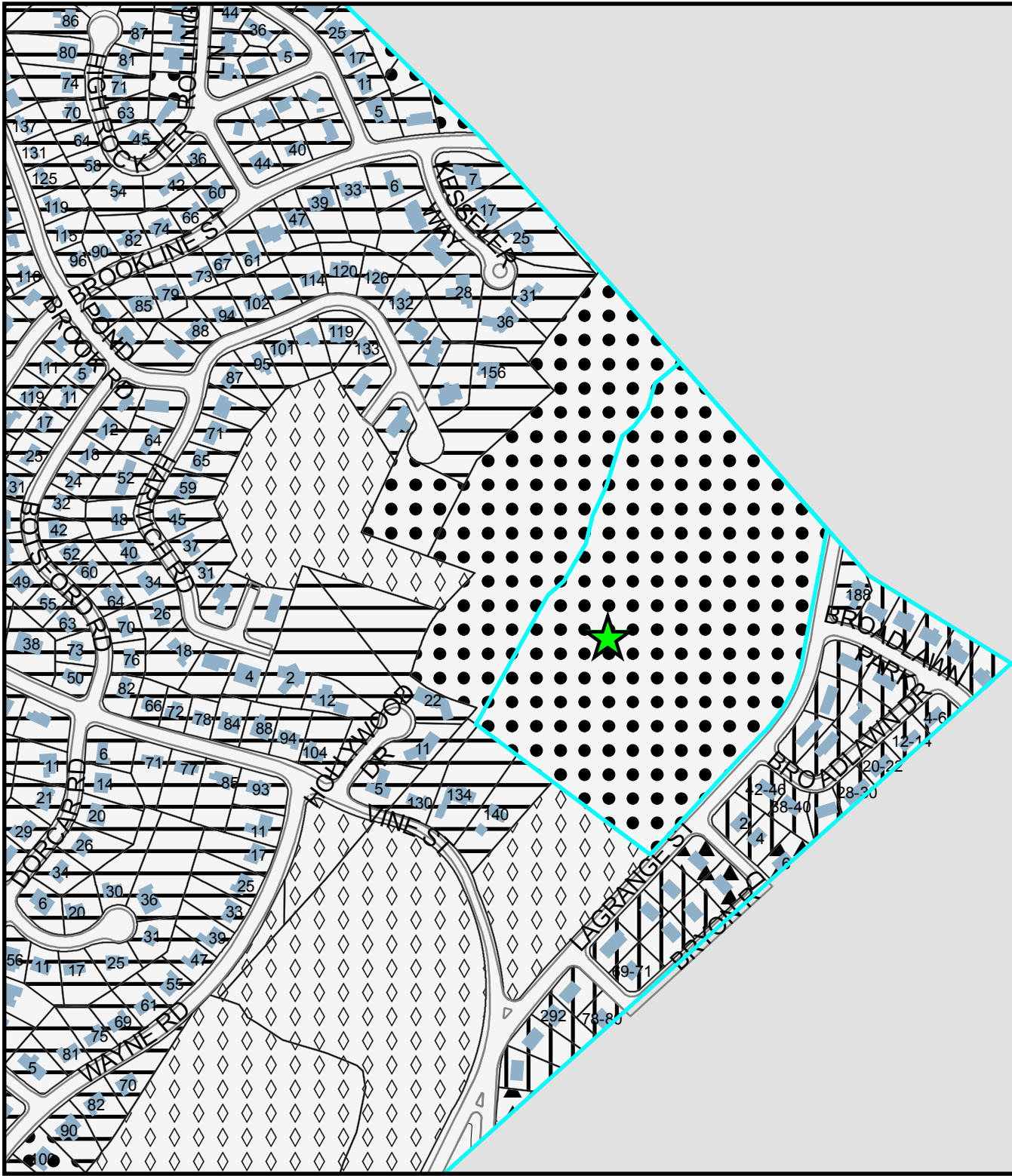
# Land Use Map Kessler Way / Lagrange Street

*City of Newton,  
Massachusetts*

**ATTACHMENT A**

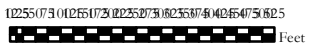
### Legend

- Land Use**
-  Single Family Residential
  -  Multi-Family Residential
  -  Open Space
  -  Nonprofit Organizations
  -  Vacant Land
  -  Property Boundaries
  -  Building Outlines



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.

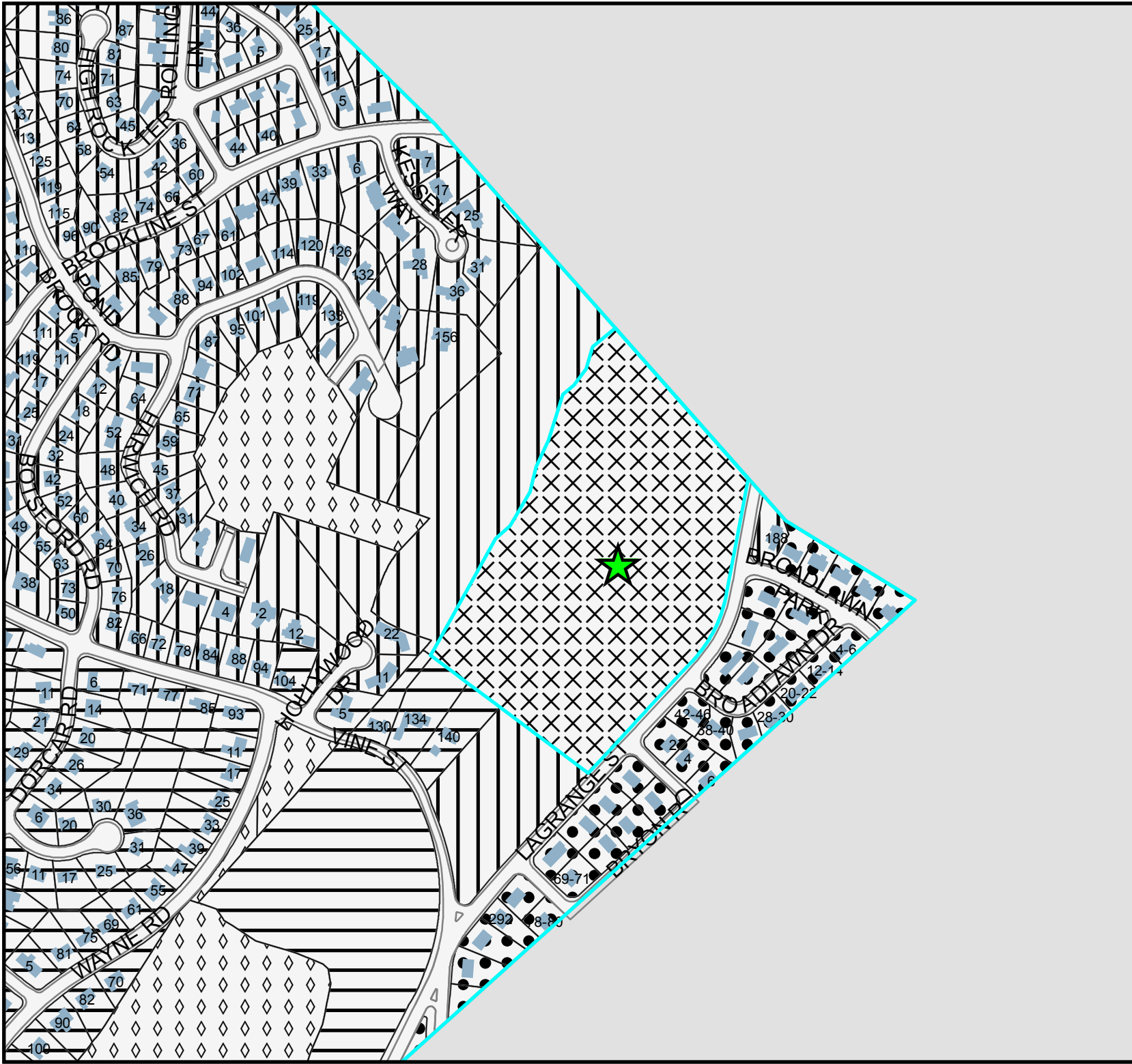
CITY OF NEWTON, MASSACHUSETTS  
Mayor - Setti D. Warren  
GIS Administrator - Douglas Greenfield



# Zoning Map Kessler Way / Lagrange Street

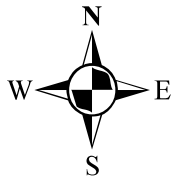
*City of Newton,  
Massachusetts*

**ATTACHMENT B**



**Legend**

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



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








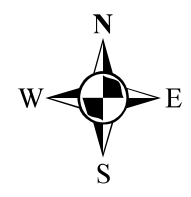
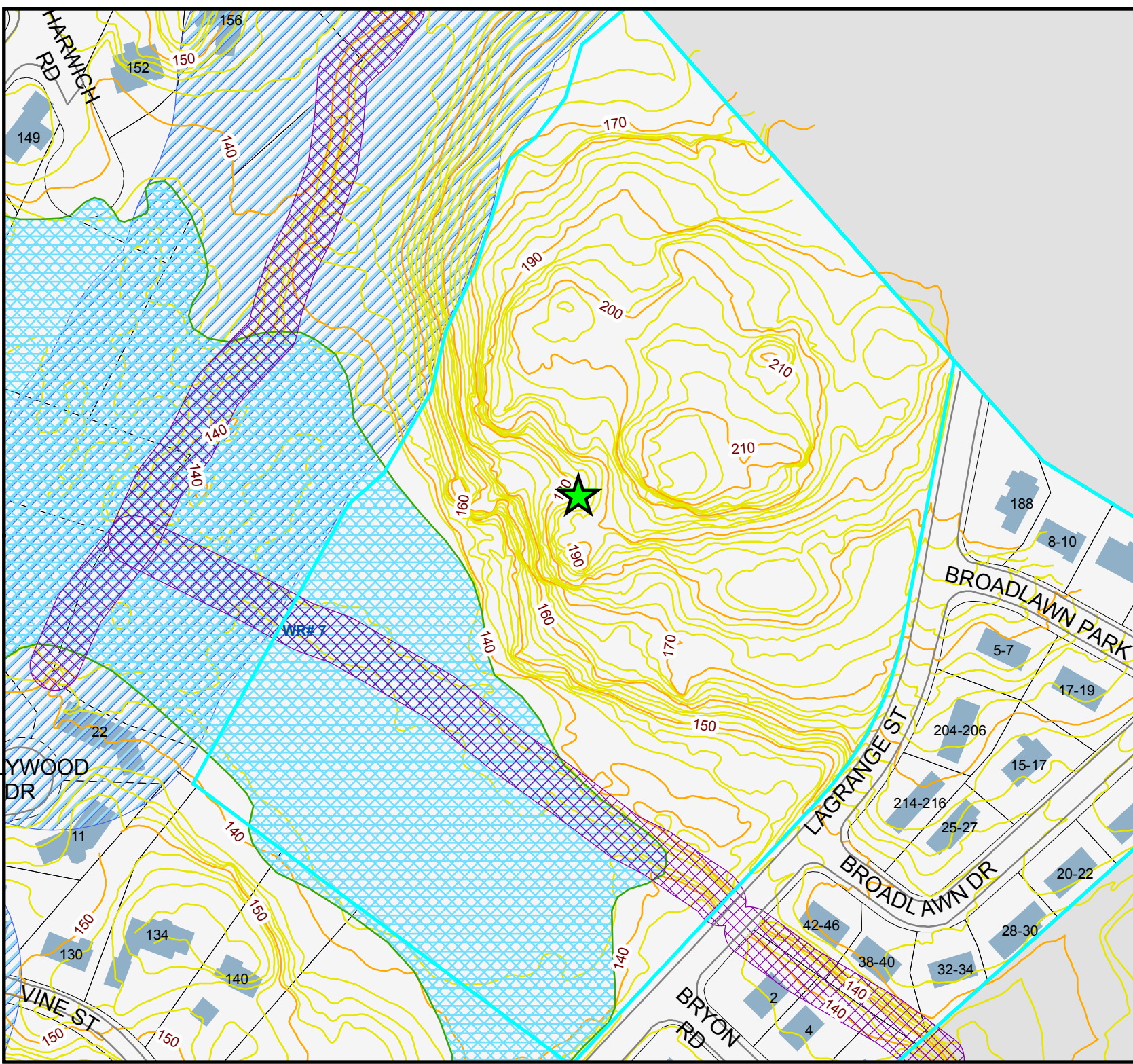
# Environmental Features and Topography Map LaGrange Street

City of Newton,  
Massachusetts

**ATTACHMENT C**

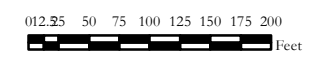
### Legend

-  City of Newton Flood Plain
-  Wetland Restrictions
-  Rivers Protection Act Areas
-  Property Boundaries
-  Building Outlines
-  Surface Water
- Contour Lines**
-  Two Foot Contour
-  Index (10 Foot) Contour
-  Culvert



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: September 16, 2014

**CITY OF NEWTON, MASSACHUSETTS**  
**Newton Housing Partnership**

September 19, 2014

Ald. Mark Laredo, Chairman  
 Land Use Committee  
 Newton Board of Aldermen  
 Newton City Hall  
 Newton, MA 02459

Setti D. Warren  
 Mayor

James Freas  
 Acting Director  
 Planning & Development

Robert Muollo, Jr.  
 Interim Housing Programs  
 Manager

Members

Dan Violi, Chair  
 Matthew Yarmolinsky,  
 Vice-Chair  
 Andrew Franklin  
 Judy Jacobson  
 Phil Herr  
 Peter Macero  
 Lynne Sweet

**RE: Kessler Woods Special Permit Application**

Dear Alderman Laredo:

The purpose of this letter is to provide the Land Use Committee with the Newton Housing Partnership's comments on the Kessler Woods Special Permit Application, submitted by Chestnut Hill Realty Development (the Petitioner). The Partnership evaluates development proposals with an affordable housing component for consistency with the criteria for our support, which are *affordability, feasibility, suitability, livability, and sustainability*. We have met with the Petitioner on July 9, 2014 and again on September 10, 2014 and heard public testimony at both meetings. Our comments are as follows:

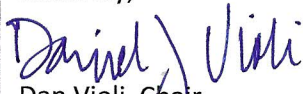
The proposal would prove more equitable for low- and moderate-income households if the size disparities between the market rate and affordable units were lessened or removed completely. Furthermore, we suggest that the affordable unit locations are dispersed more randomly and the inclusion of some units on the 3<sup>rd</sup> floor, where there are none currently.

While the proposal would provide access to walking trails, we encourage the addition of a passive recreational space or amenity that households might also utilize.

The Partnership ultimately decided to withhold its recommendation subject to the submission of additional information. Namely, we suggest that the Petitioner provide studies of and a comparative analysis of the blasting, sewer, traffic, fiscal/schools, and storm water drainage impacts of the existing Special Permit approved for the site and the current proposal.

Thank you for considering our comments and suggestions. If you have further questions for the Partnership please let me know.

Sincerely,

  
 Dan Violi, Chair

cc Linda Finucane, Clerk  
 James Freas, Acting Director  
 Mark Levin, Chestnut Hill Realty Development

1000 Commonwealth Ave.  
 Newton, MA 02459  
 T 617/796-1120  
 F 617/796-1142





Setti D. Warren  
Mayor

# Attachment E

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

Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: September 4, 2014

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Frank Stearns, Attorney  
Chestnut Hill Realty, Applicant  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to amend Board Order 102-06(10) to allow construction of an 80-unit multi-family building**

Applicant: Chestnut Hill Realty	
Site: Lot H-1, LaGrange Street	SBL: 82037 0095
Zoning: SR3 (rezoning to MR3 proposed)	Lot Area: 640,847 square feet
Current use: Undeveloped	Proposed use: 80-unit multi-family dwelling

### BACKGROUND:

The subject property is a large vacant parcel located on LaGrange Street within the Kessler Woods subdivision created in 2004 and recorded in 2005. There were two stages of development proposed for the site, each separately permitted. The first built 11 single-family homes along a new street, Kessler Way. The second, issued a special permit in 2006, proposed a 3½-story 52-unit multi-family dwelling and ten units of attached dwellings, and required the parcel be rezoned to Multi-Residence 3. A number of waivers from the Ordinance were granted via the board order. The special permit was given a one-year extension in 2007, re-issued in 2008 and extended again in 2009. Through the Commonwealth's Permit Extension Act created by Section 173 of Chapter 240 of the Acts of 2010 and extended by Sections 74 and 75 of Chapter 238 of the Acts of 2012, the permit was given an additional four years to be exercised. The permit will expire on December 7, 2014 (four years from the one-year extension expiration date).

The applicant is proposing to amend the special permit for a different site plan allowing instead one 3½-story, 80-unit multi-family dwelling of rental apartments. The apartments will be comprised of 24

one-bedroom and 56 two-bedroom units, of which twelve will be affordable. There are 165 parking stalls proposed for the site between the garage and surface parking. An 11,090 square foot community space is proposed.

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

- Zoning Review Application, prepared by Franklin Stearns, K & L Gates, attorney, submitted 6/4/2014
- Board Order #102-06(3), issued 10/16/2006
- Board Order #102-06(7), issued 8/13/2007
- Board Order #102-06(9), issued 11/17/2008
- Board Order #102-06(10), issued 12/7/2009
- Ordinance Z-37, issued 11/17/2008
- Zoning Review Memo, prepared by Eve Tapper, Chief Zoning Code Official, dated 7/28/2008
- Proposed Site Plan, prepared by Stantec, dated 5/6/2014
- Comparison Site Plan, prepared by Stantec, issued 11/26/2013
- Architectural Plans, prepared by The Architectural Team, Inc, architects, dated 5/29/2014, revised 8/29/2014
  - Layout and materials plan
  - Grading plan
  - Grading change plan
  - Planting plan
  - Life safety plan
  - Elevations

#### **ADMINISTRATIVE DETERMINATIONS:**

---

1. While the proposed development is not allowed under the current SR-3 zoning, Ordinance Z-37 was passed in November 2008, rezoning the parcel to Multi-Residence 3 contingent upon exercising special permit BO 102-06(3), (7), (9) and (10). A multi-family dwelling requires a special permit in the MR-3 district pursuant to Section 30-9(d). The existing special permit is still valid due to the Permit Extension Act, but must be acted upon after the proposed amendment to validate the rezoning of the parcel. Ordinance Z-37 must be amended to reflect the amended special permit to which it is attached.
2. The Applicant is proposing 80 rental units within the multi-family structure. Per Section 30-24(f), the Inclusionary Zoning provisions, 15% of the total number of units, or twelve, must be affordable to a household making 80% of the area median income. The Applicant is proposing twelve affordable units and therefore meets the requirements of the Inclusionary Zoning provisions.
3. The proposed total square footage of the building is 190,439 square feet. Sections 30-24(b) and 30-24(d)(5) require a special permit for projects exceeding 20,000 square feet.
4. Section 30-15, Table 1 sets forth the standards for multi-family dwellings in the MR3 district. The proposed dwelling meets all of the dimensional standards set forth in the table. Footnote 6 of Table 1 states that, by special permit, a multi-family dwelling structure in the MR3 district may have a maximum building height of 48 feet and four stories maximum provided the lot has a minimum of ten acres, the distance from the street to the structure is no less than 150 feet, the distance between the structure and abutting properties is no less than 75 feet; and the front, side and rear setbacks for the lot are 50 feet from the lot line. The Applicant proposes a maximum

building height of 48 feet (where 46.75 was previously approved) and four stories (where 3.5 had been previously approved). As the lot area exceeds 10 acres, the Applicant is eligible for a special permit to allow for the maximum 48 foot height and maximum four stories requested.

5. Per Section 30-19(d)(2), two parking stalls must be provided for each dwelling unit in a multi-family dwelling, totaling 160 required stalls for the 80 proposed units. Plans indicate 138 parking stalls in the proposed garage, and 27 surface stalls, including two handicapped stalls totaling 165 spaces, exceeding the requirement of 160 stalls.
6. Section 30-19(e) requires that any parking facility containing more than five stalls and any loading facility be reviewed by the Commissioner of Inspectional Services.
7. The Applicant proposes 85 parking stalls measuring 8.5 feet wide in locations where columns are proposed, where Section 30-19(h)(2)(a) requires 9 feet. A special permit per Section 30-19(m) is required to waive the parking stall width requirement.
8. Section 30-19(h)(2)(d) states that where stalls head into a curb which bumpers can overhang, the length of the stalls may be reduced by two feet from the required stall depth dimensions. Section 30-19(h)(3) requires maneuvering aisles to be 24 feet wide where there is perpendicular parking. Fourteen standard parking stalls, plus two van-accessible stalls are proposed at the front of the building. These stalls are proposed at 17 feet deep, utilizing the two foot overhang, along a 24 foot wide maneuvering aisle. As proposed, no relief is required for this layout.
9. There are 30 tandem parking stalls proposed in the parking garage. Section 30-19(h)(5)(a) requires a special permit for parking requiring moving of cars.
10. Section 30-19(i) sets out the requirements for landscape screening and interior landscaping. While submitted plans appear to meet the landscaping requirements, numerous trees will be removed and the applicant must ensure that all applicable requirements of the Tree Ordinance are met.
11. No lighting plan was submitted as part of the application. The applicant should ensure that a photometric plan is submitted as part of the special permit application indicating the location of lighting and any light spillover. Should the applicant not be able to meet the requirements of section 30-19(j), a waiver is required.
12. A free-standing sign is proposed at the entrance to the development. Section 30-20(l) requires a special permit for a free-standing sign.
13. Section 30-5(b)(4) requires a special permit for a retaining wall exceeding four feet located within a setback. Several retaining walls are proposed on site, however it is unclear from the submitted plans whether any require a special permit due to height and location. Should any proposed retaining walls located within a setback exceed four feet, a special permit is required.
14. To accommodate the erection of the proposed structure, significant blasting and grading is required. Section 30-5(c)(1) requires any project with significant grading and landscape alteration be reviewed by the Commissioner of Inspectional Services.

15.

MR3 Zone	Required	Current Special Permit	Proposed
Lot Size	10,000 square feet	640,847 square feet	640,847 square feet
Frontage	80 feet	625 feet	625 feet
Setbacks for existing structure*			
• Front	150 feet	203 feet	152 feet
• Side	50 feet	110 feet	185 feet
• Rear	50 feet	77 feet	60 feet
Max Stories*	4	3.5	4
Max Building Height*	48 feet	46.75 feet	48 feet
Max Lot Coverage	45%	8%	8%
Min Open Space	30%	80%	85%
Parking	2 stalls/dwelling unit	146 stalls for 62 units	165 stalls for 80 units

\* Table 1, footnote 5 states “Allow by special permit in a Multi-Residence 3 district a multi-family dwelling structure to have a maximum building height of 48 feet and a maximum number of stories of 4, provided that there is a minimum lot size of ten acres; the distance from any street(s) abutting the lot to such multi-family dwelling structure is no less than 150 feet and the distance between such structure and abutting properties is no less than 75 feet; and front, side and rear setbacks for the lot are 50 feet from the lot line.

Zoning Relief Required		
Ordinance		Action Required
§30-9(d)	To allow a multi-family dwelling in an MR3 zoning district	S.P. per §30-24
Z-37	Amend Ordinance Z-37 to reflect new Board Order	
§30-24(b), §30-24(d)(5)	To allow construction of structures in excess of 20,000 square feet	S.P. per §30-24
§30-15, Table 1, footnote 5	To allow increased maximum height of 48 feet	S.P. per §30-24
§30-19(h)(2)(a), §30-19(m)	To reduce the parking stall width requirement	S.P. per §30-24
§30-19(h)(5)(a)	To allow tandem parking	S.P. per §30-24
§30-19(j) §30-19(m)	Waive lighting requirements as necessary	S.P. per §30-24
§30-20(l)	To allow a free-standing sign	S.P. per §30-24
§30-5(b)(4)	To allow a retaining wall exceeding 4 feet within a setback	S.P. per §30-24
§30-23	Site Plan Review	
§30-24(f)	Compliance with the Inclusionary Housing provisions	



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
Conservation Commission  
1000 Commonwealth Avenue, Newton, MA 02459

Jennifer Steel, Senior Environmental Planner  
(617) 796-1134 JSteel@NewtonMA.gov

## Attachment F

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www.newtonma.gov

James Freas  
Acting Director

To: Dan Sexton  
From: Jennifer Steel, Senior Environmental Planner  
Date: September 16, 2014  
Re: Preliminary Review of Kessler Woods Residential Development (off LaGrange St.)

In response to your inquiry about the plans supplied for the Kessler Woods Residential Development, I submit the following comments based on my personal, preliminary review. Please note that the Conservation Commission has not received or reviewed any plans.

1. The Newton Conservation Commission implements the State Wetlands Protection Act and Regulations; there is no local wetland ordinance.
  - a. The Kessler Woods project boundaries, as shown on the plans, are outside all jurisdictional wetland resource areas (Riverfront area, Bordering Vegetated Wetlands, City flood zones, and buffer zones).
  - b. There is a possibility that some sewer connection work will need to take place within Conservation Commission jurisdiction, but no plans have been submitted to date for that work.
  - c. Conservation Commission jurisdiction would be asserted over the project only if the project resulted in impacts to wetland resource areas. Stormwater runoff is the most likely source of off-site impacts, so drainage was given a review.
    - i. The City should ensure that all runoff from the site is accommodated and infiltrated within the bounds of the approved limit of work.
    - ii. Careful consideration should be given to the structural integrity and hydrologic function of the site near the subsurface infiltration chambers to ensure that stormwater storage, infiltration, stability, and vegetation are maximized. Because of the biofiltration afforded by vegetation, components such as gabions and geogrid that allow for steep-slope vegetation should be considered.
  - d. The Conservation Commission would ask that the City advocate for the landscaping plan to incorporate as many native species as possible to help sustain native wildlife that has traditionally relied on this area for breeding, nesting, and feeding.
  - e. The Conservation Commission would ask that the City advocate for limited exterior lighting to maintain the interests of the Conservation Restriction and protect native wildlife.
2. Several other conservation-related issues are associated with this project and area parcels, and should be conclusively resolved.

- a. There is a Conservation Restriction over much of the development parcel.
  - i. The Conservation Commission “holds” the Conservation Restriction. The Kessler Woods project boundaries (on Lot H-1), as shown on the plans, are outside the Conservation Restriction, so no alterations should occur within the Conservation Restriction as a direct result of the development.
  - ii. The Restriction has been approved and recorded at the Registry of Deeds, but the boundary line(s) still need to be marked in the field with permanent markers.
- b. There is an Easement over much of the development parcel.
  - i. The Kessler Woods project boundaries (on Lot H-1), as shown on the plans, are outside the Easement areas, so no alterations should occur within the Easement as a direct result of the development.
  - ii. The Easement has been approved and recorded at the Registry of Deeds, but the boundary lines of the residential lot and the residual area still need to be marked in the field with permanent markers.
  - iii. The Easement refers to the transfer of \$75,000 to the City for the development of trails in the Easement area. I believe that transfer has yet to occur.

I hope these comments help. Feel free to contact me with further questions or request to be placed on the Commission’s agenda for more in-depth discussion with the whole Commission.



## **Daniel Sexton**

---

**From:** Paul Chagnon  
**Sent:** Thursday, September 18, 2014 7:26 AM  
**To:** Daniel Sexton  
**Subject:** Re: Kessler Woods - Fire Department Review

Hi Daniel

I was under the impression that the driveway was 14' wide with an additional 2' of pavers on the side. although not ideal it is adequate for fire department access. However I did not discuss parking along this drive through. Cars along the path would certainly have an impact on emergency vehicle access. I don't think that parking restrictions are unreasonable. I think that it is also wise to have them commit to snow removal insuring that the entire 16' is accessible for traffic flow and emergency access.

If you would like me to talk with them about this I would be more than happy to do that.

Thanks  
Paul Chagnon  
A/C NFD

---

**From:** Daniel Sexton  
**Sent:** Wednesday, September 17, 2014 6:05 PM  
**To:** Paul Chagnon  
**Subject:** Kessler Woods - Fire Department Review

Evening Assistant Chief Chagnon,

I've received a copy of the site plan stamped by the Fire Department. Were there any comments or concerns raised during conversations with the petitioner and their design team? Specifically, I was wondering if you had any issues with the width of the looped driveway and the potential for parked vehicles along its edge. I've raised the issue in my draft email and suggested that the petitioner install signage along this corridor prohibiting parking.

Let me know your thoughts.

Thanks,  
Dan

### ***Daniel Sexton***

Senior Planner  
City of Newton  
1000 Commonwealth Ave.  
Newton, MA 02459  
Phone: (617) 796-1123  
Email: [dsexton@newtonma.gov](mailto:dsexton@newtonma.gov)

**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 – The Residences at Kessler Woods

Date: September 19, 2014

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:

*The Residences at Kessler Woods  
Newton, MA  
Prepared by: Stantec  
Dated: August 4, 2014  
Revised: August 29, 2014*

*Executive Summary:*

An 80 unit condominium is planned on a 14.7 acre site that is currently undeveloped; the site is heavily wooded, and has substantial ledge and rock outcrop. The developer proposes to extend municipal water, sewer and gas to provide service for the multilevel building. Taking advantage of the topography the building will have a drive under parking underneath the footprint of the building, and some on grade parking areas.

The major issue for this development is that the project site is within Area A of the City's Sewer Capital Improvement Program. As you are aware this sewer basin has infiltration

& inflow (I & I) issues; as such based on the DPW policy for multi-unit facilities the Department is requiring a removal rate of 8:1 meaning a removal of 8 gallons of I &I for every gallon of sewage generated from the development.

The financial contribution would be based on the treatment & transportation cost to the City which is \$8.40/gallon x 110 gal/bedroom x 136 bedrooms x 8 (reduction ratio) = \$1,005,312. While this issue was discussed with the developer's engineers, attorneys and the Engineering and Utilities Divisions of the DPW, no resolution has been achieved.

The proposed water main extension alignment is unacceptable for the Utilities Division. They are requiring the water main to be installed within Lagrange Street in lieu of a cross country easement.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.

Drainage:

The proposed development project appears to be in compliance with evaluation criteria, including Massachusetts Stormwater Standards, and the City of Newton Stormwater Standards. In general, the project provides water quality infrastructure and reduced peak runoff rates and volume with the implementation of BMPs. However the pre & post water shed maps need to be re-submitted since the topography cannot be read for verification.

1. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities must be adopted by applicant and/or the Condominium Association that needs to be formulated, 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.
2. 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

infiltration system, catch basins, and pipes are the sole responsibility of the property owner(s).

3. The proposed water quality infiltration trench for the pond 2 system should be reconfigured to be in a more natural form to comply with the topography.
4. The subsurface stormwater detention systems 1 & 2 need to be rated H-20 loading since Fire trucks will drive over these units which are partially with the "fire access" road.

Sewer:

1. The proposed sanitary sewer connection needs to be revised, the actual point of connection should be at the existing sewer manhole, the proposed connection was to an 8" clay pipe that does not meet current DPW standards.
2. A revised 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.
3. 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.
4. All 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. 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.***
5. 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. Once the water main is extended to the property, separate domestic & fire suppression service connection is required.
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

Site Access:

- Based on the grading sheet some areas of the “*Fire Access*” road have steep embankments and guard rails maybe required. Further clarification of the grade change in these areas need to be investigated.

Environmental:

1. Snow storage was described in the stormwater management report, however a plan should be generated so that exact locations can be clearly identified and ultimately proper signage would be required when the development is built.
2. All trash collection and recycling shall be responsibility of the property owner.

General:

1. If the project is approved the applicants will need to apply for Grants of Location and permission to extend municipal & private utilities within Lagrange Street.
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. All tree removal shall comply with the City's Tree Ordinance.
4. Due to the total square footage of the building, a scale massing model will be needed.
5. 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*
6. 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.*
7. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
8. 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.*
9. 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.