



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
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**#29-21**  
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**Barney S. Heath**  
Director

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## PUBLIC HEARING/WORKING SESSION MEMORANDUM

**DATE:** April 2, 2021  
**MEETING DATE:** April 6, 2021  
**TO:** Land Use Committee of the City Council  
**FROM:** Barney S. Heath, Director of Planning and Development  
Neil Cronin, Chief Planner for Current Planning  
Katie Whewell, Senior Planner  
**CC:** Petitioner

In response to issues raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

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**PETITION #29-21**

**145 Warren Street**

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Special Permit/Site Plan Approval to allow four single-family attached dwellings with dimensional waivers, retaining walls greater than four feet in height and dimensional waivers for parking facilities with over five stalls.

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The Land Use Committee (the "Committee") held a public hearing on this petition on Tuesday February 2, 2021. The public hearing was held open for the petitioner to respond to questions and concerns raised in the Planning Department's memorandum and at the public hearing by the Committee as well as by members of the public. This memo reflects those issues and concerns, as well as revised materials submitted by the petitioner as of April 2, 2021.

### Background

The subject property located at 145 Warren Street consists of 23,399 square feet of land, and is improved with a single-story, single-family bungalow style dwelling constructed in 1916. The dwelling is referred to as the William L. Church House and is listed on the National Register of Historic Places. The property is located within the Multi Residence 1 (the "MR-1") zone in Newton Centre. The petitioner proposes to demolish a portion of the structure and construct an additional three dwelling units on site. The project as proposed requires special permit relief for single-family attached dwelling units with reduced side setbacks, increased lot coverage, to allow a driveway within ten feet of the side lot line, to allow for reduced driveway width, and to allow retaining walls greater than four feet in

height. Prior to the February 2 hearing, it was determined that the project is subject to the provisions set forth in the Zoning Ordinance for parking facilities with more than five stalls. The additional relief has been applied for, noticed, and advertised.

The plans remain unchanged from the prior hearing.

### **Relief for Parking Facilities over Five Stalls**

The Newton Zoning Ordinance (“the Ordinance”) sets forth parking dimensions based on the total number of stalls in a parking facility. It was determined that this project falls under §5.1.8 which regulates the design of parking facilities over five stalls. As this project has eight parking stalls in a shared parking facility, additional relief was required. As such, a revised zoning memorandum (**Attachment A**) was issued, and the additional relief was applied for, noticed, and advertised. The project requires a waiver from §5.1.8.D.1 which states that entrance and exit driveways shall be a minimum of 20 feet wide for two-way use. The proposed driveway has a width of 18 feet. The petitioner should provide an update as to whether the Newton Fire Department has reviewed the plans and proposed driveway and driveway width.

At the time of amending the application, relief was identified for a waiver from §5.1.8.B.3 of the Ordinance, which states one accessible stall is necessary for parking facilities with 6-25 stalls. However, this provision of the Ordinance is inconsistent with the rules and regulations of the Massachusetts Architectural Access Board (MAAB), which does not regulate private residential parking facilities, such as the proposed configuration for 145 Warren Street. The Law Department provided clarification that in cases where the building code is less stringent than the zoning ordinance, the building code takes precedence. As such, relief from §5.1.8.B.3 is no longer required.

### **Unit Size and Floor Area Ratio**

In the Public Hearing Memorandum, the Planning Department requested the applicant clarify the unit sizes of the project. With four units proposed, and Unit 1 encompassing the historic house, the unit sizes range from 2,140 square feet to 4,496 square feet. Unit 1 contains 4,496 square feet and consists of the existing house. There is approximately 2,146 square feet in the basement of Unit 1 and the petitioner indicated the basement of Unit 1 has a 7-foot ceiling height. The petitioner stated that the units would be marketed as Unit 1: 2,600 square feet, due to the 7-foot ceiling height in the basement. Units 2, 3, and 4, would be marketed as 2,650, 2,100 sf, and 2,400 square feet, respectively. The shared garage with eight parking stalls, two stalls dedicated per unit, is not represented in the unit counts, but contributes approximately 2,868 square feet to the structure.

While FAR is not a dimensional standard applicable to single family attached dwelling, the petitioner submitted a revised FAR worksheet indicating the proposed FAR of the project is .61 with 14,424 square feet of floor area. For comparison of the by right alternative, a two-family structure in the MR-1 would have an FAR of .4 as of right with the option of obtaining the bonus of .02 for utilizing new lot setbacks. A project with an FAR of .4 would consist of 9,360 square feet of floor area and if utilizing the bonus by meeting new lot setbacks, would consist of 9,828 square feet of floor area.

## Engineering

The petition was under review by the Engineering Division at the February 2, 2021 Land Use Committee Meeting. The subsequent Engineering Memorandum (**Attachment B**), issued March 24, 2021, outlined items that required a response from the petitioner, one of them being the turning templates of the garage. Associate City Engineer John Daghlian requested turning templates for the garage, as well as location of the trash and recycling receptacles to ensure vehicles would be able to make the turns into the stalls under various scenarios, such as vehicles in adjacent/all stalls, and inclusive of a larger vehicle. The petitioner provided the requested information and Mr. Daghlian is satisfied with the turning movements and scenarios presented, including the location of the trash and recycling receptacles.

Mr. Daghlian identified issues in his memorandum regarding a construction management plan, dewatering plan, and aspects of the Operations and Maintenance Plan. Mr. Daghlian confirmed that all items in his memorandum can be resolved at the building permit stage, should this project be approved.

## Historic

At the February 2, 2021 Land Use Committee meeting, further information was requested regarding the jurisdiction of the Newton Historical Commission of this project. Following further conversations between Planning, the Law Department, and the Chief Preservation Planner, it has been clarified that the site is governed by the partial demolition permit issued by Inspectional Services, which was then transferred upon change in ownership. The notion that the historic house can be demolished after a certain date is untrue. Any demolition that is beyond the scope of work of the current partial demolition permit would require further review from the Newton Historical Commission. The current partial demolition permit is limited to the previous accessory building on site and the rear of the single-family home.

## Conservation

Much of the site is located within the buffer zone of a wetland resource area. These site conditions require review and approval from the Conservation Commission. The petitioner appeared before the Conservation Commission and was issued an Order of Conditions, dated February 22, 2021. Conditions include but are not limited to location of snow storage on site, a revised landscape plan and proposed plantings, and exterior lighting.

## **ATTACHMENTS:**

- Attachment A:** Revised Zoning Review Memorandum
- Attachment B:** Engineering Memorandum
- Attachment C:** DRAFT Council Order



Ruthanne Fuller  
Mayor

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

## ZONING REVIEW MEMORANDUM

Date: February 22, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Norton Point Warren Street LLC  
David Oliveri, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

**RE: Request to allow four single-family attached dwellings**

Applicant: Norton Point Warren Street LLC	
<b>Site:</b> 145 Warren Street	<b>SBL:</b> 61039 0010
<b>Zoning:</b> MR1	<b>Lot Area:</b> 23,399 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> Four single-family attached dwellings

### BACKGROUND:

The property at 145 Warren Street consists of 23,399 square feet and is improved with a single-family dwelling built in 1916 and a detached accessory building in the MR1 zoning district.

The petitioners propose to add one unit directly to the back rear of the existing dwelling, and construct two additional units behind them. The front and rear units are connected by a ground level shared garage with a courtyard space above it.

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

- Zoning Review Application, prepared by David Oliveri, dated 11/9/2020
- Elevations and sections, signed and stamped by Andrew Consigli, architect, dated 11/9/2020
- Zoning Plan, signed and stamped by Joseph R. Porter, surveyor, dated 11/4/2020

## **ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioners propose to construct four single-family attached dwellings in the Multi Residence 1 zoning district. Per section 3.4.1, a special permit is required to construct attached dwellings in the MR1 district.
2. Section 3.2.4 requires a 25-foot setback for attached dwellings. The petitioners intend to preserve the existing historically significant single-family dwelling and make rear additions. The existing structure does not meet the 25-foot side setback requirement with setbacks of 14.4 feet on the westerly side and 23 feet on the easterly side. The proposed additions result in a decrease of the western side setback to 17.3 feet and the eastern side setback to 18.6 feet. Section 3.2.4 allows the City Council to grant exceptions to the dimensional standards of the section if it is determined that literal compliance 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. The proposed additions result in a lot coverage of 33.6%, which exceeds the allowable 25% per section 3.2.4 requiring a waiver.
4. The petitioners propose to utilize and extend the existing driveway along the eastern property line to serve all four units which is less than 10 feet from the boundary. Per section 6.2.3.B.2, no driveway may be located within 10 feet of a side or rear lot line requiring a waiver.
5. Per section 5.1.8.B.3 requires one accessible parking stall for parking facilities with 6-25 stalls. The proposed facility will have eight stalls requiring one accessible parking stall, necessitating a waiver from this provision per section 5.1.13.
6. Section 5.1.8.D. 1 requires a driveway width of 20 feet for two-way traffic. The proposed driveway is 18 feet wide at its narrowest, requiring a waiver per section 5.1.13.
7. Retaining walls are proposed at the eastern and western property boundaries, as well as directly behind the proposed rear addition. The eastern and western walls are located within the required 25-foot setback. The eastern wall reaches a maximum height of 6 feet and the western has a maximum height of four feet. Per section 5.4.2.B, a retaining wall four feet or more in height in the setback requires a special permit.

MR1 Zone	Required	Existing	Proposed
Lot Size	15,000 square feet	23,399 square feet	No change
Frontage	80 feet	90 feet	No change
Setbacks			
• Front	25 feet	26.6 feet	No change
• Side	25 feet	<b>14.4 feet</b>	<b>17.3 feet</b>
• Side	25 feet	<b>23 feet</b>	<b>18.6 feet</b>
• Rear	25 feet	170.8 feet	51.1 feet
Building Height	36 feet	24.34 feet	29.42 feet
Max Number of Stories	2.5 (3 by special permit)	1	2.5
Lot Coverage	25%	12.9%	<b>33.6%</b>
Open Space	50%	77.2%	51.9%
Lot Area Per Unit	4,000 square feet	23,399 square feet	5,850 square feet

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To reduce required side setback	S.P. per §7.3.3
§3.2.4	To increase allowed lot coverage	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the side lot line	S.P. per §7.3.3
§5.1.8.B.3 §5.1.13	To waive the requirement for one accessible parking stall	S.P. per §7.3.3
§5.1.8.D. 1 §5.1.13	To allow for a reduced driveway width	S.P. per §7.3.3
§5.4.2.B	To allow retaining walls of four feet or more in height within a 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 – 145 Warren Street

Date: February 22, 2021

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

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

*Topographic Site Plan  
Showing Proposed Conditions at  
#145 Warren Street  
Newton, MA  
Prepared by: VTP Associates Inc.  
Dated: November 4, 2020  
Revised: January 20, 2021  
&  
Turning Radius Plan  
Prepared by: VTP Associates Inc.  
Dated: February 12, 2021*

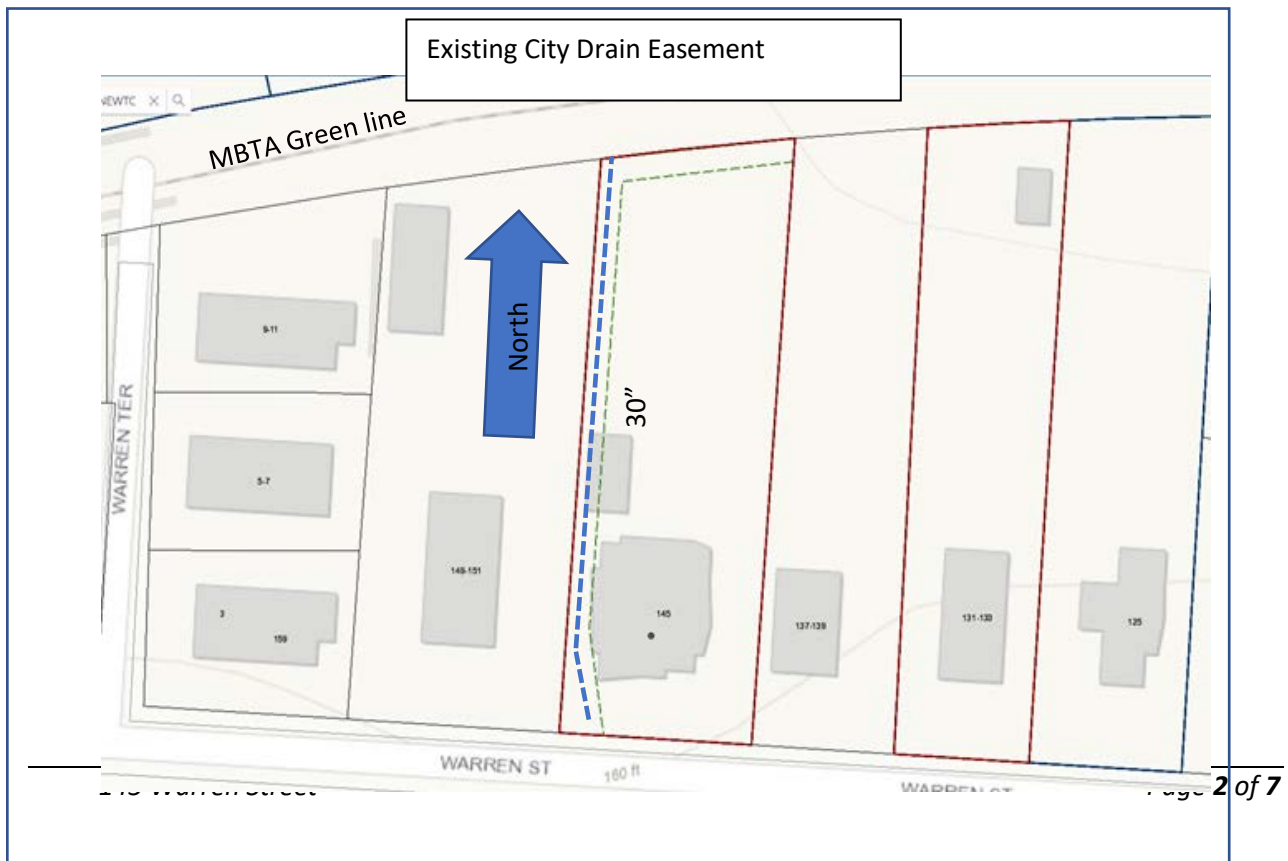
Executive Summary:

This application entails an addition to an existing circa 1930 single-family dwelling and the construction of three-additional unit residential units. The property has 22,383 square feet [0.51 acres] with 90 feet of frontage along Warren Street. The site is bound by residential

homes on the east & west, Warren Street to the south and the MBTA green line along its northern border. The site has a high point at elevation of 163-feet near Warren Street and slopes down towards the north near the MBTA tracks at elevation of 149-feet.

Access to the units, garages and auto court is provided via driveway located near the easterly property line. The driveway has a retaining wall near the property line for a distance of +/- 150-feet and is 6-feet at the high point. Retaining walls over 4 feet high will need a structural engineers design to ensure that the wall does not fail in (overturning, sliding or settlement) along with a safety fence along the top of the wall, detailed analysis including wall drainage and detailed grading and/or section(s), and finished surfaces will be required when applying for a Building Permit with the Inspectional Services Department.

A 10-ft. wide City drain main easement traverses the property along the north and west property lines, a 30-inch drainpipe transmits stormwater from the road collection system through the lot and into the wetlands along the MBTA. The design has a proposed retaining wall located adjacent to the drainage easement; should this application be approved; the actual position of the drainpipe must be delineated with a Closed-Circuit Television and sonic tracer to ensure that the pipe is within the easement and the construction of the proposed retaining wall and/or foundation of the proposed units do not interfere with the pipe. Post construction inspection of the 30" drainpipe via a closed-circuit television (CCTV) will also be required and should be part of any Board Order. Both CCTV inspections must be witnessed by a representative from Engineering.





The engineer of record has designed a drainage collection system consistent with the DPW Stormwater Management Policy that collects and infiltrates the 100-year storm event on site. The design includes four infiltration systems for infiltration of roof and driveway runoff. Test pit #2 indicates standing water at 28-inches (elevation 146.4) the bottom of drain system #3 is at 148.4 which provides the required 2-foot of separation; however, the test pit was conducted on January 28, 2019 it is likely that the seasonal high ground water (SHGW) during the spring season maybe higher. No dewater plan was provided, and a Construction Management plan is needed for evaluation.

System #3 is located in the rear yard, my concern with the siting of this system is the proposed location and long-term maintenance requirement. The Operations and Maintenance [O&M] plan indicates that the system needs to be inspected and cleaned, however; access to this system is difficult at best as it is placed behind the dwelling units, there is no easy access to clean the system. I recommend that this proposed infiltration system be located within the proposed auto-court for easier access. Additionally, system #4 has an overflow that will discharge to the wetlands along the MBTA, this overflow should be eliminated if this system is adjusted. The O&M plan does not include any provisions for bi-annual sweeping of the driveway and auto court, this is needed as it impacts the long-term performance of the infiltration systems.

Portions of the site are under the Conservation Commission jurisdiction in regard to wetlands and 100-foot buffer zone, the applicant has applied to the Conservation Commission for an Order of Conditions, minor adjustments to the drainage system was indicated in Frank Nichols Feb 3<sup>rd</sup> memo to the Conservation Commission.

Municipal utilities will be provided for the three units, additionally the sanitary sewer services will require individual pump systems. The design should incorporate a standby generator for these systems in the event of prolonged power outages since these systems do not have a large storage capacity.

The turning template plan indicates a 2010 BMW 5 Series making maneuvers into and out of various parking stalls, my issue is will the development have a restriction on the type of vehicle that can be accommodated? Different types of vehicles should be study such as a minivan, or SUV. Additionally, on sheets 2 and 3 the BMW is shown making the turns, however; it encroaches into the neighboring stalls that are empty. The plan should be updated to show the other stalls occupied and with various size vehicles then show updated turning movements for various size vehicles.

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. The Operations and Maintenance (O&M) plan for the long-term maintenance of the proposed stormwater management facilities needs to include the required sweeping of the driveway and the frequency of this maintenance. Once updated 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.
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).

Environmental:

- 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. Fire Flow testing is required for the proposed fire suppression system. The applicant must coordinate the fire flow test with both the Newton Fire Department and the Utilities Division, representative of each department shall witness the testing. Test results shall be submitted in a written report along with hydraulic calculations that demonstrate the required size of the fire suppression system, these calculations shall be submitted to the Newton Fire Department for approval, and copies give to the Engineering Division.
6. 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.
7. 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.

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.*

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Signature

11. Clarification is needed as to how trash & recycling will be provided for the development.

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 dwellings and grant exceptions to dimensional requirements for side setbacks and lot coverage, retaining walls four feet or more in height within a setback, allow a driveway within ten feet of the side lot line, and to allow for a reduced driveway width, 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 due to the proposed lot area per unit being consistent with the Warren Street neighborhood and Multi-Residence 1 zone as well as the site's proximity to the Newton Centre Village Center and transit station. (§7.3.3.C.1)
2. The proposed four single-family attached dwellings will not adversely affect the neighborhood due to the proposed lot area per unit being consistent with the Warren Street neighborhood. (§7.3.3.C.2)
3. The proposed single-family attached dwelling will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. Literal compliance with the dimensional standards for the side, lot coverage a driveway located within ten feet of the side lot line, and reduced driveway width 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 due to the proposed project incorporating an existing historically significant structure. (§3.2.4, §6.2.3.B.2 )

PETITION NUMBER: #29-21

PETITIONER: 145 Warren CREH, LLC AND Norton Point Warren Street, LLC

LOCATION: 145 Warren Street, Ward 6, on land known as Section 61, Block 39, Lot 10, containing approximately 29,399 sq. ft. of land

OWNER: 145 Warren CREH, LLC AND Norton Point Warren Street, LLC

ADDRESS OF OWNER: 12 Morse Lane  
Natick MA 01760

TO BE USED FOR: Four single-family attached dwellings

EXPLANATORY NOTES: Special permit as per §7.3.3 to allow four attached single-family dwellings in a Multi-Residence 1 (MR1) zoning district (§3.4.1); reduce the side setback requirement (§3.2.4); allow increased lot coverage (§3.2.4); allow retaining walls of four feet or more in height within a setback (§5.4.2.B); allow a driveway within ten feet of the side lot line (§6.2.3.B.2); and allow reduced driveway width for parking facilities over five stalls (§5.1.8.D.1)

ZONING: Multi-Residence 1 (MR1) district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
  - a. A set of plans prepared by VTP Associates, Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor, and Mark Besio, Professional Engineer:
    - i. "Zoning Plan, Newton, Massachusetts, Showing Proposed Conditions at #145 Warren Street," dated November 4, 2020, Revised: January 20, 2021
    - ii. "Grading, Drainage and Utility Plan, Showing Proposed Conditions at #145 Warren Street," dated November 4, 2020, Revised: January 20, 2021
    - iii. "Detail -1, Showing Proposed Conditions at #145 Warren Street," dated November 4, 2020, Revised: January 20, 2021
    - iv. "Detail -2, Showing Proposed Conditions at #145 Warren Street," dated November 4, 2020, Revised: January 20, 2021
  - b. Architectural plans entitled "145 Warren Street Newton Center" prepared by Civico Development, dated February 24, 2021, signed and stamped by Andrew Consigli, Registered Architect:
    - i. Lower Level Plan (A1);
    - ii. Street Level Plan (A2);
    - iii. Upper Level Plan (A3).
    - iv. Elevations (Sides) (A4)

- v. Elevations (Front and Rear) (A5)
- c. Landscape Plan entitled "Illustrative Planting Plan" prepared by Verdant, dated January 25, 2021, signed and stamped by Blair Hines, Registered Landscape Architect.
2. The petitioner shall preserve the existing proportions, substrate (underlying shell) and architectural details that contribute to the historic significance of the portions of the existing house structure to be preserved, including but not limited to all exterior walls, roof structure, and window openings. Any unforeseen changes to the existing proportions or substrate and architectural details that contribute to the historic significance of the portions of the existing house structure to be preserved shall not be made without approval by the Newton Historical Commission.
3. 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.
4. Prior to the issuance of a Building Permit, the petitioner shall conduct a closed-circuit television inspection of the City's drainpipe in Warren Street and provide an electronic copy of such inspection to the Commissioner of Public Works.
5. The petitioner shall comply with the Tree Preservation Ordinance.
6. 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.
7. 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, 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. 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.
  - h. Filed with the City Clerk, Inspectional Services, and the Planning Department a statement from the Newton Historical Commission approving the final plans.
8. Prior to the issuance of any occupancy certificate, the petitioner shall conduct a closed-circuit television inspection of the City's drainpipe in Warren Street and provide an electronic copy of such inspection to the Commissioner of Public Works.

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 a statement by a registered architect or engineer certifying compliance with Condition #1.
  - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan 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 #9 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.
11. The project shall be constructed in accordance with the Order of Conditions issued by the Conservation Commission and must seek approval from the Conservation Commission for any changes to the approved work.