



#355-22 and #356-22

City of Newton, Massachusetts
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Ruthanne Fuller
Mayor

Barney S. 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 S. Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning

SUBJECT: **Petition #355-22** Request to Rezone 11 Florence Street SUNRISE DEVELOPMENT, INC petition to rezone 2 parcels as follows: 11 Florence Street (Section 82 Block 04 Lot 49) from MULTI RESIDENCE 1 to BUSINESS USE 4; and 318 Boylston Street (Section 82 Block 04 Lot 47) from BUSINESS USE 2 to BUSINESS USE 4.

Petition #356-22 to allow Elder Housing with services, to allow a development in excess of 20,000 sq. ft., to allow a five-story building, to allow a retaining wall greater than 4' in height within a setback, to allow free-standing signs, to allow parking within the front setback, and to waive lighting requirements at 11 Florence Street and 318 Boylston Street, Ward 8, Newton, on land known as Section 82 Block 04 Lots 47 and 49, containing approximately 82,946 sq. ft. of land in a district zoned BU2 (318 Boylston Street, to be rezoned to BU4) and MR1 (11 Florence Street, to be rezoned to BU4). Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.2.10, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.4.2.B, 5.1.8.A.1, 5.1.13, 5.1.10.A, 5.2.13 of the City of Newton Rev Zoning Ord, 2017.

CC: Planning Board

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing that the Land Use Committee of the City Council can consider at a subsequent working session.



EXECUTIVE SUMMARY

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

318 Boylston Street (Parcel A) is within the Business 2 zone (“BU-2”), and 11 Florence Street (Parcel B) is within the Multi Residence 1 zone (“MR-1”). The petitioner is seeking to rezone both parcels to Business 4 (“BU-4”) to construct an elderly housing with services facility. The facility would contain five-stories and approximately 87,000 square feet of floor area, which excludes the underground garage. The facility will have 120 beds and is subject to the Inclusionary Zoning Ordinance. The petitioner requires special permit relief for the use, a structure with five stories, over 20,000 square feet of area, and a retaining wall greater than 4 feet in height within a setback. The petitioner requires additional relief for locating parking within the front setback, lighting requirements for parking facilities over five stalls and to allow a free-standing sign.

The Planning Department has re-engaged an on-call consultant, contracted under the prior special permit filing (2021), to conduct a review of the petitioner’s revised traffic memorandum. Staff anticipates discussing the transportation aspects of the petition at a future public hearing. The petitioner should be prepared to respond to all comments contained in this memorandum and at the public hearing at a subsequent public hearing.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

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

- The site is an appropriate location for the proposed elderly housing facility with more than 20,000 square feet in gross floor area and five stories (§7.3.3.1).
- The site is an appropriate location for the proposed retaining wall greater than four feet in height within a setback (§7.3.3.1).
- The site is an appropriate location for the proposed free-standing sign (§7.3.3.1).
- The proposed elderly housing facility with more than 20,000 square feet in gross floor area and five stories as developed will adversely affect the neighborhood (§7.3.3.2).
- There will be a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3).
- Access to the site is appropriate for the types and numbers of vehicles involved (§7.3.3.4).

- The site and buildings as designed, constructed, and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint. (§7.3.3.C.5)
- Literal compliance with the dimensional parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13)
- Literal compliance with the lighting requirements for parking facilities over five stalls is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13)
- The proposed free standing sign should be permitted and is appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest. (§5.2.13)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

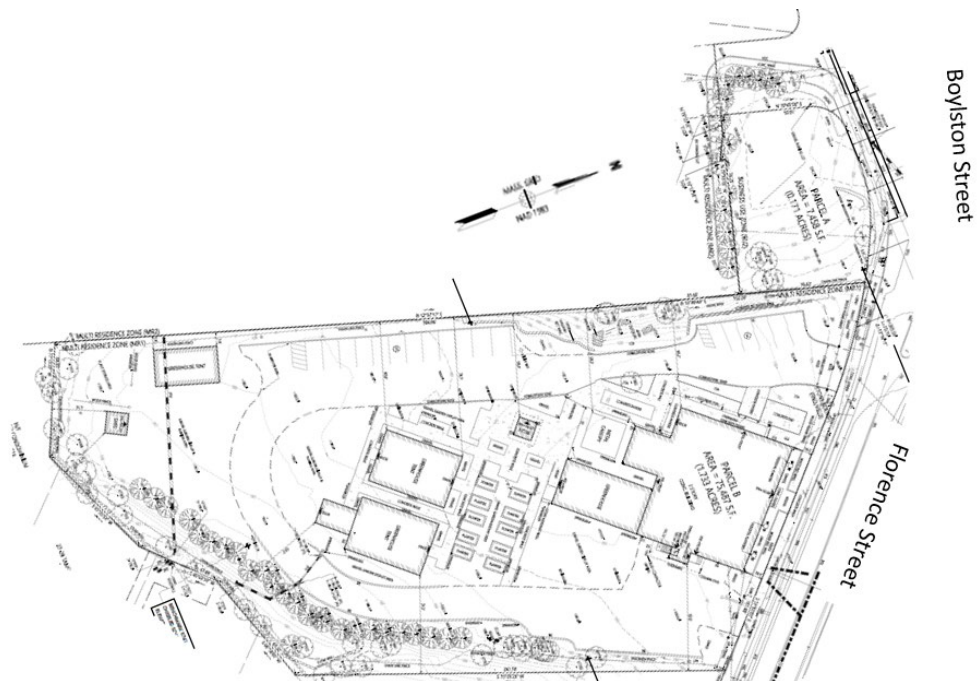
The subject property is located on Florence Street, on the southern side of Boylston Street, in Newton Centre. The area is comprised of a range of zones, including single residence, and multi residence zones in all directions as well as business zones to the east across Florence Street and to the northwest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

B. Site

The site consists of two parcels: Parcel A is the 7,548 square foot lot at 318 Boylston Street in the BU-2 zone which fronts both Boylston Street and Florence Street, while Parcel B same refers to the 75,487 square foot lot which fronts Florence Street. Parcel A is accessed from Boylston Street and consists of a gravel parking area for approximately 6-8 vehicles and landscaping. Parcel B consists of a two-story commercial

building, which houses a retail use, and associated structures. Parcel B has two separate entrance and exit drives from Florence Street which provide access to an internal driveway that loops around the site and includes three separate parking areas. The site consists of mature landscaping at the south and southeastern property lines, screening the site from adjacent residential uses.

Existing Conditions



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

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

B. Site Design

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

and garage entrance towards the rear of the building.

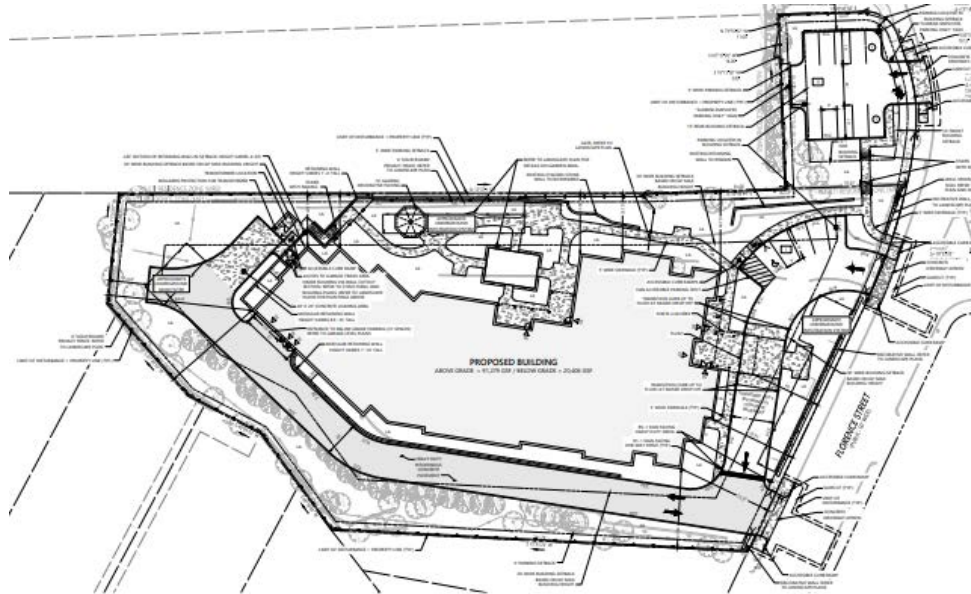
In the business zones, the required setbacks are the equivalent of half of the building height. With a proposed building height of 60 feet, the required front, side, and rear setbacks are 30 feet. As proposed, the front setback will be 40 feet from the front property line to the porte-cochere over the pick-up/drop off driveway. The proposed side setbacks are 30.71 feet from the right side (western) property line and 45.94 feet from the left side (eastern) property line, which abuts residential uses. The proposed rear setback is 84.23 feet, exceeding the 30 feet required

Parcel A will be used as a ten-stall surface parking facility and have an internal non-vehicular connection to the site via an internal path and set of stairs due to the grade change of approximately 10 feet between Parcels A and B.

There is a proposed retaining wall along the right (western) side property line and rear of the building. The plans submitted indicate portions of a retaining wall reach a height of eight feet within the side setback. The wall that reaches a height of eight feet is at the rear of the building with the wall along the property line ranging from less than a foot to four feet. There is a portion of the wall which exceeds eight feet but is outside of the side setback.

At the rear of the proposed building between the building and right property line is a transformer screened by landscaping and protected by bollards.

Proposed Site Plan



C. Building Design

The petitioner is proposing to demolish the structures and construct a five-story elderly housing with services facility consisting of approximately 87,000 square feet of floor area, excluding the basement and 60 feet in height. The façade treatment consists of stone treatment, clapboard siding, and cement panels. The proposed building is modern style of architecture and has a flat roof. The front entrance is oriented towards Florence Street and features a porte cochère.

For the proposed five-story building with 60 feet in height, the maximum allowed floor area ratio "the FAR" is 2.25. The petitioner is proposing an FAR of 1.05, with 86,775 square feet of floor area. This does not include the basement, and each story consists of 12,450 – 20,907 square feet. The fifth story consists of 12,450 square feet, has less area than the other stories, and does not follow the same footprint as the other stories. The fifth story massing tapers down as the building extends towards the rear property line, best displayed in the side elevations.

The petitioner submitted a shadow study that anticipates the largest impact from shadows is both at 8 AM and 4 PM on the Winter Solstice. At 8 AM, shadows would be cast largely to the west, moving in a northerly direction, and at 4 PM the majority of the area is within shadows from the proposed project as well as other structures in the neighborhood. Until 4 PM, much of the building casts upon open space as the shadows move with the sun.

Proposed Front Elevation



Proposed East (Side) Elevation with garage entrance



D. Parking and Circulation

The petitioner is proposing 46 parking stalls for the site, where 40 stalls are required. There are ten surface parking stalls proposed on Parcel A, and five surface parking stalls proposed in front of the proposed building. The garage will consist of parking for 31 parking stalls. All garage and surface parking stalls comply with the parking dimensional requirements of 9 feet x 19 feet, as prescribed in the Ordinance.

The petitioner requires relief for parking within the front setback for the surface parking stalls. Parking in the front setback relief is required for both the ten-stall surface parking facility and the five surface stalls at the front of the building within the 30-foot setback.

The petitioner included bike racks within the garage but should provide more

information as to the number of bikes that can be accommodated and type of bike rack. The petitioner should also consider providing secure, sheltered bicycle parking elsewhere on site.

E. Landscaping and Lighting

The surface parking stalls on Parcel A are subject to provisions for parking facilities over five stalls, which requires these parking facilities be screened with at least five feet of landscaping and/or fencing. The petitioner is providing landscaping and fencing around this parking area that complies with the Ordinance's requirements.

The landscape plan shows generous screening around the perimeter of the site, as well as privacy fencing. In the prior (2021) filing, the petitioner stated the caliper inches removed will be 46 caliper inches and replacement will be approximately 170 caliper inches. The petitioner should confirm the caliper inch analysis is unchanged. There is a six-foot-high vinyl privacy fence proposed along the property lines where the site abuts residential uses, except for the front property line. At the front of the site, the petitioner proposes an ornamental stone wall.

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

F. Housing

The Housing Division reviewed the petitioner's proposal and stated that the project correctly calculated the number of inclusionary beds to be provided, which is determined to be six beds. Housing recommended removing references to the plans that indicate the location of inclusionary beds as that will be determined at the building permit stage, should the project be approved.

G. Sustainability

The petitioner submitted a sustainability plan indicating a commitment to making the building achieve the Enterprise Green Communities Green Building Rating System. The Sustainability Team reviewed the petitioner's sustainability submittal and issued the attached memorandum (**Attachment D**).

H. Signage

Sign plans were not submitted with the special permit application; however, relief was identified for a free-standing sign. The petitioner should update their application with proposed signage.

IV. ZONING REQUEST

The MR-1 zone allows single- and two-family structures as of right. Other allowed residential uses include, but are not limited to, single-family attached dwellings,

associations of persons and congregate living facilities; all requiring a special permit. Dimensional standards, e.g., building height, number of stories, and lot area per unit vary based on the use.

The proposed use is not allowed within the MR-1 zone, but it is a residential use allowed by special permit in the BU-4 zone. Uses allowed as of right in the BU-4 zone range from personal service, to retail, to office, while special permit uses range from multi-family, to hotel, and to laboratory and research. Unlike the MR-1 zone, the dimensional standards are based on the size of the structure, e.g., setbacks are determined from the building height and the proposed use complies with the prescribed dimensional standards.

V. CONSISTENCY WITH COMPREHENSIVE PLAN

The Planning Department consulted the Comprehensive Plan (the “Plan”) to review the request to rezone Parcel B. Per the Plan, this portion of Route 9 is classified as a regional corridor due to the amount of local and through traffic as well as the nearby land uses. Although the Plan states a “no growth policy is neither realistic nor desirable”, the Plan calls for “moderate, controlled, and responsible growth” in these corridors. A strategy for such growth includes “Review [sic] zoning regulations to encourage mixed, residential and commercial uses in the commercial corridors. Mid-density residential construction-including for seniors or assisted-living facilities-may offer economic and social advantages so long as its siting can effectively integrate commercial and residential uses.”

The Plan places an emphasis on using the principles of “smart growth” to guide growth to where it is “best served by public transport, where it is closest to businesses which provide services or to the largest employers, and for multi-family housing, where it has safe and close access to public schools”. To illustrate sites satisfying these criteria, The Plan includes maps reflecting residential land use characteristics, transit proximity, commercial and employer proximity, and school proximity. The site is shown to have residential land use characteristics that lean towards the predominantly multi-family end of the spectrum and is within a quarter mile of a commercial or major employment area, while the site is neither served by transit nor is proximate to a school. However, these latter criteria are not a concern given the Proposed Use, understanding, transit access might be addressed as part of the transportation peer-review.

The Route 9 spine is described as inconsistent in the quality of development and while the Plan is not clear whether the corridor should be significantly denser than it is, the Plan recommends it be lined by residential and commercial developments of a higher quality. Quality of development also relates to other goals of the Plan including determining the appropriate scale and massing of structures, being sensitive and

responsive to the perception of the character of the neighborhood and sense of place and encouraging design excellence. The Planning Department expects to discuss design at a future public hearing.

Staff believes the BU-4 zone is appropriate due to the site's location within a regional corridor which contains an array of zones and land uses. Additionally, the Proposed Use aligns with certain goals for regional corridors stated in the Plan, including the use itself. The Proposed Use also aligns with "smart growth" by locating development in an area that leans to predominantly multi-family and is within a quarter of a mile of a commercial or major employment area.

VI. TECHNICAL REVIEW

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

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

B. Newton Historical Commission Review

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

C. Engineering Review

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

The Engineering Division requested the number of bedrooms, cafeteria seats, and square footages to calculate the I&I costs.

D. Historic

The existing structure was found to be not historically significant in April 2021, as such, the existing commercial structure can be demolished.

E. Fire Department Review

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

VII. NEXT STEPS

The Planning Department will coordinate the various reviews required with City staff and City peer reviewers to be provided at upcoming meetings. The petitioner should respond to the issues raised in this memo and provide the requested information.

ATTACHMENTS:










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

Zoning

11 Florence Street

*City of Newton,
Massachusetts*


Zoning

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

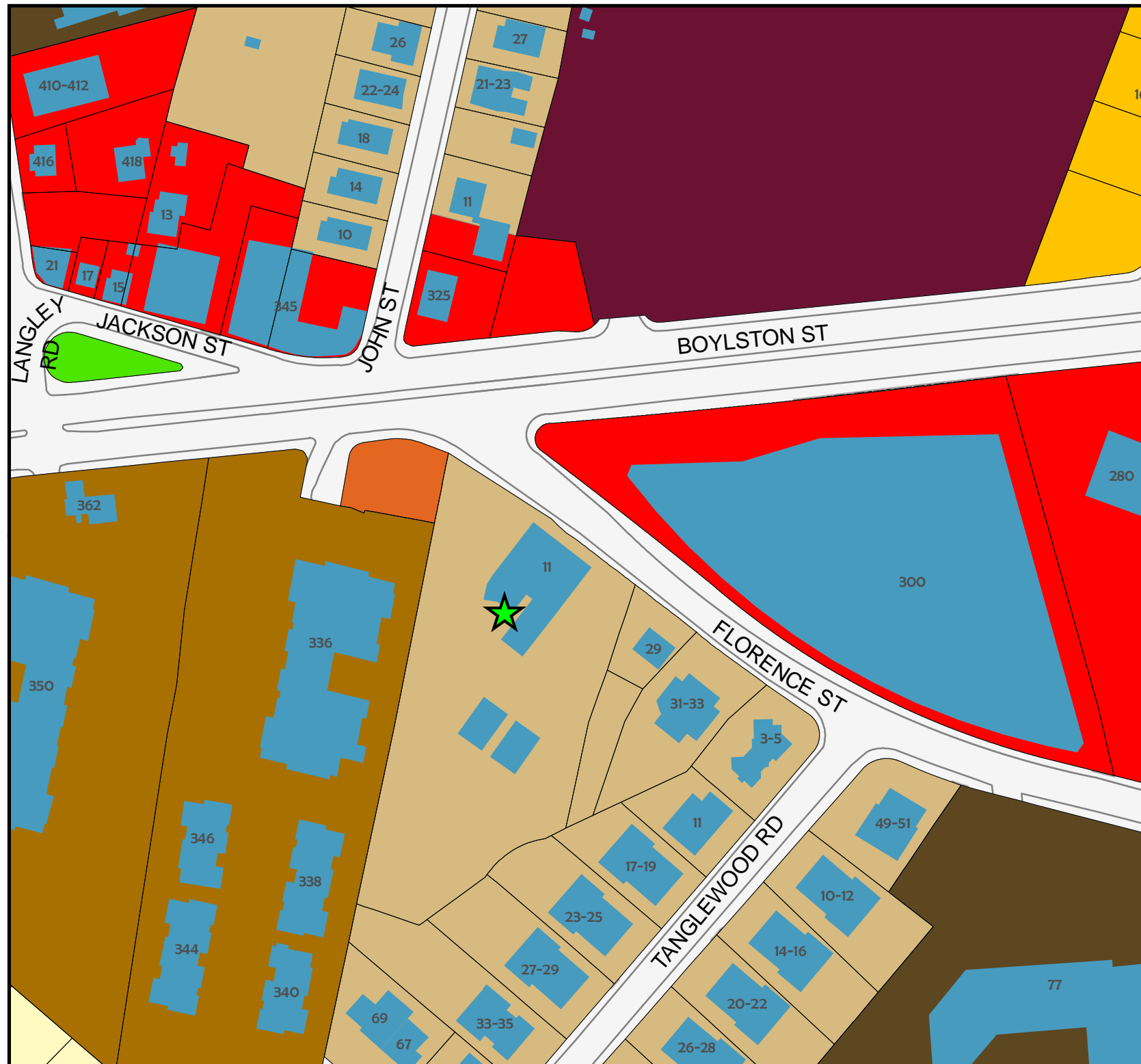


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

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 Feet

Map Date: July 14, 2022



ATTACHMENT B

Land Use

11 Florence Street

*City of Newton,
Massachusetts*

Land Use

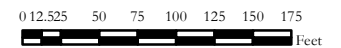
Land Use

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

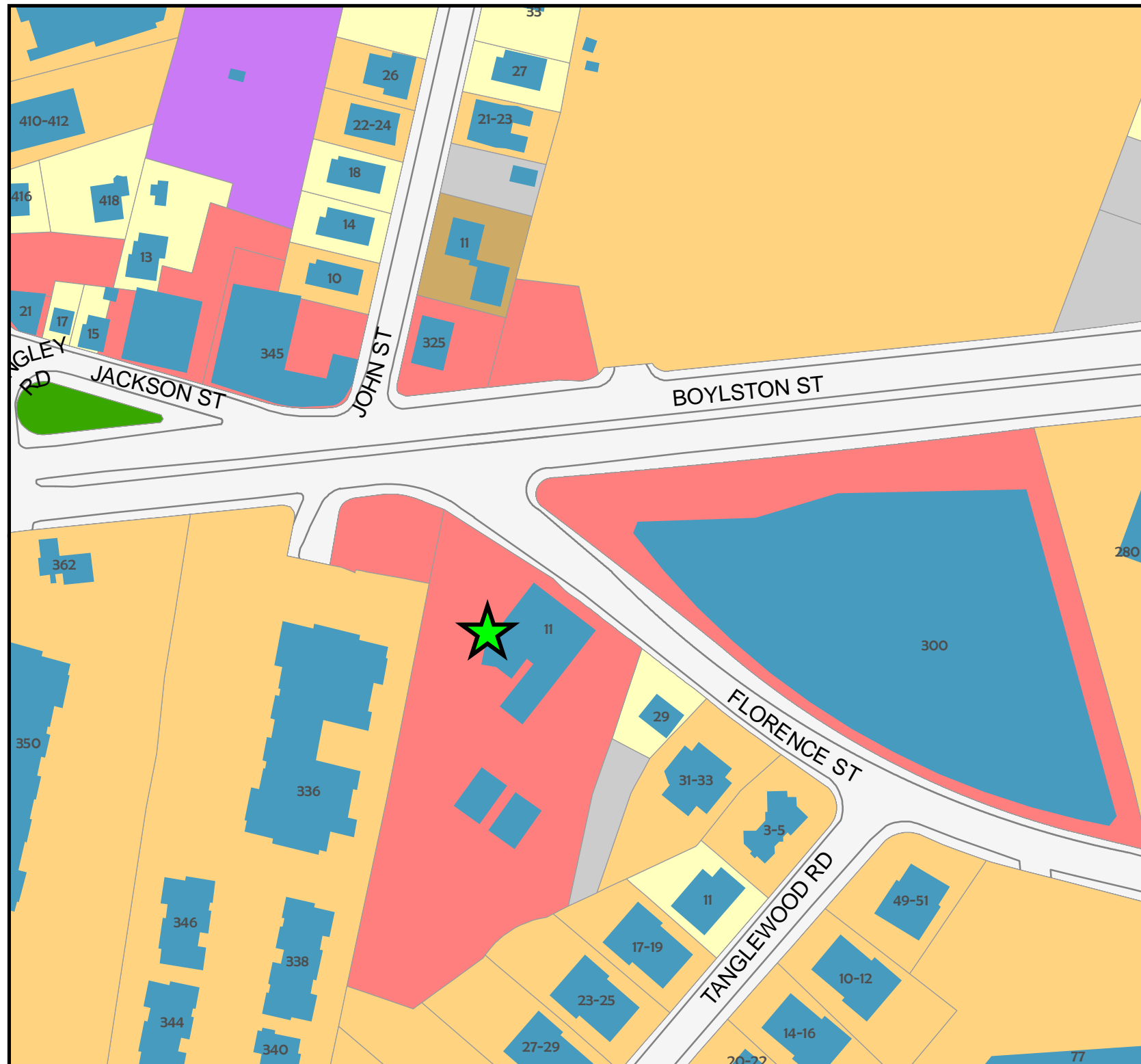


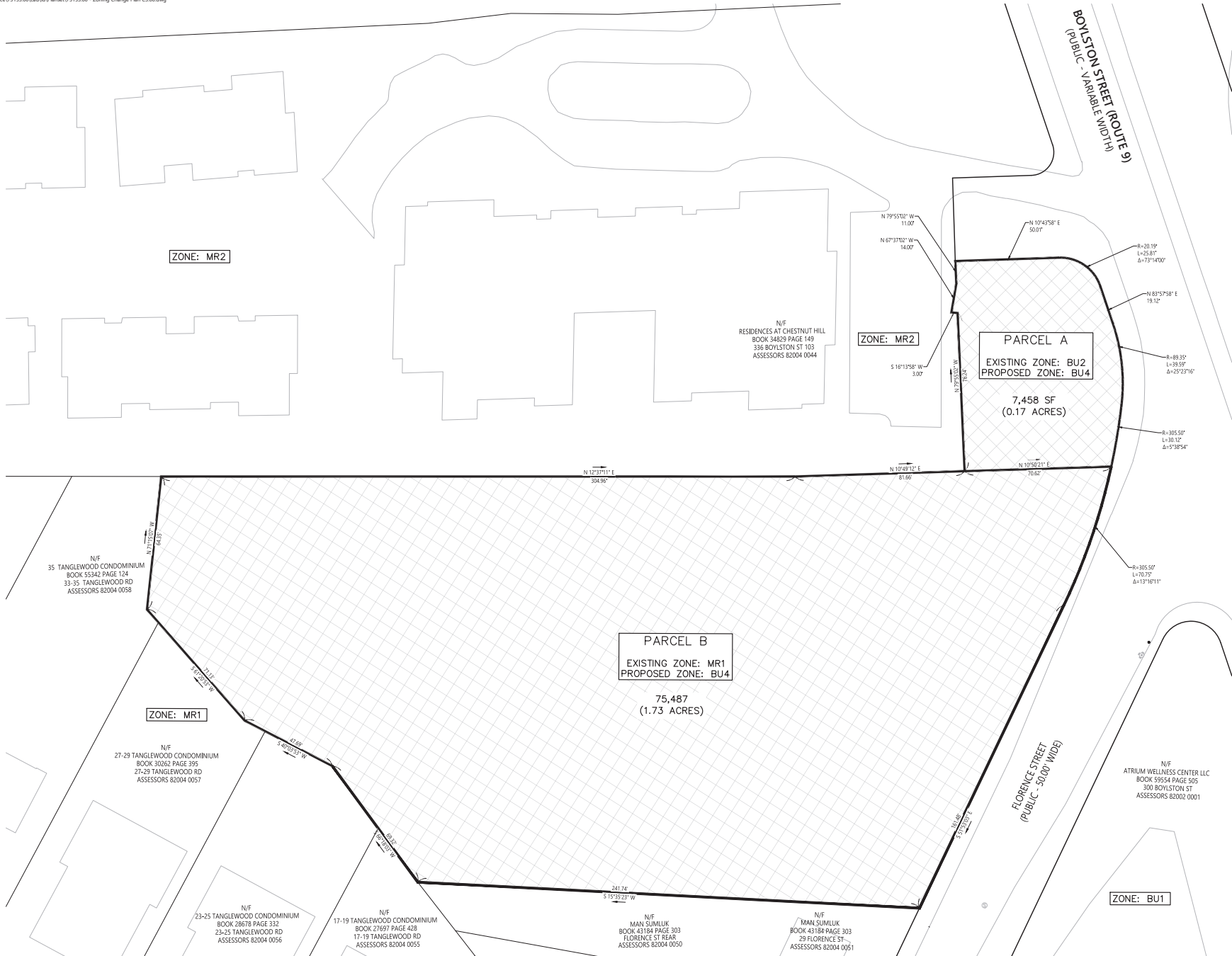
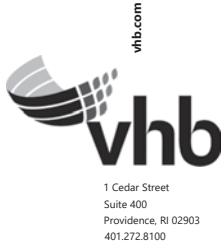
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: July 14, 2022





Sunrise of Chestnut Hill
11 Florence Street
Newton, MA

No.	Revisions	Date	Appr'd
1	Fire Department Comments	10/18/2021	JS
2	Revised Site Plan	03/15/2022	JS

Prepared by: DDH/WAS Checked by: GB Date: 7/30/2021

Special Permit Application
Not Approved for Construction

Zone Change Plan

Professional seal of Curtis B. Quiring, Civil Engineer, No. 12517, State of Rhode Island. Drawing Number: C3.00. Date: 3 of 15. Project Number: 73153.00



City of Newton, Massachusetts Climate and Sustainability Team



Date: July 12, 2022

To: Councilor Richard Lipof, Land Use Committee Chair

CC: Stephen J. Buchbinder, Attorney; Sunrise Senior Living, Design Team; Property Owner; Katy Sheesley, GHP, Green Building Professional; Katie Whewhell, Chief Planner

From: Ann Berwick, Co-Director of Climate and Sustainability; Bill Ferguson, Co-Director of Climate and Sustainability; Liora Silkes, Energy Coach

RE: 11 Florence Special Permit Sustainability Review

The Climate and Sustainability Team has reviewed the materials submitted by the project team and found the plans for 11 Florence Street to be in compliance with the Sustainability Requirements as set forth by Zoning Ordinance Chapter 5 Section 13.

By planning to build 11 Florence St to the requirements of the Enterprise Green Community Building Rating System, this project is on track to meet the requirements of Section 5.13.4.A of the Newton Zoning Ordinance. By planning to install EV charging stations for 10% of parking spaces and making another 10% EV charger ready, the project is on track to meet the requirements of Section 5.13.4.B of the Newton Zoning Ordinance. We are seeing substantial growth in EV adoption and would encourage the project team to install even more chargers than required.

The City Climate and Sustainability Team is happy to see the commitment to the EGC rating system, therefore touching on a broad range of sustainability topics. That said, we encourage the project team to give more attention to making 11 Florence St as energy efficient as possible and to using electricity for as much of the project's energy needs as possible.

The City of Newton is considering adopting a BERDO (Building Emissions Reporting and Disclosure Ordinance) in 2023, which would require large buildings such as this one to decrease their emissions to established standards at certain intervals between the passage of the ordinance and reaching net-zero at 2050. We urge the project team to consider the financial benefits of creating a building closer to net-zero from initial construction as opposed to needing to retrofit at a later date. With that in mind, the City Climate and Sustainability Team suggests the project team conduct a Passive House feasibility study and consider following the recommendations of the study. Additionally, if the project were to achieve Passive House certification, that would add more points to the EGC rating.

We are glad to see that the project team is exploring potential solar strategies and suggest the project become at least solar-ready, with careful consideration given to the location of mechanicals on the roof to leave room for a future solar installation if not installing solar during construction. We suggest doing a solar analysis to evaluate potential costs and benefits of installing solar during construction, especially since the project will be on a single electric meter which makes reaping the financial benefits of solar much easier.

Finally, we encourage the project team to explore ways to analyze and reduce the embodied carbon associated with constructing a new project, such as procuring low-carbon concrete.



Ruthanne Fuller
Mayor

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Department of Planning and Development
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Attachment E
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: April 28, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

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

RE: Request for a zone change to BU4, and a special permit to construct elderly housing with services and for associated dimensional waivers

Applicant: Seltzers Realty LLC	
Site: 11 Florence Street and 318 Boylston Street	SBL: 82004 0049, 82004 0047
Zoning: BU2 and MR1 (to be rezoned to BU4)	Lot Area: 82,945 square feet
Current use: Greenhouse/nursery and parking	Proposed use: Elderly housing with services facility

BACKGROUND:

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

The applicant proposes combine and to rezone the parcels to BU4, raze the structure, and construct an elderly housing with services facility containing 95 living units with 120 beds in a five-story building of approximately 92,791 square feet with underground garage and surface parking. The proposed project will provide a total of 46 parking stalls on site.

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

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, dated 3/18/2022
- Project Information, submitted 3/18/2022
- Existing Conditions Plan of Land, prepared by VHB, dated October 5, 2021
- Site Layout and Materials Plan, prepared by VHB, dated 7/30/2021, revised 3/15/2022

- Landscape Plan, signed and stamped by Andrew D. Leonard, landscape architect, dated 7/19/2021, revised 3/15/2022
- Floor Plans, signed and stamped by Mark K. Moeller, architect, dated 3/28/2022

ADMINISTRATIVE DETERMINATIONS:

1. The site is comprised of two properties. The property along Florence Street is zoned MR1, while the lot on Boylston Street is zoned BU2. The applicant requests to combine the parcels and rezone the site to BU4.

The administrative determinations and relief requested by this application assume that the entire site is zoned BU4.

2. The applicant proposes to construct an elderly housing with services facility. Per section 6.2.10, an elderly housing with services facility is defined as “elderly housing with services, including residential care facilities, assisted living facilities and congregate care facilities.” Section 4.4.1 requires a special permit for elderly housing with services in the BU4 zoning district.
3. The applicant proposes to raze the building and construct a five-story building of approximately 92,791 square feet, excluding the underground parking facility. Section 4.1.2.B.1 requires a special permit for any development in a Business district of 20,000 square feet or more of new gross floor area.
4. The applicant proposes to construct a five-story structure at 60 feet in height. Section 4.1.2.B.3 requires a special permit for four stories or more in the Business 4 zoning district with a maximum FAR of 2.25. A special permit allowing five stories legitimizes the proposed height and FAR allowed per section 4.1.3.
5. A retaining wall varying in heights up to approximately 6 feet is proposed within the western side setback. Per section 5.4.2.B, a special permit is required for a retaining wall in excess of 4 feet in a setback.
6. The facility will contain 95 living units with 120 beds. Each living unit will contain sleeping and sanitary facilities, but no separate individual cooking facilities. Per Section 1.5.1.E, a dwelling unit is defined as “one or more rooms forming a habitable unit for one family, with facilities used or intended to be used, in whole or in part, for living, sleeping, cooking, eating and sanitation.” As the units will lack cooking facilities, they do not meet the definition of a dwelling unit.
7. The applicant proposes to construct 46 parking stalls on site, with 31 stalls located in the proposed underground garage and 15 surface stalls. Per Section 5.1.4.A, an elderly housing with services facility requires one parking stall per every two dwelling units, one per every four nursing beds, plus one stall per three employees. As stated, the proposed facility will not have “dwelling units” as defined by the Ordinance, as each unit will not provide independent cooking facilities. Nor will the units provide nursing beds, as the facility will not provide skilled nursing care. However, for the purposes of determining the parking requirement, the number of beds and employees will be used, as there are no dwelling units. The parking requirement for 120 beds and 30 employees at the busiest shift is 40 stalls. As 46 stalls are provided, no waiver from the number of parking stalls is required.

8. The applicant proposes to construct 10 surface parking stalls with an entrance off of Boylston Street and five along the front entrance drive off of Florence Street. Section 5.1.8.A.1 requires that no parking be located within a front or side setback. Several parking stalls within the two lots are located within the required 24-foot front setback from Florence Street requiring a special permit per section 5.1.13.
9. Section 5.1.10.A requires outdoor parking facilities used at night to provide security lighting with a minimum intensity of 1-foot candle. The applicant did not indicate lighting on the proposed plans for the two surface parking facilities, requiring a special permit per section 5.1.13.
10. A free-standing sign is proposed in a landscape wall along where Florence Street frontage meets with Boylston Street. The proposed signs are both approximately 28 square feet. Per section 5.2.13, free-standing signs require a special permit.
11. Section 5.11.11 requires that Elder Housing with Services meet certain requirements of the Inclusionary Housing provisions. This contribution may be residential units, beds, or a cash payment.

BU4 Zone	Required	Existing	Proposed
Lot Size	25,000 square feet	82,945 square feet	No change
Setbacks			
• Front (½ Building Height)	30 feet	10.3 feet	40 feet
• Side (East)	30 feet	55.5 feet	45.9 feet
• Side (West)	30 feet	58.5 feet	30.7 feet
• Rear	30 feet	63.5 feet	84.2 feet
Building Height	36 feet (96 ft by SP)		60 feet*
Max Number of Stories	3 (8 by SP)	2	5*
FAR	2.25	±.15	1.12

Zoning Relief Required

<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Request to rezone parcel to BU4	
§4.4.1 §6.2.10	To allow an Elder Housing with Services facility	S.P. per §7.3.3
§4.1.2.B.1	Development of 20,000+ square feet of gross floor area	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow a building with five stories	S.P. per §7.3.3
§5.4.2.B	To allow a retaining wall in excess of 4 feet in a setback	S.P. per §7.3.3
§5.1.8.A.1 §5.1.13	To allow parking within the front setback	S.P. per §7.3.3
§5.1.10.A §5.1.13	To waive lighting requirements	S.P. per §7.3.3
§5.2.13	To allow a free-standing sign	S.P. per §7.3.3

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

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

Date: June 29, 2022

CC: Barney Heath, Director of Planning
Jennifer Caira, Deputy Director
Lou Taverna, PE City Engineer
Jennifer Bresloun, Committee Clerk
Katie Whewell, Chief Planner

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

Sunrise of Chestnut Hill
11 Florence Street
Prepared by: VHB
Dated: July 30, 2021
Revised: 3/15/2022

Executive Summary:

This application entails the demolition of a garden center having a nursery & greenhouses and the construction of 5-story building [92,791 square feet] for an Assisted Living Facility on two lots comprising of 82,945 square feet (1.9 acres) with surface & underground parking. If the special permit is approved an Approval Not Required [ANR] plan will be required in accordance with Massachusetts General Laws Chapter 41 Section 81P requiring the two separate lots to be combined into one lot.

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

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

The engineer of record has provided a drainage report and design to collect the stormwater and to infiltrate it on site in accordance with the DEP & DPW Stormwater requirements & design standards; however, on sheet C-5.00 an Outlet Control Structure & infiltration system SC740 is shown having with an exit pipe connecting to catch basin #4 but no inlet pipe, this needs clarification. The proposed drainage system will have an overflow to the City's drain easement, the engineer of record will have to demonstrate that the overflow connection will not negatively impact downstream abutters and the discharge location along with the pipe network capacity, additionally; Pre & Post Construction Closed Circuit Television (CCTV) inspection must be performed, these inspections must be witnessed by a representative of the DPW.

The proposed Operations and Maintenance (O&M) plan is acceptable for the design intent, if this permit is approved the O&M plan will have to be recorded at the Middlesex Registry of Deeds, a copy of the recording instrument will have to be provided to DPW.

Retaining walls varying in heights up to 4 feet is proposed along the western setback and the building. Various lower landscape walls are also proposed along the Florence Street frontage. A modular retaining wall have heights from 1-10 feet will be constructed just south of the proposed building's footprint.

In accordance with the City Ordinance the sidewalks along the entire frontage must be upgraded to current standards, prior to any construction the applicants shall submit a construction plan to NGrid due to the proximity of the underground gas regulating pit within the limits of construction in Florence Street.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction materials and equipment, parking for construction workers vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of the general contractor. It shall also address anticipated dewatering during construction, site safety & stability, siltation & dust control and noise impact to abutters.
2. Stabilized driveway construction entrance(s) will be required for the duration of the construction which will provide a truck wash to prevent tracking of mud and silt onto City streets.
3. Catch basins within and downstream of the construction zone will be required to have siltation control installed for the duration of the project and must be identified on the site plan.

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

Infiltration & Inflow:

- This will be addressed via a separate memo.

Drainage:

1. 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).
2. Prior to final approval of the overflow connection, the engineer of record needs to submit hydraulic calculation to ensure that there is adequate capacity in the City's drainpipe in Florence Street from the point of connection to the next downstream manhole. Additionally, a Closed-Circuit Television (CCTV) inspection will be required for Pre & Post Construction and must be witnessed by the Engineering Division, video copies shall be provided for review.

Environmental:

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

Sanitary Sewer & Domestic Water Service(s):

1. Existing water and sewer services to building(s) shall cut and capped at the respective mains and completely removed from the main(s) and its entire length and properly backfilled. The Engineering Division must inspect and approve this work, failure to

having this work inspected will result in delay of issuance of the new Utility Connection or issuance of a Certificate of Occupancy.

2. All new sewer service(s) shall be pressure tested in accordance with the City Construction Specifications & Standards and inspected via Closed Circuit Television CCTV inspection after installation is completed. A copy of the video inspection and written report shall be submitted to the City Engineer or his representative. The sewer service will NOT be accepted until the two methods of inspection are completed AND witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until these tests are completed to the satisfaction of the City Engineer.
3. All sanitary sewer manhole(s) shall be vacuum tested in accordance with the City's Construction Standards & Specifications, the sewer service and manhole will NOT be accepted until the manhole(s) pass the testing requirements. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed to the satisfaction of the City Engineer and a written report of the test results is submitted to the City Engineer.
4. With the exception of natural gas service(s), all utility trenches within the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E up to within 18-inches of the asphalt binder level, after which Dense Grade Gravel compacted to 95 % Proctor Testing shall be placed over the CDF. Details of this requirement is the Engineering Division website "Standard Construction Details".
5. Fire Flow testing is required for the proposed fire suppression system. The applicant must coordinate the fire flow test with both the Newton Fire Department and the Utilities Division, representative of each department shall witness the testing. Test results shall be submitted in a written report along with hydraulic calculations that demonstrate the required size of the fire suppression system, these calculations shall be submitted to the Newton Fire Department for approval, and copies give to the Engineering Division.
6. All water services shall be chlorinated, and pressure tested in accordance with the AWWA and the City Construction Standards & Specifications prior to coming online. These tests MUST be witnessed by a representative of the Engineering Division.
7. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division, the engineer of record shall submit a plan to the Director of Utilities for approval.

General:

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

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

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

Signature

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

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



Ruthanne Fuller
Mayor

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

#357-22 & #358-22

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Barney S. 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 #357-22** for SPECIAL PERMIT/SITE PLAN APPROVAL to rezone 3 parcels as follows: **1314 Washington Street** (Section 33 Block 10 Lot 01), **31 Davis Street** (Section 33 Block 10 Lot 11) and **33 Davis Street** (Section 33 Block 10 Lot 12) from BUSINESS 1 TO MIXED USE 4.

Petition #358-22 for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a building in excess of 20,000 sq. ft., to allow a mixed-use residential building with five stories and 60 feet in height, to allow reduced lot area per unit, to exceed the maximum front setback, to allow a FAR of 2.45 in a five-story building, to waive the setback requirement for the portions of the building exceeding 40 ft. in height, to waive entrance and façade transparency requirements, to allow a restaurant with more than 50 seats with extended hours of operation, to allow ground floor residential use, to waive the requirement of using the A+B+C parking formula, to waive 115 parking stalls, to allow assigned parking, to allow reduced parking stall width and depth, to allow reduced accessible stall depth, to waive end stall maneuvering space requirements, to allow reduced aisle width at **1314 Washington Street** and **31, 33 Davis Street**, Ward 3, Newton, on land known as Section 33 Block 10 Lots 01, 11, 12 containing approximately 30,031 sq. ft. of land in a district zoned BUSINESS USE 1 (rezone to MIXED USE 4 proposed). Ref: Sec. 7.3.3, 7.4, 4.2.2.A.2, 4.2.5.A.3, 4.2.2.B.1, 4.2.3, 4.2.5.A.4, 4.2.2.B.3, 4.2.5.A.2, 4.2.5.A.4.c, 4.2.5.A.6.a, 4.2.5.A.6.b, 4.4.1, 6.4.29.B.1, 6.4.29.C.6, 6.2.4, 5.1.3.B, 5.1.13, 5.1.4, 5.1.3.E, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.B.4, 5.1.8.B.6, 5.1.8.C.1, 5.1.8.C.2 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.



**1314 Washington Street, 31
Davis Street and 33 Davis Street**

EXECUTIVE SUMMARY

The subject property is comprised of three lots, 1314 Washington Street, 31 Davis Street, and 33 Davis Street, totaling 30,031 square feet in a Business 1 (BU1) zoning district.

Bound by Washington Street to the north, Highland Street to the west and Davis Street to the south, the parcel is currently improved with a bank building constructed circa 1915 and a surface parking lot with 60 stalls and many dimensional parking nonconformities.

The petitioner proposes to construct a five-story rear addition containing 50 residential units to the south side of the existing building and convert the existing bank space into a restaurant and lobby area. As currently designed, the development would have a total of 69 parking stalls for the two uses in two separate parking facilities, one at surface level, the other below-grade.

To do so, the petitioner is seeking to have the three parcels' zoning designation changed from BU1 to Mixed Use (MU4). As such, the administrative determinations and relief requested by this memo assume that the entire project site is zoned MU4. That said, even in the event the requested rezoning is granted, to develop the project as proposed would require significant zoning relief, including that related to certain dimensional standards, design standards, proposed uses, and required parking and parking stall and facilities dimensions.

Also, as the proposed 50-unit multi-family dwelling would be subject to the inclusionary zoning provisions of Sec. 5.11.4.B.4.c, the petitioner would be required to provide eight (15%) of the dwelling units to households earning 50%-80% of the Area Median Income (AMI) and one (2.5%) of the units to households earning up to 110% of the AMI for a total of nine required inclusionary units. The petitioner would also be required to provide a fractional cash payment equivalent to 0.3 units.

Lastly, as the proposed development would include construction or substantial reconstruction of one or more buildings totaling 20,000 square feet or more of gross floor area and also requires a special permit, it would be subject to the sustainable development requirements provided Sec. 5.13.3.A.

Due to the size of the project, plans can be found here by searching the project address: <https://newtonma.viewpointcloud.com/search>

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether allowing:

Special Permit criteria

- a FAR of 2.44 in a five-story building (§4.2.2.B.3, §4.2.3)
- a restaurant with more than 50 seats with extended hours of operation (§4.4.1, §6.4.29.B.1, §6.4.29.C.6), *and*
- ground floor residential use (§4.4.1, §6.2.4),

is appropriate as:

- The specific site is an appropriate location for such use, structure (§7.3.3.C.1)
- The use 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),

and as the proposed building is in excess of 20,000 square feet (§4.2.2.B.1), whether the site and buildings as designed, constructed and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint (§7.3.3.5)

Regarding additional standards in an MU4 zoning district, whether:

- by allowing reduced lot area per unit, the proposed density creates a beneficial living environment for the residents, does not adversely affect the traffic on roads in the vicinity, and better achieves the purposes of this district than strict compliance with these standards (§4.2.2.A.2, §4.2.5.A.3).
- by allowing the development to exceed the maximum front setback, the proposed plan does not create shadows or blocked views that have material and adverse effects on its surroundings, supports pedestrian vitality, and advances the purposes of the MU4 district (§4.2.3, §4.2.5.A.4)
- the proposed building with five stories and 60 feet in height is compatible in visual scale to its surroundings, does not create shadows or blocked views that have material and adverse effects on its surroundings, and advances the purposes of the MU4 district (§4.2.3, §4.2.2.B.3, §4.2.5.A.2)
- with the requested waiver of the setback requirement for the portions of the building exceeding 40 feet in height, the proposed plan does not create shadows or blocked views that have material and adverse effects on its surroundings, supports pedestrian vitality, and advances the purposes of the MU4s district (§4.2.5.A.4.c)

- with the requested waiver of entrance requirements, the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of this district than strict compliance with that standard (§4.2.5.A.6.a)
- with the requested waiver of façade transparency requirements, the proposed design better enables appropriate use of the site, supports pedestrian vitality, and achieves the purposes of this district than strict compliance with that standard (§4.2.5.A.6.b)

Regarding exceptions to parking requirements:

and, whether granting exceptions to certain parking facility requirements to:

- use the A-B+C parking formula (§5.1.3.B, §5.1.13), and
- provide 115 required parking stalls (§5.1.4, §5.1.13)

and, further, to allow:

- assigned parking (§5.1.3.E, §5.1.13)
- reduced parking stall width (§5.1.8.B.1, §5.1.13)
- reduced parking stall depth (§5.1.8.B.2, §5.1.13)
- allow reduced accessible stall depth (§5.1.8.B.4, §5.1.13)

is appropriate as literal compliance with said requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is three adjacent lots located in West Newton Square at the eastern corner of Washington Street and Highland Street; it also has frontage along Davis Street. The neighborhood has a mix of commercial, municipal and institutional uses as well as residential uses, which are mostly to the north and south (the latter being beyond the Massachusetts Turnpike which it directly to the south), but also includes a single-family dwelling that is directly abuts the property to the east along Davis Street (**Attachment A**). The site and immediately surrounding area are generally zoned Business 1 (BU1) or Public Use (PUB), with an exception being a Multi-Residence 2 (MR2) property directly across Highland Street occupied by a church. There are also various Single- and Multi- Residence districts located several hundred feet to the north and south, including along Webster Street and south of the Turnpike (**Attachment B**).

B. Site

The subject property is comprised of three lots, 1314 Washington Street, 31 Davis Street, and 33 Davis Street, totaling 30,031 square feet in a Business 1 (BU1) zoning district.

Bordered by Washington Street to the north, Highland Street to the west and Davis Street to the south, the lot slopes approximately 10 feet downward from Davis Street towards Washington Street, it is improved with the existing bank building. The property's 60 stall surface parking area has many nonconformities and is accessed via several curb cuts along Highland and Davis streets. The only vegetation on the site is some shrubbery along the bank's Washington Street and Highland Street facades.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

If approved, principal use of the site will be a mix of residential and restaurant/retail uses. Specific aspects of the proposed uses include that require zoning relief is that the petitioner has indicated that the proposed first floor restaurant would have 160 indoor and 65 outdoor seats, for a total of 225 seats, thus requiring a special permit for a restaurant in a MU4 district to have more than 50 seats per Secs. 4.4.1 and 6.4.29.B.1. The petitioner is also seeking a special permit per Sec. 6.4.29.C.6 to allow a restaurant in a MU4 district to have extended hours of operation.

Also, per Secs. 4.4.1 and 6.2.4, in a MU4 zoning district ground floor residential uses, including amenities and/or a possible residential leasing office, would require a special permit, and on the ground floor.

B. Building and Site Design

The petitioner proposes to construct a five-story, 59.9-foot-high addition the rear of the existing two-story building (on and above the existing 60 stall surface parking lot) that would contain 50 rental residential units. The resulting expanded structure would contain a total of 73,601 square feet of gross square footage area, including 69,482 square feet of residential space.

As presently indicated by the petitioner, the existing one-story bank space would be converted into two spaces- into lobby area for the dwellings and 4,119 square foot, 225-seat (160 indoors and 65 outdoors) restaurant. The first floor would contain 10,313 square feet of area, and the second through fifth floor would range from approximately 14,500 to 17,500 square feet of area.

The Planning Department notes that the immediate abutters to the proposed addition include a windowless brick wall approximately 9.5 feet from the subject property and a two-story single-family home, one of several homes along Davis Street.

Regarding dimensional standards, which are discussed in more detail in the attached Zoning Memorandum, as the petitioner proposes to construct 50 residential units, this would result in a lot area per unit of 601 square feet, considerably less than the minimum 1,000 square feet in an MU4 district. The property's floor area ratio (FAR) would be 2.45, less than the 2.50 allowed for special permit approved five-story buildings.

The property has frontage on three streets: Washington, Highland and Davis streets. The existing structure has a 10.9-foot front setback from Washington Street. The proposed

addition is set back between 6.6 and 25.6 feet from Highland Street and between 6.1 and 19.2 feet from Davis Street, therefore, exceeding, in some locations, the maximum by-right front setback of 10 feet in an MU4 district.

The 59.9-foot addition is proposed with as little as a 5-foot setback. As such, it does not meet the requirement that in an MU4 district any portion of a building greater than 40 feet in height must be set back one foot from the adjacent lot line, for each additional foot of height, which would require a 20-foot setback on those portions exceeding 40 feet. The Planning Department notes that this condition would exist along portions of the parcel's Highland and Davis street frontages.

The proposed structure also does not meet the MU4 district requirement that there be at least one entrance for every 50 feet of building frontage facing a public way and that a minimum of 60 percent of the street-facing building façade between 2 feet and 8 feet in height above the street-level floor consist of clear windows that allow views of indoor space.

The petitioner has submitted a shadow study showing expected conditions at three times (9:00 PM, 12 noon, 3:00 PM) on the 21st of March, June, September, and December. Of these twelve times of the year depicted in the study, it appears that the project's most extensive shadow impacts would occur, not unexpectedly, on December afternoons with shadow being cast to the north and east.

C. Traffic, Parking and Circulation

The Planning Department has engaged an on-call transportation consultant to conduct a peer-review of the petitioner's materials on transportation/traffic issues. The Planning Department anticipates receiving a Peer Review Memorandum from its consultant in advance of a future public meeting. The Planning Department shall review such information in conjunction with other relevant departments upon its submission and be prepared to discuss it in a working session memorandum.

The Department makes the following initial observations on some of the issues that will be addressed by the peer review.

The subject site currently contains 60 surface parking stalls which are largely nonconforming with regard to setback, dimensional, and landscaping requirements.

Regarding the number of parking stalls required for the proposed redevelopment of the site, as detailed in the attached Zoning Review Memorandum, Sec. 5.1.3.B provides that when the gross floor area of a building is increased or a change in use increases the parking requirements, the petitioner shall use the so-called "A-B+C formula" to determine the number of parking stalls required after the change, where "A" is the number of stalls required per §5.1 and "B" is the number of stalls that would have been required under §5.1 prior to the date of enlargement or change of use and "C" is the number of off-street parking stalls located on the premises prior to the date of enlargement or change of use. The petitioner requests a waiver from that requirement and requests in the alternative to determine the required number of parking stalls based on the proposed uses.

Toward that end, per Sec. 5.1.4 of the NZO, the proposed 50 residential dwelling units requires 100 stalls (two per unit) and the 225-seat restaurant with 27 employees on the largest shift requires 84 stalls (1 per 3 seats plus 1 per 3 employees). As such, the proposal requires a total of 184 required stalls.

The petitioner proposes to provide only 69 parking stalls, thus requiring a waiver of 115 required stalls.

As designed, the proposed 69 parking stalls onsite would be located in two separate parking facilities. Nineteen would be in an at-grade facility (below the upper floors of the proposed addition) and accessed from Davis Street, while fifty would be located in a below-grade garage accessed from Highland Street.

Furthermore, the petitioner seeks to assign the 19 at-grade stalls to the restaurant use and the 50 stalls located on the lower parking level to the residential use (one per unit), requiring a special permit to waive the prohibition on the assignment of parking stalls to specific tenants.

The Planning Department notes that the applicant will provide at least 50 biking parking stalls, which is considerably in excess of the seven required.

The proposed parking facility as proposed would also require various dimensional exceptions, including allowing parking stalls widths as narrow as eight feet and stall depths of 16 feet where 9 and 19 feet, respectively, are required.

Regarding maneuverability issues, where parking facilities with 90-degree parking require a minimum aisle width of 24 feet for two-way traffic, the proposed two-level garage facility would have aisle widths in some locations of less than 23 feet wide. It would also be nonconforming as there are end stalls that are not provided with required end-of -aisle maneuvering space of at least five feet in depth and nine feet in width. The Planning Department suggests the petitioner consider alternative configurations for the parking area, including the habitable space on the ground level, the depth of which seem to constrain both the parking stall depths and aisle width, so as to allow the site's parking to better comply with applicable requirements.

Also, the Planning Department requests that the petitioner how deliveries would be made to the property, especially if it expected that they would be made curbside via Washington and/or Highland streets.

D. Landscaping and Lighting

The petitioner provided a landscape plan. As the proposed building would occupy the vast majority if not effectively all of the lot, the landscaping is by necessity focused on street trees and ground level vegetation along the property's three street frontages. The Planning Department recommends that the petitioner make best efforts to address conditions at the property line shared with the abutting property on Davis Street. It also notes that transformers are generally not allowed in setback and the one shown on the site plans is located close to the Davis Street front and side property lines.

The petitioner has submitted a photometric plan showing very little, if any “spillage” of light onto adjacent sidewalk, public ways, and properties.

E. Inclusionary Zoning

Also, as the proposed 50-unit multi-family dwelling would be subject to the inclusionary zoning provisions of Sec. 5.11.4.B.4.c, the petitioner would be required to provide eight (15%) of the dwelling units to households earning 50%-80% of the Area Median Income (AMI) and one (2.5%) of the units to households earning up to 110% of the AMI for a total of nine required inclusionary units. The petitioner would also be required to provide a fractional cash payment equivalent to 0.3 units.

The petitioner submitted an Inclusionary Housing Plan (dated May 25, 2022) that will be reviewed by the Planning Department’s Housing staff.

F. Sustainability

As the proposed development would include construction or substantial reconstruction of one or more buildings totaling 20,000 square feet or more of gross floor area and also requires a special permit, it would be subject to the sustainable development requirements provided Sec. 5.13.3.A. The City’s Climate and Sustainability Team has reviewed the proposal and its comments can be found in its attached memorandum (**Attachment C**).

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**). Based on the completed Zoning Review Memorandum, the petitioner is seeking

- to rezone to MU4
- a Special Permit per §7.3.3 to:
 - allow reduced lot area per unit (§4.2.2.A.2, §4.2.5.A.3)
 - allow a building in excess of 20,000 square feet (§4.2.2.B.1)
 - exceed the maximum front setback (§4.2.3, §4.2.5.A.4)
 - allow a mixed-use residential building with five stories and 60 feet in height (§4.2.3, §4.2.2.B.3, §4.2.5.A.2)
 - allow an FAR of 2.44 in a five-story building (§4.2.2.B.3, §4.2.3)
 - waive the setback requirement for the portions of the building exceeding 40 feet in height (§4.2.5.A.4.c)
 - waive entrance requirements (§4.2.5.A.6.a)
 - Request to waive façade transparency requirements (§4.2.5.A.6.b)
 - allow a restaurant with more than 50 seats with extended hours of operation

(§4.4.1, §6.4.29.B.1, §6.4.29.C.6)

- allow ground floor residential use (§4.4.1, §6.2.4)
- waive the requirement of using the A-B+C parking formula (§5.1.3.B, §5.1.13)
- waive 115 required parking stalls (§5.1.4, §5.1.13)
- allow assigned parking (§5.1.3.E, §5.1.13)
- allow reduced parking stall width (§5.1.8.B.1, §5.1.13)
- allow reduced parking stall depth (§5.1.8.B.2, §5.1.13)
- to allow reduced accessible stall depth (§5.1.8.B.4, §5.1.13)
- waive end stall maneuvering space requirements (§5.1.8.B.6, §5.1.13)
- allow reduced aisle width (§5.1.8.C.1, §5.1.8.C.2, §5.1.13)

B. Engineering Review

The Engineering Division Memorandum (**Attachment E**) provides an analysis of the proposal with regard to engineering issues. It notes that the petitioner's proposed Operations and Maintenance (O&M) plan for Stormwater Management Facilities is appropriate, and a construction management plan (CMP) will be required for this project.

Also, per a memorandum dated April 25, 2022, the Engineering Division has calculated a required Infiltration & Inflow issues payment of \$385, 741.

The Engineering Division will review this project for conformance with the City of Newton Engineering Standards prior to the issuance of a building permit should this petition be approved.

C. Newton Historic Commission

The existing building is listed on the National Register. At the time of the granting of a previous special permit (SP #294-18) for the redevelopment of the property for a smaller mixed-use building, was found by the Newton Historic Committee to also be 'preferably preserved' for architectural integrity and historic context but waived the demolition delay based upon the plans for the smaller project that were reviewed and approved at that time.

V. PETITIONER'S RESPONSIBILITIES

The petitioner should provide any further information referenced above and should continue to work with the Planning Department on any issues raised above or the upcoming public hearing.

ATTACHMENTS:

Attachment A: Land Use Map

Attachment B: Zoning Map

Attachment C: City of Newton Climate and Sustainability Team- 1314 Washington Street Special

Permit Sustainability Review, dated July 12, 2022

Attachment D:

Zoning Review Memorandum

Attachment E:

Engineering Division Memorandum

ATTACHMENT A








Land Use

1314 Washington St.

*City of Newton,
Massachusetts*

Land Use

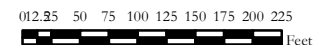
Land Use

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

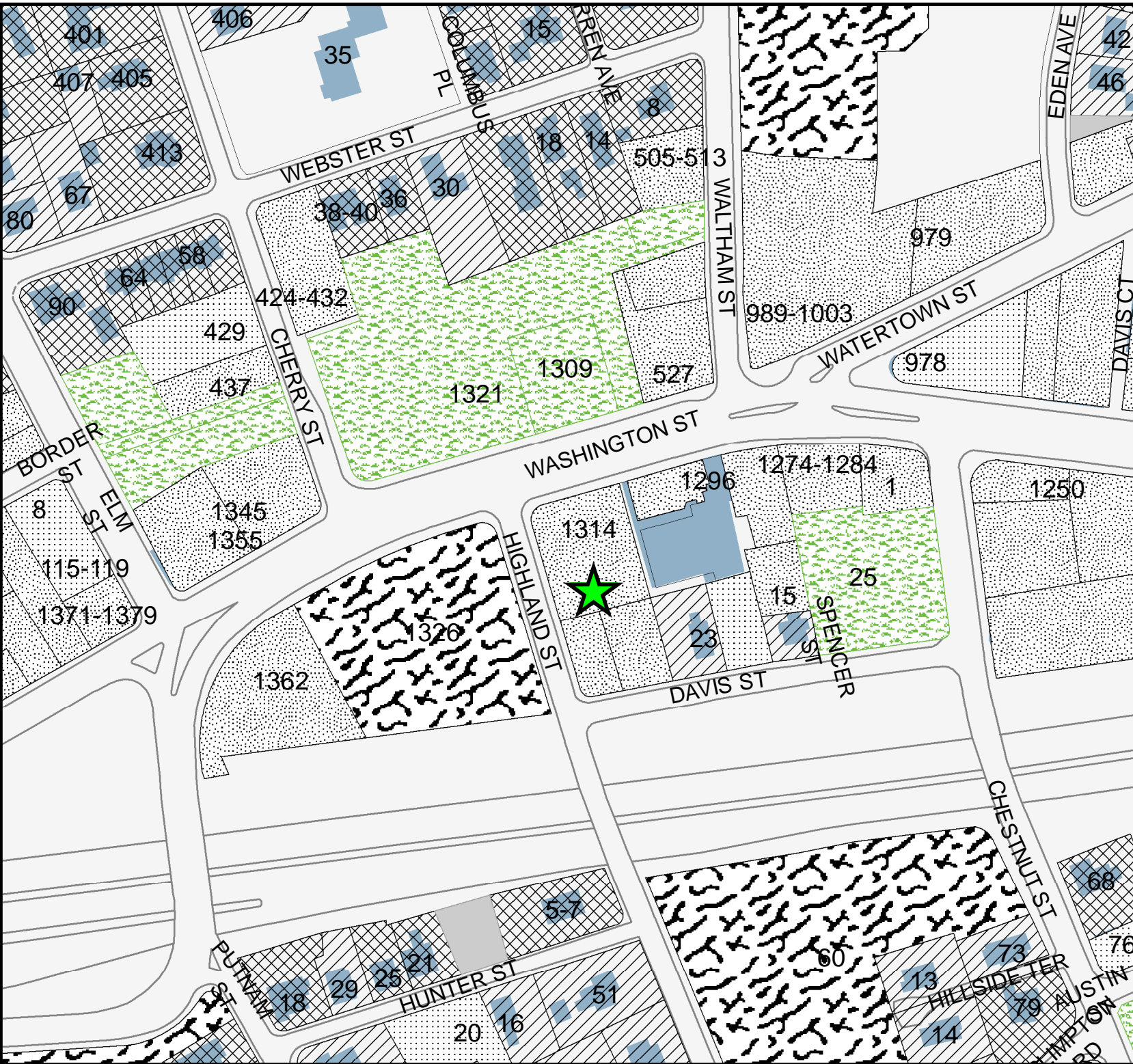


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

1314 Washington St.

*City of Newton,
Massachusetts*

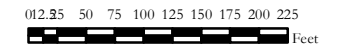
Legend

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

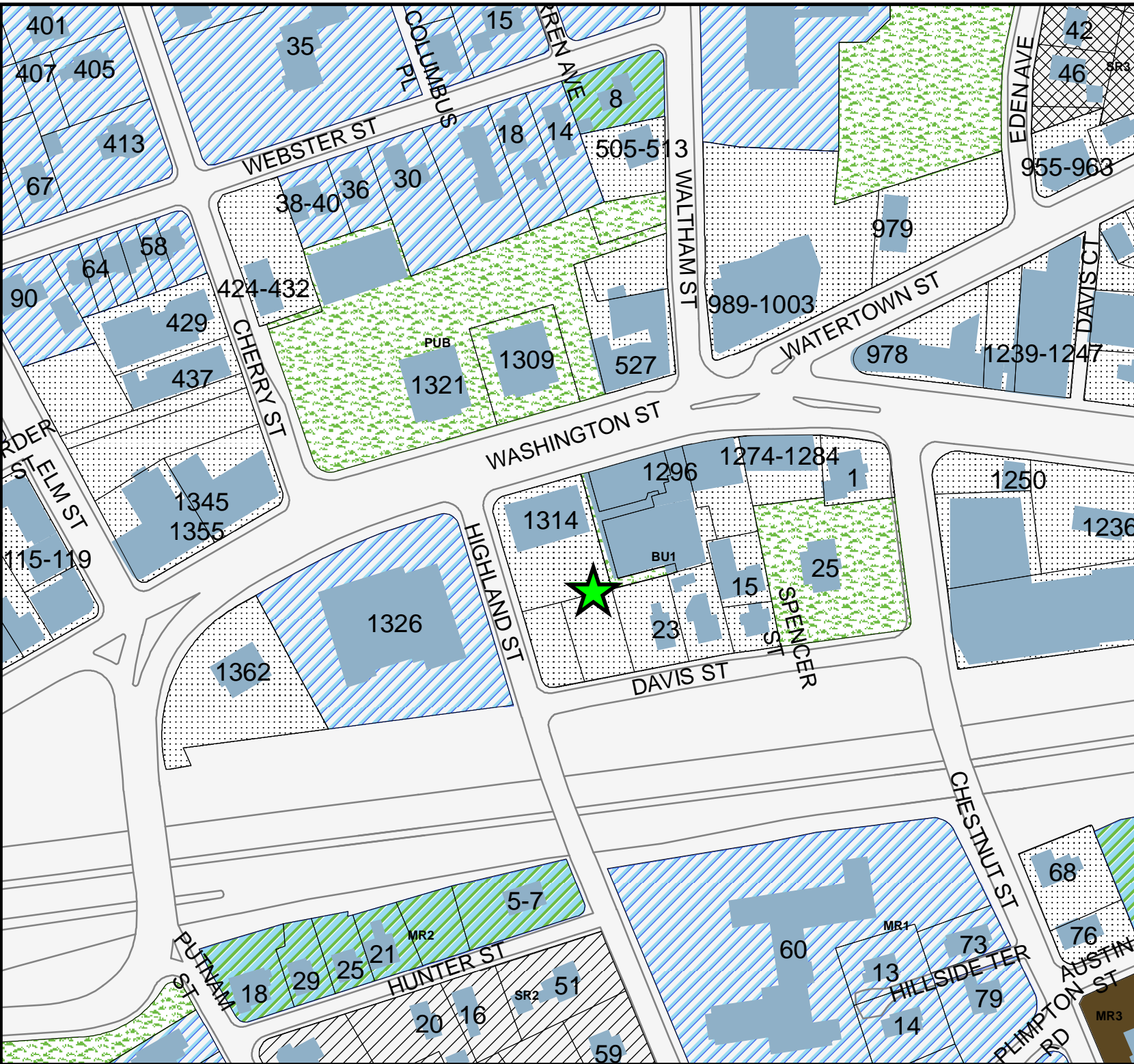


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: July 11, 2022





City of Newton, Massachusetts Climate and Sustainability Team



Date: July 12, 2022

To: Councilor Richard Lipof, Land Use Committee Chair

CC: Stephen J. Buchbinder, Attorney; Mark Development, Developer; New Ecology, Sustainability Consultant; Michael Gleba, Senior Planner

From: Ann Berwick, Co-Director of Climate and Sustainability; Bill Ferguson, Co-Director of Climate and Sustainability; Liora Silkes, Energy Coach

RE: 1314 Washington Street Special Permit Sustainability Review

The Climate and Sustainability Team has reviewed the materials submitted by the project team and found the plans for 1314 Washington Street to be in compliance with the Sustainability Requirements as set forth by Zoning Ordinance Chapter 5 Section 13.

By planning to build 1314 Washington Street to LEED Gold certifiable standards, this project is on track to meet the requirements of Section 5.13.4.A of the Newton Zoning Ordinance. By planning to install EV charging stations for 10% of parking spaces and making another 10% EV charger ready, the project is on track to meet the requirements of Section 5.13.4.B of the Newton Zoning Ordinance. However, we see in the Green Building Rating System Narrative that EV charging equipment is listed at only 2% — if the project plans to install EV charging equipment at only 2% of parking spots that would not meet requirements. If this is a typo and should read 20% then the project is on track.

We are seeing substantial growth in EV adoption and would encourage the project team to install even more chargers than required.

The City Climate and Sustainability Team is pleased to see this project is committing to all-electric HVAC for the residential spaces and electric hot water when feasible, as well as conducting a Passive House feasibility study. We encourage the project team to follow through on the recommendations of the feasibility study to make this project as efficient as possible, and to use electricity for as much of the project's energy needs as possible.

We are glad to see the project team is exploring potential solar strategies and suggest the project become at least solar-ready, with careful consideration given to the location of mechanicals on the roof to leave room for a future solar installation if solar is not installed during construction. We suggest doing a solar analysis to evaluate potential costs and benefits of installing solar during construction.

Finally, we are happy to see mention of embodied carbon through revitalizing the existing bank building and using wood-framed construction as much as possible.



Ruthanne Fuller
Mayor

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

Attachment D
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TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: May 25, 2022

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Stephen J. Buchbinder, Attorney
HQ, LLC, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: **Request to rezone to Mixed Use 4, to allow a building with more than 20,000 square feet, a restaurant with more than 50 seats, to extend a nonconforming structure, to allow five stories and various waivers for parking**

Applicant: HQ, LLC	
Site: 1314 Washington St, 31 Davis St & 33 Davis St	SBL: 33 10 01, 33 10 11 & 33 10 12
Zoning: BU1 (rezone to MU4 proposed)	Lot Area: 30,031 square feet
Current use: Bank	Proposed use: Residential and restaurant

BACKGROUND:

The property 1314 Washington Street is comprised of three lots totaling 30,031 square feet in the Business 1 zoning district currently improved with a bank constructed in 1915 and a surface parking lot with 60 stalls and many dimensional parking nonconformities. The property is bound by Washington Street to the north, Highland Street to the west and Davis Street to the south. There has been a bank in the existing building since original construction in 1920. The petitioner proposes to consolidate and rezone the parcels to Mixed Use 4 and construct a five-story rear addition to the existing building. The petitioner intends to convert the bank space into a restaurant. The addition will accommodate 50 residential units. As proposed, there will be 69 parking stalls available for the two uses in two separate surface and below-grade facilities.

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

- Zoning Review Application, prepared by Stephen J Buchbinder, attorney, dated 3/31/2022, revised 5/11/2022
- Parking Calculation, submitted 3/31/2022, revised 5/4/2022
- Existing Conditions Plan, prepared by Gerry L. Holdright, surveyor, dated 8/1/2017
- Average Grade Plane, prepared by Bohler Engineering, dated 3/22/2022

- Proposed Site Plan, signed and stamped by Joshua Swerling, Engineer, dated 5/2/2022
- Floor Plans and Elevations, signed and stamped by David M. Schwarz, architect, submitted 5/4/2022

ADMINISTRATIVE DETERMINATIONS:

1. The existing project site is comprised of three parcels containing 30,031 square feet in the BU1 zoning district. The petitioner proposes to combine the three parcels into one and requests to rezone to MU4.

The administrative determinations and relief requested by this memo assume that the entire project site is zoned MU4.

2. Per section 4.2.2.A.2, the minimum lot area per unit in the MU4 district is 1,000 square feet. The petitioner proposes to construct 50 residential units in the rear addition, resulting in a lot area per unit of 601 square feet. Per section 4.2.5.A.3, the lot area per unit may be waived by special permit as the City Council finds appropriate.
3. The petitioner proposes to construct a five-story addition to the rear of the existing building, resulting in a total of 73,333 square feet of gross floor area. Per section 4.2.2.B.1, a special permit is required for any development in the MU4 district of 20,000 square feet or more gross floor area.
4. The property has frontage on three streets; Washington, Highland and Davis streets. The existing structure has a 10.9 foot front setback from Washington Street. The proposed addition is set back between 6.6 and 25.6 feet from Highland Street and between 6.1 and 19.2 feet from Davis Street. Per section 4.2.3, the maximum by-right front setback allowed in the MU4 district is ten feet. Section 4.2.5.A.4 allows the Council to waive the front setback requirement if found to be beneficial for pedestrian vitality, protection from shadows and encouraging the goals of the district.
5. Section 4.2.5.A.2 allows for the City Council to grant a special permit to allow up to five stories and 60 feet in height for buildings that meet the definition of mixed-use residential. As the proposal is to include a restaurant and a 50-unit multi-family dwelling, the petitioner seeks a special permit from the height and story limitations of sections 4.2.2.B.3 and 4.2.3 to allow the proposed five-story building with 60 feet in height.
6. Section 4.2.3 allows for an FAR of 2.50 for five-story buildings. To the extent that a special permit is required to allow for five stories per section 4.2.2.B.3, a special permit is required to allow an FAR of 2.44.
7. Section 4.2.5.A.4.c requires that any portion of a building greater than 40 feet in height must be set back one foot from the adjacent lot line for each additional foot of height. The proposed 59.9 foot addition would require a 20-foot setback on those portions exceeding 40 feet. The building is proposed with as little as a 5-foot setback, requiring a special permit.
8. Section 4.2.5.A.6.a requires that there is at least one entrance for every 50 feet of building frontage facing a public way. The petitioner seeks a special permit to waive this requirement.

9. Section 4.2.5.A.6.b requires a minimum of 60 percent of the street-facing building façade between 2 feet and 8 feet in height above the street-level floor must consist of clear windows that allow views of the indoor space. The petitioner seeks a special permit to waive this requirement.
10. Sections 4.4.1, 6.4.29.B.1 require a special permit for a restaurant with more than 50 seats. Additionally, section 6.4.29.C.6 requires special permit relief for a restaurant specifically in the MU4 district with more than 50 seats and extended hours of operation. The petitioner proposes a first floor restaurant with up to 225 seats and extended hours of operation, requiring a special permit.
11. Per sections 4.4.1 and 6.2.4, ground floor residential uses require a special permit in the MU4 zoning district. While no dwelling units are proposed on the ground floor, the leasing office and amenities for the dwelling units are proposed. A special permit is required to allow the residential leasing office and amenities on the ground floor.
12. The petitioner is proposing 50 residential dwelling units in the rear addition and a 225-seat restaurant in the existing bank space.

Proposed Use	Zoning Ordinance §5.1.4	Parking Requirement
Restaurant Use	225 seats @ 1 stall /3 seats = 75 stalls 27 Employees @ 1 stall/3 employees = 9 stalls	84 stalls
Residential Use	50 units@ 2 stalls/unit	100 stalls
TOTAL		184 STALLS

The petitioner requires a total of 184 parking stalls, per the requirements of section 5.1.4.

There are 69 parking stalls proposed on the site in two separate parking facilities. The 19 parking stalls for the restaurant will be in an at-grade facility covered by the upper floors of the building and accessed from Davis Street. There will be 50 stalls dedicated to the residential uses located in a below-grade garage accessed from Highland Street. The petitioner requires a waiver of 115 stalls per section 5.1.13.

13. Section 5.1.3.B states that when an enlargement or extension of the gross floor area of a building, or a change in use increases the parking requirements, the petitioner shall use the A-B+C formula to determine the number of parking stalls required after the change. In this formula, “C” represents the number of off-street parking stalls that exist prior to the enlargement, extension or change. The petitioner requests a waiver from the requirements of section 5.1.3.B and requests to determine the parking based on the proposed uses’ requirements and the proposed number of parking stalls.
14. The petitioner intends to assign the 50 below grade stalls to the residential units and the 19 at grade stalls will be dedicated to the restaurant use. The petitioner seeks a special permit to waive the prohibition on the assignment of parking stalls to specific tenants per sections 5.1.3.E and 5.1.13.
15. Section 5.1.8.B.1 requires a parking stall width of at least 9 feet. The petitioner proposes parking stalls that are either 8 or 8.5 feet wide, requiring a special permit per section 5.1.13.

16. Section 5.1.8.B.2 requires a parking stall depth of at least 19 feet. The petitioner proposes some parking stalls that are 16 feet deep, requiring a special permit per section 5.1.13.
17. The accessible stalls are all 18 feet deep where section 5.1.8.B.4 requires 19 feet. The petitioner requires a special permit per section 5.1.13 to reduce the required depth of the accessible stalls.
18. Section 5.1.8.B.6 requires that end stalls restricted on one or both sides have maneuvering space at the end of the aisle of at least five feet in depth and nine feet in width. The petitioner is proposing parking with limited maneuvering space at the end of the aisle, requiring a special permit per section 5.1.13.
19. Per section 5.1.8.C.1 and 2, parking facilities with 90 degree parking require a minimum aisle width of 24 feet for two-way traffic. The proposed below grade garage facility has aisle widths between 22.7 and 24 feet wide. A special permit is required for a reduced aisle width per section 5.1.13.
20. Per section 5.11.4.B.4.c a 50-unit multi-family dwelling is required to provide 15% of the dwelling units at 50%-80% AMI and 2.5% at 110% AMI. The petitioner must provide eight units at 50-80% AMI and one unit at 110% AMI, for a total of nine required inclusionary units. The petitioner must also provide a fractional cash payment for 0.3 units.
21. Per section 5.13.3.A the sustainable development requirements apply to any proposed development that includes construction or substantial reconstruction of one or more buildings totaling 20,000 square feet or more of gross floor area that also requires the issuance of a special permit. The proposed development must meet the sustainable development requirements by submitting the materials outlined at the special permit application stage or request a waiver per section 5.13.7.

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
	Request to rezone to MU4	
§4.2.2.A.2 §4.2.5.A.3	Request to allow reduced lot area per unit	S.P. per §7.3.3
§4.2.2.B.1	Request to allow a building in excess of 20,000 square feet	S.P. per §7.3.3
§4.2.3 §4.2.5.A.4	Request to exceed the maximum front setback	S.P. per §7.3.3
§4.2.3 §4.2.2.B.3 §4.2.5.A.2	Request to allow a mixed-use residential building with five stories and 60 feet in height	S.P. per §7.3.3
§4.2.2.B.3 §4.2.3	Request to allow an FAR of 2.44 in a five-story building	S.P. per §7.3.3
§4.2.5.A.4.c	Request to waive the setback requirement for the portions of the building exceeding 40 feet in height	S.P. per §7.3.3

§4.2.5.A.6.a	Request to waive entrance requirements	S.P. per §7.3.3
§4.2.5.A.6.b	Request to waive façade transparency requirements	S.P. per §7.3.3
§4.4.1 §6.4.29.B.1 §6.4.29.C.6	Request to allow a restaurant with more than 50 seats with extended hours of operation	S.P. per §7.3.3
§4.4.1 §6.2.4	Request to allow ground floor residential use	S.P. per §7.3.3
§5.1.3.B §5.1.13	Request to waive the requirement of using the A-B+C parking formula	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive 115 required parking stalls	S.P. per §7.3.3
§5.1.3.E §5.1.13	Request to allow assigned parking	S.P. per §7.3.3
§5.1.8.B.1 §5.1.13	Request to allow reduced parking stall width	S.P. per §7.3.3
§5.1.8.B.2 §5.1.13	Request to allow reduced parking stall depth	S.P. per §7.3.3
§5.1.8.B.4 §5.1.13	Request to allow reduced accessible stall depth	S.P. per §7.3.3
§5.1.8.B.6 §5.1.13	Request to waive end stall maneuvering space requirements	S.P. per §7.3.3
§5.1.8.C.1 §5.1.8.C.2 §5.1.13	Request to allow reduced aisle width	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 – 1314 Washington Street

Date: July 1, 2022

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

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

*Special Permit/Zoning Change Plans
1314 Washington Street
Prepared by: Bohler Engineering
Dated: May 2, 2022*

Executive Summary:

This project entails the redevelopment of the existing building which is currently a bank and adding a five-story addition to the rear of the structure. The site currently comprises of three lots, if the special permit is approved an Approval Not Required (ANR) plan will be needed in accordance to Massachusetts General Laws Chapter 41 Section 81P requiring the separate lots be combined into one lot.

The property has frontage along Washington Street, Highland Avenue and Davis Street, the one of the existing curb cuts (driveway aprons) along Davis Street will be closed off and remodeled as ADA compliant sidewalks. The second curb cut on Davis Street will provide access to the underground parking lot. The existing curb cut on Highland Street will serve as a secondary ramp down to the residential parking below grade. In concert with the sidewalk repairs the applicant wishes to remove an existing metal guard rail, this

office has no records of who installed this guard rail. If it was installed by the previous owner as a barrier to separate the parked cars and the sidewalk, then I would recommend that an ornamental wrought iron fence be installed in lieu of the guard rail. If the guard rail was installed per the City Police Department's requirement as a safety barrier for vehicles parked in the lot from vehicles that travel northerly on Highland Avenue, then the applicant should replace the guard rail for public safety. I recommend that the applicant meet with the Police Department for input.

The site is essentially all impervious with roof and paved parking lot, only a small area of vegetation exists.



View of parking lot Highland Avenue towards the left & Davis Street at the rear of the photo.

The site generally slopes from a high point near Davis Street at elevation 59-feet towards the rear of the building at elevation approximately 55-feet. The only stormwater system is a catch basin it is unclear if this is functioning.

The engineer of record has designed a storm water collection system to enhance stormwater quality from the site for a 100-year storm, however; the City standard is 8.78 inch not 8.73-inches over a 24-hour period. The design shows reduced rate of runoff from the site but need to include a computation for volume. The designed system has an overflow connection to the City drainage system connecting at a catch basin, this is not allowed any overflow must be made to the closest drain manhole. The proposed operations and maintenance plan is appropriate for the design intent if this permit is approved the O&M shall be recorded at the Registry of Deeds.

Water and sanitary sewer services are being upgrade to current standards as well.

All sidewalks and curbing shall be updated in accordance with the City Ordinance B-42.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.

Drainage:

1. 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, and pipes are the sole responsibility of the property owner(s).
2. When a connection to the City's drainage system is proposed, prior to approval of the Building Permit a Closed Circuit Television (CCTV) inspection shall be performed and witnessed by the Engineering Division, the applicant shall retain a contractor that specializes in CCTV inspection. The applicant shall contact the Engineering Division 48 hours in advance to schedule an appointment. At the end of the inspection the video or CD shall be given to the inspector. Furthermore, upon completion of the connection to the drainage system a Post – Construction video inspection shall also take place and witnessed as described above. This is required regardless of the connection point, the intent is to ensure that there are no downstream blockages or damaged pipe so that the contractor of record is not held accountable for preexisting conditions.

Environmental:

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

Sewer:

1. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
2. Washington Street was reconstructed last year and is under a moratorium. Any utility work within the street will require full restoration in accordance with the DPW Restoration Policy.
3. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the City of Newton Construction Standards Detail Book.
4. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. 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 and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
5. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. 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 and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
6. A detailed profile will be needed for the proposed sewer connection.

Infiltration & Inflow:

Will be addressed via a separate memo.

Water:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the

Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.

2. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
3. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor 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 service, 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's Inspector has given their approval. *This note should be incorporated onto the plans*
4. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
5. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
6. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. ***This note must be incorporated onto the final contract plans.***

7. All site work including trench restoration must be completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*
8. If any changes from the original approved design plan that are required due to unforeseen site conditions, the engineer of record shall submit a revised design & stamped and submitted for review and approval prior to continuing construction.

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, 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 @ 617-796-1023.