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#299-21

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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 28, 2021
Land Use Action Date:	September 22, 2020
City Council Action Date:	December 20, 2021
90- Day Expiration Date:	December 28, 2021

DATE: September 24, 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 #299-21**, SPECIAL PERMIT/SITE PLAN APPROVAL to allow a retail marijuana establishment, to allow parking facility requirements to be met off-site, to waive the minimum driveway width requirement, to waive perimeter screening requirements, to waive lighting requirements and to waive the 25% façade transparency requirement at **131 Rumford Avenue**, Ward 4, Auburndale, on land known as Section 41 Block 31 Lot 50, containing approximately 20,443 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 5.1.6.A, 5.1.6.B, 5.1.8.D.1, 5.1.13, 5.1.9.A, 5.1.10, 6.10.3.E.15 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.



131 Rumford Avenue

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EXECUTIVE SUMMARY

The subject property at 131 Rumford Avenue consists of a 20,443 square foot vacant lot located in a Business 2 (BU2) district. The lot was created in 2016 when a large parcel was subdivided into the subject site and the larger adjacent parcel known as 137 Rumford Avenue.

The petitioner is proposing to construct a one-story, 5,000 square foot building and a 25-stall surface parking facility and operate a marijuana retailer on the lot pursuant to Sec. 6.10.3 of the Newton Zoning Ordinance (NZO). The proposed use requires a special permit from the City Council per Section 6.10.3.D of the Newton Zoning Ordinance.

That said, as designed the proposed marijuana retailer would require other zoning relief related to the proposed parking facility.

Sec. 5.1.6.A requires off-street parking facilities to be provided on the same lot as the principal use. As the driveway that would serve this proposed use would be located on, and shared with, the adjacent parcel at 137 Rumford Avenue, a special permit per Sec. 5.1.6.B is required to allow it to be located off-site. While the shared driveway is 26 feet wide, less than half is located on the subject parcel. As Section 5.1.8.D.1's requirement that two-way driveways have a minimum width of 20 feet applies to the parcel individually, a special permit per Sec. 5.1.13 is required.

The petitioner is also requesting an exception pursuant to Sec. 5.1.13 to waive the Sec. 5.1.9.A requirement that outdoor parking facilities with more than five stalls provide perimeter screening from abutting streets and parcels for certain portions of the parcel that lack such screening.

The petitioner is also seeking a Sec. 5.1.13 exception to Sec. 5.1.10.A's requirement that a parking facility used at night to have security lighting with a minimum intensity of one-foot candle on its entire surface.

Lastly, Sec. 6.10.3.E.15 requires that a ground level marijuana retailer have at least 25 percent transparency along the building's front façade. As designed, the proposed structure has no transparency at the front façade, requiring a waiver of that requirement.

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 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 a 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 Rumford Avenue just west of Lexington Street. Properties on both sides of that street are commercial uses, and the City Recycling Center is directly to the west. There are also commercial and residential uses to the east along Lexington Street. Similarly, the site and properties on both sides of that street are zoned Business 2 (BU2), the recycling center is zoned Public Use (PU) and Lexington Street is a mix of Single Residence 3, (SR3), Multi Residence 2 (MR2) and BU2 (**Attachments A & B**).

B. Site

The subject property consists of a 20,443 square foot vacant and mostly level lot. It is currently fenced and mostly overgrown.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioners propose to construct an approximately 5,000 square foot 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 Pharmacannis Massachusetts Inc. d/b/a Verilife, 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 twelve (12) staff members during the largest shift.

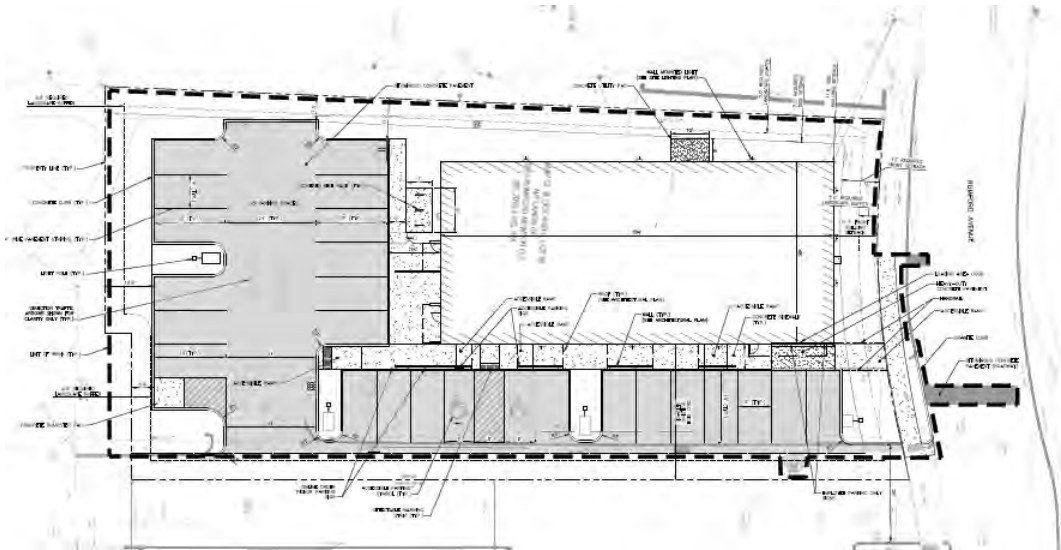
While the City Council shall set the proposed marijuana retailer's hours of operation via a special permit condition, the petitioner has indicated that in the event the present petition is granted it will "in no case open before 9:00 a.m. or remain open after 9:00 p.m."

C. Site Design

The petitioner intends to construct a rectangular, one-story, 17-foot-high, 5,000 square foot building at the front right (northwest) portion of the property set back

ten feet from the front property line. The parcel would remain generally level.

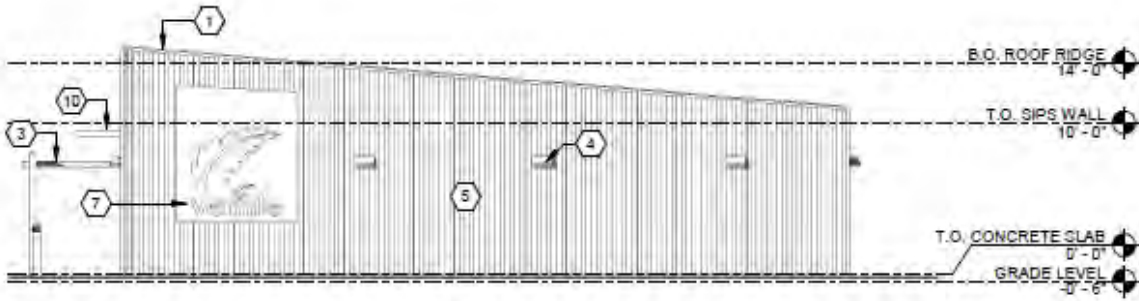
The proposed marijuana retailer's entrance would not be on Rumford Avenue, but rather at the rear of the building. This entrance would be reached by drivers via a driveway along the left (east) side of the property. While that driveway would be approximately 23 feet wide, most of its width would be located on the property that abuts to that side. Pedestrians would reach the entrance via a walkway located between the building and the head-on parking stalls located on that side.



Site plan

D. Building Design

As indicated by the submitted architectural plans the facades would be composed of “metal box rib siding with a black finish.”



Rumford Ave.- front elevation

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 no transparent glass along Rumford Avenue as no customer spaces or entrance are located on that side.

E. Parking and Circulation

As referenced above, vehicular access to the lot would be provided by a 23-foot-wide, two-way driveway that is located along the left (east) side of the property, but the width of which is mostly located on the adjacent parcel. Thirteen spaces, including two accessible stalls, would be accessed directly from that driveway (and the property upon which it is mostly located). The 12 spaces at the rear of the property would also be accessed by that driveway, but would do so by a shared two-way maneuverability aisle on the subject property. As such, all access and egress on/off the property would occur on that abutting property. The petitioner should prepare to discuss and/or provide documentation as to its continuing legal rights to so use the adjacent property.

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 5,000 square foot building and 12 employee staff would require 21 stalls. The 25-stall surface parking facility the petitioner intends to construct would therefore exceed the required minimum by four. The Planning Department recommends that the petitioner provide information regarding how deliveries to the site would be handled, e/g/. what time of day, what kinds of trucks, etc. and, if necessary, turning template for any such vehicles.

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.

Based upon submitted plans, the petitioners propose to install approximately 16 trees in various locations on the property and, additionally, 59 arborvitae along most of the length of the right-side property line. The parking stalls proposed for the left property line lack perimeter screening as they are located directly along that boundary and accessed via the adjacent driveway shared with the abutting

property, leaving no opportunity for any screening or landscaping there. The petitioner should clarify whether any fencing is planned for the site.

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 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 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 not be met only at the very rear of the parking area, with those substandard levels ranging approximately between 0.5 to 0.9 feet candles across the parking area.

G. Traffic and Transportation

The petitioner submitted a Traffic Analysis technical memorandum dated July 8, 2021.

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 109 vehicle trips (54 entering / 55 exiting) during the weekday afternoon peak hour and approximately 182 new vehicle trips (91 entering / 91 exiting) during Saturday midday peak hour.

The Planning Department has engaged an on-call transportation consultant to conduct a peer-review of the petitioner’s materials on transportation/traffic issues. The Planning Department anticipates receiving a Peer Review Memorandum from its consultant in advance of a future 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. The petitioner should confirm its desired hours of operation.

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.

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 4,992 square feet.

H. Transparency

The Petitioner is not providing any transparency along Rumford Avenue and is seeking a waiver from the 25% minimum required under the NZO.

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 parking facility requirements to be met off site (§5.1.6.A, §5.1.6.B)
 - waive the minimum driveway width requirement (§5.1.8.D.1, §5.1.13)
 - waive perimeter screening requirements (§5.1.9.A, §5.1.13)
 - waive the lighting requirements (§5.1.10, §5.1.13)
 - waive the 25% façade transparency requirement ((§6.10.3.E.15)

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 Department of Public Works indicate that a 12” reinforced concrete drainpipe traverses the middle of the site from south to north. The status of this pipe will need to be clarified and confirmed as it affects the options for construction on the site. The parcel will also need an individual sanitary sewer connection. The petitioner should be prepared to address these issues in advance of or at the upcoming public hearing or a subsequent one.

The memo also notes that Infiltration & Inflow (I&I) fees will be addressed via a separate memo.

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:

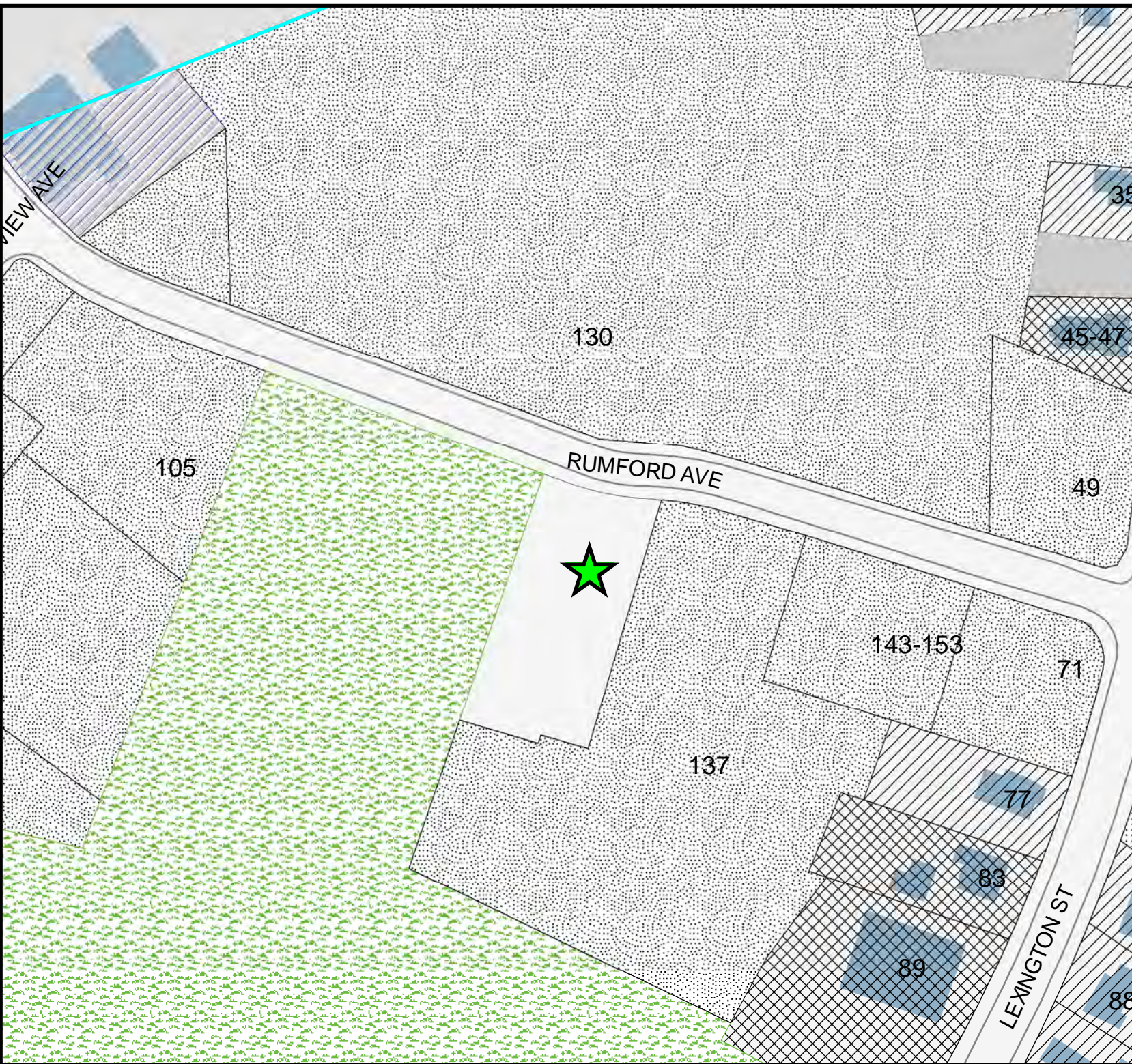
- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** Engineering Division Memorandum

ATTACHMENT A

Land Use








131 Rumford Ave.

*City of Newton,
Massachusetts*



Land Use

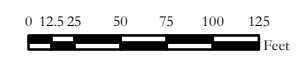
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Mixed Use
-  Open Space
-  Vacant Land



The information on this map is derived from the City of Newton's 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

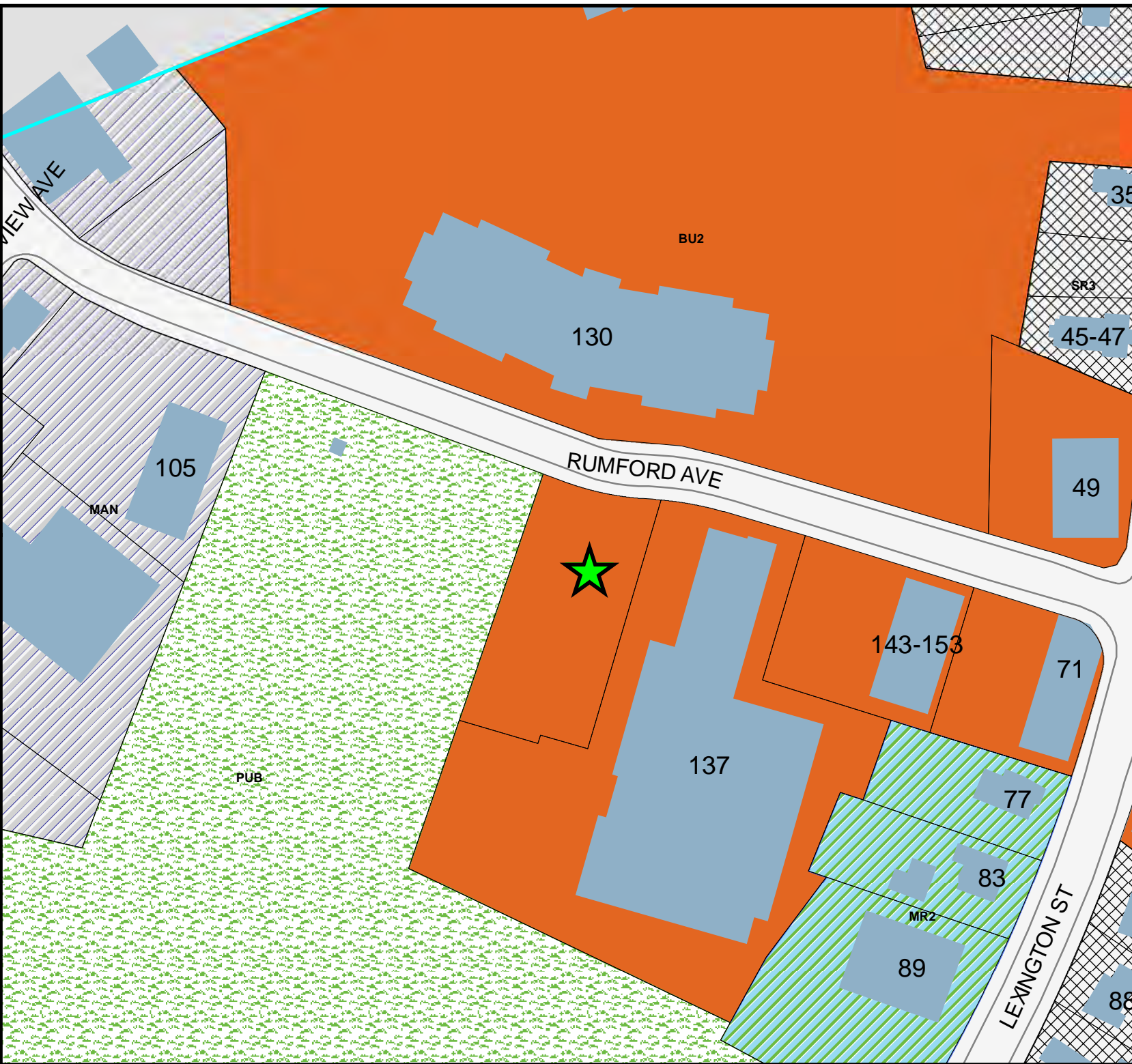



ATTACHMENT B

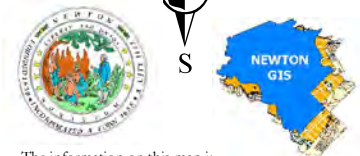
Zoning

131 Rumford Ave.

City of Newton,
Massachusetts

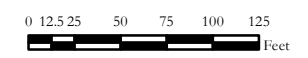


-  Single Residence 3
-  Multi-Residence 2
-  Business 2
-  Manufacturing
-  Public Use



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





Ruthanne Fuller
Mayor

ATTACHMENT C

City of Newton, Massachusetts
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 22, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: SSG Lexington Newton LLC, applicant
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

Petitioner: SSG Lexington Newton LLC	
Site: 131 Rumford Ave	SBL: 41031 0050
Zoning: BU2	Lot Area: 20,443 square feet
Current use: Vacant	Proposed use: Marijuana retail establishment

BACKGROUND:

The property at 131 Rumford Avenue consists of a 20,443 square foot vacant lot. The lot was created in 2016 when a large parcel was subdivided into the subject site and the larger adjacent parcel known as 137 Rumford Avenue. The petitioner seeks to operate a marijuana retail establishment pursuant to section 6.10.3 within the proposed building on the subject site.

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 5/7/2021
- Site Layout Plan, prepared by Fuss & O'Neill, dated 5/6/2021
- Floor Plan, prepared by Interform Architecture & Design, architects, dated 5/4/2021
- Photometric Plan, prepared by Firstlight Technologies, dated 4/13/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner is proposing to operate a marijuana retail establishment. 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 section 5.1.4, 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 a 5,000 square foot building with 12 employees at the busiest shift. The proposed establishment requires 21 parking stalls. The petitioner proposes to construct 25 parking stalls, exceeding the requirements of section 5.1.4.
3. The subject parcel shares a driveway with the adjacent parcel at 137 Rumford Avenue. Per section 5.1.6.A the required off-street parking facilities must be provided on the same lot as the principal use. As the driveway is located primarily off-site and is an access aisle for some of the parking, section 5.1.6.B allows the City Council to grant a special permit to allow for the requirement to be met off-site.
4. Section 5.1.8.D.1 requires a minimum width of 20 feet for a driveway for two-way use. While the entire existing shared driveway is 26 feet wide, less than half is located on the subject parcel. As the driveway width requirement applies to the parcel individually, a special permit is required per section 5.1.13.
5. Section 5.1.9.A requires outdoor parking facilities with more than five stalls to provide perimeter screening from abutting streets and parcels. A special permit is requested per section 5.1.13 to waive the perimeter screening requirements for those portions of the parcel that do not provide perimeter screening.
6. 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. The proposed lighting in the parking facility does not meet the requirements of section 5.1.10.A, requiring a special permit per section 5.1.13.
7. Section 6.10.3.E.15 requires that a marijuana retailer located on the ground level provide at least 25 percent transparency along the building's front façade at ground level, and that existing buildings shall not be modified to reduce the ground level transparency to less than 25 percent, unless the City Council finds it appropriate. The architectural plans indicate that there is no transparency at the front façade, necessitating a waiver of the transparency requirement of section 6.10.3.E.15.

8. 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
§5.1.6.A §5.1.6.B	To allow parking facility requirements to be met off site	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	To waive the minimum driveway width requirement	S.P. per §7.3.3
§5.1.9.A §5.1.13	To waiver perimeter screening requirements	S.P. per §7.3.3
§5.1.10 §5.1.13	To waive the lighting requirements	S.P. per §7.3.3
§6.10.3.E.15	To waive the 25% façade transparency 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 – 131 Rumford Avenue

Date: September 24, 2021

CC: Barney Heath, Director of Planning
Jennifer Caira, Deputy Director
Lou Taverna, PE City Engineer
Ted Jerdee, Director of Utilities
Doug Valovcin Deputy Director of Utilities
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:

131 Rumford Cannabis Dispensary
131 Rumford Avenue
Permitting Plans & Support Letter
Prepared by: Fuss & O'Neil
Dated: July 2, 2021

Executive Summary:

This application entails the construction of a one-story building on a 20,443 square foot (0.46 acre) vacant lot. The parcel has approximately 96 feet of frontage on Rumford Avenue towards the north, the City Recycling Center to the west, and a self-storage facility to the east. Access to the property will be via a common shared driveway with #137 Rumford Avenue.

The site is essentially flat at elevation 39-feet, the proposed plan and our City records indicate a 12" Ø reinforced concrete drainpipe traverses the site from south to north (essentially in the

middle of the lot, the proposed building is to be sited directly over this pipe which will not be permitted. According to the plan this pipe is abandoned, however DPW has no record of this.

The support letter indicates that the stormwater system for the two lots was designed and installed and that the new building will have a smaller footprint as will the overall impervious surfaces; Engineering would like to have the analysis updated to reflect these modifications and to show on the plans where the system is located, and where & how its connected.

Additionally, when the previous filing was made the various building elements were not provided (i.e., finish floor elevation in relation the estimated seasonal high ground water elevation ESHGW) the soils logs and hydrological report is being requested to memorialize this filing. Clarification is needed if the two lots are under separate ownership and what arrangements are in place for “shared” stormwater facilities, Operations and Maintenance. If the previous special permit for [#137 Rumford] allowed these elements to be combined documentation is needed with the responsibilities for long-term maintenance and performance of the systems and what happens if and when ownership changes.

The plan also shows a combined sanitary sewer connection to the City’s main. Each lot is to have individual sanitary sewer connection, Chapter 29-59 states *“a separate and independent building sewer shall be provided for every building on which construction begins after July 17, 1981.”*

The proposed concrete curbing within the parking lot should be substituted with granite curb for longevity of the product.

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.
4. A dewatering plan is needed in case groundwater is encountered during construction.

Drainage:

1. A Pre & Post Construction drainage analysis is required. All stormwater runoff from the site shall be captured on-site and infiltrated in accordance with the Massachusetts Department of Environmental Protection standards and the City of Newton Department of Public Works policy. This policy states that stormwater runoff shall be retained from the 100-year storm event of 8.78-iches over a 24-hour period and shall be infiltrated to the maximum practicable extent. Pre & Post watershed maps (at a proper scale that is legible) are required that delineate control points and limits of the sub-basins. On-site soil evaluation is required to determine the seasonal high groundwater elevation, soil types and to identify any and all unsuitable soils (such as ledge, clay, peat, fill and others). On site soil testing that will include test pit(s) within 25 -feet of each proposed system and percolation test(s) must be schedule and witnessed by a representative of the Engineering Division. Soil logs shall be submitted on the site plan or drainage report and shall be certified by a Massachusetts Licensed Soil Evaluator and/or Professional Civil Engineer.
2. 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.
3. 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. Has a 21E Investigation and report been performed on the site, if so, copies of the report should be submitted to the Newton Board of Health and Engineering Division.
2. Are there any existing underground oil or fuel tanks? Have they been removed, if they have been, evidence of the proper removal should be submitted to the Newton Fire Department and the Board of Health.

Sanitary Sewer & Domestic Water Service(s):

1. 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.
2. 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.
3. 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".
4. 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.
5. All water services shall be chlorinated, and pressure tested in accordance with 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.

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. *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.