



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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#218-21

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

	Public Hearing Date:	July 27, 2021
	Land Use Action Date:	October 18, 2021
	City Council Action Date:	October 18, 2021
	90- Day Expiration Date:	October 25, 2021
DATE:	July 23, 2021	
TO:	City Council	
FROM:	Barney S. Heath, Director of Planning and Development Neil Cronin, Chief Planner Michael Gleba, Senior Planner	
SUBJECT:	Petition #218-21 for <u>SPECIAL PERMIT/SITE PLAN APPROVAL</u> to construct a two-story rear addition, patios and increase the parking area, altering/extending the nonconforming multi-family use, to allow parking in the side setback, to allow parking within five feet of a building with dwelling units, to reduce the width of parking stalls, to reduce the minimum maneuvering aisle width, to reduce to the minimum width for entrance and exit drives for two-way traffic, to allow tandem parking stalls, to waive perimeter screening requirements, to waive outdoor lighting requirements and to waive striping requirements at 38 Richardson Street , Ward 1, Newton, on land known as Section 12 Block 13 Lot 7, containing approximately 9,370 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.3, 3.1.9, 7.8.2.2 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.



38 Richardson Street

EXECUTIVE SUMMARY

The subject site located at 38 Richardson Street consists of a 9,370 square foot lot in a Multi Residence 2 (MR2) zoning district improved with a legal nonconforming 2 ½ story 4,341 square foot, three-unit multi-family dwelling (constructed in 1851 as a single-family dwelling), and a detached garage containing 1,662 square feet of area on two levels. The property has been used as a three-unit multi-family dwelling since 1919 when it was zoned General Residence, which allowed multiple dwelling units.

The petitioners are proposing to construct a two-story addition and a porch to the left (east) side of the existing dwelling. A portion of the dwelling would be eliminated from the rear of the structure, as would the detached garage to provide outside parking, including tandem stalls, in the rear of the parcel. As multi-family dwellings require a special permit in the MR2, the proposed work requires a special permit.

As designed, the proposed use also requires a special permit to grant several exceptions per Sec. 5.1.13 to the Newton Zoning Ordinance's (NZO) parking standards, namely certain parking stall, maneuverability aisle and driveway dimensions and screening, lighting and stall striping requirements, and to allow tandem parking and the location of stalls within a setback and within five feet of a dwelling,

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- the site in a Multi Residence 2 (MR2) zoning district is an appropriate location for the proposed extended nonconforming three-family dwelling as designed (§7.3.3.C.1)
- the proposed extended nonconforming three-family dwelling as designed will adversely affect the neighborhood (§7.3.3.C.2)
- the proposed extended nonconforming three-family dwelling as designed 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; and
- literal compliance with certain requirements for parking facilities related to the:
 - a. location of parking stalls in required side setbacks (Sec.5.1.8.A.1);
 - b. location of parking within five feet of a building with dwelling units (§5.1.8.A.2)
 - c. minimum width of parking stalls (§5.1.8.B)
 - d. minimum width of maneuvering aisles (§5.1.8.C.1, §5.1.8.C.2)
 - e. minimum width for entrance and exit drives for two-way traffic (§5.1.8.D.1)
 - f. creation of tandem parking stalls (§5.1.8.E.1)
 - g. perimeter screening requirements (§5.1.9.A)
 - h. outdoor lighting requirements (§5.1.10.A.1)
 - i. the parking stall striping requirement (§5.1.10.B.3)

is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that exceptions to one or more of said requirements would be in the public interest, or in the interest of safety, or protection of environmental features. (§5.1.13)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the south side of Richardson Street, just south of the Massachusetts Turnpike. Most of the parcels in the immediate area south of Richardson and the Turnpike are developed with residences, including one-, two- and multi- family dwellings. Exceptions include a fire department facility to the west, churches and commercial properties to the east, and a public parking facility to the north (**Attachment A**). Newton Corner and commercial properties to the north and across the Turnpike are zoned Business 1, 2 and 3 (BU1, BU2 and BU3). The site and other properties along Richardson are zoned Multi-Residence 2 (MR2), as are some properties to the southeast along Centre Street; properties to the south are predominantly zoned Multi-Residence 1 (MR1), and Public Use (PU) properties are dispersed throughout the area (**Attachment B**).

B. Site

The property consists of a 9,370 square foot lot improved with a 2 ½ story 4,341 square foot, three-unit multi-family dwelling and a detached garage containing 1,662 square feet of area on two levels.

The relatively flat site slopes very slightly downward from the front (north) to rear (south). Auto access to the parcel is provided by a curb cut and associated paved driveway on the left (east) side of the property and serves the existing garage in the rear. The remaining portions of the site include mature lawn area, shrubs and trees. Fencing located close to the right (left) and rear property lines.

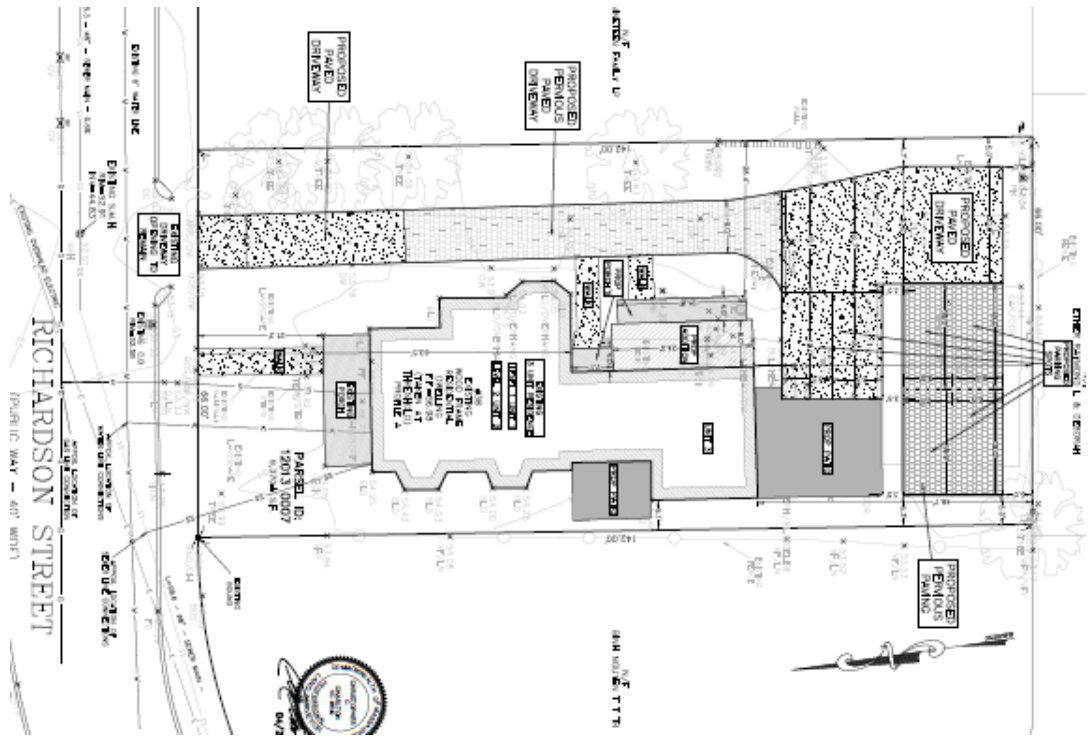
III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site would remain a three-family dwelling, although with no garaged parking.

B. Building and Site Design

The petitioners are proposing to construct an addition to the existing dwelling and to eliminate the detached garage to provide outside parking, including tandem stalls, in the rear of the parcel. The size of the dwelling would be increased from 4,341 to 5,178 square feet. Paved patios would be installed on the right and rear sides of the structure.



Proposed site plan

However, as a product of the removal of the existing garage the property's resulting floor area would be reduced from 6,003 to 5,178 square feet, reducing its FAR from the existing 0.62 to 0.53. That said, the Planning Department notes that as it involves a three-family dwelling, FAR requirements are not applicable in the present petition.

The dwelling's number of stories would remain the same at 2 ½. Its height would increase very slightly, by 0.2 inches to 32.8 (remaining less than the 36 feet allowable by special permit).

Regarding setbacks, there would be no changes to the structure's front, side and setbacks; its rear setback would increase, from 41.8 to 46.7 feet, considerably more than the minimum 15 feet required. The open space on the parcel would be 50.1%, meeting the 50% requirement. The parcel's proposed lot coverage of 22.5% would be less than the 30% allowed.

C. Parking/Circulation, Landscaping/Screening and Lighting

The petitioners are proposing to eliminate the existing detached garage located in the rear of the property. The existing driveway on the left side of the parcel would be realigned, making it somewhat more parallel in some locations, to the left side property line. The driveway would also be extended further toward the rear of the property line to provide access to all six of the parking stalls, four of which would be tandem. The driveway would be composed of a mix of pervious paving and asphalt, as would the parking area.

The Planning Department notes that the Petitioner is seeking relief from requirements related to parking stalls' width and depth. Indeed, the submitted proposed surveyed site plan

indicates all six stalls would measure 8 ½ by 18 feet. However, submitted architectural drawings of the site seem to indicate that the stalls would have 9-foot widths. The Petitioner should clarify this in advance of or at the public hearing. The Petitioner should also clarify whether the sought relief to allow outdoor parking within five feet of a dwelling is required as the need is not necessarily indicated on the submitted plans.

Several of the proposed parking waivers relate to auto circulation on the site, namely those seeking approval of a maneuvering aisle measuring as little as 17.3 feet in width, a 9-foot wide two-way driveway and four tandem stalls. These raise some concerns for the Planning Department given the amount of car movement that might be required in the rear of the lot, especially given the proposed tandem stalls. That said, concerns might be somewhat reduced by the fact that the parking area and driveways would be utilized by residents who would be expected to be familiar with the lot.

The petitioner proposes to locate two parking stalls within 5 feet of the western side lot line where 7.5 feet is required, requiring a special permit. Relatedly, relief is requested from the requirement to provide perimeter screening for the parking area. While vegetation proposed for the rear property line, including four trees (note: similar trees are proposed to be installed elsewhere on the property; the petitioner should confirm the number and location of all trees proposed to be installed), would provide some screening of the parking area from the abutting residential property directly to the rear, no screening vegetation is proposed for the rear right (west) side of the property where two stalls would extend into the right side setback. Perhaps this lack of screening is a response to the existence of a six-foot high fence in the area. However, this fence is located on an abutting property, not the subject site. As such, the Planning Department suggests that the petitioner fully explore relocating/realigning those stalls outside of the setback and/or providing appropriate on-site vegetative screening in that portion of the lot's perimeter.

Regarding the requested waiver from the requirement that the proposed parking areas be permanently striped, it is unclear to the Planning Department as to why this requirement cannot be met or what a potential benefit of such a waiver would be. Regarding the requested exception to the requirement that surface parking facilities used at night are required to provide a minimum lighting intensity of one-foot candle over the entire facility, the Planning Department is generally not concerned with this request given the residential nature of the site and abutting properties.

Lastly, the Planning Department notes that six existing trees, four along the left property line and one each at the front and rear right corners of the parcel would be retained.

IV. TECHNICAL REVIEW

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

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

➤ Special Permit per §7.3.3 to:

- alter/extend a nonconforming multi-family dwelling use (§3.4.1)
- allow parking in the side setback (§5.1.8.A.1, §5.1.13)
- allow parking within five feet of a building with dwelling units (§5.1.8.A.2, §5.1.13)
- reduce the width of parking stalls (§5.1.8.B.1, §5.1.13)
- reduce the minimum maneuvering aisle width (§5.1.8.C.1, §5.1.8.C.2, §5.1.13)
- reduce the minimum width for entrance and exit drives for two-way traffic (§5.1.8.D.1, §5.1.13)
- allow tandem parking stalls (§5.1.8.E.1, §5.1.13)
- waive perimeter screening requirements (§5.1.9.A, §5.1.13)
- waive outdoor lighting requirements (§5.1.10.A.1, §5.1.13)
- waive the striping requirement (§5.1.10.B.3, §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 comments, the memo raised concerns about the proposed tandem parking, stating that “tandem parking may be a shuffling issue for the tenants, the parking plan should be revised to avoid multiple cars being shuffled around to get in and out of the designated stalls.” It also notes that the proposed “one [1” copper] water service ... is inadequate for a 3-unit dwelling, each unit should have an individual 1” copper service.”

C. Newton Historic Commission Review

On April 5, 2021, Newton Historical Commission (NHC) waived the demolition delay for the dwelling and approved the rear addition based on the submitted plans, approved the project based upon submitted materials, requiring only final review of construction plans prior to the issuance of a building permit. Also on April 5, 2021, the NHC found the garage/barn structure not preferably preserved, requiring no further review.

V. PETITIONER’S RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS:

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

ATTACHMENT A




Land Use

38 Richardson St.

*City of Newton,
Massachusetts*

Land Use

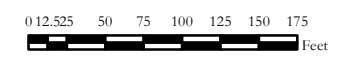
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space
-  Nonprofit Organizations

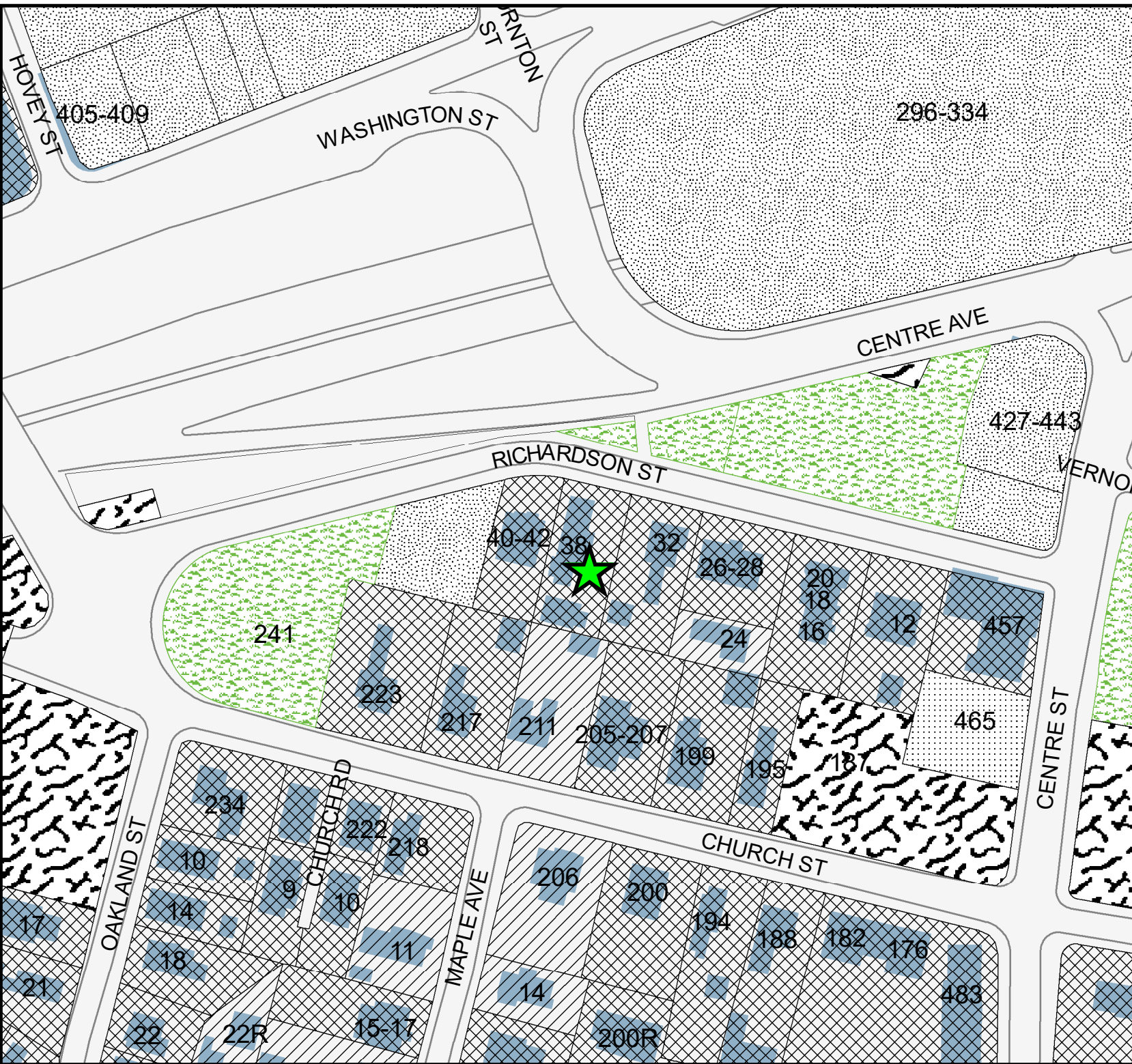


The information on this map is Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based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

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



Map Date: July 19, 2021



ATTACHMENT B

Zoning

38 Richardson St.

City of Newton,
Massachusetts

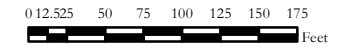


- Multi-Residence 1
- Multi-Residence 2
- Business 1
- Business 2
- Business 4
- Public Use



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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ATTACHMENT C



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: June 1, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Alena Shulakova, Applicant
Terrence P. Morris, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to extend the nonconforming use and associated parking waivers

Applicant: Alena Shulakova	
Site: 38 Richardson Street	SBL: 12013 0007
Zoning: MR2	Lot Area: 9,370 square feet
Current use: 3-unit multi-family dwelling	Proposed use: No change

BACKGROUND:

The subject site consists of a 9,370 square foot lot improved with a legal nonconforming three-unit multi-family dwelling originally constructed in 1851 as a single-family dwelling. The petitioner proposes to construct a two-story rear addition, patios, and to increase the parking area.

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 4/14/2021
- Existing Conditions Plan, prepared by Spruhan Engineering, surveyor, dated 1/6/2021
- Civil Plan Proposed, signed and stamped by Edmond Spruhan, civil engineer, dated 4/23/2021
- Floor Plans and Elevations, signed and stamped by Ronald Bourque, architect, dated 3/24/2021
- Letter from Commissioner Lojek, dated 10/31/2017

ADMINISTRATIVE DETERMINATIONS:

1. A multi-family dwelling requires a special permit in the MR2 district per section 3.4.1. Originally constructed as a single-family dwelling, the property has been used as a three-unit multi-family dwelling since 1919 when it was zoned General Residence, which allowed multiple dwelling units. The petitioner intends to make additions to the existing legal nonconforming three-unit multi-family dwelling, requiring a special permit.
2. Per section 5.1.8.A.1, no parking may be located within a side setback. The petitioner proposes to locate parking within 5 feet of the western side lot line, where 7.5 feet is required, requiring a special permit per section 5.1.13.
3. Section 5.1.8.A.2 states that no outdoor parking may be located within five feet of a building containing dwelling units. The petitioners propose parking within five feet of the dwelling at the rear, requiring a special permit per section 5.1.13.
4. Per section 5.1.8.B.1, the minimum required width for a parking stall is 9 feet. The petitioner proposes parking stalls with an 8.5-foot width, requiring a special permit per section 5.1.13.
5. Section 5.1.8.C.1 and 2 require a minimum maneuvering aisle width of 24 feet for 90-degree parking. The petitioner proposes a maneuvering aisle as narrow as 17.3 feet in width, requiring a special permit per section 5.1.13.
6. Per section 5.1.8.D.1, entrance and exit drives must be a minimum of 20 feet wide for two-way use. The petitioner proposes a 9-foot wide driveway, requiring a special permit per section 5.1.13.
7. The petitioner proposes four tandem parking stalls at the rear of the property. Per section 5.1.8.E.1, parking must be designed to allow for vehicles to proceed to and from the parking space without requiring moving another vehicle. To allow the tandem stalls requires a special permit per section 5.1.13.
8. Section 5.1.9.A requires that outdoor parking facilities provide perimeter screening from abutting streets and properties. No landscape screening or fencing is indicated on the plans. A special permit to waive the perimeter screening is required per section 5.1.13.
9. Section 5.1.10.A.1 requires surface parking used at night be provide a minimum lighting intensity of one-foot candle over the entire facility. The petitioner seeks a special permit to waive this requirement per section 5.1.13.
10. Section 5.1.10.B.3 require that parking areas be permanently striped. The petitioner seeks a waiver from this provision per section 5.1.13.

MR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	9,370 square feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Side • Rear 	25 feet 7.5 feet 7.5 feet 15 feet	21.3 feet 23.3 feet 5.1 feet 41.8 feet	No change No change No change 46.7 feet
Building Height	24 feet (36 feet by SP)	32.6 feet	32.8 feet
Max Number of Stories	2.5 (3 by SP)	2.5	No change
Lot Area Per Unit	3,000 square feet	3,123 square feet	No change
Maximum Lot Coverage	30%	NA	22.5%
Minimum Open Space	50%	NA	50.1%

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1	Request to alter/extend a nonconforming multi-family dwelling use	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	Request to allow parking in the side setback	S.P. per §7.3.3
§5.1.8.A.2 §5.1.13	Request to allow parking within five feet of a building with dwelling units	S.P. per §7.3.3
§5.1.8.B.1 §5.1.13	Request to reduce the width of parking stalls	S.P. per §7.3.3
§5.1.8.C.1 §5.1.8.C.2 §5.1.13	Request to reduce the minimum maneuvering aisle width	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	Request to reduce the minimum width for entrance and exit drives for two-way traffic	S.P. per §7.3.3
§5.1.8.E.1 §5.1.13	Request to allow tandem parking stalls	S.P. per §7.3.3
§5.1.9.A §5.1.13	Request to waive perimeter screening requirements	S.P. per §7.3.3
§5.1.10.A.1 §5.1.13	Request to waive outdoor lighting requirements	S.P. per §7.3.3
§5.1.10.B.3 §5.1.13	Request to waive the striping requirement	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 – 38 Richardson Street

Date: July 21, 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:

38 Richardson Street
Newton, MA
Prepared by: Spruhan Engineering PC
Dated: 6-22-2021

Executive Summary:

This permit entails an addition to the existing dwelling and expansions of parking facilities to an the 3 -family unit dwelling located on a 9,372 square foot lot having 70-feet of frontage along Richardson Street to the north, and residential homes along the east-south and western property lines. The site is relatively flat having a high point at elevation 54-feet near Richardson Street and sloping off towards the south at elevation 53.44-feet. An existing detached garage will be razed to provide a paved area for 4 parking stalls in a tandem fashion. The tandem parking may be a shuffling issue for the tenants, the parking plan should be revised to avoid multiple cars being shuffled around to get in and out of the designated stalls. The site currently has no stormwater collection nor infiltration system, stormwater essentially runs off to grassy areas or towards the street.



Detached garage to be razed.

The design includes a stormwater collection system to capture the roof runoff via gutter and downspouts to discharge into an on-site infiltration system. The plan indicates a one [1" copper] water service, this is inadequate for a 3-unit dwelling, each unit should have an individual 1" copper service; the Fire Prevention office of the Fire Department and/or Building Code may require a fire sprinkler system, the applicant shall verify with the Fire Department and the ISD prior to Building permit approval. Additionally, the 1964 sewer service must be updated to current standards.

Once the new water, sewer and gas services are installed new cement concrete sidewalk, driveway apron and granite curbing will be required by the DPW per the City Ordinance.

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. 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.
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. An impervious barrier is needed along the southern & eastern side of the proposed infiltration unit, along with a 3" layer of peastone and filter fabric above and below the peastone layer covering the entire system.

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.

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.