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#59-21

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: March 9, 2021
Land Use Action Date: May 18, 2021
City Council Action Date: June 7, 2021
90-Day Expiration Date: June 7, 2021

DATE: March 5, 2021

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
Katie Whewell, Senior Planner

SUBJECT: **Petition #59-21**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single-family attached dwelling units in two structures, and to reduce side and rear setback requirements at 1092-1094 Chestnut Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 41 Lot 04, containing approximately 20,291 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



1092-1094 Chestnut Street

EXECUTIVE SUMMARY

The property located at 1092-1094 Chestnut Street contains a 20,291 square foot lot in the Multi Residence 1 (MR-1) zone in Newton Upper Falls. The lot is improved with a two-family dwelling constructed circa 1881. The petitioner is seeking to construct four single-family attached dwellings within two separate structures. The petitioner is proposing to retain the two-family dwelling, construct an addition and convert to two single family attached dwellings. A new structure with two single-family attached dwelling units is proposed at the rear of the site. The single-family attached dwellings building type requires a special permit and has setback requirements of 25 feet from each property line, which can be waived or reduced by special permit. The project as proposed requires relief to reduce the required side and rear setbacks for the single-family attached dwellings.

The Planning Department believes the site to be an appropriate location for the four single family attached dwelling units. The project meets many of the standards set forth for single family attached dwelling units and the relief for the side setback reflects the existing conditions of the site. The site's location in the MR-1 zone lends itself to attached dwelling units and the project exceeds the lot area per unit set forth for single family attached dwellings. The Planning Department also notes that the two buildings are detached, retains the historically significant two-family dwelling, and breaks up the massing on site. The proposed addition and building reflect the architectural style of the historically significant two-family dwelling. The amount of paving proposed is limited to what is necessary for safe site circulation.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed four single-family attached dwellings in two buildings with reduced side and rear setbacks. (§7.3.3.C.1)
- The proposed four single-family attached dwellings in two buildings with reduced side and rear setbacks will adversely affect the neighborhood. (§7.3.3.C.2)
- The proposed four single-family attached dwellings in two buildings with reduced side and rear setbacks will create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- Literal compliance with the dimensional standards for the side and rear setbacks is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§3.2.4)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

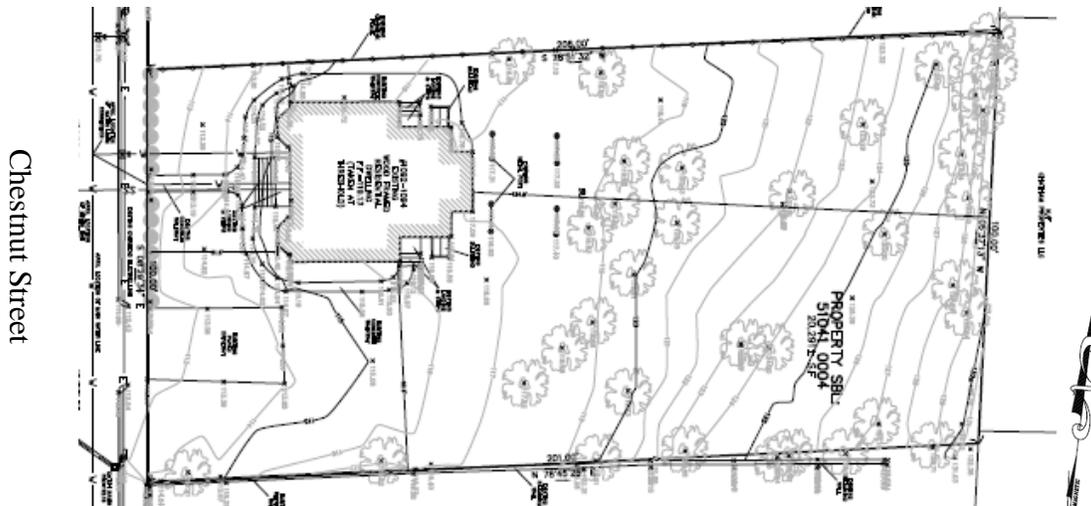
A. Neighborhood and Zoning

The subject property is located on Chestnut Street in the MR-1 zone in Newton Upper Falls. The MR-1 zone extends west, south and east of the site, while the nearby intersection of Elliot Street and Chestnut Street consists of a Multi Residence 2 zone, Multi Residence 3 zone, and Manufacturing zone (**Attachment A**). The property's current land use is multi-family residential, consisting of a two-family dwelling. Chestnut Street has a mix of single and multi-family residential uses, with commercial uses north of the site (**Attachment B**).

B. Site

The site consists of 20,291 square feet of land and is improved with a two and a half - story two-family dwelling built in 1881. The site has one curb cut along Chestnut Street which provides access to surface parking. The site slopes upwards of approximately 17 feet from the front to the rear of the lot. The site is surrounded by mature landscaping with tall, dense trees in the rear yard. The two-family dwelling has a nonconforming side setback of 9.5 feet from the northern property line.

Existing Conditions



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will change from a two-family use to a multi-family use with four single-family attached dwelling units.

B. Site Design

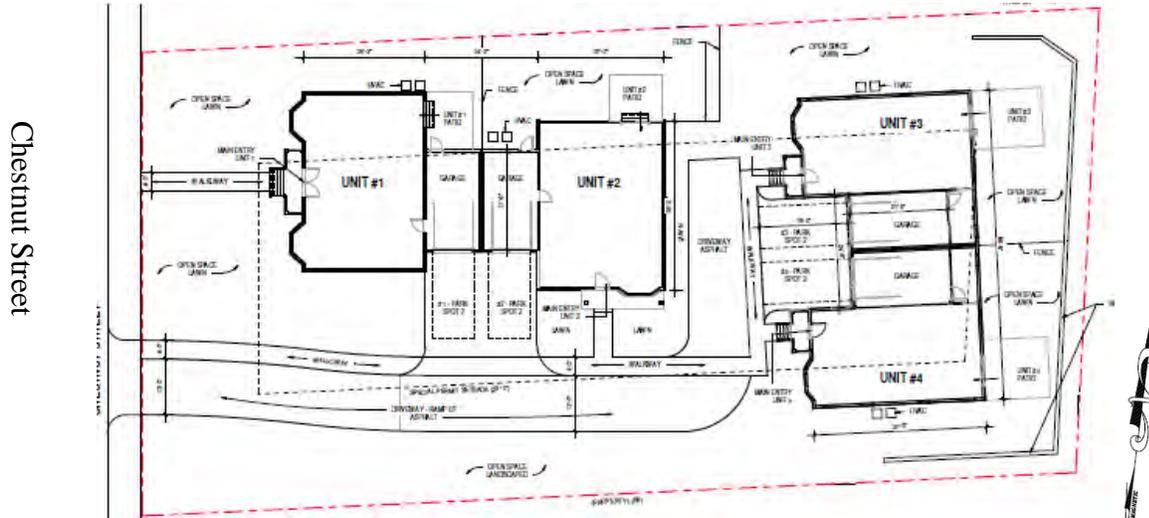
The petitioner is proposing to construct an additional two dwelling units on site by constructing an addition to the two-family and converting the building type to two single-family attached dwellings. A new structure is proposed at the rear, which will also consist of two single family attached dwelling units.

Building 1, the building at the front of the site which incorporates the two-family dwelling, will be converted to one single-family attached dwelling, Unit 1. An addition is proposed at the rear which will constitute Unit 2, the second single family attached dwelling. Building 1 maintains the existing setback of 9.5 feet from the northern property line, where 25 feet is required for the single family attached dwellings building type, requiring a special permit. Building 1 maintains the front setback of 31.5 feet.

A second structure, Building 2, is proposed to the rear of Building 1 and has a proposed rear setback of 20.1 feet and side setbacks of 16.5 feet from the southern property line and 16.4 feet from the northern property line, requiring special permit.

The entire year yard contains a retaining wall. The wall reaches a maximum height of 3.9 feet and allows for level patio and rear yard space for the units in Building 2. Planning Staff noted that air conditioner condenser units are proposed within the setbacks. Air conditioning condensers units must meet principal building setbacks.

Proposed Site Plan



C. Building Design

The project as proposed is such that Unit 1 will front the street and Unit 2 will feature the same architectural style of Worker Cottage housing but will front the driveway and eastern property line. Building 2 is set further into the site, faces the front property line, and reflects the architectural style of Building 1.

Building 1 will consist of two single family attached dwelling units and have a height of 31.6 feet. The petitioner provided unit counts as they relate to the floor area and does not include space in the basement or attic. An estimate of the proposed unit sizes appears to range from 3,782 square feet to 4,668 square feet, however, the petitioner should clarify the unit sizes for each unit. Units 1 and 2 will connect via the garage at the first story and a connection at the second story. Building 2 is set back 138 feet into the site from the front property line, will consist of Units 3 and 4 and have a height of 31.7 feet.

While the zoning ordinance does not set forth a floor area ratio (FAR) for single family attached dwellings, the proposed FAR of the project is .47 or 9,607 square feet. For reference, a by-right two-family dwelling would be allowed an FAR of .43, or 8,725 square feet of floor area. If a by-right project took advantage of new lot setbacks, the allowed FAR would increase to .45.

Proposed Front Elevation from Chestnut Street
Building 1 in the foreground



Proposed Right Elevation, Building 1



Proposed Front Elevation, Building 2



The Planning Department requests the petitioner provide a complete set of plans with the basement, and upper floor floorplans for the second floor and attic for the plan referencing condition. Based on the information provided, an estimate has been made to calculate the unit sizes and the Petitioner should clarify the unit sizes inclusive of all space.

The Planning Department believes the site to be an appropriate location for the four single-family attached dwelling units. The site's location in the MR-1 zone lends itself to multi-family use and the project meets the lot area per unit set forth requirement, with 5,073 square feet per unit proposed where 4,000 square feet is required. The Planning Department notes that the two buildings are detached, retains the historically significant two-family dwelling, and breaks up the massing on site. The proposed addition and building reflect the architectural style of the historically significant two-family dwelling. The amount of paving proposed is limited to what is necessary for safe site circulation.

D. Parking and Circulation

The site will be accessed by a 16-foot-wide curb cut which provides access to a 12-foot-wide driveway and a four-foot-wide walkway. As designed, each unit will have two parking stalls with one dedicated garage space and one surface parking stall in front of each garage door.

E. Landscaping

Each unit will have outdoor patios and dedicated yard space delineated by six-foot-tall fencing. The petitioner provided a landscape plan that maintains existing trees and boxwoods at the east, west, and southern property lines. There is screening proposed throughout the site with arborvitaes and maple trees proposed at the northern property line. There is additional ornamental landscaping proposed at the entry of each unit. The Planning Department suggests that the petitioner incorporate native and drought tolerant species wherever possible and certify. The Planning Department also requests a caliper inch analysis of trees removed and replaced.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning. Based on the Zoning Review Memorandum, the petitioner is seeking the following relief:

- §3.4.1 and §7.3.3 of Section 30, to allow single-family attached dwellings in an MR1 zoning district.
- §3.2.4 and §7.3.3 of Section 30, to reduce the side and rear setbacks for single-family attached dwellings.

B. Engineering Review

Associate City Engineer, John Daghlian, reviewed this petition for conformance with the City of Newton Engineering Standards (**Attachment D**). Mr. Daghlian notes several items that will be required prior to Engineering approval for the final site plan. One of Mr. Daghlian's concerns relates to the proposed location of the stormwater collection system. While the Engineering Division of Public Works will conduct a review of this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit, the Petitioner should continue to work with Engineering. The Planning Department will consult with Engineering prior to the public hearing to determine which items can be resolved prior to the issuance of a building permit, if approved, and which items will require further clarification.

C. Historic Preservation Review

At the October 2, 2020 meeting of the Newton Historical Commission (NHC), NHC found the structure "Preferably Preserved" due to architectural integrity and historical context as workforce housing for Upper Falls workers. The NHC waived the demolition delay based on the submitted plans. Should the project be approved, the Chief Preservation Planner will review of the plans prior to the issuance of a building permit.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** Engineering Review Memorandum
- Attachment E:** Draft Council Order

ATTACHMENT A

Zoning

1092-094 Chestnut Street

City of Newton, Massachusetts

Zoning

-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Business 1
-  Manufacturing
-  Public Use

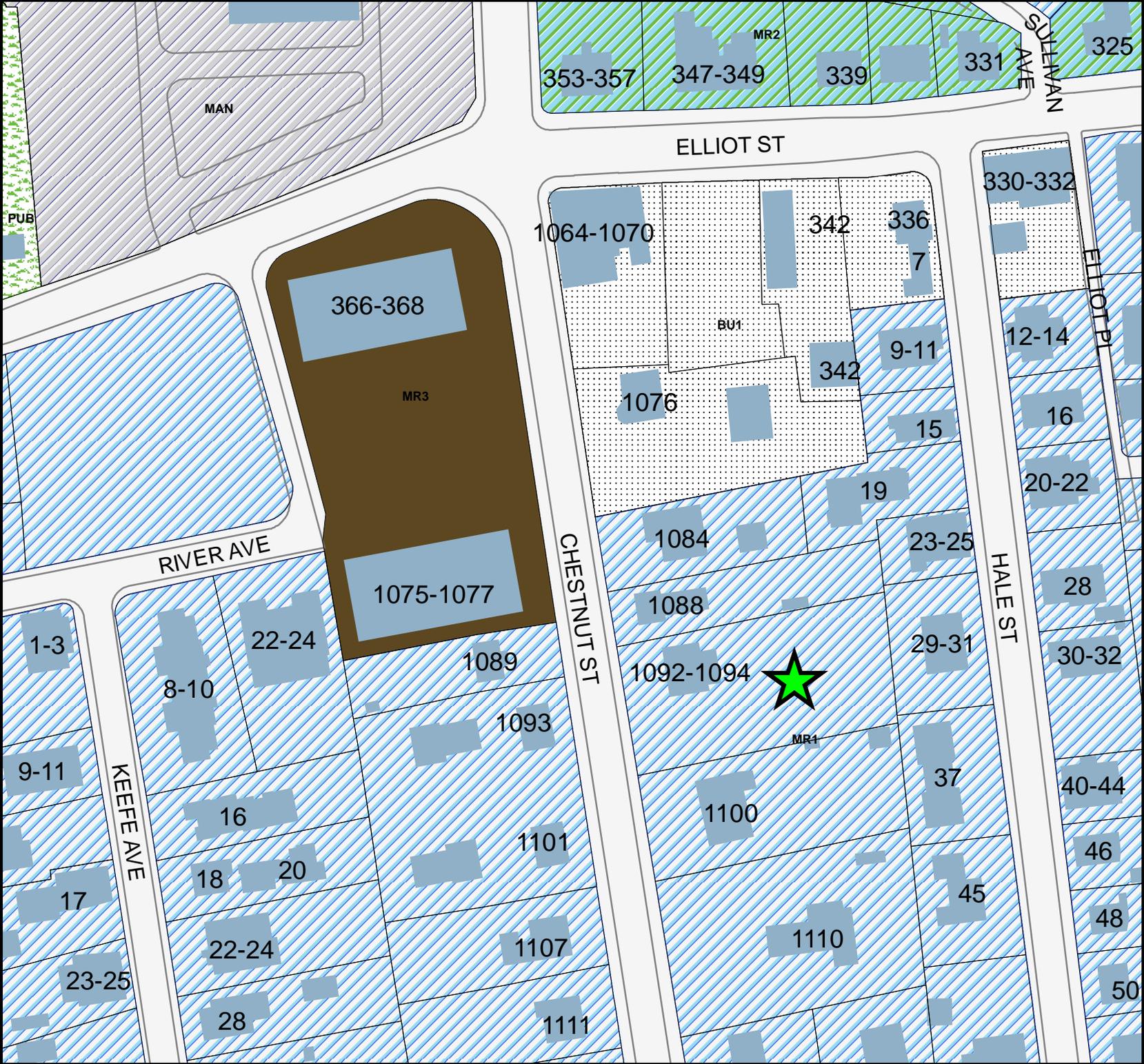


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: March 01, 2021



ATTACHMENT B

Land Use

1092-1094 Chestnut Street

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Vacant Land

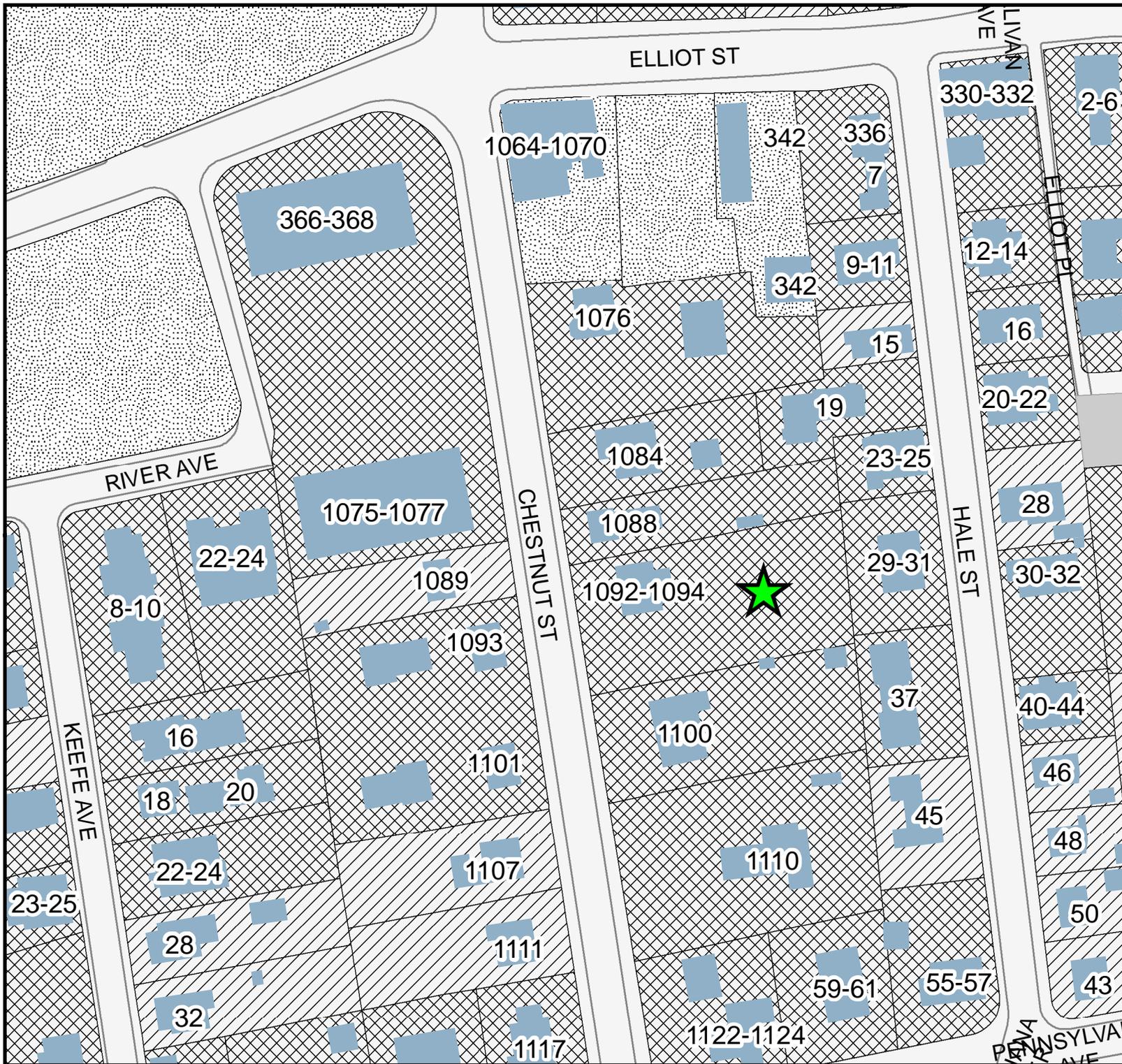


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: March 01, 2021





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Attachment C
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 12, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Terrence P. Morris, Attorney
Richard D. Sewell, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow four single-family attached dwellings in two structures

Applicant: Richard D. Sewell	
Site: 1092-1094 Street	SBL: 51041 0004
Zoning: MR1	Lot Area: 20,291 square feet
Current use: Two-family dwelling	Proposed use: Two two-unit single-family attached dwellings

BACKGROUND:

The property at 1092-1094 Chestnut Street consists of 20,291 square feet and is improved with a detached two-family dwelling built in 1881 in the MR1 zoning district. The petitioner intends to convert the existing two-family dwelling into one unit and attach a second unit to the rear resulting in two townhouse-style units, as well as to construct a second structure at the rear containing two single-family attached dwellings. The modifications would result in two structures, each containing two single-family attached dwellings

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

- Zoning Review Application, prepared by Terrence P. Morris, Attorney, dated 12/8/2020
- Existing Conditions Site Plan, signed and stamped by Christopher C. Charlton, surveyor, dated 7/8/2020
- Proposed Conditions Plan, signed and stamped by Christopher C. Charlton, surveyor, dated 11/23/2020
- Architectural Plans and Elevations, signed and stamped by Ronald Jarek, dated 12/3/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to convert the existing two-family dwelling into one unit and construct an additional unit attached behind it resulting in two townhouse-style units, as well as a second two-unit townhouse-style structure at the rear of the property creating four single-family attached dwellings within two separate structures. Per section 3.4.1, a special permit is required to construct attached dwellings in the MR1 district.

2. The existing dwelling has a side setback of 9.5 feet, where 25 feet is required for single-family attached dwellings per section 3.2.4. The petitioners intend to maintain the existing structure as well as construct a second structure with proposed side setbacks of 16.4 feet on the northern boundary and 16.5 feet on the southern boundary. Per section 3.2.4, the petitioner seeks a waiver of the side setback requirement.

3. Section 3.2.4 requires a rear setback of 25 feet. The petitioner proposes a rear setback of 20.1 feet from the eastern (rear) setback. Per section 3.2.4, the petitioner seeks a waiver of the rear setback requirement.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	20,291 square feet	No change
Frontage	80 feet	100 feet	No change
Setbacks			
• Front	25 feet	31.5 feet	No change
• Side	25 feet	9.5 feet	No change
• Side	25 feet	50.5 feet	16.5 feet
• Rear	25 feet	>100 feet	20.1 feet
Building Height	36 feet	35.6 feet	Units 1-2: 31.6 feet Units 3-4: 31.7 feet
Max Number of Stories	2.5 (3 by special permit)	2.5	No change
Lot Coverage	25%	7.2%	25%
Open Space	50%	86.3%	60.1%
Lot Area Per Unit	4,000 square feet	10,146 square feet	5,073 square feet

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance	Site	Action Required
§3.4.1	To allow single-family attached dwellings	S.P. per §7.3.3
§3.2.4	To reduce the side setback	S.P. per §7.3.3
§3.2.4	To reduce the rear setback	S.P. per §7.3.3

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 1092-1094 Chestnut Street

Date: February 25, 2021

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

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

1092-1094 Chestnut Street
Prepared by: Spruhan Engineering PC
Dated: 1/30/2021

Executive Summary:

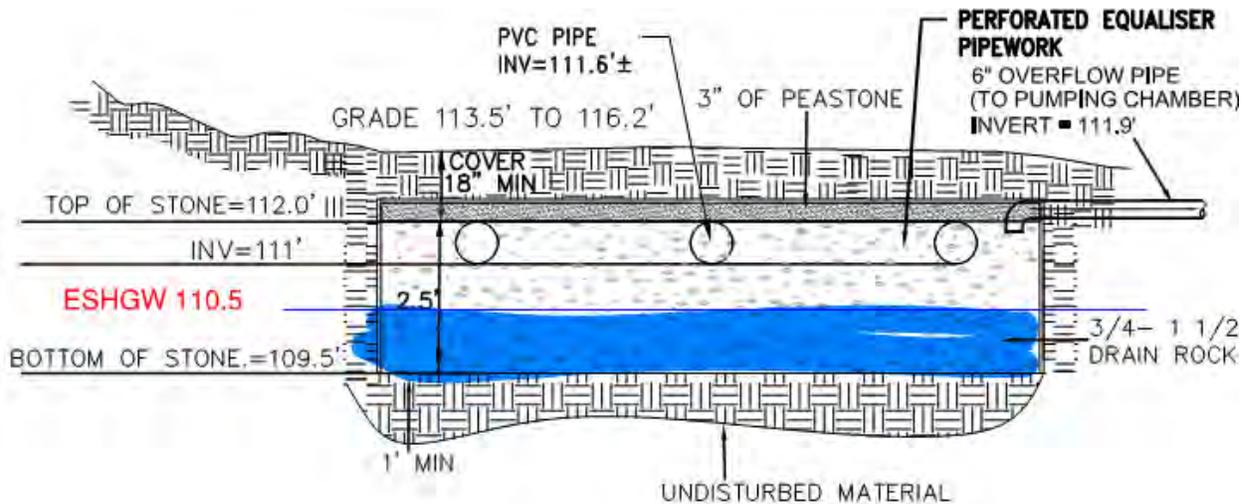
This application entails an addition to the existing two-family dwelling and construction of a new dwelling on the rear portion of the lot, a total of 4 residential units. The Assessors database indicates a lot size of 20,350 square feet however, the plan indicates 20,290 square feet. The site topography has a high point at elevation 126 feet at the south-east corner of the lot and slopes towards Chestnut Street (to the west) at elevation 113-feet. The site is surrounded by residential homes and has 100 feet of frontage.

The engineer of record has designed a stormwater collection system to capture runoff from the proposed driveway and roof areas for the City 100-year storm event; however, based on the soils tests conducted on January 27, 2021 the estimated seasonal high groundwater (ESHGW) elevation is 3 feet below grade; the ESHGW during the Spring months may possibly be higher.

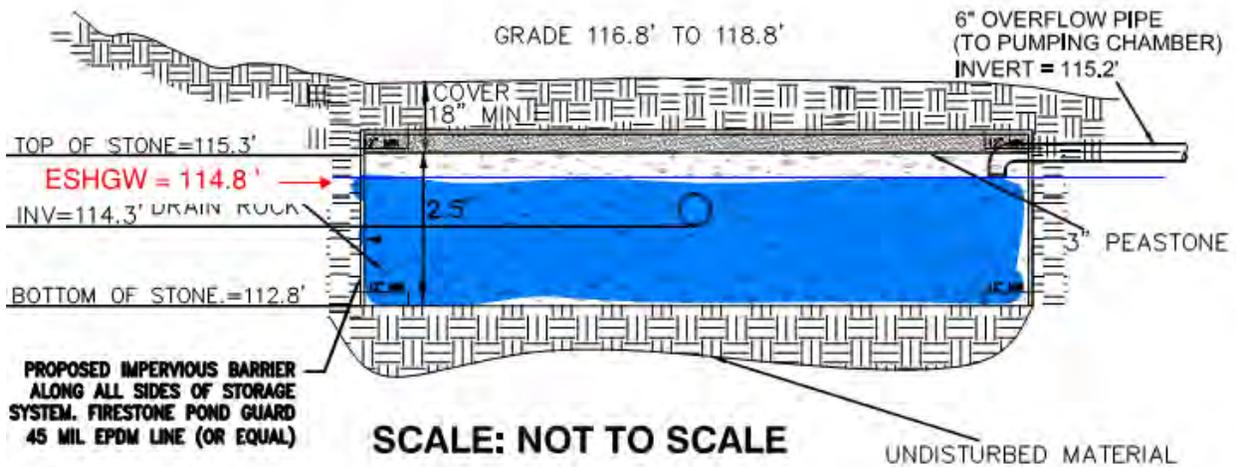
Each residential unit has been outfitted with sump pumps that are to discharge to on-site infiltration system which also have an overflow to the City's drainage system. My concern with the design is that the two proposed infiltration fields are set within this ESHGW elevation, rendering the systems to be submerged at certain times of the year when ground fluctuates.

System #1 will have the bottom 1 foot in this zone and System #2 will have 2 feet within the groundwater, the system is not functioning at full design capacity (i.e., storage since they will be partially full of groundwater) loss of volume storage. Both systems should be elevated a minim of 2 feet above the ESHGW elevation to be effective. The proposed overflow pipe should be made at the drain manhole in lieu of its proposed location.

System #	Bottom of System Elevation (ft)	ESHGW Elevation in Feet	System under During Spring wet season	Loss Of Capacity
1	109.5	110.5	Yes	Yes
2	112.8	114.8	Yes	Yes



System #1 (As designed)



System #2 (As designed)

Once the systems have been adjusted, calculations for infiltration are needed in addition to demonstrating as required by the DEP that the systems will be fully drained (emptied) within 72 hours after a storm event. An Operations and Maintenance (O&M) plan for the long-term maintenance of the proposed stormwater management facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by the applicant/property owner, 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.

A north arrow is missing from the plan.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction materials and equipment, parking for construction workers vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of the general contractor. It shall also address anticipated dewatering during construction, site safety & stability, siltation & dust control and noise impact to abutters.
2. Stabilized driveway construction entrance(s) will be required for the duration of the construction which will provide a truck wash to prevent tracking of mud and silt onto City streets.

3. Catch basins within and downstream of the construction zone will be required to have siltation control installed for the duration of the project and must be identified on the site plan.

Drainage:

1. A Pre & Post Construction drainage analysis is required. All stormwater runoff from the site shall be captured on-site and infiltrated in accordance with the Massachusetts Department of Environmental Protection standards and the City of Newton Department of Public Works policy. This policy states that stormwater runoff shall be retained from the 100-year storm event of 8.78-iches over a 24-hour period and shall be infiltrated to the maximum practicable extent. Pre & Post watershed maps (at a proper scale that is legible) are required that delineate control points and limits of the sub-basins. On-site soil evaluation is required to determine the seasonal high groundwater elevation, soil types and to identify any and all unsuitable soils (such as ledge, clay, peat, fill and others). On site soil testing that will include test pit(s) within 25 -feet of each proposed system and percolation test(s) must be schedule and witnessed by a representative of the Engineering Division. Soil logs shall be submitted on the site plan or drainage report and shall be certified by a Massachusetts Licensed Soil Evaluator and/or Professional Civil Engineer.
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 drywells, catch basins, trench drains, and pipe(s) are the sole responsibility of the property owner(s).
3. Prior to final approval of the overflow connection, the engineer of record needs to submit hydraulic calculation to ensure that there is adequate capacity in the City's drainpipe in Chestnut Street from the point of connection to the next downstream manhole. Additionally, a Closed-Circuit Television (CCTV) inspection will be required for Pre & Post Construction and must be witnessed by the Engineering Division, video copies shall be provided for review 48 hours prior notice is required. *This note shall be on the final design plans.*

Environmental:

1. Has a 21E Investigation and report been performed on the site, if so, copies of the report should be submitted to the Newton Board of Health and Engineering Division.

2. Are there any existing underground oil or fuel tanks? Have they been removed, if they have been, evidence of the proper removal should be submitted to the Newton Fire Department and the Board of Health.

Sanitary Sewer & Domestic Water Service(s):

1. Existing water and sewer services to building(s) shall cut and capped at the respective mains and completely removed from the main(s) and its entire length and properly backfilled. The Engineering Division must inspect and approve this work, failure to having this work inspected will result in delay of issuance of the new Utility Connection or issuance of a Certificate of Occupancy.
2. All new sewer service(s) shall be pressure tested in accordance to the City Construction Specifications & Standards and inspected via Closed Circuit Television CCTV inspection after installation is completed. A copy of the video inspection and written report shall be submitted to the City Engineer or his representative. The sewer service will NOT be accepted until the two methods of inspection are completed AND witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until these tests are completed to the satisfaction of the City Engineer.
3. All sanitary sewer manhole(s) shall be vacuum tested in accordance to the City's Construction Standards & Specifications, the sewer service and manhole will NOT be accepted until the manhole(s) pass the testing requirements. 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 to the satisfaction of the City Engineer and a written report of the test results is submitted to the City Engineer.
4. With the exception of natural gas service(s), all utility trenches within the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E up to within 18-inches of the asphalt binder level, after which Dense Grade Gravel compacted to 95 % Proctor Testing shall be placed over the CDF. Details of this requirement is the Engineering Division website "Standard Construction Details".
5. All water services shall be chlorinated, and pressure tested in accordance to the AWWA and the City Construction Standards & Specifications prior to coming online. These tests MUST be witnessed by a representative of the Engineering Division.

6. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division, the engineer of record shall submit a plan to the Director of Utilities for approval.
7. The applicant should check with the Newton Fire Department requirements for fire suppression system.

General:

1. 5 Year Moratorium – if at time of construction the roadway is under a 5-year moratorium, the roadway must be milled and paved gutter-to-gutter for a distance of 25 feet in each direction from the outermost trenches.
2. All trench excavation shall comply with Massachusetts General Law Chapter 82A, Trench Excavation Safety Requirements, and OSHA Standards to protect the general public from unauthorized access to unattended trenches or excavations. Trench Excavation Permit is required prior to any construction. This applies to all trenches on public and private property. *This note shall be incorporated onto the final plans.*
3. All tree removal shall comply with the City's Tree Ordinance.
4. The contractor of record 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 services and drainage system installation. The utility in question shall be fully exposed for the Inspector to view, backfilling shall only take place when the City Engineer's Inspector has given their approval. *This note shall be incorporated onto the final plans.*
5. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.
6. Before requesting a Certificate of Occupancy, an As Built plan shall be submitted to the Engineering Division in both digital and paper format. The plan shall show all utilities and final grades, any easements and improvements and limits of restoration. The plan shall include profiles of the various new utilities including but not limited to rim & invert elevations (City of Newton Datum), slopes of pipes, pipe materials, and swing ties from permanent building corners. The as built shall be stamped by both a Massachusetts Registered Professional Engineer and Registered Professional Land Surveyor. Once the As built plan is received the Engineering Division shall perform a final site inspection and

then make a determination to issue a Certificate of Occupancy. *This note shall be incorporated onto the final plans.*

7. All site work including trench restoration, sidewalk, curb ,apron and loam border (where applicable) shall be completed before a Certificate of Occupancy is issued. *This note shall be incorporated onto the final plans.*
8. The contractor of record shall contact the Newton Police Department 48-hours in advanced and arrange for Police Detail to help residents and commuters navigate around the construction zone.
9. If any changes from the final approved design plan that are required due to unforeseen site conditions, the contractor of record shall contact the design engineer of record and submit revised design and stamped full scale plans for review and approval prior to continuing with construction.
10. *The engineer of record shall add the following attestation to the plans when applying for a building permit:*

I certify that the construction so shown was inspected prior to backfill and that all work conforms with the Approved Plan and meets or exceeds the City of Newton Construction Standards.

Signature

Note: If the plans are updated it is the responsibility of the applicant to provide all City Departments [ISD, Conservation Commission, Planning 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 at 617-796-1023.

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow four single family attached dwelling units in two buildings with reduced side and rear setbacks, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed four single-family attached dwellings in two buildings with reduced side and rear setbacks because the project meets many of the dimensional standards of the single family attached dwellings building type and the proposed setbacks are greater than the existing setback that does not meet the standard for single family attached dwellings. (§7.3.3.C.1)
2. The proposed four single-family attached dwellings in two buildings with reduced side and rear setbacks will not adversely affect the neighborhood because the project meets many of the dimensional standards of the single family attached dwellings building type, including the lot area per unit. (§7.3.3.C.2)
3. The proposed four single-family attached dwellings in two buildings with reduced side and rear setbacks will not create a nuisance or serious hazard to vehicles or pedestrians because the proposed site plan maintains the driveway location. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the required number of parking stalls is accommodated on site. (§7.3.3.C.4)
5. Literal compliance with the dimensional standards for the side and rear setbacks is impractical because the project as designed retains the existing historically significant structure and the new construction reflects the worker style housing in the Upper Falls village §3.2.4)

PETITION NUMBER: #59-21

PETITIONER: 1092-1094 Chestnut Street Realty Trust

LOCATION: 1092-1094 Chestnut Street, on land known as Section 51 Block 41 Lot 4, containing approximately 20,291 sq. ft.

OWNER: 1092-1094 Chestnut Street Realty Trust

ADDRESS OF OWNER: P.O. Box 95092
Newton, MA 02495

TO BE USED FOR: Four single-family attached dwelling units in two structures

CONSTRUCTION: Wood Frame

EXPLANATORY NOTE: Special permit per §7.3.3 to allow four single-family attached dwelling units with reduced side and rear setbacks (§3.4.1, §3.2.4)

ZONING: Multi Residence 1

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with:
 - a. A set of plans prepared by Spruhan Engineering, P.C., signed and stamped by Edmond Spruhan, Professional Land Surveyor:
 - i. "Proposed Conditions Site Plan" showing proposed conditions at 1092-1094 Chestnut Street, dated November 23, 2020
 - ii. "Proposed Drainage and Utilities Plan" showing proposed conditions at 1092-1094 Chestnut Street, dated January 30, 2021
 - b. Architectural plans entitled "at 1092-1094 Chestnut Street" prepared by Ron Jarek, dated December 3, 2020
 - i. Front Elevation, Building 1, SD.06
 - ii. Right Elevation, Building 1, SD.07
 - iii. Left and Rear Elevations, Building 1, SD.08
 - iv. Front Elevation, Building 2, SD.09
 - v. Right, Left, and Rear Elevations, Building 2, SD.10
 - vi. Building 1 First Floor Plan, SD.11
 - vii. Building 2 First Floor plan, SD.12
 - viii. Building 1 Second Floor Plan, missing page number
 - ix. Building 2 Second Floor Plan, missing page number
 - c. Landscape Plan prepared by Ron Jarek, registered architect
 - i. Landscape Plan, SD.03

2. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Director of Planning and Development, City of Newton Fire Department, Department of Planning and Development, Department of Engineering, and Department of Inspectional Services.
3. Prior to the issuance of a building permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Registry of Deeds for the Southern District of Middlesex County. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
4. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - e. Provided a Final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
 - f. Provided a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Registry of Deeds for the Southern District of Middlesex County. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 - g. Submitted a final Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, the City Engineer, and the Director of Transportation.
 - h. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
5. The petitioner shall comply with the Tree Preservation Ordinance.
6. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.

7. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking and shall comply with the City's Noise Control Ordinance.
8. Prior to the issuance of any building permit for the Project the Petitioner shall submit a Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and from 8:00 a.m. to 7:00 p.m. on Saturdays. No construction is permitted on Sundays, or holidays except in emergencies, and only with prior approval from the Mayor.
 - c. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction and delivery vehicles, and location of any security fencing.
 - e. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - f. Proposed methods of noise and vibration control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - g. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - h. A plan for rodent control prior to demolition, during demolition, and during construction.
 - i. The CMP shall also address the following:
 - safety precautions;
 - anticipated dewatering during construction;
 - site safety and stability;
 - impacts on abutting properties.
9. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:

- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.
 - c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.
 - d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features, fencing, and parking areas.
10. Notwithstanding the provisions of Condition #10 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, and/or benches provided that the Petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site work to secure installation of such landscaping, fencing, signage and parking areas. This condition shall not apply to the public footpath.