



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

**#335-21**

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Barney S. Heath  
Director

### **PUBLIC HEARING MEMORANDUM**

Public Hearing Date: October 12, 2021  
Land Use Action Date: December 14, 2021  
City Council Action Date: January 3, 2022  
90-Day Expiration Date: January 10, 2022

DATE: October 8, 2021

TO: City Council

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

SUBJECT: **Petition #335-21** petition for SPECIAL PERMIT/SITE PLAN APPROVAL to combine two lots and replace an existing three-unit multi-family dwelling with three single-family attached dwelling units, to reduce the required lot area, to reduce lot area per unit, to increase allowed lot coverage, to reduce side setbacks, to allow a three-story structure, to allow a driveway within 10' of the side lot line, to allow parking within 20' of the side and rear lot lines, to allow for reduced driveway width and to allow retaining walls of four feet or more in height within a setback at **10-12 Mechanic Street**, Ward 5, Upper Falls, on land known as Section 51 Block 31 Lots 04 and 05, containing approximately 9,964 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.1.7.C, 5.1.13, 5.4.2.B 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.



**10-12 Mechanic Street**

## EXECUTIVE SUMMARY

The subject property at 10-12 Mechanic Street consists of two lots in a Multi Residence 2 (MR2) zoning district totaling 9,964 square feet in the aggregate. The site is improved with a three-unit multi-family dwelling built in 1850 on one lot and an accessory gravel parking area on the other.

The petitioners propose to raze the existing three-unit multi-family dwelling, merge the two lots, and construct three single-family attached dwellings on the combined property. A special permit is required to construct single-family attached dwellings in the MR2 district per Sec. 3.4.1 of the Newton Zoning Ordinance (NZO).

As designed, the proposed development also requires certain additional zoning relief from the dimensional standards established by Sec. 3.2.4 for single-family attached dwellings, including to allow the project to have a lot area of 9,964 square feet (approx. only two-thirds of the required 15,000 square feet); to allow the proposed lot area per unit of 3,321 square feet per dwelling unit where 4,000 square feet is required; to allow the proposed lot coverage of 25.6% which slightly exceeds the maximum 25% allowed; to allow the proposed north (left) and south (right) side setbacks, respectively 18.9 and 12.1 feet, where 25-foot setbacks are required; and to allow the proposed three-stories where a maximum of 2.5 stories is allowed.

Regarding the proposed parking, as the proposed paved driveway would be less than 10 feet from the north (left) side boundary line it would require a special permit per Sec. 6.2.3.B.2, as would the three surface parking stalls proposed along the rear lot line since no parking may locate within 20 feet of a side or rear boundary. Also, the proposed 11-foot-wide driveway would require a special permit per Sec. 5.1.13 as Sec. 5.1.7.C requires that entrance and exit drives have a minimum width of 12 feet.

Lastly, to the extent needed, one or more retaining walls proposed around the perimeter of the lot at the front of the property within the 25-foot side setback that measures more than the maximum height of four feet would require a special permit per Sec. 5.4.2.B.

The Planning Department notes that the proposed removal of the existing structure would result in a vacant site largely free of physical constraints and, therefore, the nonconformities requiring relief discussed above would seem to be the results of design and program choices. As such, the Planning Department suggests that the petitioner consider reconfiguring the proposed structure and site design to minimize the relief required.

### 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 three single-family attached dwellings as designed with retaining walls in excess of four feet in height within a setback (§7.3.3.C.1)
- The proposed three single-family attached dwellings as designed with retaining walls in excess of four feet in height within a setback will adversely affect the neighborhood (§7.3.3.C.2)

- The proposed three single-family attached dwellings as designed with retaining walls in excess of four feet in height within a setback 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 (§7.3.3.C.4)
- Literal compliance with the requirements that single-family attached dwellings have:
  - a minimum lot area of 15,000 square feet;
  - lot area per unit of 4,000 square feet;
  - side setbacks of at least 25 feet;
  - a maximum lot coverage of 25%; and
  - a maximum of 2 ½ stories,is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§3.2.4)
- Literal compliance with the requirements that a driveway not be located within 10 feet of the side lot line and/or that parking not be located within 20 feet of a boundary, is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§6.2.3.B.2)
- Literal compliance with the requirement that a driveway have width of at least 12 feet (§5.1.7.C) 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)

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The subject property is located on the east side of Mechanic Street just south of its intersection with Elliot Street. The neighborhood is a mix of one-, two-, and multi- family dwellings, including another three-unit dwelling across the street; there are also a few vacant parcels, including one of the two lots that are the subject of the present petition and one that abuts that parcel to the east (**Attachment A**). The site and the other properties on the east side of Mechanic Street, and two adjacent parcels to the north, all as bounded by Wetherell Street to the north and south are zoned Multi Residence 2 (MR2); the rest of the area is zoned Multi Residence 2 (MR2) (**Attachment B**).

### B. Site

The subject property consists of two lots totaling 9,964 square feet in the aggregate. The site is improved with a three-unit multi-family dwelling built in 1850 on the northern lot located approx. three feet from the back of the sidewalk, and an accessory gravel parking area on the other. The site varies in grade, sloping downward approx. eight feet from front to rear (west to east). Vehicular access to the site is provided by an approx. 24-foot-wide

curb cut that serves the gravel parking area on the vacant south lot. The remaining portions of the site are lawn with some mature trees and shrubs.

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

The principal use of the site would change from a three-unit multifamily dwelling to a three single family attached dwellings.

#### B. Building and Site Design

The petitioners propose to raze the existing three-unit multi-family dwelling, merge the two lots, and construct three single-family attached dwellings on the combined property.

Due to the parcel's grade, the structure presents as having two-stories on the front and three stories at the rear. The proposed height of 34.88 feet is slightly lower than the existing 35.5 feet and the maximum 36 feet allowed. That said, while the proposed three-stories is the same number as the existing structure's, it exceeds the maximum 2.5 stories allowed for single-family attached dwellings.

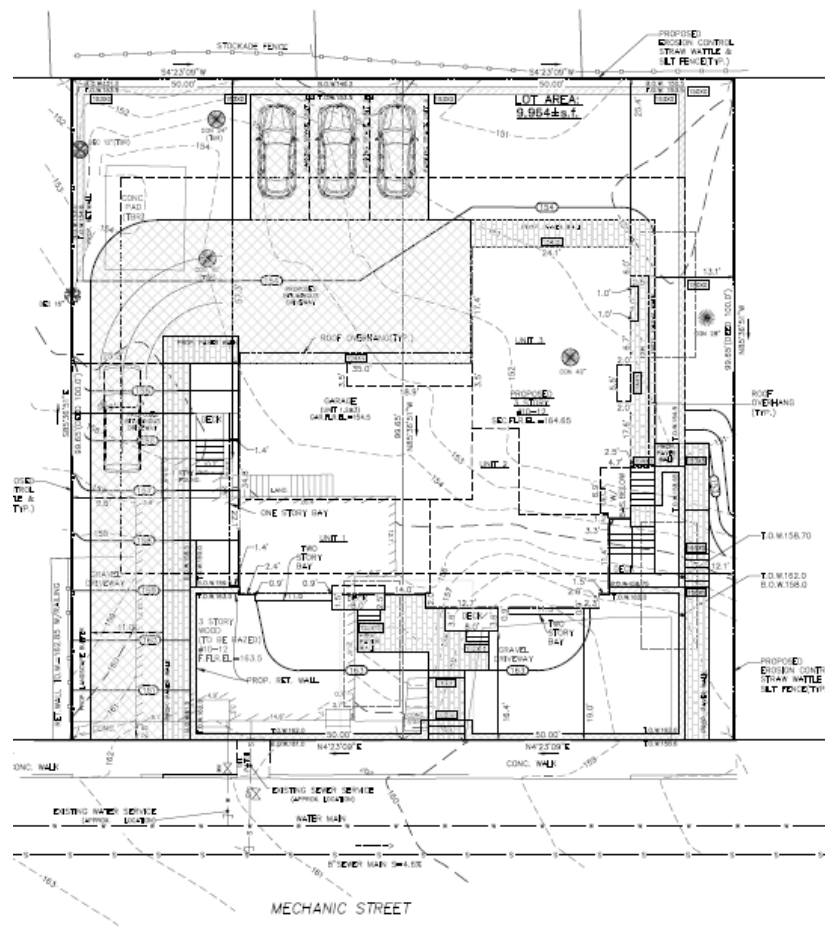


***Front & Rear elevations***

The three units would measure 2,298, 2,038 and 1,985 square feet. These sizes do not include the common garage located on the first level which would measure 698 square feet. While single family attached dwellings are not subject to floor area ratio (FAR) requirements, the

Planning Department notes that the proposed 7,018 square foot dwelling (including the garage), would have an FAR of 0.70, higher than the calculation for the existing structure on the combined two lots, which would be 0.46, as well as the maximum by-right FAR for a single- or two- family dwelling on the lot of approx. 0.48.

Sec. 3.2.4 of the NZO requires a single-family attached dwelling project to have a lot area of 15,000 square feet. The combined lots would measure only 9,964 square feet, approx. only two-thirds of the required area. Also, while the number of units on site would not increase, single-family attached dwellings require a minimum of 4,000 square feet of lot area per unit, more than the proposed (and existing) 3,321 square feet.



**Proposed Site Plan**

Per the NZO, single-family attached dwellings are required to have 25-foot setbacks. Given the average front setbacks of the two directly abutting properties on Mechanic Street, the required front setback is reduced to 12.55 feet. The proposed front setback of 16.4 feet exceeds that and is a significant increase over the existing 2.8 feet. The proposed rear setback of 25.4 feet slightly exceeds the required 25 feet (but is considerably less than the existing 57 feet).

However, the proposed left and right side setbacks, at 18.9 and 12 feet respectively, are less than the required 25 feet.

The proposed lot coverage of 25.6% exceeds the maximum 25% allowed for single-family attached dwellings. The proposed open space of 50.4% slightly exceeds the required 50% minimum, but is significantly less than the existing 79.4%.

The Planning Department notes that the proposed removal of the existing structure would result in a vacant site largely free of physical constraints and, therefore, the nonconformities requiring relief discussed above would seem to be the results of design and program choices. As such, the Planning Department suggests that the petitioner consider reconfiguring the proposed structure and site design to minimize the relief required.

C. Parking and Circulation

The petitioners are proposing to provide six parking stalls- three within a ground level attached garage and three at-grade at the rear (east) of the parcel. All six stalls would be accessed via a paved driveway and associated curb cut located at the left (north) side of the property.

Regarding the proposed parking, as the proposed paved driveway would be less than 10 feet from the north (left) side boundary line it would require a special permit, as would the three surface parking stalls proposed along the rear lot line as no parking may locate within 20 feet of a side or rear boundary. Also, the proposed 11-foot-wide driveway would require a special permit per Sec. 5.1.13 as Sec. 5.1.7.C requires that entrance and exit drives have a minimum width of 12 feet.

The Planning Department again suggests that the petitioner consider reconfiguring the proposed structure and site design to minimize the relief required.

D. Landscape, Lighting and Signage

The petitioner has submitted a proposed landscaping plan. It includes several levels defined by retaining walls that feature lawn areas and shrubbery, with 15 arborvitae proposed for the boundary lines at the south west corner of the site, several birch and small Japanese maple trees to be located in the rear of the property. Two existing trees, one on each of the northern and southern property lines. There would also be several concrete paver-surfaced walkways. The Planning Department suggests that the petitioner confirm whether relief for one or more retaining walls, or systems of retaining walls, in excess of four feet in height in a setback is required and, if so, revisit the design so as to eliminate. If possible, the need for such relief.

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:
  - a. allow attached single-family dwellings (§3.4.1)
  - b. reduce required lot area (§3.2.4)
  - c. reduce required lot area per unit (§3.2.4)
  - d. reduce required side setback (§3.2.4)
  - e. increase allowed lot coverage (§3.2.4)
  - f. allow a three-story structure (§3.2.4)
  - g. allow a driveway within 10 feet of the side lot line (§6.2.3.B.2)
  - h. allow parking within 20 feet of the side and rear lot lines (§6.2.3.B.2)
  - i. allow for a reduced driveway width (§5.1.7.C, §5.1.13)
  - j. allow retaining walls of four feet or more in height within a setback (§5.4.2.B)

B. Engineering Review

On September 28, 2021, the Engineering Division issued a memorandum discussing several aspects of the proposal (**Attachment D**). Among others, it notes that the petitioner should ensure that surface runoff does not negatively impact any abutter and that a construction management plan (CMP) will be required for this project.

C. Historic Review

On May 23, 2019, the Newton Historical Commission resolved to not preferably preserve the existing structure.

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 E:** DRAFT Council Order



# ATTACHMENT A





## Land Use

### 10-12 Mechanic St..

City of Newton,  
Massachusetts

## Land Use

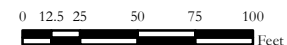
### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  Vacant Land

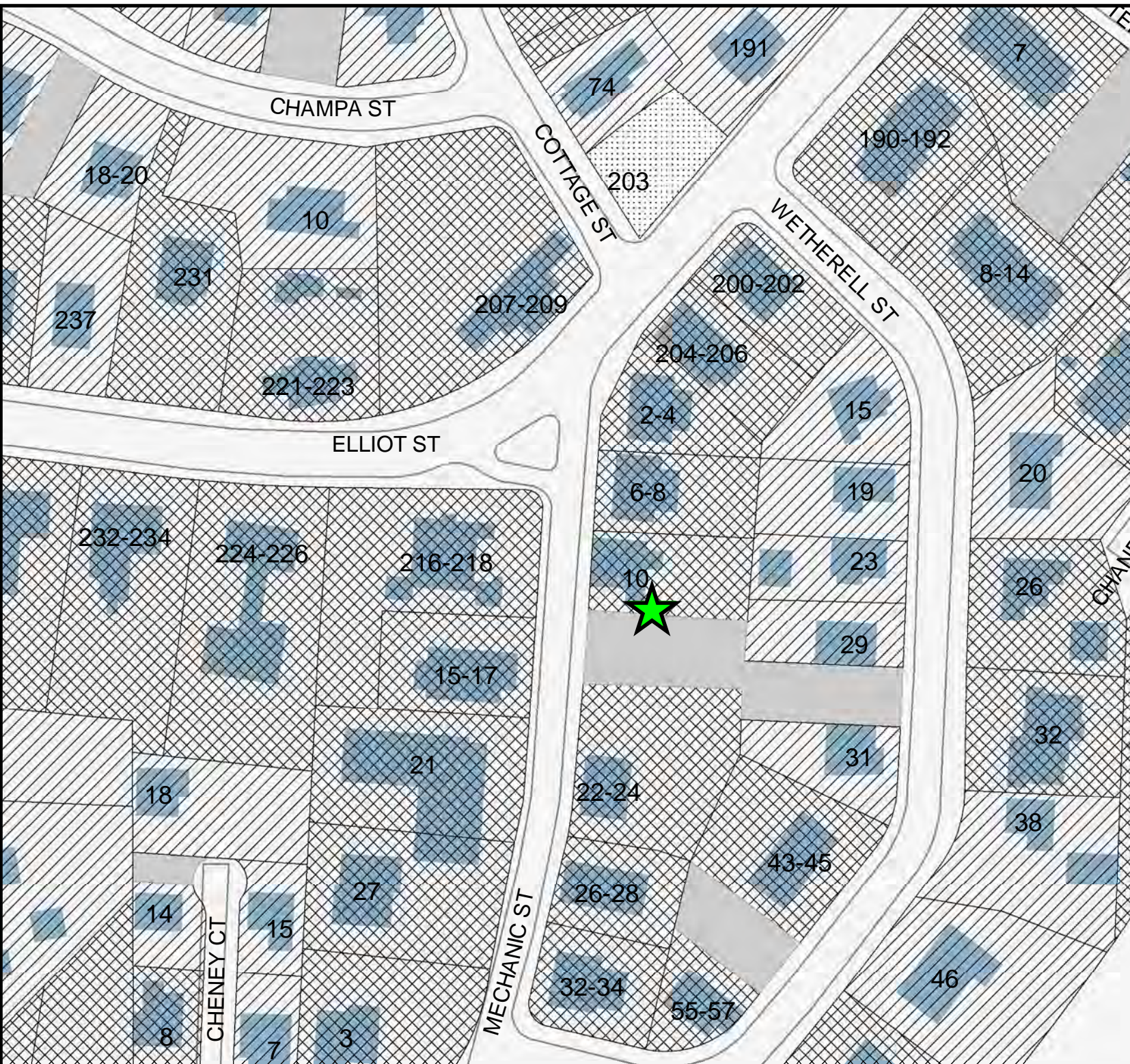


The information on this map is Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based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

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



Map Date: October 05, 2021









Ruthanne Fuller  
Mayor

# ATTACHMENT C

## City of Newton, Massachusetts

Department of Planning and Development  
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(617) 796-1120  
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Barney S. Heath  
Director

### ZONING REVIEW MEMORANDUM

Date: April 6, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Philip and Catherine Wesalowski, Applicants  
G. Michael Peirce, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

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

Applicant: Philip and Catherine Wesalowski	
Site: 10-12 Mechanic Street	SBL: 51031 0005 and 51031 0004
Zoning: MR2	Lot Area: 9,964 square feet
Current use: Three-family dwelling	Proposed use: Three single-family attached dwellings

#### BACKGROUND:

The property at 10-12 Mechanic Street consists of two lots totaling 9,964 square feet and is improved with a three-unit multi-family dwelling built in 1850 on one lot and an accessory gravel parking area on the other in the MR2 zoning district.

The petitioners propose to merge the two lots and raze the existing dwelling to construct three single-family attached dwellings.

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

- Zoning Review Application, prepared by G. Michael Peirce, attorney, dated 2/17/2021
- Elevations and sections, signed and stamped by Ronald F. Jarek, architect, dated 11/11/2020
- Topographic Site Plan, Existing, signed and stamped by Joseph R. Porter, surveyor, dated 1/18/2018
- Topographic Site Plan, Proposed, signed and stamped by Joseph R. Porter, surveyor, dated 7/31/2020

## **ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioners propose to raze the existing three-unit multi-family dwelling and construct three single-family attached dwellings in the Multi Residence 2 zoning district. Per section 3.4.1, a special permit is required to construct single-family attached dwellings in the MR2 district.
2. Section 3.2.4 requires 15,000 square feet in lot area for a single-family attached dwelling project. The lot, as merged, has 9,964 square feet. Section 3.2.4 allows the City Council to grant exceptions to the dimensional standards of the section if it is determined that literal compliance is impractical due to the nature of the use, or the location, size, frontage, depth, shape or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features. The petitioners require a special permit to reduce the required lot area from 15,000 square feet to 9,964 square feet.
3. Section 3.2.4 requires 4,000 square feet of lot area per each dwelling unit for a single-family attached dwelling project. With 9,964 square feet and three units, the proposed lot area per unit is 3,321 square feet per unit, requiring a special permit.

It is noted that the lot area per unit is not changing however the requirement changes when constructing single-family attached dwellings.

4. Section 3.2.4 requires a maximum lot coverage of 25% for single-family attached dwellings. The petitioners propose a lot coverage of 25.6%, exceeding the maximum allowed, requiring a special permit.
5. Section 3.2.4 requires a 25-foot setback for attached dwellings. The proposed structure has a side setback of 18.9 feet on the northern boundary, and 12.1 feet on the southern. A special permit to reduce the side setbacks is required.
6. The petitioners propose to raze the existing nonconforming three-story structure and construct a three-story single-family attached dwelling structure. Section 3.2.4 allows a maximum 2.5 stories for single-family attached dwellings. The petitioners propose a three-story structure, requiring a special permit.
7. The petitioners propose to utilize and extend an existing gravel driveway along the northern side lot line to serve all three units. The driveway is located less than 10 feet from the property boundary. Per section 6.2.3.B.2, no driveway may be located within 10 feet of a side or rear lot line requiring a special permit.
8. Section 6.2.3.B.2 states that no parking may locate within 20 feet of a boundary line unless a special permit is granted. The petitioners propose three surface parking stalls along the rear lot line and within 20 feet of the northern side lot line, requiring a special permit.
9. Per section 5.1.7.C, entrance and exit drives must be a minimum of 12 feet wide. The petitioners propose an 11-foot wide driveway requiring a special permit per section 5.1.13.



10. Retaining walls are proposed around the perimeter of the lot, reaching a maximum height of four feet at the front of the property within the 25-foot side setback. Per section 5.4.2.B, a retaining wall four feet or more in height in the setback requires a special permit.

<b>MR1 Zone</b>	<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	15,000 square feet	<b>9,964 square feet</b>	<b>No change</b>
Frontage	80 feet	100 feet	No change
Setbacks			
• Front	12.55 feet*	<b>2.8 feet</b>	16.4 feet
• Side	25 feet	9.6 feet	<b>18.9 feet</b>
• Side	25 feet	>50 feet	<b>12.1 feet</b>
• Rear	25 feet	57.3 feet	25.4 feet
Building Height	36 feet	35.5 feet	34.88 feet
Max Number of Stories	2.5 (3 by special permit)	<b>3</b>	<b>3</b>
Lot Coverage	25%	12.5%	<b>25.6%</b>
Open Space	50%	79.4%	50.4%
Lot Area Per Unit	4,000 square feet	3,321 square feet	<b>No change</b>

\*Per section 1.5.3.B

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
§3.4.1	To allow attached single-family dwellings	S.P. per §7.3.3
§3.2.4	To reduce required lot area	S.P. per §7.3.3
§3.2.4	To reduce required lot area per unit	S.P. per §7.3.3
§3.2.4	To reduce required side setback	S.P. per §7.3.3
§3.2.4	To increase allowed lot coverage	S.P. per §7.3.3
§3.2.4	To allow a three-story structure	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the side lot line	S.P. per §7.3.3
§6.2.3.B.2	To allow parking within 20 feet of the side and rear lot lines	S.P. per §7.3.3
§5.1.7.C §5.1.13	To allow for a reduced driveway width	S.P. per §7.3.3
§5.4.2.B	To allow retaining walls of four feet or more in height within a setback	S.P. per §7.3.3

# 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 – #10 -12 Mechanic Street

Date: September 28, 2021

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

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

Topographic Plan Showing Proposed Conditions  
#10 -12 Mechanic Street  
Prepared by: VTP Associates Inc.  
Dated: July 31, 2020  
Revised: Nove 12, 2020

*Executive Summary:*

This application entails the demolition of the existing multi-family unit and the construction of a 3-unit dwelling on a 9,964 square foot lot. The site varies in grade starting at a highpoint at elevation 159-feet near the frontage, and slopes down to 151 -feet at the rear of the lot. Residential homes are along the north, east and southern borders and has 100 feet of frontage along mechanic Street. The current site has no stormwater infiltration system other than downspouts discharging on the lawn areas. The design incorporates a stormwater collection and infiltration system from the roof areas and the driveway consistent with the DPW stormwater policy and improves both water quality and quantity on the site; however, pre & post watershed maps are needed as well as on-site soil testing to determine the estimated

seasonal high groundwater elevation. A perimeter landscape wall is planned to provide flat areas to landscape and regrading of the yards, this wall varies in height from 1-3.5 feet along the frontage, 3.5 feet along the southern property line, and between 2.5 – 3.5 feet along the rear. The engineer of record needs to ensure that the natural flow paths for surface runoff are not altered to negatively impact any abutter.



An Operations and Maintenance Plan is needed for the proposed system to ensure long-term performance and functionality of this infiltration system. A new driveway is proposed along the northern property line that provides access to the garage under and three parking stalls at the rear property line.



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. 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. 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. 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.

General:

1. 5 Year Moratorium – if at time of construction the roadway is under a 5-year moratorium, the roadway must be milled and paved gutter-to-gutter for a distance of 25 feet in each direction from the outermost trenches.
2. All trench excavation shall comply with Massachusetts General Law Chapter 82A, Trench Excavation Safety Requirements, and OSHA Standards to protect the general public from unauthorized access to unattended trenches or excavations. Trench Excavation Permit is required prior to any construction. This applies to all trenches on public and private property. *This note shall be incorporated onto the final plans.*
3. All tree removal shall comply with the City's Tree Ordinance.
4. The contractor of record is responsible for contacting the Engineering Division and scheduling an appointment 48-hours prior to the date when the utilities will be made available for an inspection of water services, sewer services and drainage system installation. The utility in question shall be fully exposed for the Inspector to view, backfilling shall only take place when the City Engineer's Inspector has given their approval. *This note shall be incorporated onto the final plans.*
5. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.
6. Before requesting a Certificate of Occupancy, an As Built plan shall be submitted to the Engineering Division in both digital and paper format. The plan shall show all utilities and final grades, any easements and improvements and limits of restoration. The plan shall include profiles of the various new utilities including but not limited to rim & invert elevations (City of Newton Datum), slopes of pipes, pipe materials, and swing ties from permanent building corners. The as built shall be stamped by both a Massachusetts Registered Professional Engineer and Registered Professional Land Surveyor. Once the as built plan is received the Engineering Division shall perform a final site inspection and



then make a determination to issue a Certificate of Occupancy. *This note shall be incorporated onto the final plans.*

7. All site work including trench restoration, sidewalk, curb, apron, and loam border (where applicable) shall be completed before a Certificate of Occupancy is issued. *This note shall be incorporated onto the final plans.*
8. The contractor of record shall contact the Newton Police Department 48-hours in advanced and arrange for Police Detail to help residents and commuters navigate around the construction zone.
9. If any changes from the final approved design plan that are required due to unforeseen site conditions, the contractor of record shall contact the design engineer of record and submit revised design and stamped full scale plans for review and approval prior to continuing with construction.
10. *The engineer of record shall add the following attestation to the plans when applying for a building permit:*

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

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Signature

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

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

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to

- allow attached single-family dwellings (§3.4.1);
- reduce the required lot area (§3.2.4);
- reduce the required lot area per unit (§3.2.4);
- reduce required side setbacks (§3.2.4);
- increase the allowed lot coverage (§3.2.4);
- allow a three-story structure (§3.2.4);
- allow a driveway within 10 feet of the side lot line (§6.2.3.B.2);
- allow parking within 20 feet of the side and rear lot lines (§6.2.3.B.2);
- allow for a reduced driveway width (§5.1.7.C, §5.1.13); and
- allow retaining walls of four feet or more in height within a setback (§5.4.2.B)

as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The site in a Multi Residence 2 (MR2) zoning district is an appropriate location for the proposed three single-family attached dwellings as designed with retaining walls in excess of four feet in height within a setback (§7.3.3.C.1)
2. The proposed three single-family attached dwellings as designed with retaining walls in excess of four feet in height within a setback will not adversely affect the neighborhood (§7.3.3.C.2)
3. The proposed three single-family attached dwellings as designed with retaining walls in excess of four feet in height within a setback will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)
5. Literal compliance with the requirements that single-family attached dwellings have:
  - a minimum lot area of 15,000 square feet;

- lot area per unit of 4,000 square feet;
- side setbacks of at least 25 feet;
- a maximum lot coverage of 25%; and
- a maximum of 2 ½ stories,

is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§3.2.4)

6. Literal compliance with the requirements that a driveway not be located within 10 feet of the side lot line and/or that parking not be located within 20 feet of a boundary, is impractical due to the nature of the use, or the location, size, frontage, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§6.2.3.B.2)
7. Literal compliance with the requirement that a driveway have width of at least 12 feet (§5.1.7.C) 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)

PETITION NUMBER: #335-21

PETITIONER: Catherine Wesalowski and Philip Wesalowski

LOCATION: 10-12 Mechanic Street, Ward 5, on land known as Section 51, Block 31, Lots 4 and 5, containing approximately 9,964 sq. ft. of land

OWNER: Catherine Wesalowski and Philip Wesalowski

ADDRESS OF OWNER: P.O. Box 432  
Norfolk, MA 02056

TO BE USED FOR: Three single-family attached dwellings

EXPLANATORY NOTES: Special permit as per §7.3.3:

- allow attached single-family dwellings (§3.4.1)
- reduce required lot area (§3.2.4)
- reduce required lot area per unit (§3.2.4)
- reduce required side setback (§3.2.4)
- increase allowed lot coverage (§3.2.4)
- allow a three-story structure (§3.2.4)
- allow a driveway within 10 feet of the side lot line (§6.2.3.B.2)

- allow parking within 20 feet of the side and rear lot lines (§6.2.3.B.2)
- allow for a reduced driveway width (§5.1.7.C, §5.1.13)
- allow retaining walls of four feet or more in height within a setback (§5.4.2.B)

ZONING: Multi-Residence 2 (MR2) district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
  - a. A site plan, entitled “Topographic Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #10-12 Mechanic Street,” prepared by VTP Associates, Inc., dated July 31, 2020, as revised through November 11, 2020, signed and stamped by Joseph R. Porter, Professional Land Surveyor
  - b. A plan, entitled “Details, Newton, Massachusetts, Showing Proposed Conditions at #10-12 Mechanic Street,” prepared by VTP Associates, Inc., dated July 31, 2020
  - c. A set of architectural plans entitled “Mechanic Street Residences,” prepared by Ronald F. Jarek, Architect, and MGD + LLC Design and Consultants, dated November 11, 2020, signed and stamped by Ronald F Jarek, Registered Architect, consisting of the following sheets:
    - i. SD.00- Cover Page
    - ii. SD.00.1- Zoning Analysis
    - iii. SD.00.2- Existing Conditions
    - iv. SD.02- Site Plan
    - v. SD.03- First Level Plan
    - vi. SD.04- Second Level Plan
    - vii. SD.05- Third Level Plan
    - viii. SD.06 -Front Elevation
    - ix. SD.07- Right Elevation
    - x. SD.08- Rear Elevation
    - xi. SD.09- Left Elevation
    - xii. SD.10- 3D Rendering
  - d. A landscape plan entitled “Mechanic Street Residences,” prepared by Ronald F. Jarek, Architect, dated December 17, 2019, signed and stamped by Ronald F Jarek, Registered Architect, consisting of the following sheet:
    - i. SD.02- Landscape Site Plan
2. All lighting fixtures shall be residential in scale.



3. The petitioner shall comply with the Tree Preservation Ordinance.
4. The petitioner shall do the following to remediate pest and rodent activity:
  - a. Prior to issuance of any demolition or building permit, the petitioner shall hire a licensed pest control operator (the "Operator") to assess the property for pest and rodent activity and develop and implement a pest remediation action plan (the "Plan") to eliminate the activity and prevent off-site migration. The Plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
  - b. A copy of the Plan shall be submitted to the Inspectional Services Department, and the Health and Human Services Department for review and approval prior to issuance of any demolition or building permit. Copy of such approvals shall be provided to the Department of Planning and Development.
  - c. The Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration. The Operator shall maintain a written record of all pest control measures performed within the subject property and shall provide progress reports to Inspectional Services Department and the Health and Human Services Department upon request.
  - d. Prior to issuance of the certificate of occupancy, the Operator shall file a final report with the Department of Planning and Development, Inspectional Services Department and the Health and Human Services Department summarizing the methods used, whether off-site migration occurred, the frequency and dates of service, and a post-construction site assessment.
5. Prior to the issuance of any building permit for the Project, the petitioner shall provide an Approval Not Required ("ANR") or "81X" plan combining the two lots into one lot to the City Engineer for review and approval. Once approved, the plan must be recorded at the Middlesex South Registry of Deeds. A certified copy of the plan shall be submitted to the Engineering Division of Public Works and the Commissioner of Inspectional Services.
6. Prior to a building permit being issued pursuant to this special permit, the petitioner shall submit a construction management plan (CMP) for review and approval by the Engineering Division and the Director of Planning and Development. 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.
7. Prior to the issuance of any building permit pursuant to this special permit, 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 and approval by the Engineering Division. 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.

8. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - a. Recorded a certified copy of this Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Provided a final Site Plan for review and approval by the Department of Planning and Development, and the Engineering Division of Public Works.
  - d. Provided a Final Landscape Plan showing for review and approval by the Director of Planning and Development.
  - e. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
9. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
  - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and digital format.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
  - d. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
10. Notwithstanding the provisions of Condition #9 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provided that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.