



Ruthanne Fuller  
Mayor

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

**#s 394-22 & 395-22**

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

Barney Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: September 20, 2022  
Land Use Action Date: December 13, 2022  
City Council Action Date: December 19, 2022  
90-Day Expiration Date: December 19, 2022

DATE: September 16, 2022

TO: City Council

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

SUBJECT: **Petition #394-22**, to rezone ~~parts of the following 2 parcels: 136-144 Hancock Street (Section 43 Block 31 Lot 01) and 169 Grove Street (Section 43 Block 31 Lot 16)~~ from SINGLE RESIDENCE 3 TO MULTI RESIDENCE 2.

**Petition #395-22**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow multi-family dwellings, to allow single-family attached dwellings, to allow a reduced rear setback, to allow reduced lot area per unit, to alter and extend a nonconforming side setback, to waive parking stalls, to waive perimeter screening requirements and to waive lighting requirements at **136-144 Hancock Street and 169 Grove Street** Ward 4, Newton, on land known as Section 43 Block 31 Lots 01 and 16 containing approximately 58,492 sq. ft. of land in a district zoned SINGLE RESIDENCE 3 (rezone to MULTI RESIDENCE 2 proposed). Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.2.4, 4.1.3, 7.8.2.C.2, 5.1.4, 5.1.13, 5.1.9.A.1.ii, 5.1.10.A of the City of Newton Rev Zoning Ord, 2017.

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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.



**136-144 Hancock St.**

### EXECUTIVE SUMMARY

The proposed subject site consists of a 58,492 square foot lot at the intersection of Grove and Hancock streets. Located in a Single Residence 3 (SR3) district, the property is improved with multiple buildings constructed between 1850 and 1957 known as the Walker Center, a nonprofit ecumenical retreat and inn.

The petitioner proposes to demolish a single-family dwelling on site and convert the two existing main Walker Center buildings into multi-family dwellings containing twelve residential units and to construct four single-family attached dwellings in two new structures along the Grove Street frontage. In total, the petitioner proposes 16 residential units in four buildings and 27 parking stalls (13 surface and 14 garaged).

To do so, the petitioner is seeking to have the subject parcels rezoned to Multi Residence 2 (MR2) and to be granted a special permit under MR2 zoning to allow for the proposed development. As such, for the purposes of this memo the MR2 provisions will be applied.

In order to construct the proposed development as designed, the petitioner requires a special permit per Section 3.4.1 of the Newton Zoning Ordinance (NZO), to construct multi-family dwellings and single-family attached dwellings. Several aspects of the proposed project also require a special permit.

Both multi-family dwelling and single-family attached dwellings are proposed for the site. The appropriate dimensional requirements per Section 3.2 are applicable to each building according to its proposed building type within the district. Multi-family dwellings require 3,000 square feet of lot area per unit per Sec. 3.2.6; attached single-family dwellings require 4,000 square feet of lot area per unit per Sec. 3.2.4. The proposal's lot area per unit based on the total number of units (16) for the entire parcel is 3,656 square feet. Section 3.2.4 allows the City Council to waive the minimum required lot area per unit for single-family attached dwellings. While the proposed project meets the lot area per unit requirement for a multi-family dwelling use, to the extent that the requirement for single-family attached dwellings is more restrictive, a special permit is required to allow for the lot area per unit of 3,656 square feet.

One of the proposed attached single family dwelling structures has a rear setback of 18.2 feet, less than the 25 feet minimum required for that building type, requiring a special permit per Sec. 3.2.4.

The petitioner is also requesting several exceptions under Sec. 5.1.13 to requirements related to parking, including:

- to waive five required parking stalls to allow the development to have only 27 spaces (13 surface and 14 garaged stalls), rather than the 32 (two per each of the 16 proposed dwellings) required by Sec. 5.1.4
- Sec. 5.1.9.A requires perimeter screening for outdoor parking facilities containing five or

more surface parking stalls; Sec. 5.1.9.A.1.ii requires a landscape strip with a minimum width of three feet between the base of the fence and the abutting property. While the petitioner proposes a six-foot fence along the eastern property line abutting the surface parking, no landscape strip is provided, requiring a special permit per Sec. 5.1.13.

- Sec. 5.1.10.A requires that outdoor parking used at night have a minimum intensity of lighting of one-foot candle on its entire surface. As no parking facility lighting has been proposed by the petitioner, a waiver of such would be required per Sec. 5.1.13.

Also, per section 5.11, as a residential development resulting in seven or more units, the petitioner would be required to provide several inclusionary zoning units.

#### I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed development as designed with 12 units with multi-family dwellings and four attached single-family dwellings in two structures and a reduced rear setback and a reduced lot area per unit (§7.3.3.C.1)
- The proposed development as designed with 12 units with multi-family dwellings and four attached single-family dwellings in two structures and a reduced rear setback and a reduced lot area per unit as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2)
- There will be no 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)
- The site planning building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy (§7.3.3.C.5)
- The proposed altered and extended nonconforming side setback would be substantially more detrimental than the existing nonconforming use to the neighborhood §7.8.2.C.2)
- Literal compliance with certain parking requirements of the Newton Zoning Ordinance (NZO) regarding the number of required parking stalls, perimeter screening requirements, and lighting, 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 immediate area features a wide mix of land uses including single-, two-, and multi-family residential as well as mixed use, commercial, and educational properties (**Attachment A**). The subject lot is currently zoned Single Residence 3 as are the nearby properties west of Grove Street, with the exceptions of two Public Use (PU) zoned school properties to the north. As noted above, the petitioners propose rezoning the subject parcels to Multi Residence 3 (MR3). The properties to the east across Grove Street are zoned Single Residence 1 (SR1). A Single Residence 2 (SR2) district is located approx. 500 feet to the northeast (**Attachment B**).

### B. Site

The subject site consists of a 58,492 square foot lot at the intersection of Grove and Hancock streets. The property is improved with multiple buildings constructed between 1850 and 1957 and used as a nonprofit ecumenical retreat and inn.

The lot is generally level, sloping upward approx. six feet from south to north. Vehicular access is provided via curb cut on Grove Street serving the existing parking between that public way and the center's structures. The property features lawn areas and mature trees.

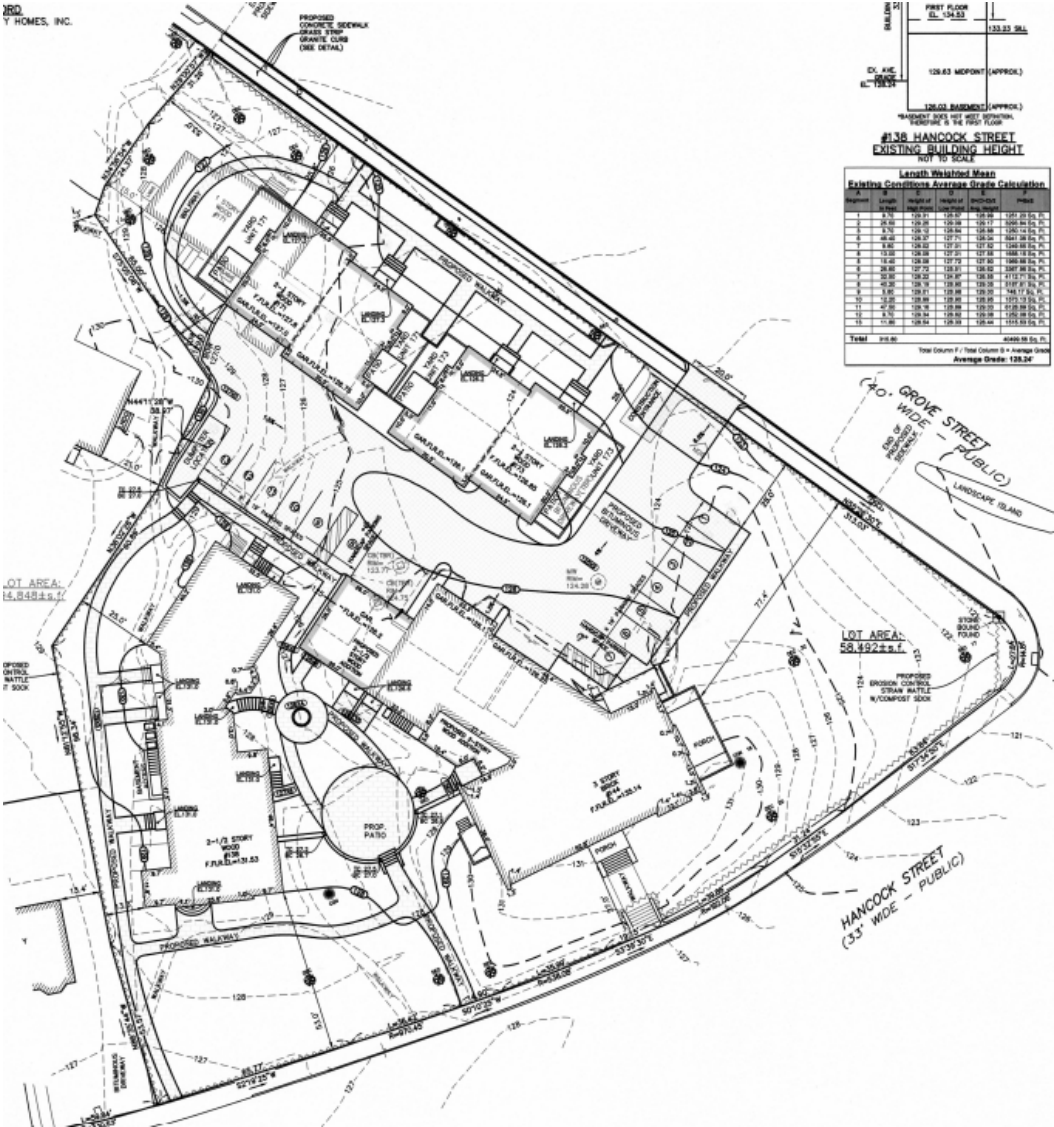
## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The principal use of the site would change from a nonprofit ecumenical retreat and inn to a 16-unit residential development.

### B. Building and Site Design

The petitioner proposes to demolish a single-family dwelling on site and convert the two existing main Walker Center buildings into multi-family dwellings containing twelve residential units, and to construct four single-family attached dwellings in two new structures along the Grove Street frontage. In total, the petitioner proposes 16 residential units in four buildings and 27 parking stalls (13 surface and 14 garaged). As detailed in the attached zoning review memorandum, the lot area per unit would be approximately 3,900 square feet which meets the lot area per unit requirement for a multi-family dwelling use, but less than the requirement of 4,000 square feet for single-family attached dwellings.



**Proposed site plan**

The existing structures’ heights would remain unchanged, as would their number of stories (three, the maximum allowed by right). The two proposed attached single-family structures, each with two units, would each have 2 ½ stories, the maximum allowed by right, and measure 35.9 feet, just below the maximum 36 feet allowed.

The existing structures’ conforming setbacks would remain unchanged. The two attached single-family dwellings would comply with all but one of the 25-foot setbacks required for that building type, with one having an 18.2-foot front setback along Grove Street.



***Proposed attached single-family dwellings- front elevations***

The proposed site design provides for a lot coverage of 23.6%, considerably lower than the 30% maximum allowed. The design also provides for 60.6% of the site to be open space, more than the required 50%.

C. Parking and Circulation

The project's design calls for a single 20-foot-wide curb cut on Grove Street in the general area of an existing curb cut that would serve all the parking on-site.

The petitioner is requesting several exceptions under Sec. 5.1.13 to requirements related to parking, including a waiver to the requirement that two stalls per each dwelling unit be provided, so as to have only 27 parking spaces (13 surface and 14 garaged stalls)- approx. 1.7 stalls per dwelling unit- five fewer than the 32 required by the NZO.

Also, outdoor parking facilities containing five or more surface parking stalls are required to have perimeter screening composed of fencing and a landscape strip with a minimum width of three feet between the base of the fence and the abutting property. While the petitioner proposes a six-foot fence along the eastern property line abutting the surface parking, no landscape strip is provided, requiring an exception to that requirement.

Lastly, an outdoor parking facility used at night is required to have lighting with a minimum intensity of one-foot candle on its entire surface. As no parking facility lighting has been proposed by the petitioner, an exception to that requirement would be needed.

D. Landscaping, Screening and Lighting

The petitioner submitted a landscape plan for the subject parcel. The plan indicates that in addition to extensive shrubbery and other vegetation, approximately 27 new trees would be installed. These would include Redbuds (10), Sentinel Flowering Crab Apples (8), Amelanchiers (6), and Swamp White Oaks (3).

As detailed in the attached zoning review, the petitioner is seeking a waiver from the perimeter screening requirements so as to install a six-foot high fence along portions of the property line but not the required related planting strip.

Lastly, the petitioner seeks a waiver from §5.1.10.A.1's requirement that outdoor parking used at night maintain a minimum intensity of lighting of one-foot candle on the entire surface. The petitioner has not submitted a photometric study showing what lighting, if any, is planned for the site. The Planning Department recommends that the petitioner do so to allow for a review of the proposed lighting conditions, and that any provided lighting should be appropriate for the residential nature of the parking and limit light impacts on adjacent properties, especially residences.

E. Inclusionary Zoning

As the project is creating new dwelling units, the petitioner will be required to comply with the Inclusionary Zoning provisions of the NZO. Per Sec. 5.11, any residential development resulting in seven or more units is required to provide inclusionary units.

As indicated by the petitioner, the development would provide two Inclusionary Units and a cash payment in accordance with Sec. 5.11.5.B.

The petitioner has submitted an "Inclusionary Housing Plan" that is currently being reviewed by the Planning Department's Housing staff. At the time of the writing of this memorandum the Planning Department is awaiting its response and will be prepared to discuss any comments received at the Public Hearing on this petition.

F. Accessibility

The project should be compliant with ADA and Massachusetts Architectural Access Board (MAAB) regulations. All units should be adaptable to those with disabilities and built to ADA and MAAB requirements and be accessible and visitable to those with disabilities. Regarding parking, the submitted plans show two ADA stalls in the outside parking area.

G. Signage

The petitioner has not requested waivers from the Ordinance as to the number, size, location, and height of signs. As a result, any signs are expected to be by-right and subject to review and approval by the Urban Design Commission.

H. Sustainability and Conservation of Natural Resources

The proposed multi-family structure will exceed 20,000 square feet thereby triggering the fifth special permit criteria to ensure the site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy.

The City's sustainability team has given an initial review to the plans and appreciated the petitioner's commitment to the project being all-electric. The Planning Department recommends that the petitioner coordinate with the sustainability team to discuss other aspects of the proposal.

#### 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 D**). As detailed in that memorandum, as proposed the project requires:

- the subject parcel to be rezoned from SR3 to MR2
- a Special Permit per §7.3.3 to:
  - allow multi-family dwellings (§3.4.1)
  - allow single-family attached dwellings (§3.4.1)
  - allow a reduced rear setback (§3.2.4)
  - allow reduced lot area per unit (§3.2.4)
  - alter and extend a nonconforming side setback (§4.1.3, §7.8.2.C.2)
  - waive 5 parking stalls (§5.1.4, §5.1.13)
  - waive perimeter screening requirements (§5.1.9.A.1.ii, §5.1.13)
  - Request to waive lighting requirements (§5.1.10.A, §5.1.13)

##### B. Historical Review

The petitioner should ensure that it continues to pursue the historical review process as appropriate and required.

##### C. Engineering Review

The Associate City Engineer submitted an Engineering Review Memorandum (**Attachment D**), providing an analysis of the proposal with regard to engineering issues. The petitioner should be prepared to any and all issues raised in the memo in advance of the public hearing and/or any subsequent working session(s).

#### V. PETITIONER'S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional



public hearings. The Planning Department will prepare an updated memo prior to any future public hearings.

**ATTACHMENTS:**

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

Land Use

136-144 Hancock St  
and  
169 Grove St

City of Newton,  
Massachusetts

Land Use

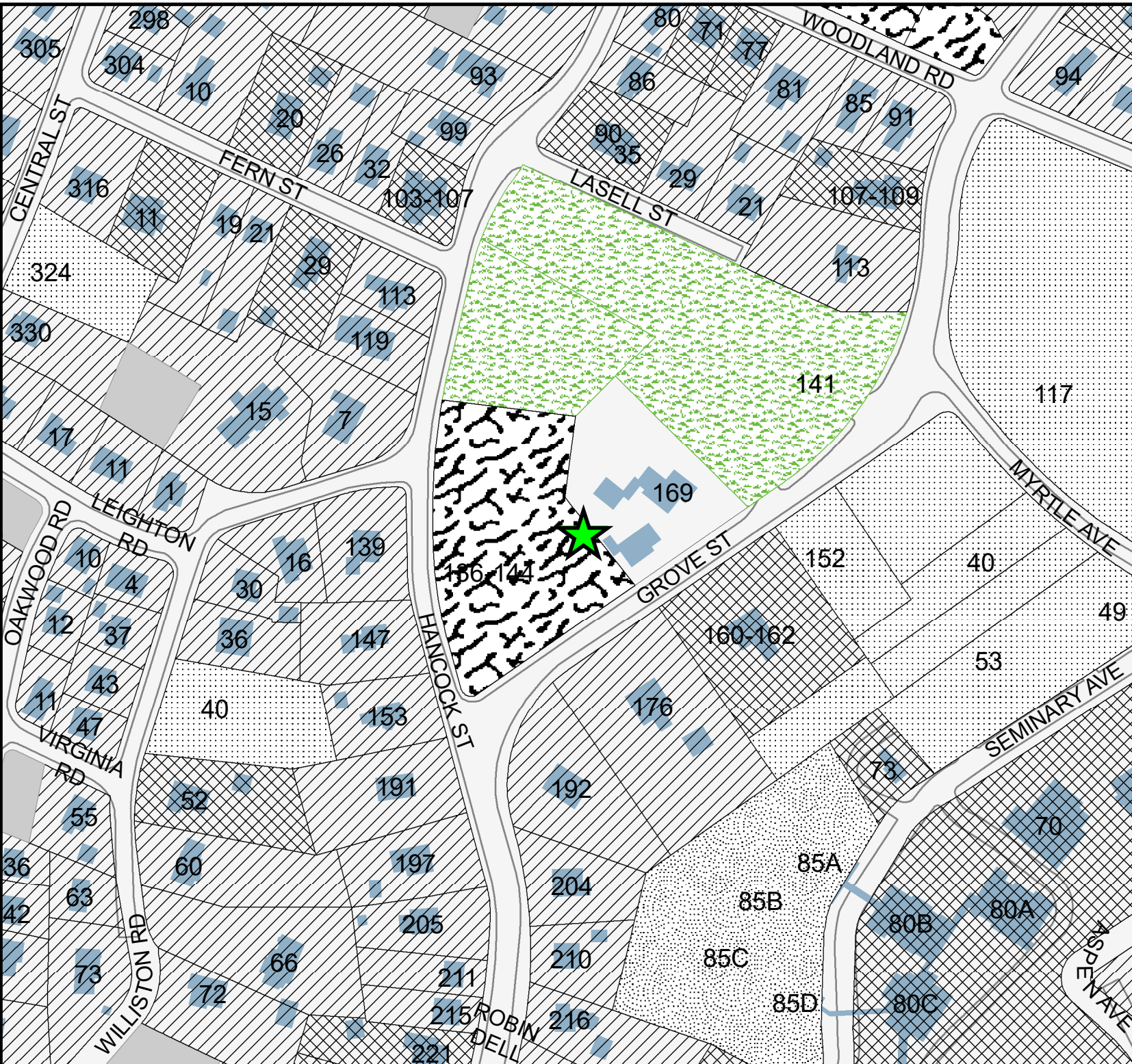
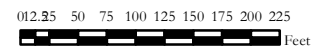
Land Use

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

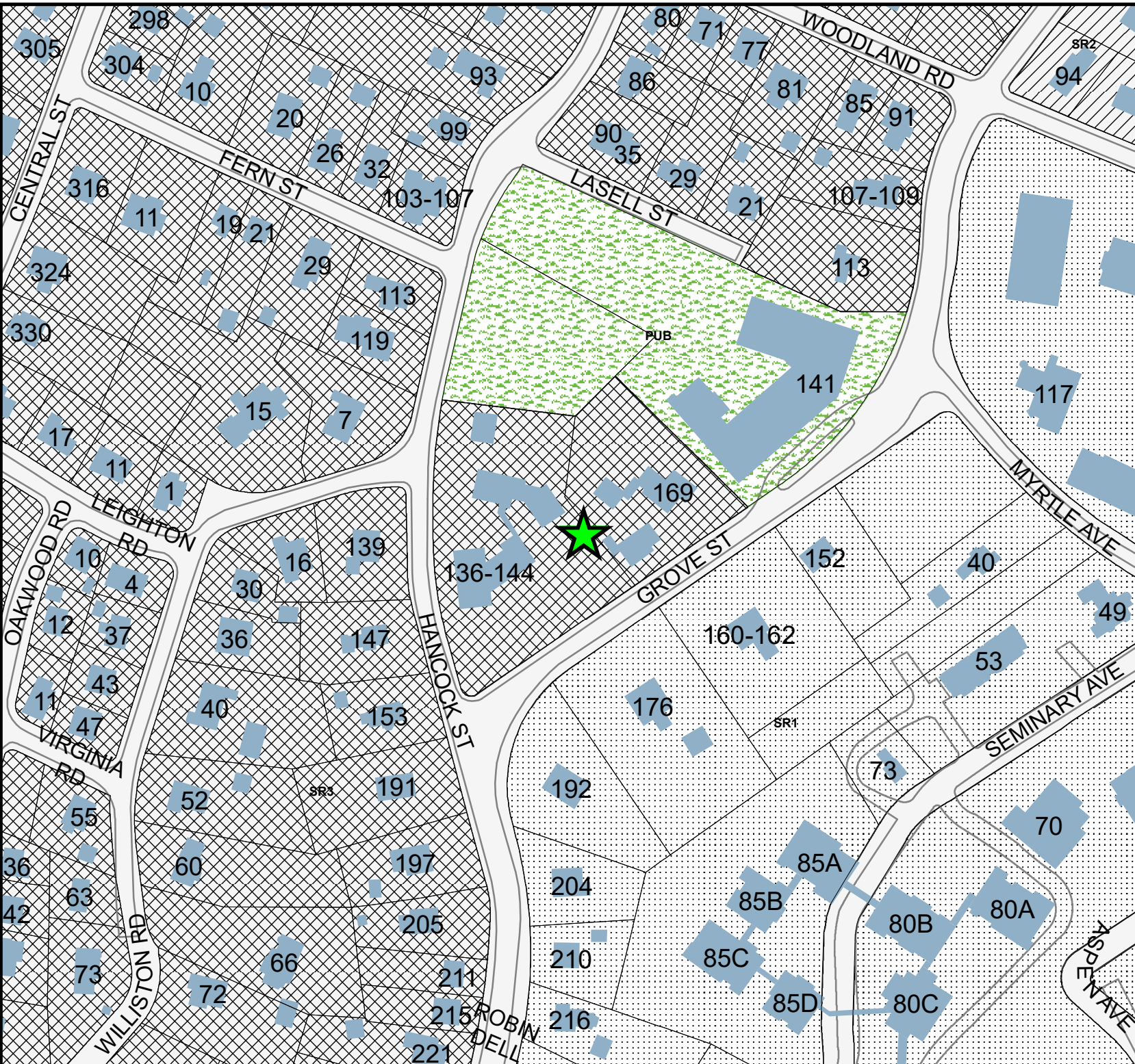
CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne Fuller  
GIS Administrator - Douglas Greenfield







# Zoning

## 136-144 Hancock St and 169 Grove St

*City of Newton,  
Massachusetts*

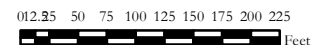


-  Single Residence 1
-  Single Residence 2
-  Single Residence 3
-  Public Use



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



# ATTACHMENT C



Ruthanne Fuller  
Mayor

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

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

Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: June 30, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

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

RE: Request to rezone to MR2 and to 16 residential units

Applicant: Terence P. Morris	
Site: 136-144 Hancock Street & 169 Grove Street	SBL: 43031 0001 & 43031 0016
Zoning: SR3 (to be rezoned to MR2)	Lot Area: 58,492 square feet
Current use: Nonprofit education center	Proposed use: 16 residential units in four buildings

### BACKGROUND:

The subject site consists of two lots totaling 58,492 square feet at the corner of Grove and Hancock Streets and improved with multiple buildings constructed between 1850 and 1957 known as the Walker Center, a nonprofit ecumenical retreat and inn. The petitioner proposes to raze a single-family dwelling on site, convert the existing main buildings into eleven residential dwelling units, and to construct four townhouses in two buildings. In total, the petitioner proposes 16 residential units in four buildings and a surface parking facility.

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

- Zoning Review Application, prepared by Terrence P. Morris, attorney, dated 5/5/2022
- Existing Conditions Plan, signed and stamped by Joseph R. Porter, surveyor, dated 2/2/2021
- Proposed Conditions Plan, signed and stamped by Joseph R. Porter, surveyor, dated 5/4/2022
- FAR worksheet, dated 5/5/2022
- Floor Plans and Elevations, prepared by Civico Development, dated 3/30/2022
- Floor Plans and Elevations, prepared by Sustainable Comfort, dated 6/10/2022

## **ADMINISTRATIVE DETERMINATIONS:**

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1. The property is zoned Single Residence 3. The petitioner proposes to rezone the parcel to Multi-Residence 2. For the purposes of this memo, the MR2 provisions will be applied.
2. The petitioner proposes to convert the two existing Walker Center buildings into multi-family dwellings with twelve residential units total as well as to construct a total of four single-family attached dwellings in two buildings along the Grove Street frontage, for a total of 16. Per section 3.4.1 multi-family dwellings and single-family attached dwellings require special permits.
3. Section 3.2 provides the dimensional controls for the building types allowed within the district. As two separate building types are being proposed (multi-family dwelling and single-family attached dwellings), the appropriate dimensional requirements are applied to each building according to its building type.
4. Per section 3.2.4, single-family attached dwellings require a 25 foot rear setback. The proposed attached dwelling has a rear setback of 18.2 feet, requiring a special permit.
5. Section 3.2.6 requires 3,000 square feet of lot area per unit for multi-family dwellings. Per section 3.2.4, single-family attached dwellings require 4,000 square feet of lot area per unit. The proposed lot area per unit based on the total number of units for the entire parcel is 3,656 square feet. Section 3.2.4 allows the City Council to waive the minimum required lot area per unit for single-family attached dwellings. While the proposed project meets the lot area per unit requirement for a multi-family dwelling use, to the extent that the more restrictive lot area per unit requirement of 4,000 square feet for single-family attached dwellings is applied, a special permit is required to allow for the lot area per unit of 3,656 square feet.
6. The petitioner proposes 16 residential units in four buildings. Per section 5.1.4 two parking stalls per unit are required per dwelling unit, resulting in a requirement of 32 stalls. The petitioner proposes to construct 13 surface parking stalls and 14 garage stalls for a total of 27 stalls, requiring a waiver of five stalls per section 5.1.13.
7. Section 5.1.9.A requires perimeter screening for outdoor parking facilities containing five or more surface parking stalls. The petitioner proposes to construct a six-foot fence along the eastern property line abutting the surface parking. Section 5.1.9.A.1.ii requires a landscape strip with a minimum width of three feet between the base of the fence and the abutting property. While the petitioner is providing the fence, no landscape strip provided, requiring a special permit per section 5.1.13.
8. Per section 5.1.10.A all parking facilities used at night shall maintain a minimum intensity of one-foot candle on the entire surface of the facility. No lighting is shown on the plan, requiring a special permit per section 5.1.13.

MR2 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	14,866 square feet	No change
Setbacks – Building 1 (138 Hancock St) <ul style="list-style-type: none"> <li>• Front (Hancock St)</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 7.5 feet 15 feet	53 feet 13.3 feet 25 feet	No change No change No change
Setbacks – Building 2 (144 Hancock St) <ul style="list-style-type: none"> <li>• Front (Hancock St)</li> <li>• Front (Grove St)</li> </ul>	25 feet 25 feet	27 feet 77.4 feet	No change No change
Setbacks – Building 3 (171 Grove St) <ul style="list-style-type: none"> <li>• Front (Hancock St)</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 25 feet 25 feet		25.8 feet 53 feet <b>18.2 feet*</b>
Setbacks – Building 4 (173 Grove St) <ul style="list-style-type: none"> <li>• Front (Hancock Street)</li> </ul>	25 feet		26 feet
Building Height <ul style="list-style-type: none"> <li>• Building 1</li> <li>• Building 2</li> <li>• Building 3</li> <li>• Building 4</li> </ul>	36 feet 36 feet 36 feet 36 feet	34 feet <b>43.2 feet</b>	No change <b>No change</b> 35.9 feet 35.9 feet
Max Number of Stories <ul style="list-style-type: none"> <li>• Building 1</li> <li>• Building 2</li> <li>• Building 3</li> <li>• Building 4</li> </ul>	3 3 2.5 (3 by SP) 2.5 (3 by SP)	3 3	No change No change 2.5 2.5
Lot Area Per Unit	3,000 sq ft (4,000 sf for sfa)	NA	<b>3,900 square feet*</b>
Maximum Lot Coverage	30% (25% for sfa)	17.8%	23.6%
Minimum Open Space	50%	56.7%	60.6%

\*Requires relief

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§3.4.1	Request to allow multi-family dwellings	S.P. per §7.3.3
§3.4.1	Request to allow single-family attached dwellings	S.P. per §7.3.3
§3.2.4	Request to allow a reduced rear setback	S.P. per §7.3.3
§3.2.4	Request to allow reduced lot area per unit	S.P. per §7.3.3
§4.1.3 §7.8.2.C.2	Request to alter and extend a nonconforming side setback	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive 5 parking stalls	S.P. per §7.3.3
§5.1.9.A.1.ii §5.1.13	Request to waiver perimeter screening requirements	S.P. per §7.3.3
§5.1.10.A §5.1.13	Request to waive lighting requirements	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 – 169 Grove Street & 144 Hancock Street

Date: September 9, 2022

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

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

Topographic Site Plan  
Showing Proposed Conditions at 169 Grove Street  
Prepared by: VTP Associates Inc.  
Dated: May 4, 2022  
Revised: July 29, 2022

Executive Summary:

The proposed permit entails the construction of four new residential units along Grove Street and an addition to an existing building. The site currently has two buildings (one 2-1/2 story and one 3 story) known as the Walker Center; an addition is planned onto the 3-story brick building. A large, paved parking lot is accessed off Gove Street that will be modified, the driveway apron will shift 15 feet to the south, this driveway will provide surface parking as well as access to the garage under for each of the four units. New municipal utilities will be provided off Grove Street.





*Existing site view form Grove Street*

The engineer of record has designed a stormwater collection system to capture all the new impervious runoff and part of the existing roof runoff from a portion of the existing 2-1/2 story building. The calculation however needs to be updated to reflect the phosphorous reduction required by the City Ordinance and what is being provided by the proposed infiltration systems.

A series of new on campus walkways and patio area is proposed between the two existing buildings along with landscaped areas.

The existing asphalt sidewalks along Hancock Street are non-compliant, these should be updated to cement concrete in accordance with the City B-42 Ordinance. The sidewalk along Grove Street although are cement concrete these would have to be updated as well in association with the installation of the new utilities.



*Hancock Street asphalt sidewalk*

As there was no narrative provided, clarification is needed for the use of the project, and its impact on Infiltration and Inflow contribution. Clarification is needed for any renovation of the two existing buildings as the extent may require new municipal utilities to include fire suppression systems.

When the utilities are being installed on Grove Street a minimum of two Police Officers will be required due to the proximity of the Williams School and volume of traffic. A Pedestrian detour plan will be required when the sidewalk along the west side of Grove Street is closed for utility construction, this will have to be in accordance with the DPW check list and approved before implemented.

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.

Drainage:

1. An Operations and Maintenance (O&M) plan for the long-term maintenance of the proposed stormwater management facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by the applicant/property owner, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
2. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, trench drains, and pipe(s) are the sole responsibility of the property owner(s).

Environmental:

1. Has a 21E Investigation and report been performed on the site, if so, copies of the report should be submitted to the Newton Board of Health and Engineering Division.

2. Are there any existing underground oil or fuel tanks? Have they been removed, if they have been, evidence of the proper removal should be submitted to the Newton Fire Department and the Board of Health.

Sanitary Sewer & Domestic Water Service(s):

1. All new sewer service(s) shall be pressure tested in accordance with the City Construction Specifications & Standards and inspected via Closed Circuit Television CCTV inspection after installation is completed. A copy of the video inspection and written report shall be submitted to the City Engineer or his representative. The sewer service will NOT be accepted until the two methods of inspection are completed AND witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until these tests are completed to the satisfaction of the City Engineer.
2. All sanitary sewer manhole(s) shall be vacuum tested in accordance to the City's Construction Standards & Specifications, the sewer service and manhole will NOT be accepted until the manhole(s) pass the testing requirements. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed to the satisfaction of the City Engineer and a written report of the test results is submitted to the City Engineer.
3. With the exception of natural gas service(s), all utility trenches within the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E up to within 18-inches of the asphalt binder level, after which Dense Grade Gravel compacted to 95 % Proctor Testing shall be placed over the CDF. Details of this requirement is the Engineering Division website "Standard Construction Details".
4. 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.
5. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division, the engineer of record shall submit a plan to the Director of Utilities for approval.

Infiltration & Inflow:

- Will be addressed via a separate memo.

General:

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

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

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

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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.