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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	June 29, 2021
Land Use Action Date:	September 14, 2021
City Council Action Date:	September 20, 2021
90-Day Expiration Date:	September 27, 2021

DATE: June 25, 2021

TO: City Council

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

SUBJECT: **Petition #178-21**, SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retail marijuana establishment, to allow assigned parking, and to waive lighting requirements at **1158 Beacon Street**, Ward 6, Newton Highlands, on land known as Section 54 Block 22 Lot 49A, containing approximately 20,443 sq. ft. of space in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.10, 5.1.3.E, 5.1.13 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.



1158 Beacon Street

EXECUTIVE SUMMARY

The subject property at 1158 Beacon Street consists of a 20,443 square foot lot located in a Business 2 (BU2) district improved with a one-story, 5,299 square foot commercial building constructed in 1964 currently occupied by a dry cleaner and a restaurant.

The petitioner intends to demolish the existing building and construct a one-story, 2,290 square foot building and a 22-stall surface parking facility and is seeking a special permit per Section 6.10.3 of the Newton Zoning Ordinance (NZO) to operate a marijuana retail establishment on the site.

Per Sections 5.1.4.A and 6.10.3.E.5 of the NZO, a marijuana retailer requires one parking stall for every 300 square feet of gross floor area and one stall for every three employees at the largest shift. As proposed the marijuana retailer would have a staff of 10 employees onsite at the largest shift the use would require 12 parking stalls. The proposed 22 parking stalls would, at ten more than what is required, satisfy the requirement.

The petitioner is seeking a special permit per Section 5.1.13 to waive the prohibition of assigned parking (Section 5.1.3.E) so as to permit the designation of three stalls for employee parking. Also, the petitioner is seeking, to the extent necessary, an exception to the requirement that parking facilities used at night have security lighting with a minimum intensity of one-foot candle across their entire surface (Section 5.1.10.A).

The Planning Department has engaged a consultant to perform a traffic and transportation peer review of aspects of the project and anticipates receiving its comments in advance of a future public meeting on this petition.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the City Council should consider whether:

- The specific site is an appropriate location for the proposed marijuana retailer (§7.3.3.1)
- The proposed marijuana retailer as developed and operated will not adversely affect the neighborhood (§7.3.3.2)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.3)
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.4);
- Literal compliance with the requirement that required parking stalls not be assigned to specific persons or tenants so as to render them in effect unavailable to the persons whom the facilities are designed to serve is impracticable due to the nature of the use, size, width, 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

(§5.1.3.E; §5.1.13)

- Literal compliance with applicable parking facility lighting requirements is impracticable due to the nature of the use, size, width, 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 (§5.1.10; §5.1.13)

With regard to the special permit required to allow the proposed Marijuana Retailer, the City Council should also consider whether:

- The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site, whether driving, bicycling, walking or using public transportation. (§6.10.3.G.1.a)
- Loading, refuse and service areas are designed to be secure and shielded from abutting uses. (§6.10.3.G.1.b)
- The Marijuana Retailer is designed to minimize any adverse impacts on abutters. (§6.10.3.G.1.c)
- The Marijuana Retailer is not located within a 500-foot radius of a public or private K-12 school. (§6.10.3.G.2.a)
- Traffic generated by client trips, employee trips, and deliveries to and from the marijuana retailer will not create a significant adverse impact on nearby uses. (§6.10.3.G.2.b)
- The building and site have been designed to be compatible with other buildings in the area and to mitigate any negative aesthetic impacts that might result from required security measures and restrictions on visibility into the building's interior. (§6.10.3.G.2.c)
- The building and site are accessible to persons with disabilities. (§6.10.3.G.2.d)
- The lot is accessible to regional roadways and public transportation. (§6.10.3.G.2.e)
- The lot is located where it may be readily monitored by law enforcement and other code enforcement personnel. (§6.10.3.G.2.f)
- The marijuana retailer's hours of operation will have no significant adverse impact on nearby uses. (§6.10.3.G.2.g)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The site is located on south side of Beacon Street approximately 175 feet west of

Beaconwood Road. It and several properties to the east and west along that side are zoned Business 2 (BU2). These properties include a small retail strip abutting to the east and a four-story office building immediately to the west. Other properties in the vicinity are zoned predominantly for multi-residential use (mostly MR1 but also including an MR2 zoned parcel abutting to the south of the subject parcel and an MR3-zoned property about 250 feet to the east on the north side of Beacon Street). Other uses include the Public Use (PU)-zoned Cold Spring Park to the southwest and the Newton cemetery which is directly across Beacon Street from the site and is zoned Open Space/Recreational (OS/R) (**Attachments A & B**).

B. Site

The subject property consists of a 20,443 square foot lot improved with a one-story commercial building constructed circa 1964. The site is relatively flat, has largely impervious surfaces and little to no landscaping. It is accessed via two curb cuts on Beacon Street, the more westerly curb cut provides direct access to the driveway along the that side of the property which leads to the paved parking area in the rear. There is also a narrow alleyway along the left (east) side of the structure between it and the abutting commercial property.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioners propose to construct an approximately 2,290 structure for use as a marijuana retailer (defined as an entity that can sell recreational or adult use marijuana).

The Mayor has signed a provisional Host Community Agreement (HCA) (as required prior to applying for a Special Permit and/or a license from the state Cannabis Control Commission) with Union Twist, Inc., the proposed marijuana retailer.

B. Operations

The petitioner will offer only recreational marijuana on site. All marijuana will be delivered to the site, and the petitioner is proposing to employ ten (10) staff members during the largest shift.

While the City Council shall set the proposed marijuana retailer's hours of operation via a special permit condition, the petitioner has indicated that in the event the present petition is granted, it will in no case open before 9:00 a.m. or remain open after 9:00 p.m. Mondays through Saturdays or be open after 6:00 pm on Sundays.

C. Site Design

The petitioner intends to demolish the existing one-story, 5,299 square foot

commercial building and construct a one-story, 2,290 square foot building at the front left (northeast) portion of the property.

The proposed marijuana retailer would not have a public entrance on Beacon Street but, rather, one facing the reconfigured 22 stall parking area located behind the structure (two spaces would be accessible).

The public entrance, and the parking area would be reached by drivers via a driveway along the right side of the property (along its western boundary line) that would measure 22 feet in width. The number of curb cuts would be reduced from two to one as the existing curb cut on the left (east) side of the frontage would be closed; the one on the right (west) would be widened to 22-feet

As discussed below, the site's sides and a triangular area between the parking area and the rear (south) property line shared with an abutting multi-residential property of rear would be landscaped with trees, shrubs and some lawn area.

D. Building Design

The petitioner intends to demolish the existing building and construct a one-story, 17-foot-high, 2,290 square foot building at the front left (north east) corner of the parcel, set back ten feet from the front property line.

The public entrance to the proposed marijuana retailer would be located at the rear of the building. The City's Registered Marijuana Use ordinance requires that Marijuana Retailers "located on the ground level shall provide at least 25 percent transparency along the building's front façade at ground level, unless waived by the City Council." The intent of this requirement is to ensure the security requirements found in the State Law do not overburden the aesthetics of the structure in relationship to the adjacent structures. The petitioner is proposing 27% transparent glass on the storefront along Beacon Street, thus meeting the 25% transparency requirement. The front, right and rear side facades would feature combinations of transparent and translucent glass as well as brick and other materials. The east façade facing the abutting commercial building would be brick.

E. Parking and Circulation

Vehicular access to the lot would be provided by a 22-foot-wide, two-way driveway on the right (west) side of the property. The petitioner has indicated that deliveries would be performed "during off-peak hours whenever possible" with approx. 20-25-foot-long vans, a turning diagram for which was submitted with the petition.

As detailed in the attached zoning review memorandum, marijuana retailers require one stall for every 300 square feet of gross floor area plus one stall for every three employees at the largest shift. Accordingly, the proposed 2,290 square foot building and 10 employee staff would require 12 stalls. The 22-stall surface parking facility

the petitioner intends to construct would therefore exceed the required minimum by ten.

The Planning Department expects to receive comments on the proposed parking facility from the transportation peer reviewer that has been engaged to review this petition (see below).

F. Landscaping, and Lighting

Per the NZO, outdoor parking facilities with more than five stalls must be screened from abutting streets and properties with at least five feet in width of dense shrubs and trees and/or a wall, fence etc. of at least six feet in height.

The petitioners propose to install 78 trees on the site, including 73 arborvitae along the parcel's left and right-side property lines

Four deciduous trees would be planted. These would provide interior landscaping for the parking area and some screening for the rear of the property as would several existing trees to be retained at the rear right of the parcel.

A six-foot stockade fence would also be installed along the right (west) side of the property, parallel with both the line of trees to be installed there and the right-side property line. The Petitioner should clarify the nature and extent of fencing planned for the left (east) and rear of the property.

Parking facilities which are used at night are required to have security lighting with a minimum intensity of one-foot candle on their entire surfaces per Sec. 5.1.10.A. While the Planning Department is sensitive to issues related to "over-lighting," light overspill and light pollution, it recognizes that the relevant NZO requirements are related to security concerns. Given the extensive attention to and documentation on security provided by the applicant, and that NZO's Marijuana Establishment-specific special permit criteria specifically requires that the lot be "designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the site, whether driving, bicycling, walking or using public transportation" (§6.10.3.G.1.a), the Planning Department recommends that the petitioner provide information as to why granting its requested exception to applicable lighting requirements, if needed would be appropriate.

The foregoing notwithstanding, the Planning Department notes that the petitioner's submitted photometric plan appears to indicate that the one-candle foot requirement would be indeed met, with levels ranging approximately between 1.0 to 3.5 feet candles across the parking area. The Petitioner should clarify if in fact requires the sought relief from this requirement.

G. Traffic and Transportation

The petitioner submitted a Technical Memorandum/Additional Traffic Analysis dated May 10, 2021 that supplements traffic review information that was submitted at the time of the petitioner's 2020 petition for the property.

This analysis indicates the proposed project and use, based upon data from the Institute of Transportation Engineers (ITE)'s Trip Generation, 10th edition (2017) is expected to generate approximately 50 vehicle trips (25 entering / 25 exiting) during the weekday afternoon peak hour and approximately 84 new vehicle trips (42 entering / 42 exiting) during Saturday midday peak hour.

The petitioner also submitted a Transportation Demand Management (TDM) Plan dated May 11, 2021 in which the petitioner proposes to:

- provide CharlieCards and/or Commuter Rail passes to employees
- display/provide public transit information
- prioritize "the hiring of employees that live locally and may commute via local transit, by bicycle, or on foot"
- provide on-site covered bicycle storage area for employees and customers
- reimburse employees who regularly walk to work the cost of (one pair of walking shoes each year)
- incentivize employee carpooling
- and, "If necessary," provide a shuttle or vouchers for transportation network companies for "last mile" connections to transit.

The Planning Department's on-call transportation consultant, the BSC Group (BSC), has been engaged to conduct a peer-review of the petitioner's materials on transportation/traffic issues. The Planning Department anticipates receiving a Peer Review Memorandum from BSC in advance of a subsequent public meeting.

IV. MINIMUM CRITERIA AND LIMITATIONS ON APPROVAL

Sec. 6.10.3.E of the NZO establishes certain "Minimum criteria and limitations on approval" for marijuana retailers. Those relevant to the present petition include the following:

A. Location

The Marijuana Use Ordinance requires that a marijuana retailer may not be located within a 500-foot radius of an existing private or public K-12 school. The proposed Marijuana Retailer satisfies this criterion.

B. Registration

All Marijuana Retailers must be properly registered with the Department of Public

Health or the CCC. The petitioner is in the process of seeking licensure from the CCC for the retail sale of recreational marijuana. The petitioner would be required to obtain licensure from the CCC before obtaining a certificate of occupancy.

C. Signage

State Law and the Registered Marijuana Use Ordinance prohibit graphics, symbols, or images of marijuana or related paraphernalia from being displayed or clearly visible from the exterior of a Marijuana Retailer. As such, all signage will be submitted to the Urban Design Commission for review and approval. All signage must also meet the state requirements and be reviewed by the CCC.

D. Hours of Operation

The petitioner has indicated that it will not open before 9:00 a.m. or remain open after 9:00 p.m. Mondays through Saturdays or be open after 6:00 pm on Sundays.

E. Number

The number of Marijuana Retailers shall not exceed 20% of the number of liquor licenses issued in the City pursuant to G.L.c 138 § 15 (commonly known as “package stores”). The number of Marijuana Retailers in the City is less than 20% of the number of package stores currently.

F. Distance from Other Marijuana Retailers

The Registered Marijuana Use Ordinance prohibits RMDs and marijuana retailers from locating within a one-half mile radius of an existing RMD or marijuana retailer. The only Marijuana Retailer currently operating in Newton is located at 697 Washington Street, approximately 1.5 miles from the subject property.

G. Size

The Registered Marijuana Use Ordinance prohibits RMDs or marijuana retailers from occupying more than 5,000 square feet. The proposed marijuana retailer will occupy approximately 2,290 square feet.

H. Transparency

The Petitioner is meeting the transparency requirement at 27%, where 25% is the minimum allowed.

There are several additional minimum criteria and limitations on approval for Marijuana Retailers the petitioner would be subject to and would be required to fulfill prior to the issuance of a any certificate of occupancy should this petition be approved. For a complete list of all criteria please see NZO §6.10.3.

V. TECHNICAL REVIEW

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

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

- Special Permit per §7.3.3 to:
 - allow a marijuana retailer (§6.10.3.D, §4.4.1)
 - allow assigned parking (§5.1.3.E, §5.1.13)
 - waive the lighting requirements (§5.1.10, §5.1.13)

B. Engineering Review

The attached Engineering Division Memorandum (**Attachment D**) provides an analysis of the proposal with regard to engineering issues. Among other topics, the memo notes that the proposed Operations and Maintenance plan for the long term and during construction phase is acceptable and that construction management plan (CMP) will be needed for this project. It also stated that Infiltration & Inflow (I&I) fees will be addressed via a separate memo.

C. Newton Historic Commission Review

On June 4, 2021 the Newton Historical Commission found the structure not preferably preferred and required no further review.

VI. PETITIONER'S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memorandum prior to any future public hearing.

ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** Engineering Division Memorandum



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Mayor

ATTACHMENT C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 10, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Gerald A. Baratz Revocable Living Trust
William S. Kramer, Counsel
Union Twist, Inc.
Michael P. Ross, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow a marijuana retail establishment and associated dimensional waivers for the parking facility

Petitioner: Union Twist, Inc.	
Site: 1158 Beacon Street	SBL: 54022 0049A
Zoning: BU2	Lot Area: 20,443 square feet
Current use: Dry cleaner	Proposed use: Marijuana retail establishment

BACKGROUND:

The property at 1158 Beacon Street consists of a 20,443 square foot lot improved with a one-story commercial building constructed in 1964 currently occupied by a dry cleaner and a restaurant. The petitioner intends to demolish the building, construct a one-story building, and establish a marijuana retailer with a surface parking facility.

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

- Zoning Review Application, prepared by Michael P. Ross, attorney, dated 3/17/2021
- Existing Conditions Plan, signed and stamped by Gerry L. Holbright, surveyor, dated 4/1/2019
- Site Plan, prepared by Fuss & O'Neill, dated 3/19/2021
- Floor Plans, prepared by BKA Architects, architect, dated 3/9/2021
- Landscape Plan, prepared by Fuss & O'Neill, dated 4/16/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner is proposing to operate a marijuana retailer. This use requires a special permit from the City Council per Section 6.10.3.D of the Newton Zoning Ordinance.
2. Section 6.10.3.E.5 states that a marijuana retailer is subject to the parking requirements of 5.1.4.A, which requires one stall for every 300 square feet of gross floor area, and one stall for every three employees at the highest shift. The petitioners are proposing to construct a one-story 2,290 square foot building and staff 10 employees at the busiest shift. The proposed establishment requires 12 parking stalls.

The petitioner is proposing to reconfigure the parking area to contain 22 parking stalls, which satisfies the requirements of section 5.1.4.A.

3. Section 5.1.3.E prohibits assigned parking. The petitioner intends to designate three stalls for employee parking. A special permit per section 5.1.13 is required to waive the prohibition.
4. Section 5.1.10.A requires that parking facilities which are used at night have security lighting with a minimum intensity of one-foot candle on the entire surface of the parking facility. To the extent that any proposed lighting in the parking facility does not meet the requirements of section 5.1.10.A, a special permit is required.
5. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§6.10.3.D §4.4.1	To allow a marijuana retailer	S.P. per §7.3.3
§5.1.3.E §5.1.13	To allow assigned parking	S.P. per §7.3.3
§5.1.10 §5.1.13	To waive the lighting requirements	S.P. per §7.3.3

ATTACHMENT D

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 – Union Twist Dispensary 1158 Beacon Street

Date: June 14, 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:

Union Twist Dispensary 1158 Beacon Street
Permitting Plans
Prepared by: Fuss & O'Neil
Dated: April 16, 2021

Executive Summary:

The application entails the demolition of an existing one-story building that had a restaurant & dry cleaner and the erection of a new one-story building marijuana dispensary. The site has approximately 100-feet of frontage along Beacon Street to the north, commercial properties along the south, east & west. The property is essentially flat having a high point at elevation 109-feet near the front of the lot and slopes towards Beacon Street at elevation 108-feet, and towards the rear at a low point of 106-feet. The site is essentially all impervious (roof and asphalt and a narrow "grassy" area along the east side of the existing building. Stormwater is collected via a catch basin that receives driveway and roof runoff and discharges to a dry well with essentially no stormwater quality treatment.

The design incorporates a reduction of impervious surfaces, adds new landscaped areas, and a stormwater collection system with on-site infiltration consistent with the DEP Stormwater Regulations and the DPW Policy. This will enhance the overall water quality and quantity from the site. I am however recommending that a trench drain be installed at the back edge of the driveway apron to capture any runoff heading towards Beacon Street.

The proposed Operations and Maintenance plan for the long term and during construction phase is acceptable for the design intent and if this project is approved it needs to be recorded at the Middlesex Registry of Deed with a copy of the recoding instrument submitted to DPW. The only exception I have is with snow storage plan, it shows stockpiling of snow in front of the dumpster. No snow dumping sign should also be installed at the two sediment forebays.

The one of the two existing driveway aprons will be closed off and remodeled as a sidewalk. The apron on the western side of the lot will be widened to 22-feet (the plan has it labeled as 28-feet), however; the Engineering Division measures driveway openings from the inside face of the two corner blocks not the outer ends. To accommodate pedestrian access an existing fire hydrant must be relocated to provide ADA access requirements.

The material layout indicates concrete curbing throughout the parking lot, although DPW does not dictate on site materials, I do recommend that granite curb be installed in lieu of the concrete curb as road salt and snowplows will eventually damage it. A gabion retaining wall is proposed to facilitate the grade change between the sidewalk and proposed sediment forebay.

After the completion of all utility installation and completion of new sidewalk installation the entire frontage of the property shall be paved curb line to curb line as Beacon Street was paved in 2017.

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. 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. Prior to final approval of the proposed overflow connection to the City's drainage system, pre & post Closed Circuit Television (CCTV) inspection will be required from the upstream and downstream drain manholes & witnessed by the Engineering Division, video copies shall be provided for review. Additionally, the engineer of record needs to submit hydraulic calculation to ensure that there is adequate capacity in the City's drainpipe in Walnut Street from the point of connection to the next downstream manhole.
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:

1. A monitoring well was encountered during a site visit what is the status of this well?
2. 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.
3. 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 with 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 with 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. For water quality issues a fire hydrant will be required at the end of the proposed water main/service. This hydrant will be utilized for flushing out the main as required.
7. 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.
8. 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.

Infiltration & Inflow:

- Will be addressed via a separate memo.

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. Pedestrian access along Beacon Street shall be accommodated by contractor of record in accordance with the DPW requirements and satisfaction of the City Engineer.
11. *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.