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Barney Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: July 19, 2022
Land Use Action Date: October 11, 2022
City Council Action Date: October 17, 2022
90-Day Expiration Date: October 17, 2022

DATE: July 15, 2022

TO: City Council

FROM: Barney Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Michael Gleba, Senior Planner

SUBJECT: **Petition #354-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish the existing dwelling and construct three single family attached dwellings, to waive the required minimum lot area, to allow a driveway within 10 feet of a rear lot line; to allow parking within 20 feet of the front and rear lot lines, and to allow parking within front setbacks at **157 Langley Road**, Ward 6, Newton on land known as Section 65 Block 20 Lot 01, containing approximately 14,886 sq. ft. of land in a district zoned MULTI RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 5.1.7.A, 5.1.13, 6.2.3.B.2 of Chapter 30 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.



157 Langley Road

EXECUTIVE SUMMARY

The property at 157 Langley Road consists of a 14,886 square feet corner lot in a Multi Residential 1 (MR1) zoning district. The lot is improved with a two-family dwelling built circa 1890.

The petitioner proposes to replace the existing two-family dwelling with three single-family attached dwellings (each having two parking spaces, one ground level garage attached to each unit and one surface stall) requiring a special permit per Section 3.4.1 of the Newton Zoning Ordinance (NZO) to allow attached dwellings in an MR1 district. Zoning relief would also be needed for several aspects of the proposed project.

Section 3.2.4 of the NZO establishes the required minimum lot area for an attached single-family dwelling project is 15,000 square feet. As the parcel has 14,886 square feet, it requires a special permit to waive the requirement.

The petitioner proposes to construct two driveways, one off each of Langley Road and Knowles Street, to service the three units. These driveways and the three associated surface parking stalls require special permits per Sec. 5.1.13 to allow their locations in in the front setback (§5.1.7.A), within 10 feet of the rear lot line, and/or within 20 feet of the front and rear lot lines (§6.2.3.B.2).

The Planning Department notes that the project could diversify Newton's housing stock but recommends that the petition consider reducing the amount of paving, especially that related to the proposed driveway on the Knowles Street side of the property.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The site in a Multi-Residence 1 (MR1) district with 14,886 square feet (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) is an appropriate location for the proposed three single-family attached dwellings as designed (§7.3.3.C.1)
- The proposed three single-family attached dwellings on a 14,886 square foot lot (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) as designed will adversely affect the neighborhood (§7.3.3.C.2)
- The proposed three single-family attached dwellings on a 14,886 square foot lot (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) as designed will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)
- Granting an exception to the provisions of Sec 5.1.7.A requiring that no parking stall

- within a front setback appropriate as 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. (§5.1.13)
- Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no parking space be located within 20 feet of a boundary line side or rear lot line is appropriate as 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 (§ 6.2.3.B.2)
 - Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no driveway be located within 10 feet of a side or rear lot line is appropriate as 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 (§ 6.2.3.B.2)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD:

A. Neighborhood and Zoning

The neighborhood is a mix of one- and two- and multi- family dwellings, with the first predominating east of Langley Road and Langley Road and the latter two types predominating to the west of those streets (**Attachment A**). The zoning largely reflects this, with the neighborhood west of Glen Avenue and Langley Road (including the subject parcel) zoned MR1 and the area to the east zoned Single Residence 2 (SR2) (**Attachment B**).

B. Site

The subject property is a 14,866 square foot lot located at the southern corner of intersection of Langley Road and Knowles Street improved with a two-family dwelling. The site, which slopes downward approximately seven feet from northeast to southwest, is accessed via two driveways- one off each of Langley Road and Knowles Street. The remaining portions of the site feature walkway, some low retaining walls, lawn area, mature trees along the Knowles Street frontage, as well as shrubs.

III. PROJECT DESCRIPTION AND ANALYSIS:

A. Land Use

The proposed use of the site is three attached single-family dwellings with six parking stalls, three of which would be located within ground level one-car garages attached to each of the dwelling units.

B. Building and Site Design

The petitioner is proposing to create three attached dwelling units in a new structure that would also contain three attached garages, one on the first floor level, the other two on the basement level.

The parcel's lot size is 14,886 square feet, 114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use. The proposed lot area per unit is 4,955 square feet, more than the minimum 4,000 square feet required.

Single-family attached dwellings are allowed to have 2 ½ stories (and up to three by special permit) and measure up to 36 feet in height. The proposed structure would have 2 ½ stories and a measured height of 33.9 feet, complying with the requirements.

Regarding setbacks, single-family attached dwellings require 25-foot front, side, and rear setbacks. The property's two front setbacks, along Langley Road and Knowles Street, measure 29.6 and 25.7 feet respectively. The one side setback (perpendicular to Knowles Street) measures 25.4 feet and its rear setback (perpendicular to Langley Road) is 25.3 feet. As such, all four proposed setbacks meet the requirement.

As proposed, open space on the lot would measure 51%, just above the required 50%. The property's lot coverage would be 24.9%, just below the maximum 25% allowed.

Lastly, although the NZO does not establish floor area ratio (FAR) requirements for single family attached dwellings, the petitioner has indicated that the project's floor area ratio (FAR) is 0.56 if the basement were included, 0.47 if it were not. The Planning Department notes, for comparison, the allowable FAR for single- and two- family structures on a similarly sized lot in an MR1 district which would be 0.48 with a possible bonus of 0.02 for new construction that complies with the "new lot" front, side, and rear setback requirements of 25, 7.5 and 15 feet.

C. Parking and Circulation

The petitioners are proposing to provide six parking spaces onsite with one garaged and one surface stall provided for each of the three units. The stalls would be serviced by two driveways: one off Langley Road for one unit and the other off Knowles Street for two units. The former would serve a first-floor level one-car garage, the latter two basement level one-car garages.

As designed, the surface parking stall accessed from (and located parallel to) Langley Road is located in that front setback, and the two surface stalls accessed via the Knowles Street curb cut are located within the front setback from Knowles Street (and the rear setback). As no parking may be located within a front or side setback per Sec., 5.1.7.A, these require a special permit.

As the Knowles Street driveway is within ten feet of the rear lot line, and no driveway

may be located within 10 feet of a side or rear lot line per Sec. 6.2.3.B.2, that driveway requires a special permit.

Also, per Sec. 6.2.3.B.2 parking spaces may not be located within 20 feet of a boundary unless by special permit. The surface parking stall located along Langley Road and the two near Knowles Street are all located within their respective front setbacks, and the Knowles Street spaces are also located within the rear setback, all of which requires a special permit.

The Planning Department notes that the driveway/parking area accessed via the Knowles Street curb cut seems to have an excessive amount of paving and recommends that the petitioner consider modifying that aspect to reduce the paving to most efficiently provide only for the stalls and perhaps a hammerhead. Doing so could also allow for the installation of appropriate vegetative screening along that area's property line shared with the Knowles Street abutter. Such a modification could dovetail with a recommendation in the Engineering Division's memorandum discussed below that the low retaining wall (approximately 1-3 feet in height) proposed for the boundary line shared with the abutting property on Knowles Street be moved into the subject parcel at one foot to avoid any encroachment and construction issues.

D. Landscaping

A landscape plan was submitted with this petition. It indicates that of 12 existing trees, eight will be removed and four retained (three of which are along the property line shared with the Knowles Street abutter). Seventeen new trees (seven deciduous and ten evergreens) are slated for installation, as well as numerous shrubs and other vegetation. The new installations are largely located along the shared property line on Langley Road, as well as near the parking stall in the front setback along Langley Road, and along the Langley Road and Knowles Street facades. Lawn areas would be located in the corner portion of the lot and near the side property line perpendicular to Langley Road. There is also a walkway proposed in that area that would serve one of the dwellings, as well as a fence that would continue along the property line to Knowles Street with varying heights. Low retaining walls would be located along much of the lengths of the shared property lines, and the existing stone walls along both the Langley Road and Knowles Street frontages would be renovated.

The Planning Department again recommends that the petitioner consider reducing the amount of paving included in the driveway/parking area accessed via the Knowles Street curb cut so as to allow for the installation of appropriate vegetative screening along the property line shared with the Knowles Street abutter.

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 a Special Permit per §7.3.3 to allow:

- attached single-family dwellings (§3.4.1)
- reduced lot area (§3.2.4)
- parking in the front setback (§5.1.7.A, §5.1.13)
- a driveway within 10 feet of the rear lot line and parking within 20 feet of the front and rear lot lines (§6.2.3.B.2)

B. Engineering Review

The Engineering Division Memorandum (**Attachment D**) provides an analysis of the proposal with regard to engineering issues. The memorandum includes the above-referenced suggestion that the proposed retaining wall is located near Knowles Street abutter be moved a minimum of one foot into the subject property to avoid any encroachment & construction issues. It also notes the petitioner will need to submit an Operations and Maintenance (O&M) plan for Stormwater Management Facilities for the Division's review, and a construction management plan (CMP) will be required for this project.

C. Historic Preservation Review

On September 2, 2021, the Newton Historical Commission, resolved by a vote of 3-1 to preferably preserve the property.

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 Review Memorandum
Attachment E: DRAFT Order

ATTACHMENT A





Land Use

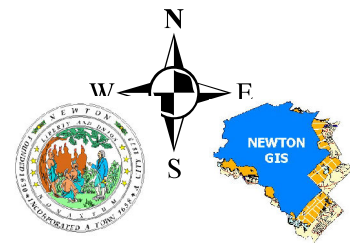
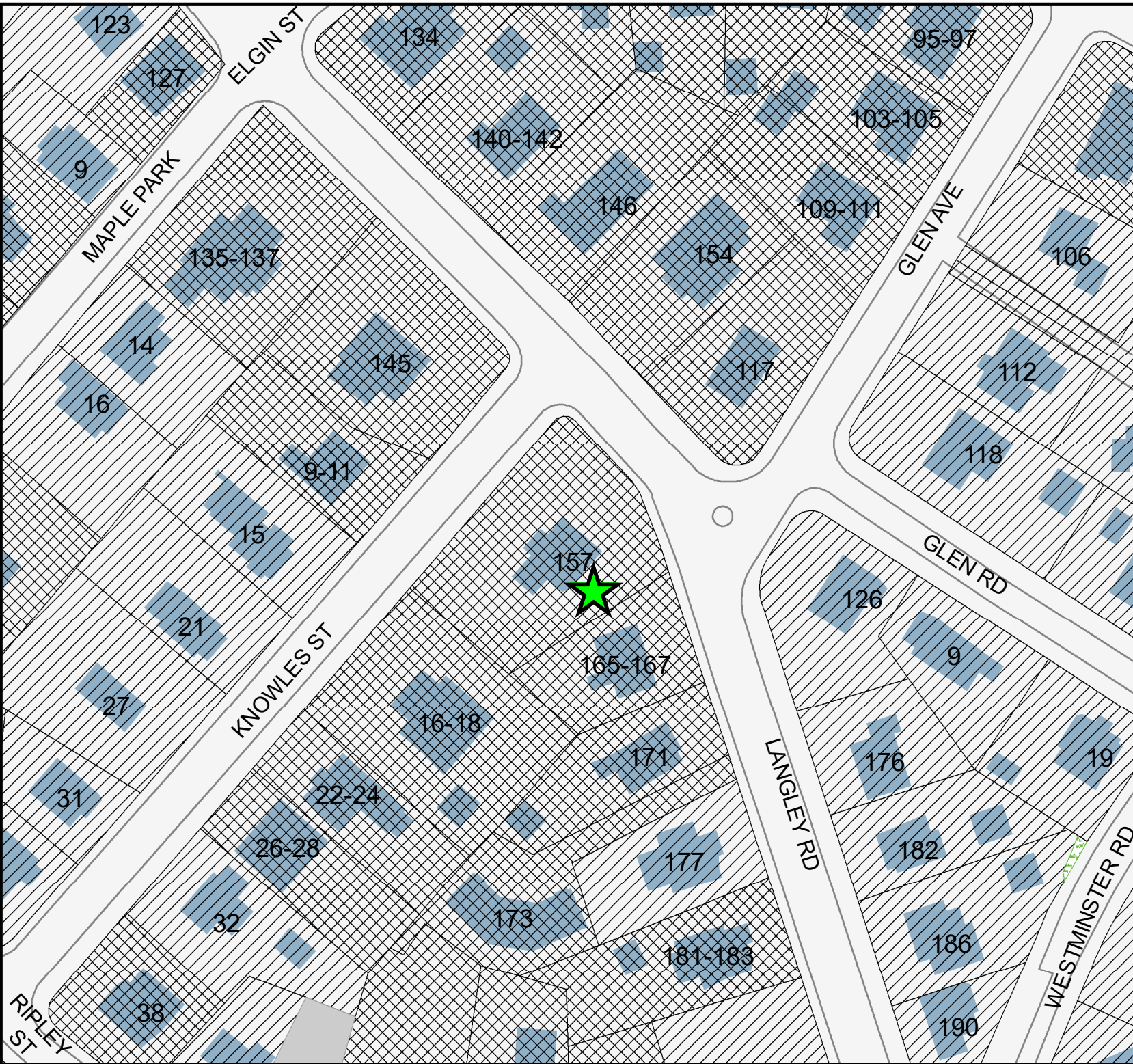
1314 Washington St.

*City of Newton,
Massachusetts*

Land Use

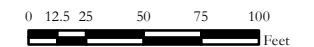
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Open Space
-  Vacant Land



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

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



Map Date: July 11, 2022



ATTACHMENT B

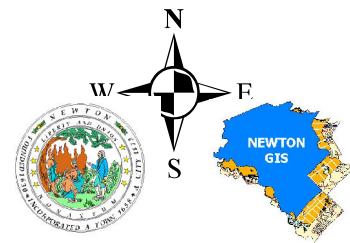
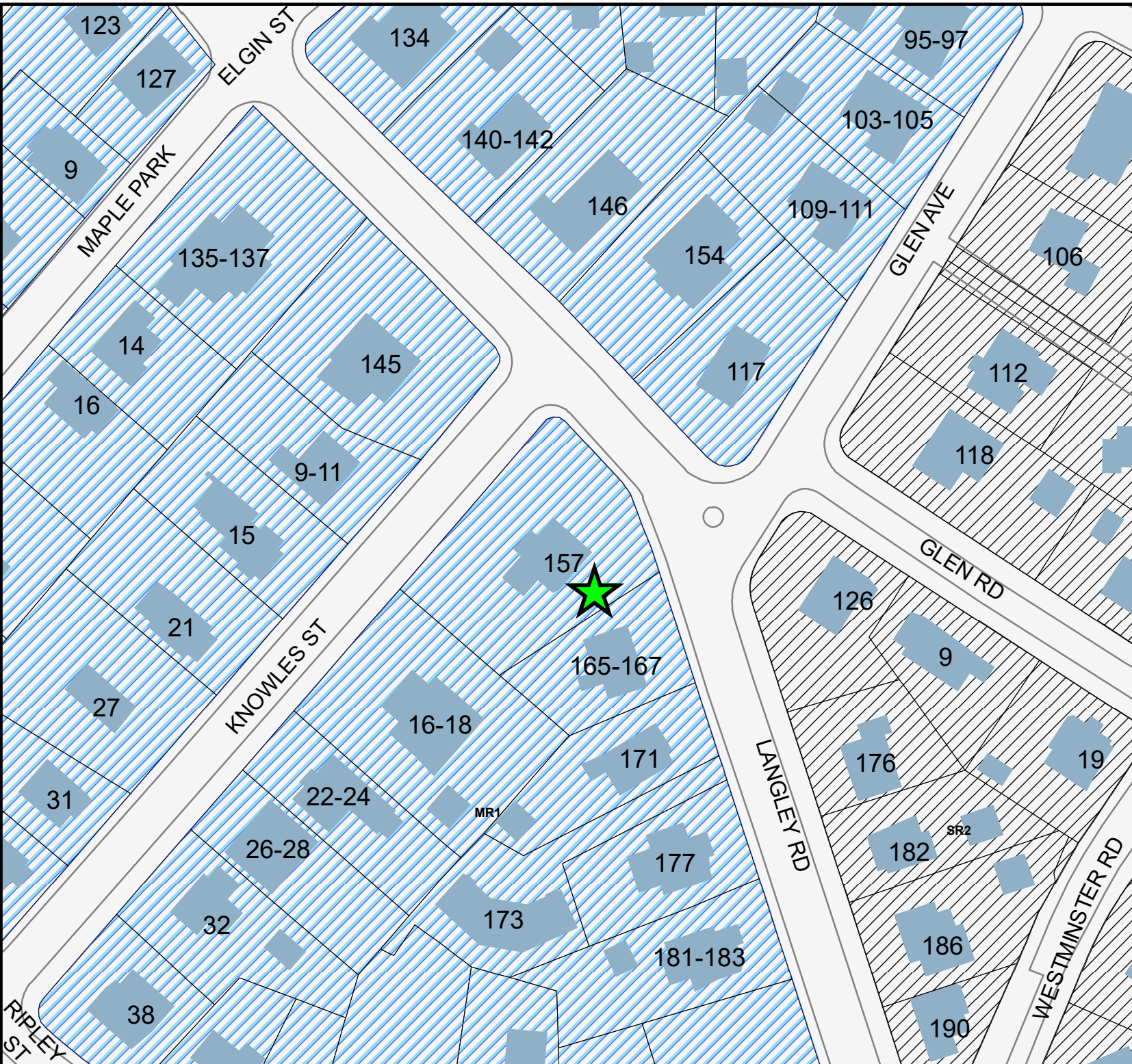
Zoning

157 Langley Rd.

*City of Newton,
Massachusetts*

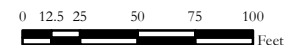
Legend

-  Single Residence 2
-  Multi-Residence 1



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CITY OF NEWTON, MASSACHUSETTS
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Map Date: July 11, 2022



Ruthanne Fuller
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: March 29, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Laurance Lee, Attorney
HG Chestnut Hill LLC, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow three single-family attached dwellings

Applicant: HG Chestnut Hill LLC	
Site: 157 Langley Road	SBL: 65020 0001
Zoning: MR1	Lot Area: 14,886 square feet
Current use: Two-family dwelling	Proposed use: Three single-family attached dwellings

BACKGROUND:

The property at 157 Langley Road consists of 14,886 square feet and is improved with a two-family dwelling built circa 1890 in the MR1 zoning district. The petitioner proposes to demolish the existing dwelling and 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 Laurance Lee, attorney, submitted 2/17/2022
- Floor plans and elevations, prepared by Mike McKay Architects, dated 1/18/2022
- Proposed Plot Plan, prepared by Peter Nolan & Associates, surveyor, dated 12/28/2021

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to raze the existing two-family dwelling and construct three single-family attached dwellings in the Multi Residence 1 zoning district. Per section 3.4.1, a special permit is required to construct attached dwellings in the MR1 district.

2. Per section 3.2.4 the required minimum lot area for an attached single-family dwelling project is 15,000 square feet, unless the Council finds that literal compliance is impractical and grants a special permit to waive the requirement. The parcel has 14,886 square feet, requiring a special permit.

3. The petitioner proposes to construct two driveways to service the three units: a driveway off Langley Road for one unit and a driveway off of Knowles Street for two units. A surface parking stall for the front unit is located in the front setback parallel to Langley Road. The driveway from Knowles Street extends along the rear of the dwelling to provide two additional parking stalls within the rear setback and front setback from Knowles. Per section 5.1.7.A, no parking may be located within a front or side setback. Both driveways provide parking in the front setback, requiring a special permit per section 5.1.13.

Per section 6.2.3.B.2 no parking space may be located within 20 feet of a boundary unless by special permit. One parking stall is located within the front setback from Langley Road, and two parking stalls are located within the front setback from Knowles Street as well as the rear setback, requiring a special permit.

Per this same section 6.2.3.B.2, no driveway may be located within 10 feet of a side or rear lot line, unless by special permit. The Knowles Street driveway is within ten feet of the rear lot line, requiring a special permit.

MR1 Zone	Required	Proposed
Lot Size	15,000 square feet	14,886 square feet*
Frontage	80 feet	273.4 feet
Setbacks		
• Front (Langley Rd)	25 feet	29.6 feet
• Front (Knowles St)	25 feet	25.7 feet
• Side	25 feet	25.4 feet
• Rear	25 feet	25.3 feet
Building Height	36 feet	33.9 feet
Max Number of Stories	2.5 (3 by special permit)	2.5
Lot Coverage Max	25%	24.9%
Open Space Min	50%	51%
Lot Area Per Unit	4,000 square feet	4,955 square feet

*requires relief

See "Zoning Relief Summary" below:

Zoning Relief Required		
<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 allow reduced lot area	S.P. per §7.3.3
§5.1.7.A §5.1.13	To allow parking in the front setback	S.P. per §7.3.3
§6.2.3.B.2	To allow a driveway within 10 feet of the rear lot line and parking within 20 feet of the front and rear lot lines	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 – #157 Langley Road

Date: June 21, 2022

CC: Barney Heath, Director of Planning
Jennifer Caira, Deputy Director
Katie Whewell, Chief Planner
Lou Taverna, PE City Engineer
Jennifer Breslouf, Committee Clerk
Michael Gleba, Sr. Planner

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

157 Langley Road
Proposed Plan
Prepared by: Spruhan Engineering, PC
Dated: 5/9/2022

Executive Summary:

The permit entails the demolition of an existing single-family dwelling and the construction of a 3-family unit on a 14,600 square foot [0.33 acre] lot located at the intersection of Langley Road (along the north) & Knowles Street to the west. The site has a high point at elevation 183-feet at the northeastern corner of the property and slopes towards the west (Knowles Street). The site is bound to the south & east by residential homes. The lot is serviced by two driveways one from Langley Road & the second off Knowles Street. The existing stone walls along the frontage of both streets will be renovated. A proposed retaining wall is located near the southeast property line and curves towards Knowles Street is very closely located to the neighbor's property line at #16-18 Knowles Street, I recommend moving the wall inward a minimum of One foot to avoid any encroachment & construction issues. The retaining wall varies in height of

0.90 feet at the beginning and varies in height to 2.9 feet at the highest point midway along this common property line. The retaining wall will help facilitate two garages under the units and on grade parking for two stalls.

The site currently has no on-site infiltration system, the engineer of record has designed a stormwater collection and infiltration system to meet the City's 100-year storm event by collecting the runoff from roof & driveway areas and infiltrating into 3-separate leaching fields. The design also incorporates proposed sump pumps and overflow connections into the City's Storm Drainage system. Prior to final approval of the stormwater system the engineer of record must demonstrate adequate capacity in the City Drainage system. Pre & Post construction Closed Circuit Television [CCTV] inspection will be required of the City drainage system. The two infiltration fields along the southwestern property line need to have impervious barriers along their perimeter to prevent breakout. An additional test pit within 25 feet of system #1 is required. System #1 has a bottom of stone elevation at 169.5-ft, the estimated seasonal high groundwater is at elevation 171.0-ft, therefore 1.5 feet of the system is underwater, this is unacceptable.

The drainage report did not include any calculation for phosphors reduction as required by the City's Stormwater Ordinance.

The design did not include an Operations & Maintenance system for the design intent, it needs to incorporate a minimum of inspection periods, inspection ports, cleaning of catch basins, drain manholes, driveway sweeping intervals and the infiltration fields. Additionally, snow storage areas need to be identified. The O&M plan once approved must be recorded at the Middlesex Registry of Deeds and adopted by the Homeowners Association for long-term maintenance of the drainage system. Proof of the recording must be submitted to the DPW.

New municipal utilities are proposed for the 3-unit development.

The sidewalk along Langley Road has a non-conforming ADA pedestrian curb cut (a.k.a. HP ramp) is along with the one at the intersection of Knowles Street must be updated and a sidewalk must be extended along the Knowles Street frontage to connect to the neighboring sidewalks.

Any sidewalks closed during construction shall have detoured pedestrian routes approved by the Engineering Inspector in accordance with the DPW Construction Zone Access Checklist.

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. The stabilized driveway construction entrance is needed off Knowles Street that needs to be shown on the site plan that 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 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. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, trench drains, and pipe(s) are the sole responsibility of the property owner(s).
3. 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 Knowles 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

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 attached single-family dwellings (§3.4.1); reduce minimum lot area (§3.2.4); and to allow parking in the front setback (§5.1.7.A, §5.1.13), a driveway within 10 feet of the rear lot line, and parking within 20 feet of the front and rear lot lines (§6.2.3.B.2)

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 1 (MR1) district with 14,886 square feet (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) is an appropriate location for the proposed three single-family attached dwellings as designed as it is located in a neighborhood with a mix of single-, two- and multi- family dwellings (§7.3.3.C.1)
2. The proposed three single-family attached dwellings on a 14,886 square foot lot (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) as designed will adversely not affect the neighborhood as the lot is amongst the largest in the area (§7.3.3.C.2)
3. The proposed three single-family attached dwellings on a 14,886 square foot lot (114 square feet less than the required 15,000 square feet minimum for an attached single-family dwelling use) as designed 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. *Granting an exception to the provisions of Sec 5.1.7.A requiring that no parking stall within a front setback appropriate as 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. (§5.1.13)*
6. *Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no parking space be located within 20 feet of a boundary line side or rear lot line is appropriate as 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 (§ 6.2.3.B.2)

7. *Granting an exception to the provisions of Sec 6.2.3.B.2 requiring that no driveway be located within 10 feet of a side or rear lot line is appropriate as 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 (§ 6.2.3.B.2)*

PETITION NUMBER: #354-22

PETITIONER: HG Chestnut Hill LLC

LOCATION: 157 Langley Road 70 Walker Street, Ward 6, on land known as Section 65 Block 20 Lot 1, containing 14,886 sq. ft. of land

OWNER: HG Chestnut Hill LLC

ADDRESS OF OWNER: P.O. Box 590669
Newton, MA 02459

TO BE USED FOR: Three single-family attached dwellings

EXPLANATORY NOTES: Special permit as per §7.3.3 to allow:

- attached single-family dwellings (§3.4.1)
- reduced lot area (§3.2.4)
- parking in the front setback (§5.1.7.A, §5.1.13)
- a driveway within 10 feet of the rear lot line and parking within 20 feet of the front and rear lot lines (§6.2.3.B.2)

ZONING: Multi-Residence 1 (MR1) 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. Site plans, entitled "157 Langley Road, Newton, Massachusetts," prepared by Peter Nolan and Associates, LLC., dated May 9, 2022, as revised through May 13, 2022, consisting of the following sheets:
 - i. Civil Plan (sheet 2 of 4) signed and stamped by Peter J. Nolan, Professional Land Surveyor on May 13, 2022, and Edward T. Spruhan, Professional Engineer on May 13, 2022

- ii. Details (sheet 3 of 4) signed and stamped by Edward T. Spruhan, Professional Engineer on May 13, 2022
 - iii. Details (sheet 3 of 4) signed and stamped by Edward T. Spruhan, Professional Engineer on May 13, 2022
 - b. Architectural plans entitled “New Residence, 157 Langley Road, Newton, MAx (*sic*),” prepared by McKay Architects, dated May 11, 2022 as revised through January 18, 2022, signed and stamped by Michael L. McKay, Registered Architect, consisting of the following sheets:
 - i. Special Permit Drawings (SP-1.1), including the following drawings:
 - 1. Title Sheet (T-11)
 - 2. Zoning Compliance (T-1.2)
 - 3. Existing Conditions (EX-1.1)
 - 4. Basement Floor Plan (A-1.1)
 - ii. Special Permit Drawings (SP-1.2), including the following drawings:
 - 1. First Floor Plan (A-1.2)
 - 2. Second Floor Plan (A-1.3)
 - 3. Knowles Street Elevation (A-2.1)
 - 4. Right Elevation (A-2.2)
 - iii. Special Permit Drawings (SP-1.3), including the following drawings:
 - 1. Rear Elevation (A-2.3)
 - 2. Langley Road Elevation (A-2.4)
 - 3. Rendering (R-1.2)
 - 4. Rendering (R-1.2) (*sic*)
 - c. A landscape plan entitled “Landscape Plan, 157 Langley Road, Newton, MA,” prepared by Verdant Landscape Architecture, dated March 28, 2022, consisting of the following sheets:
 - i. L1
 - ii. L2
- 2. The petitioner shall comply with the Tree Preservation Ordinance.
 - 3. All lighting fixtures shall be residential in scale.
 - 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, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action 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 Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department for review and approval prior to

- issuance of any demolition or building permit. A copy of such approval shall be provided to the Department of Planning and Development.
- c. The Pest Control 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 Pest Control 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.
5. Prior to the issuance of any Building Permit, the Petitioner shall submit a Construction Management Plan (the "CMP") for review and approval to the Commissioner of Inspectional Services, the Director of Planning and Development, the City Engineer, and the Chief of the Fire Department. The CMP shall be in compliance with all applicable policies and ordinances in effect at the time of submission. The Petitioner shall comply in all material respects with the Construction Management Plan, which shall be consistent with and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
- a. 24-hour contact information for the general contractor.
 - b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - c. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction materials and delivery vehicles and equipment, and location of any security fencing and erosion control.
 - d. A plan showing temporary pedestrian access within work zones in accordance with DPW Policy
 - e. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site. Include watering
 - f. Proposed methods of noise control, in accordance with the Revised Ordinances, §20-13. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - g. Tree preservation plan to define the proposed method(s) for protection of any existing trees to remain on site.
 - h. The CMP shall also address the following: safety precautions; anticipated dewatering during construction; site safety and stability; and impacts on abutting properties.
6. 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, Engineering Division of Public Works and Fire Department.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - e. Provided a Final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.
 - f. Provided a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Registry of Deeds for the Southern District of Middlesex County. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 - g. 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.
7. 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.
8. Notwithstanding the provisions of Condition #8 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.

9. All landscaping shall be maintained in good condition and shall be replaced with similar material as necessary.