



#304-21 and #305-21

City of Newton, Massachusetts
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Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: October 5, 2021
Land Use Action Date: December 27, 2021
City Council Action Date: January 3, 2022
90-Day Expiration Date: January 3, 2022

DATE: October 1, 2021

TO: City Council

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

SUBJECT: **Petition #304-21** Request to Rezone 11 Florence Street SUNRISE DEVELOPMENT, INC petition to rezone 11 Florence Street, known as section 82 Block 04 Lot 49 from MULTI RESIDENCE 1 to BUSINESS USE 2.

Petition #305-21 to allow elderly housing with services, to allow a four-story building, to allow a retaining wall greater than 4' in height within a setback, to allow free-standing signs, to allow parking in the front setback, to reduce the required parking stall length, to waiver perimeter screening requirements and to waive one foot candle lighting at 11 Florence Street, Ward 8, Newton Centre, on land known as Section 82 Block 04 Lots 47 and 49, containing approximately 82,945 sq. ft. of land in a district zoned BU2 (318 Boylston Street) and MR1 (11 Florence Street, to be rezoned to BU2). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.4.2.B, 5.1.8.A.1, 5.1.13, 5.1.9, 5.1.8.B.2, 5.1.10.A.1, 5.13, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

CC: Planning Board

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 that the Land Use Committee of the City Council can consider at a subsequent working session.



EXECUTIVE SUMMARY

The subject property consists of two parcels located at 318 Boylston Street and 11 Florence Street. Together, the parcels total approximately 83,000 square feet. 11 Florence Street is improved with a two-story commercial building and three greenhouse tents, while 318 Boylston Street is a gravel parking lot.

318 Boylston Street (Parcel A) is within the Business 2 zone (“BU-2”), and 11 Florence Street (Parcel B) is within the Multi Residence 1 zone (“MR-1”). The petitioner is seeking to rezone Parcel B from Multi Residence 1 (“MR-1”) to Business 2 (“BU-2”) to construct an elderly housing with services facility. The facility would contain four-stories and 102,469 square feet. The facility will have 120 beds and is subject to the Inclusionary Zoning Ordinance. The petitioner requires relief for the parking dimensional requirements as well as the landscaping, and lighting requirements for parking facilities over five stalls and to allow a free-standing sign.

The Planning Department engaged an on-call consultant to conduct a review of the petitioner’s traffic memorandum, staff anticipates discussing the transportation aspects of the petition at a future public hearing. The petitioner should be prepared to respond to all comments contained in this memorandum and at the public hearing at a subsequent public hearing.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing these requests, the City Council should consider whether:

- The site is an appropriate location for the proposed elderly housing facility with more than 20,000 square feet in gross floor area and four stories (§7.3.3.1).
- The site is an appropriate location for the proposed retaining walls greater than four feet in height within a setback (§7.3.3.1).
- The site is an appropriate location for the proposed free-standing signs (§7.3.3.1).
- The proposed elderly housing facility with more than 20,000 square feet in gross floor area and four stories as developed will adversely affect the neighborhood (§7.3.3.2).
- There will be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3).
- Access to the site is appropriate for the types and numbers of vehicles involved (§7.3.3.4).
- The site and buildings as designed, constructed, and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following: (a) minimizing operating energy;

(b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint. (§7.3.3.C.5)

- Literal compliance with the dimensional parking requirements is impracticable due to the nature of the use, or the location, 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. (§5.1.13)
- Literal compliance with the design requirements for parking facilities over five stalls is impracticable due to the nature of the use, or the location, 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. (§5.1.13)
- The proposed exception to the sign ordinance should be permitted and is appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest. (§5.2.13)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

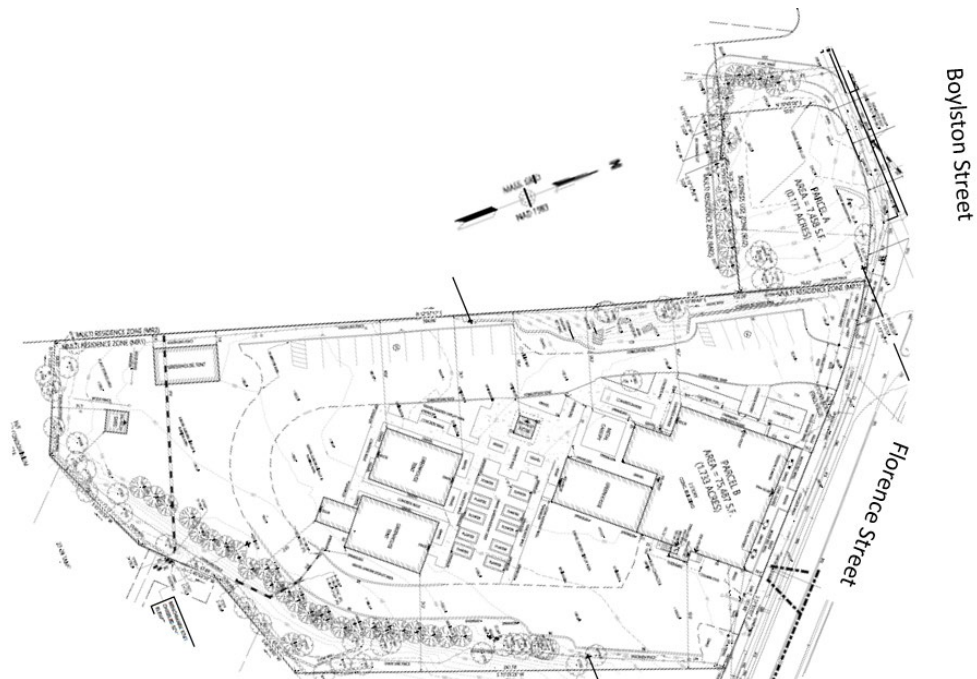
The subject property is located on Florence Street, on the southern side of Boylston Street, in Newton Centre. The area is comprised of a range of zones, including single residence, and multi residence zones in all directions as well as business zones to the east across Florence Street and to the northwest at Langley Road and Jackson Street. (**Attachment A**). This diversity of zones consists of commercial shopping center at the opposite intersection of Boylston and Florence Street, multifamily residential uses directly abutting the site to the south and west, and a single-family residential use directly to the east. Farther north and to the west lies single- and multi-family uses along Langley Road and Jackson Street (**Attachment B**).

B. Site

The site consists of two parcels: Parcel A is the 7,548 square foot lot at address in the BU-2 zone which fronts both Boylston Street and Florence Street, while Parcel B same refers to the 75,487 square foot lot which fronts Florence Street. Parcel A is accessed from Boylston Street and consists of a gravel parking area for approximately 6-8 vehicles and landscaping. Parcel B consists of a two-story commercial building, which houses a retail use, and associated structures Parcel B has two separate entrance and exit drives from Florence Street which provide access to an internal driveway that loops around the buildings and three separate parking areas. The site consists of mature landscaping at

the south and southeastern property lines, screening the site from adjacent residential uses.

Existing Conditions



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The current use of the site is commercial. If approved, the use would be elderly housing with services residential use.

B. Site Design

The petitioner is proposing to combine Parcels A and B to construct the elderly housing facility and associated parking areas. The site will have three points of access, one driveway from Boylston Street which provides access to the ten-stall surface parking facility and two driveways from Florence Street. Vehicular access to the building will occur from Florence Street. Pick up and drop off would take place in the circular front driveway at the front of the building. This driveway connects to the easternmost driveway, which provides access to the site and garage entrance at the rear of the building.

In the business zones, the required setbacks are the equivalent of half of the building

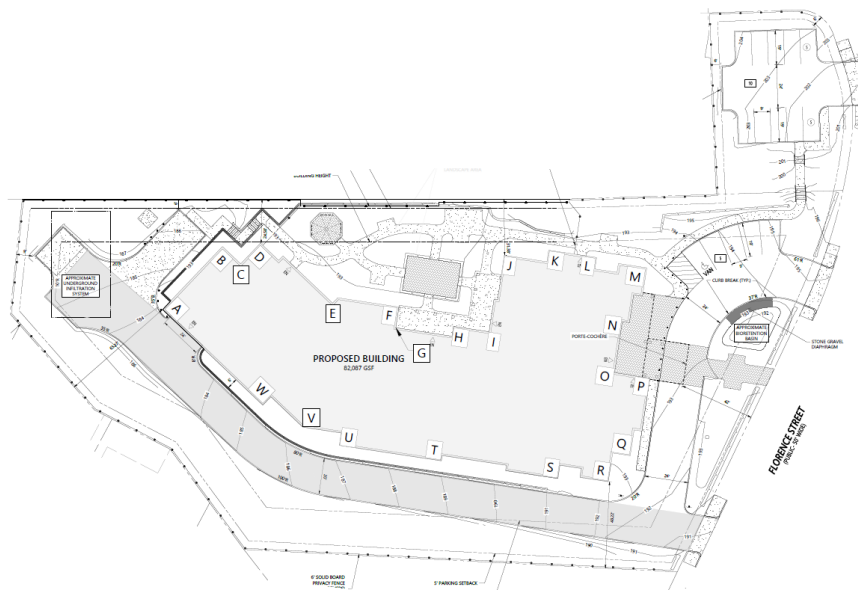
height. With a proposed building height of 48 feet, the required front, side, and rear setbacks are 24 feet. As proposed, the front setback will be 42 feet from the front property line to the porte-cochere at the front of the building. The proposed side setbacks are 24.58 feet from the side (northern) property line and 48.22 feet from the side (southern) property line, which abuts residential uses.

Parcel A will be used for parking for ten vehicles and connect to the site via an internal pedestrian path with two sets of stairs connecting the ten-stall surface parking to the Parcel B with the proposed elderly housing facility.

There is a proposed retaining wall to the rear of the building and a retaining wall to construct the stairs at the outer walkway of the site. The plans submitted at zoning review indicated a portion of a retaining wall exceeding four feet in height may be within the side setback, as such the relief was identified and applied for. The petitioner since stated that the portion of the wall which exceeds four feet in height is outside of the setback and anticipates withdrawing this relief. The petitioner should confirm and provide the Planning Department with the measurements of the wall inside and outside of the setback to confirm the relief is no longer needed.

At the rear of the site are a dumpster at the southern property line which will be screened by landscaping. To the northwest of the dumpster, is a transformer, also screened by landscaping and protected by bollards.

Proposed Site Plan



C. Building Design

The petitioner is proposing to demolish the structures and construct a four-story elderly housing with services facility consisting of 102,469 square feet and 48 feet in height. The façade treatment consists of stone treatment, clapboard siding, and cement panels. The proposed building is modern style of architecture and has a flat roof. The front entrance is oriented towards Florence Street and features a porte cochere

For the proposed four-story building with 48 feet in height, the maximum allowed floor area ratio “the FAR” is 2.0. The petitioner is proposing an FAR of .99, with 82,087 square feet of floor area. When considering the area below grade, the building consists of 102,469 square feet.

The petitioner submitted a shadow study for the summer and winter solstice, the study anticipates the impact from the shadow not to have significant impacts beyond the existing conditions of the site. The largest impact from shadows is at 8 AM on the Winter Solstice, which indicates shadows would be cast to the west and the impact would be gone after 10 AM.

Proposed Front Elevation



Proposed Side Elevation



D. Parking and Circulation

The petitioner is proposing 45 parking stalls for the site, where 40 stalls are required. There are ten surface parking stalls proposed on Parcel A, and five surface parking stalls proposed in front of the proposed building. The garage will consist of parking for 30 parking stalls. Most of the garage stalls are 90-degree parking, however two of the stalls, 23 and 30, are parallel parking stalls. The petitioner requires special permit relief to reduce the parking stall length for stalls 23 and 30, they measure 20 feet in length, where 21 feet is required for a parallel parking stall. All other garage and surface parking stalls comply with the parking dimensional requirements.

The petitioner also requires relief for parking within the front and side setbacks for the surface parking stalls. Four of the five stalls in the front of the building are within the 24-foot setback and most of the parking stalls in the ten-stall surface parking facility are in either the 24-foot front or side setbacks. The petitioner should submit a plan showing the setbacks from Parcel A to better determine how many parking stalls are within the setbacks.

The petitioner included bike racks in the garage but should provide more information as to the number of bikes and type of bike rack.

E. Landscaping and Lighting

The ten surface parking stalls on Parcel A are subject to provisions for parking facilities over five stalls, which requires these parking facilities be screened with at least five feet of landscaping and/or fencing. While the petitioner is providing landscaping around this parking area, it doesn't meet the requirements of the Ordinance. As such, the petitioner requires relief to waive the perimeter screening requirements.

The petitioner submitted a landscaping plan which shows generous screening around the perimeter of the site, as well as privacy fencing. The petitioner stated the caliper inches removed will be 46 caliper inches and replacement will be approximately 170 caliper inches. There is a six-foot-high vinyl privacy fence proposed along the property

lines where the site abuts residential uses, except for the front property line. At the front of the site, the petitioner proposes a stone wall.

The petitioner submitted a lighting plan which shows lighting levels less than the one foot-candle minimum required by the Ordinance.

F. Housing

The petitioner's Inclusionary Housing Plan is under review by City Staff in the Housing Division.

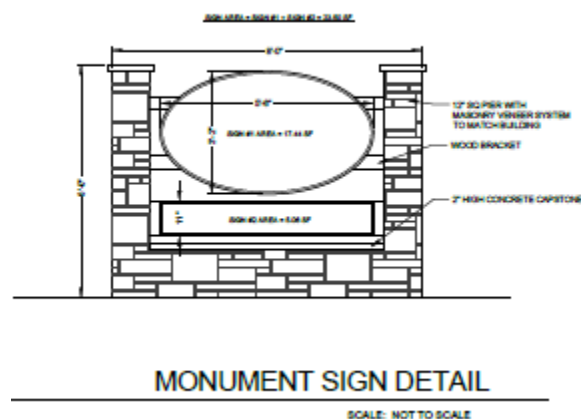
G. Sustainability

The petitioner submitted a sustainability plan indicating a commitment to making the building achieve the Enterprise Green Communities Green Building Rating System. The petitioner should confirm their plans comply with the Ordinance and withdraw the relief for the sustainable development requirements.

H. Signage

At the time of zoning review, the petition included two free standing signs. The petitioner has since stated that they plan to have only one sign along the Boylston Street frontage. This sign measures approximately 23.5 square feet, between two portinos: a circular sign area consisting of 17.44 square feet, and a rectangular sign below consisting of five square feet. The petitioner should also revise the Landscape Detail Sheet (L.2) to show only one sign to be consistent with the site plans showing the location of one sign along the Boylston Street frontage.

Proposed Sign



IV. NEXT STEPS

The Planning Department will coordinate the various reviews required with City staff and

City peer reviewers to be provided at upcoming meetings.

V. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**Attachment D**) provides an analysis of the proposal regarding zoning.

B. Newton Historical Commission Review

On April 15, 2021, the project was administratively deemed not historically significant by the Chief Preservation Planner, and no further review is required.

C. Engineering Review

Associate City Engineer John Daghlian reviewed the plans and issued a memorandum (**Attachment E**) providing an analysis of the proposal with regard to engineering issues. Mr. Daghlian notes that an O&M plan will be required, as well as pre and post construction drainage analysis. Mr. Daghlian also recommends as a condition of approval; the engineer of record shall submit capacity calculations for the overflow connection. Additionally, a closed-circuit television inspection will be required for Pre and Post Construction per Mr. Daghlian's memorandum.

The Engineering Division also estimates Infiltration and Inflow (I and I) fee with the total mitigation cost for the assumption of low flow fixtures is \$524,756 (**Attachment F**).

D. Fire Department Review

The plans will be reviewed prior to the issuance of any building permits, should this project be approved.

ATTACHMENTS:

- Attachment A:** Zoning Map
Attachment B: Land Use Map
Attachment C: Request to Rezone Map
Attachment D: Zoning Review Memorandum
Attachment E: Engineering Memorandum
Attachment F: I&I Memorandum










ATTACHMENT A

Zoning

11 Florence Street

City of Newton,
Massachusetts

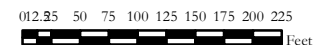
Zoning

-  Single Residence 1
-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Multi-Residence 4
-  Business 1
-  Business 2
-  Public Use

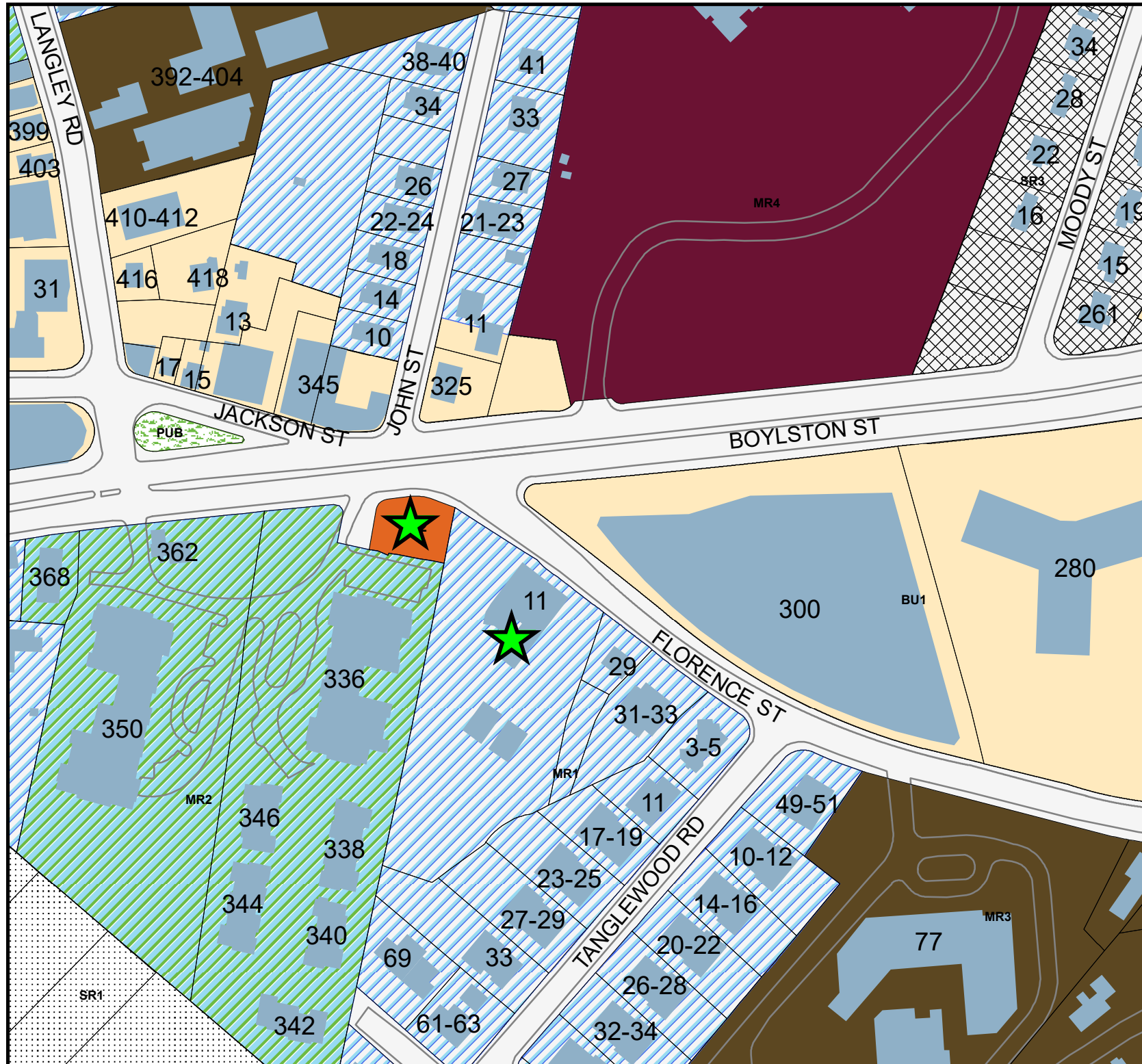


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: September 24, 2021



ATTACHMENT B

Land Use

11 Florence Street

*City of Newton,
Massachusetts*

Land Use


Land Use

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

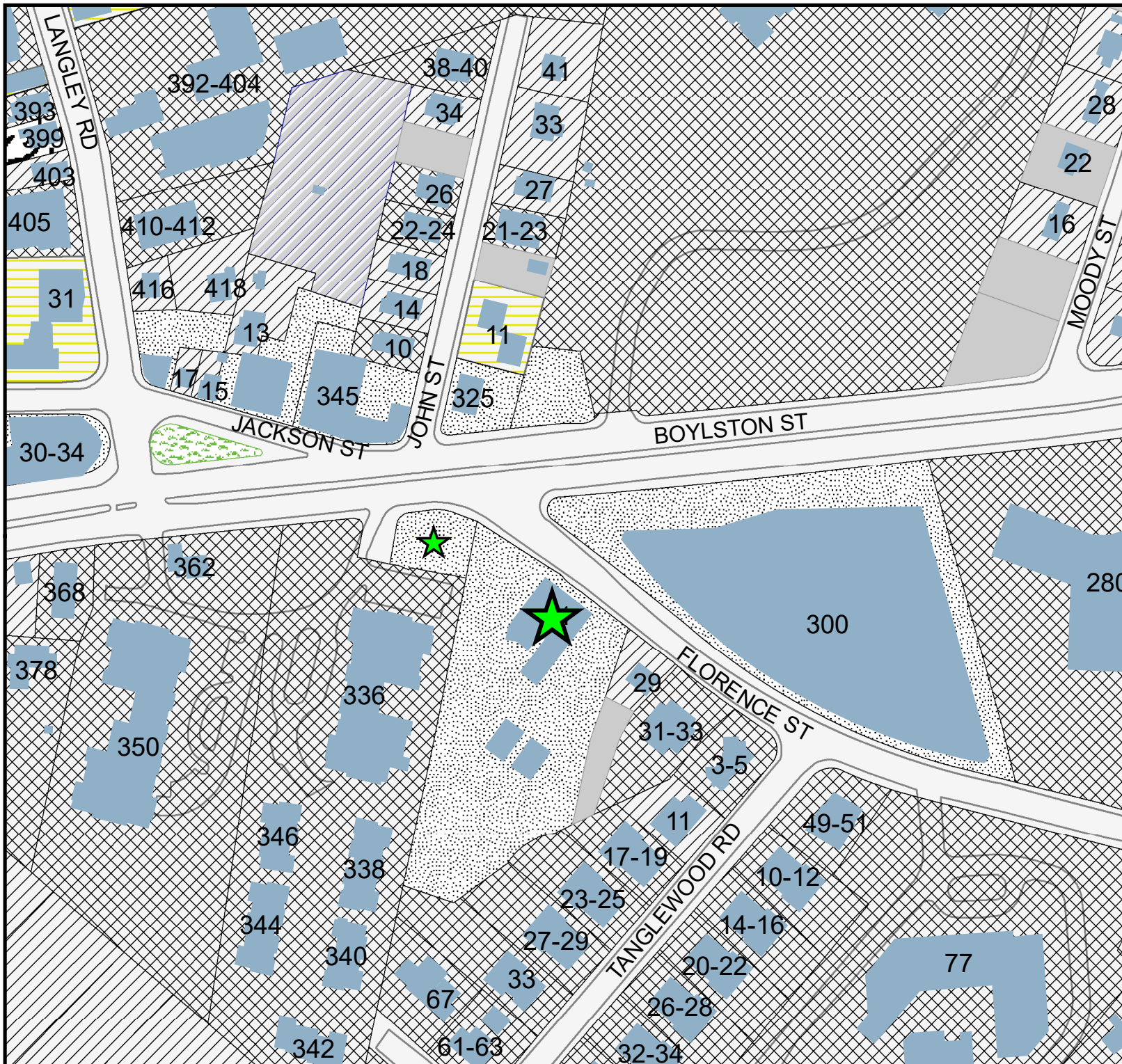


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
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0 12.5 50 75 100 125 150 175 200 225
 Feet

Map Date: September 24, 2021





Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 27, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Stephen J. Buchbinder, attorney
Katherine Braucher Adams, Attorney
Seltzers Realty LLC
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request for a zone change from MR1 to BU2, and a special permit to construct elderly housing with services and for associated dimensional waivers

Applicant: Seltzers Realty LLC	
Site: 11 Florence Street and 318 Boylston Street	SBL: 82004 0049, 82004 0047
Zoning: BU2 and MR1	Lot Area: 82,945 square feet
Current use: Greenhouse/nursery and parking	Proposed use: Elderly housing with services facility

BACKGROUND:

The subject site is comprised of two lots with a total area of 82,945 square feet: 11 Florence Street is zoned Multi Residence 1, contains 75,487 square feet; and is improved with a greenhouse and garden nursery; 318 Boylston Street is zoned Business Use 2, contains 7,458 square feet, and is used for parking for the greenhouse.

The applicant proposes to rezone the Florence Street lot from MR1 to BU-2, raze the structure, combine the lots, and construct an elderly housing with services facility containing 95 living units with 120 beds in a four-story building of approximately 102,469 square feet with underground garage and surface parking. The proposed project will provide a total of 45 parking stalls on site.

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

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, dated 6/8/2021, updated 7/28/2021
- Project Information, submitted 6/8/2021

- Existing Conditions Plan of Land, prepared by VHB, dated October 5, 2021
- Zoning Assessment Plan, prepared by VHB, dated 6/7/2021

ADMINISTRATIVE DETERMINATIONS:

1. The site is comprised of two properties. The property along Florence Street is zoned MR1, while the lot on Boylston Street is zoned BU2. The applicant requests to rezone the Florence Street parcel to BU2. The petitioner intends to combine the two lots into one BU2-zoned parcel.

The administrative determinations and relief requested by this application assume that the entire site is zoned BU2.

2. The applicant proposes to construct an elderly housing with services facility. Per section 6.2.10, an elderly housing with services facility is defined as “elderly housing with services, including residential care facilities, assisted living facilities and congregate care facilities.” Section 4.4.1 requires a special permit for elderly housing with services in the BU2 zoning district.
3. The applicant proposes to raze the building and construct a four-story building of approximately 102,469 square feet, with 88,935 square feet of facility space and a 20,750 square foot underground parking facility. Section 4.1.2.B.1 requires a special permit for any development in a Business district of 20,000 square feet or more of new gross floor area.
4. The applicant proposes to construct a four-story structure at 48 feet in height. Section 4.1.2.B.3 requires a special permit for four stories or more in the Business 2 zoning district with a maximum FAR of 2.00. A special permit allowing four stories legitimizes the proposed height and FAR allowed per section 4.1.3.
5. A retaining wall varying in heights up to approximately 6 feet is proposed within the western side setback. Per section 5.4.2.B, a special permit is required for a retaining wall in excess of 4 feet in a setback.
6. The facility will contain 95 living units with 120 beds. Each living unit will contain sleeping and sanitary facilities, but no separate individual cooking facilities. Per Section 1.5.1.E, a dwelling unit is defined as “one or more rooms forming a habitable unit for one family, with facilities used or intended to be used, in whole or in part, for living, sleeping, cooking, eating and sanitation.” As the units will lack cooking facilities, they do not meet the definition of a dwelling unit.
7. The applicant proposes to construct 45 parking stalls on site, with 30 stalls located in the proposed underground garage and 15 surface stalls. Per Section 5.1.4.A, an elderly housing with services facility requires one parking stall per every two dwelling units, one per every four nursing beds, plus one stall per three employees. As stated, the proposed facility will not have “dwelling units” as defined by the Ordinance, as each unit will not provide independent cooking facilities. Nor will the units provide nursing beds, as the facility will not provide skilled nursing care. However, for the purposes of determining the parking requirement, the number of beds and employees will be used, as there are no dwelling units. The parking requirement for 120 beds and 30 employees at the busiest shift is 40 stalls. As 45 stalls are provided, no waiver from the number of parking stalls is required.

8. The applicant proposes to construct 10 surface parking stalls with an entrance off of Boylston Street and five along the front entrance drive off of Florence Street. Section 5.1.8.A.1 requires that no parking be located within a front or side setback. Several parking stalls within the two lots are located within the required 24-foot front setback from Florence Street requiring a special permit per section 5.1.13.
9. Section 5.1.8.B.2 requires that a parallel parking stall measure 21 feet in length. The applicant proposes two parallel parking stalls measuring 20 feet in length, requiring a special permit per section 5.1.13.
10. Per section 5.1.9, outdoor parking facilities with more than five stalls must be screened from abutting streets and properties with a five-foot landscaping strip and/or fencing. No landscaping or fencing is indicated on the proposed plans, requiring a special permit per section 5.1.13.
11. Section 5.1.10.A requires outdoor parking facilities used at night to provide security lighting with a minimum intensity of 1-foot candle. The applicant did not indicate lighting on the proposed plans for the two surface parking facilities, requiring a special permit per section 5.1.13.
12. A monument sign is indicated on the proposed conditions plans along the Boylston Street frontage near the surface parking lot and a second free-standing sign is proposed in a landscape wall along the Florence Street frontage. The proposed signs are both approximately 28 square feet. Per section 5.2.13, free-standing signs require a special permit.
13. Section 5.11.11 requires that Elder Housing with Services meet certain requirements of the Inclusionary Housing provisions. This contribution may be residential units, beds, or a cash payment.

BU2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	82,945 square feet	No change
Setbacks			
• Front (½ Building Height)	24 feet	10.3 feet	42 feet
• Side (East)	24 feet	55.5 feet	48.22 feet
• Side (West)	24	58.5 feet	24.58 feet
• Rear	24 feet	63.5 feet	65.37 feet
Total Gross Floor Area		±11,500 square feet	102,469 square feet
Building Height	48 feet		48 feet
Max Number of Stories	4	2	4
FAR	2.0	±.15	.99

Zoning Relief Required

<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Request to rezone parcel to BU2	
§4.4.1 §6.2.10	To allow an Elder Housing with Services facility	S.P. per §7.3.3
§4.1.2.B.1	Development of 20,000+ square feet of gross floor area	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow a building with four stories	S.P. per §7.3.3
§5.4.2.B	To allow a retaining wall in excess of 4 feet in a setback	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking within the front setback	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	To reduce the parking stall length	S.P. per §7.3.3
§5.1.9 §5.1.13	To waive the perimeter screening requirements	S.P. per §7.3.3
§5.1.10.A §5.1.13	To waive lighting requirements	S.P. per §7.3.3
§5.2.13	To allow free-standing signs	S.P. per §7.3.3
§5.13	To waive the Sustainable Development requirements	S.P. per §7.3.3

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 11 Florence Street Sunrise of Chestnut Hill

Date: September 10, 2021

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

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

Sunrise of Chestnut Hill
11 Florence Street
Prepared by: VHB
Dated: July 30, 2021

Executive Summary:

This application entails the demolition of a garden center having a nursery & greenhouses and the construction of 4-story building [102,469 square feet] to house 95 living units on two lots comprising of 82,945 square feet (1.9 acres) with surface & underground parking. If the special permit is approved an Approval Not Required [ANR] plan will be required in accordance with Massachusetts General Laws Chapter 41 Section 81P requiring the two separate lots to be combined into one lot.

To the north the site has frontage along Florence Street (a City Public Way) & Boylston Street (MassDOT road), the abutting property has a multistory apartment building along the west, and residential homes to the south and east. The topography varies on the site from a high point at

approximately 200-feet along the western property line and slopes towards the east to approximately 180-feet.

The engineer of record has provided a “summary letter” to address water, sewer, and stormwater that indicates that they intend to meet the requirements of the DPW with on drainage systems; however, DPW requires a full drainage report to ensure the design assumption are correct. The report should include on site soil testing to verify seasonal high ground water elevations, soil types within 25 feet of proposed systems, and infiltration rate based on the soil characteristics. The proposed drainage system will have an overflow to the City’s drain easement, the engineer of record will have to demonstrate that the overflow connection will not negatively impact downstream abutters and the discharge location along with the pipe network capacity, additionally; Pre & Post Construction Closed Circuit Television (CCTV) inspection must be performed, these inspections must be witnessed by a representative of the DPW.

Retaining walls varying in heights up to 6 feet is proposed along the western setback and the building. Various lower landscape walls are also proposed along the Florence Street frontage.

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. As the site disturbance will be greater than 1 -acre a Stormwater Pollution Prevention Plan (SWPPP) will be required prior to any construction, in addition to a NPDES Construction General Permit.

Infiltration & Inflow:

- This will be addressed via a separate memo.

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).
4. Prior to final approval of the overflow connection, the engineer of record needs to submit hydraulic calculation to ensure that there is adequate capacity in the City's drainpipe in Florence Street from the point of connection to the next downstream manhole. Additionally, a Closed-Circuit Television (CCTV) inspection will be required for Pre & Post Construction and must be witnessed by the Engineering Division, video copies shall be provided for review.

Environmental:

1. Has a 21E Investigation and report been performed on the site, if so, copies of the report should be submitted to the Newton Board of Health and Engineering Division.
2. Are there any existing underground oil or fuel tanks? Have they been removed, if they have been, evidence of the proper removal should be submitted to the Newton Fire Department and the Board of Health.

Sanitary Sewer & Domestic Water Service(s):

1. Existing water and sewer services to building(s) shall cut and capped at the respective mains and completely removed from the main(s) and its entire length and properly backfilled. The Engineering Division must inspect and approve this work, failure to having this work inspected will result in delay of issuance of the new Utility Connection or issuance of a Certificate of Occupancy.
2. All new sewer service(s) shall be pressure tested in accordance 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. 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.
7. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division, the engineer of record shall submit a plan to the Director of Utilities for approval.

General:

1. 5 Year Moratorium – if at time of construction the roadway is under a 5-year moratorium, the roadway must be milled and paved gutter-to-gutter for a distance of 25 feet in each direction from the outermost trenches.
2. All trench excavation shall comply with Massachusetts General Law Chapter 82A, Trench Excavation Safety Requirements, and OSHA Standards to protect the general public from unauthorized access to unattended trenches or excavations. Trench Excavation Permit is required prior to any construction. This applies to all trenches on public and private property. *This note shall be incorporated onto the final plans.*
3. All tree removal shall comply with the City's Tree Ordinance.
4. The contractor of record is responsible for contacting the Engineering Division and scheduling an appointment 48-hours prior to the date when the utilities will be made available for an inspection of water services, sewer services and drainage system installation. The utility in question shall be fully exposed for the Inspector to view, backfilling shall only take place when the City Engineer's Inspector has given their approval. *This note shall be incorporated onto the final plans.*
5. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.

6. Before requesting a Certificate of Occupancy, an As Built plan shall be submitted to the Engineering Division in both digital and paper format. The plan shall show all utilities and final grades, any easements and improvements and limits of restoration. The plan shall include profiles of the various new utilities including but not limited to rim & invert elevations (City of Newton Datum), slopes of pipes, pipe materials, and swing ties from permanent building corners. The as built shall be stamped by both a Massachusetts Registered Professional Engineer and Registered Professional Land Surveyor. Once the As built plan is received the Engineering Division shall perform a final site inspection and then make a determination to issue a Certificate of Occupancy. *This note shall be incorporated onto the final plans.*
7. All site work including trench restoration, sidewalk, curb, apron and loam border (where applicable) shall be completed before a Certificate of Occupancy is issued. *This note shall be incorporated onto the final plans.*
8. The contractor of record shall contact the Newton Police Department 48-hours in advanced and arrange for Police Detail to help residents and commuters navigate around the construction zone.
9. If any changes from the final approved design plan that are required due to unforeseen site conditions, the contractor of record shall contact the design engineer of record and submit revised design and stamped full scale plans for review and approval prior to continuing with construction.
10. *The engineer of record shall add the following attestation to the plans when applying for a building permit:*

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

Signature

Note: If the plans are updated it is the responsibility of the applicant to provide all City Departments [ISD, Conservation Commission, Planning and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns, please feel free to contact me at 617-796-1023.

City of Newton

**DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
OFFICE OF THE CITY ENGINEER
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449**

Ruthanne Fuller
Mayor

DATE: October 1, 2021

TO: Barney Heath, Director of Planning

FROM: Louis M. Taverna, P.E., City Engineer



RE: Sewer Inflow and Infiltration Mitigation Fee,
11 Florence St
Ordinance No. B-45

The City Engineer has calculated the sewer infiltration/inflow mitigation cost for this project. See calculations below. The total mitigation cost for the assumption of low flow fixtures throughout the project is \$524,756.

Calculation of sewer infiltration/inflow mitigation:

Low flow fixtures:

Proposed daily flow = 120 beds x 65 gal/bedroom/day = 7,800 gal/day

Existing Property flow = 1,638 gal/day, per water meter data, averages

Net flow = 6,162 gal/day x 4:1 x \$21.29 (as of 1/1/2021) = \$524,756

cc: Jen Caira
Neil Cronin
Michael Gleba
John Daghlian
Jonah Temple
James McGonagle
Shawna Sullivan