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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	January 8, 2019
Land Use Action Date:	March 26, 2019
City Council Action Date:	April 1, 2019
90-Day Expiration Date:	April 8, 2019

DATE: January 4, 2019

TO: City Council

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

SUBJECT: **Petition #566-18**, petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow two multi-family structures with ground floor units, one of which is a three-story structure 34.5 feet in height, to reduce the parking requirement from two stalls per unit to 1.25 stalls per unit, to allow parking within five feet of a structure containing dwelling units, to waive the minimum stall dimensions, and to waive the perimeter landscape screening and lighting requirements of parking facilities containing more than five stalls in Ward, 3, West Newton, at **424-432 Cherry Street**, Section 33 Block 11 Lot 02, containing approximately 14, 204 sq. ft. of land in a district zoned BUSINESS USE 1 .Ref: §7.3.3, §7.4, §4.4.1, §4.1.2.B.3, §4.1.3, §5.1.4.A §5.1.13, §5.1.8.A.2, §5.1.8.B.1, §5.1.9.A, §5.1.10.A, of the City of Newton Rev Zoning Ord, 2015.

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.



424-432 Cherry Street

EXECUTIVE SUMMARY

The subject property consists of 14, 204 square feet in the Business Use 1 (BU-1) zone in West Newton. The property is improved with a 2.5-story Georgian Style structure constructed circa 1716. The site and structure are one of Newton's 22 designated Local Landmarks and is currently used as office space. The petitioner proposes to convert the office space into six residential units, requiring a special permit. In addition, the petitioner proposes to construct a second dwelling on the property containing three units, for a total of nine units on site. To pursue the petition, the petitioner requires special permits to allow residential units on the ground floor in the BU-1 zone, to allow two three-story structures, 30 feet in height, to reduce the parking requirement from two stalls per unit to 1.25 stalls per unit, and to waive certain requirements of parking facilities containing more than five stalls.

The Planning Department believes the subject property is an appropriate location for the multi-family development given the site's location within West Newton Square. The petition satisfies several goals found in the *Comprehensive Plan of 2007*, as well as the *Transportation and Housing Strategies* such as offering a range of unit types and sizes, providing inclusionary zoning units, and by adhering to Smart Growth principles by locating new development in a village center proximate to transit, and encouraging alternative methods of transportation by providing sheltered bicycle parking and electric vehicle charging stations. The petition also promotes context sensitive development by proposing a design that is respectful to a City landmark and similar in size and scale to other structures in the neighborhood.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed multi-family structures. (§7.3.3.C.1.)
- The proposed multi-family structures 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.)
- Literal compliance with the parking requirements of the Newton Zoning Ordinance (Ordinance) is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13.)

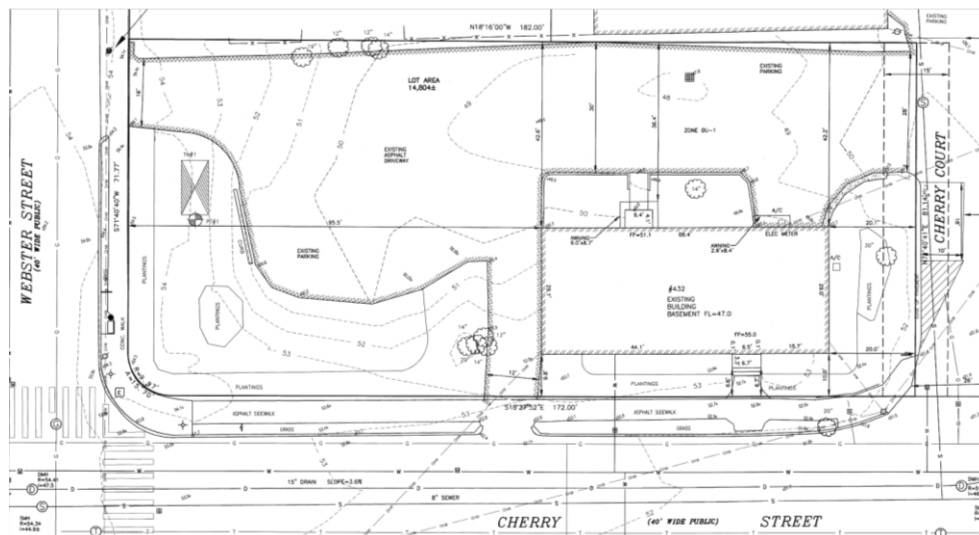
II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is a corner lot with frontages on Cherry and Webster Streets in the BU-1 zone in West Newton. The properties to the south along Washington Street are predominantly located in the BU-1 and the Manufacturing zones. However, there are a few Public Use parcels and Multi-Residence 1 parcels as well. To the north of the subject property are Multi-Residence 1 zoned parcels (**Attachment A**). The properties to the south along Washington Street contain commercial and industrial uses, but there are some nonprofit uses and Open Space parcels in the form of Captain Ryan Park, the City of Newton Police Station, and the District Court. To the north are primarily multi-family uses (**Attachment B**). The subject property is located in a transition zone, buffering the multi-family parcels to the north from the commercial uses to the south.

B. Site

The site totals 14,204 square feet of land and is improved with a 2.5-story structure that is an example of Georgian architecture. The site and structure are one of Newton's 22 designated Local Landmarks. The rear of the site lies at a lower elevation than Cherry and Webster Streets. The site has one twelve-foot wide curb cut from Cherry Street, and one 16-foot wide curb cut from Webster Street. Both curb cuts provide access to the unstriped parking facility at the rear of the site. The site also has a 28-foot wide drive aisle that provides access to the rear of the Newton Police Department parcel. The western and northern boundaries are enclosed with a four-foot tall hedge, while the eastern boundary contains a six-foot stockade fence; mature landscaping is dispersed throughout the site.



III. PROJECT DESCRIPTION AND ANALYSIS

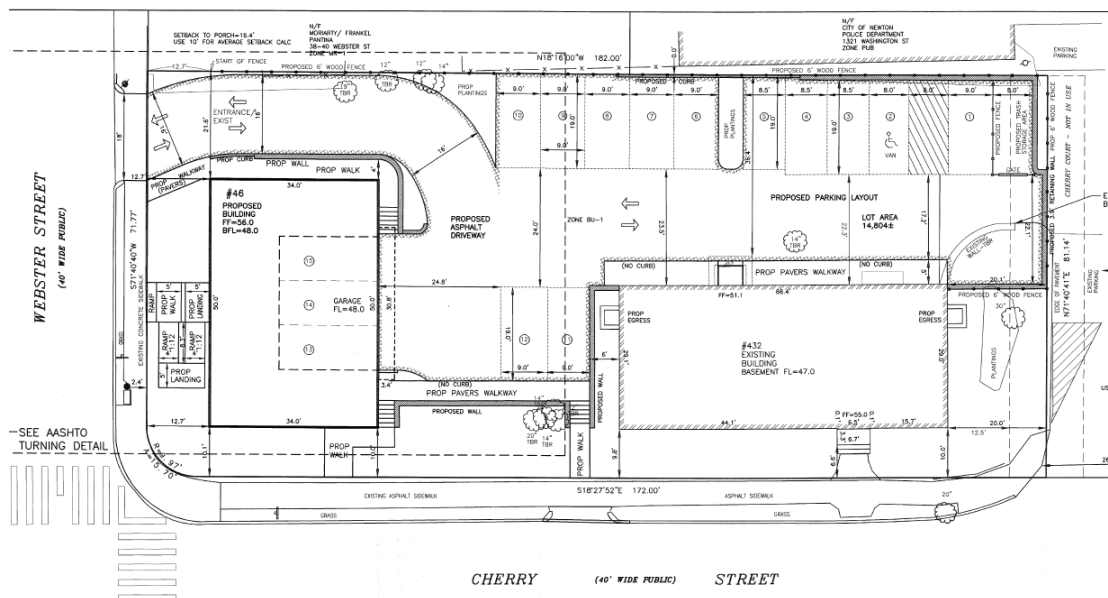
A. Land Use

The principal use of the site will change from an office use to a multi-family use.

B. Site Design

The petitioner is proposing to convert the existing historic structure into six residential units and to construct a three-story, multi-family dwelling fronting Webster Street containing three units, for a total of nine units on site.

The proposed multi-family dwelling fronting Webster Street will be set back 12 feet and 10 feet from Webster and Cherry Streets, respectively, where 10 feet is the minimum required in the BU-1 zone. The structure will be set back from the eastern (rear) boundary by 21.5 feet, exceeding the requirement of the BU-1 zone. The petitioner is proposing to close the existing curb cut from Cherry Street and to create a "pocket park". The petitioner proposes to construct a retaining wall at the southern boundary separating the parcel from the Police Station parcel. As a result, the sole point of vehicular access to the lot will be from the existing Webster Street curb cut. The existing curb cut will be narrowed from approximately 21 feet to 18 feet and will lead to a 16-foot driveway that accesses a 12-stall surface parking lot. The reorientation of the curb cut and driveway will avoid the need to relocate an existing light pole. This placement will decrease the likelihood of it being hit by a vehicle entering the site. The petitioner proposes to remove some protected trees and will be required to comply with the City's Tree Preservation Ordinance.

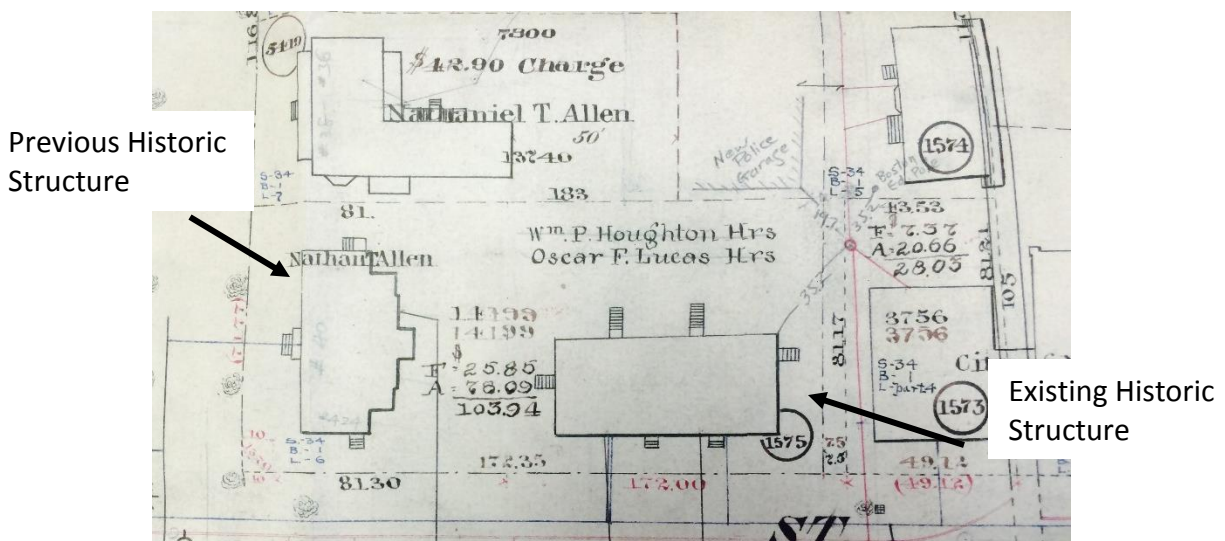


The Planning Department reviewed this petition with members from Department of Public Works who asked whether the petitioner would consider granting the City an easement to allow the City to install a foundation for a pole and mast arm for a new traffic signal at the intersection of Cherry and Webster Streets. This intersection was referenced in the City of Newton Capital Improvement Plan for Fiscal years 2020-2024. The foundation and pole would allow for the mast arm and the signal to be centered over the intersection, thereby improving vehicular safety. The Petitioner has agreed to this request.

C. Building Design

The proposed changes to the historic structure will be entirely internal, except for three dormers to the rear of the structure. The dormers increase the amount of habitable space in the attic level, thereby increasing the attic to be qualified as a third story. The interior of the building will be configured to contain six units. The units will range in size from 834 square feet to 1, 626 square feet. The structure will contain five two-bedroom units and one three-bedroom unit. One two-bedroom unit and the three-bedroom unit will be two-stories each with living space in the second and third floors.

The proposed multi-family dwelling fronting Webster Street will be three stories as well and approximately 30 feet tall. The structure is an example of contemporary Georgian architecture featuring a symmetrical façade, quoins, and gable dormers. These features will complement the architectural language of the existing historic structure. The structure's placement is the approximate location of a previous historic structure at 46 Webster Street that was razed in the 1960s. The proposed structure is similar in size and scale to other structures in the area and its location create a continual street wall, improving the pedestrian experience on Webster Street. The dwelling will contain a three-car garage in the basement and three three-bedroom units. One unit will be a flat, while the remaining two units will be two-stories each with living space on the second and third floors. The units average 1, 395 square feet.



D. Neighborhood Density

Table 1 compares the density (lot area per unit) of the petition with other multi-family buildings in the vicinity. The lot area per unit at three nearby buildings ranges from approximately 1,000 square feet per unit across the street at 429 Cherry Street to over 2, 662 square feet per unit at 56-66 Webster Street. 429 Cherry Street and 8 Border Street/111-119 Elm Street are mixed use buildings containing commercial space on the ground floor; 429 Cherry Street is currently under construction. The Planning Department believes the proposed density is compatible with the surrounding context.

Table I: Neighborhood Density Comparison

Address	Lot Size	Number of Units	Lot Area per Unit
56-66 Webster Street	15, 972 S.F.	6	2, 662 S.F.
429 Cherry Street	13, 398 S.F.	13	1, 031 S.F.
8 Border Street/111-119 Elm Street	11, 044 S.F.	8	1, 381 S.F.
424-432 Cherry	14, 204 S.F.	9	1, 578 S.F.

E. Circulation and Parking

The petitioner is proposing to construct a surface parking facility to the rear of the site. The design utilizes the existing curb cut from Webster Street for both ingress and egress. The proposed driveway is 16-feet wide, requiring a waiver from the required 20 feet.

The site will contain 15 parking stalls in total, where 18 are required by the Ordinance. In addition to seeking a waiver from the parking requirements from two stalls per unit to 1.25 stalls per unit, the petitioner is also seeking a waiver from the dimensional standards to create seven stalls at 8.5 feet wide, where nine feet is the minimum required; the remaining nine stalls meet the dimensional standards. The petitioner is also seeking to construct a 17-foot wide drive aisle, where 24 feet is the minimum required. The drive aisle abuts a proposed five-foot wide paver walkway that allows for pedestrian access to the rear of the building. To allow for greater maneuverability for vehicles exiting the parking stalls, this walkway will not be separated from the aisle by a curb. The petitioner should provide more details concerning this walkway, particularly whether this provides the necessary access for those with disabilities.

The Planning Department reviewed this petition with members of the Department of Public Works (DPW) Transportation Planning Staff and they are comfortable with the parking facility as proposed. Given the site's proximity to West Newton Square and to

transit, staff would be supportive of an increased waiver from three to six stalls, reducing the number of required stalls to 12. Such a reduction could potentially allow the petitioner to create additional open space for residents with the option to convert the area to parking stalls if they were found to be necessary. The petitioner is also proposing to “unbundle” the cost of parking from the cost of rent to disincentivize car ownership.

F. Alternative Transportation

The project site is located in West Newton Square proximate to several transit options. The 170 MBTA bus is an express bus to downtown Boston, while the 554 MBTA bus is an express bus to Copley Square. The West Newton commuter rail station is approximately a five-minute walk from the site. The site is well served by transit and is located within walking distance of many services and amenities, allowing for residents to use alternative forms of transportation and to reduce vehicle trips. The petitioner is also proposing providing nine weather protected bicycle parking spaces in the accessible basement of the new three-unit building and of the 15 proposed parking stalls, nine will be served by electric vehicle (EV) charging stations.

G. Landscape Screening

The petitioner proposes to replace the existing perimeter hedge with 30-inch boxwood hedges to improve sight lines, at the request of the City Engineer. The petitioner will revise the plan to propose fencing along the width of the pocket park on Cherry Street to help activate the street, at the suggestion of the Planning Department. Staff suggests the petitioner explore opportunities for more plantings, especially trees that will be lost during construction. The petitioner is required to comply with the Tree Preservation Ordinance which provides an option to either replace the caliper inches lost or to pay into a fund. The Planning Department suggests the petitioner consider replacing the number of caliper inches lost rather than pay into the fund.

H. Affordable and Fair Housing Policy

The petitioner submitted an Inclusionary Housing Plan and an Affirmative Fair Marketing and Resident Selection Plan to demonstrate compliance with the Inclusionary Zoning section of the Ordinance. The petitioner is required to provide 15%, or one, of the units as an Inclusionary Unit. The petitioner has selected Unit #8 which is a three-bedroom, 2.5-bathroom loft unit in the proposed building on Webster Street to be the Inclusionary Unit. This unit will be restricted to households earning up to 65 percent of Area Median Income (AMI). Staff has not yet completed review of the proposed Inclusionary Housing Plan and expect to provide an update at the Public Hearing.

Table II: Unit Mix

Unit Type	Number of Units	Number of Deed Restricted Units	Percentage of Area Median Income (AMI)	Average Square Footage (Of Unit Type)
Two-Bedroom	5			1,008 S.F.
Three-Bedroom (Flat)	1			1,308 S.F.
Three-Bedroom (Duplex)	3	1	65%	1,490 S.F.
Total	9	1	N/A	1,202 S.F.

I. Accessibility

The petitioner is proposing to construct one accessible unit in each building. Unit #2 in the existing, six-unit building and Unit #7 in the new, three-unit building will be accessible. The petitioner has also updated the plans to provide an accessible entrance into the new building from Webster Street. Six of the nine units are not accessible because they are accessed by stairs and they contain living area on more than one floor accessed by internal stairwells. The Planning Department will consult with the City's ADA Coordinator and the Inspectional Services Department and will provide an update at the public hearing. The surface parking facility will contain one-van accessible stall with an eight-foot van loading area, as required by code.

J. Signage

The petitioner has not requested relief from the Ordinance regarding the number, size or type of signs. As a result, all signs are expected to be as of right and will be reviewed and approved by the Urban Design Commission, should this petition be approved.

K. Lighting

The petitioner requested relief from the level of illumination of the surface parking facility required by the Ordinance. The Planning Department is supportive of the level of light proposed given the site is located adjacent to residential properties.

L. Project Phasing and Construction Management

Should this petition be approved, a Construction Management Plan (CMP) will be required prior to the issuance of any building permits. The CMP will be reviewed and approved by the Commissioner of Inspectional Services, the Commissioner of Public Works and the Director of Planning and Development.

IV. CONSISTENCY WITH COMPREHENSIVE PLAN, TRANSPORTATION & HOUSING STRATEGIES

Newton's *Comprehensive Plan of 2007* seeks to protect the rich choice among the City's neighborhoods while also relating density to neighborhood character and infrastructure capacity while promoting a range of housing opportunities. The *Housing Needs Analysis and Strategic Recommendations* from June 2016 contains housing strategy principles to provide greater housing diversity to preserve the City's character and quality and the *Newton Leads 2040 Transportation Strategy* contains strategies intended to make it safer and easier for Newtonians to utilize alternative modes of transportation such as walking, biking, and taking transit.

These plans contain relevant goals for residential development, such as smart growth principles to guide growth in the City 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 family housing, where it has safe and close access to public schools". The proposed project is located in a well-established, mixed-use neighborhood in West Newton Square. Several transit options are located within walking distance, and a multitude of restaurants, shops, and services along Washington Street are a short walk from the site. Additionally, Davis Park is nearby at the corner of Webster and Elm Street. The walkability of the neighborhood, proximity to transit and services, and the unbundling of the parking in the project will support the City's adopted smart growth policies.

In addition to supporting transportation access and choice, housing diversity and choice are critical goals of the City. The *Housing Strategy* contains principles which include pursuing diverse housing choices to meet changing housing needs of a diverse population, locating housing to promote access and choice, seeking high-quality design that is responsive to context, and pursuing green design. The proposed project will provide nine residential units ranging in size from 834 square feet to 1, 626 square feet. Of the nine units, one unit will be deed-restricted in perpetuity to households earning up to 65 percent of the Area Median Income (AMI) and two of the units will be accessible. The proposed development reuses a historic resource while adding an additional, context sensitive, building. Additionally, the massing is broken down into two buildings, rather than one large building. Overall, the Planning Department believes the petition satisfies many of the principles of the above referenced plan by providing much needed housing in a transit-accessible, walkable neighborhood that meets smart growth principles.

V. TECHNICAL REVIEW

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

The Zoning Review Memorandum, dated July 2, 2018 provides an analysis of the proposal regarding zoning (**Attachment C**).

B. Newton Historical Commission Review

The subject property is one of Newton's 22 designated Local Landmarks which restricts modifications to the building and to the site. The petitioner appeared before the Newton Historical Commission (NHC) twice: the first appearance was for approval of the dormers on the existing building as well as for approval for the new building; the second appearance concerned changes to the parking layout and demolition of the retaining wall at the southern portion of the site. Any additional modifications require further review by the NHC.

C. Engineering Review

Associate City Engineer, John Daghljan, reviewed this petition for conformance with the City of Newton Engineering Standards (**Attachment D**). Mr. Daghljan suggests the petitioner update the sidewalks along the entire frontage of the site as well as the Webster Street driveway apron. Additionally, Mr. Daghljan states an Operation and Maintenance Plan is required for the long-term operation of the drainage system; the Planning Department has relayed this information to the petitioner. The Planning Department spoke with a member of the Public Buildings Department who stated the roof drain from the Police Station roof will be redirected when the roof is repaired in the coming months.

D. Fire Department Review

It is expected that the existing and proposed structures will be sprinkled. Nevertheless, staff suggests the petitioner speak with the City of Newton Fire Department concerning access prior to appearing before the Land Use Committee for a Working Session.

VI. PETITIONER'S RESPONSIBILITIES

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










ATTACHMENTS:

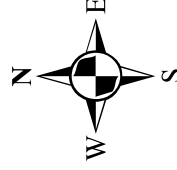
- Attachment A:** Zoning Map
Attachment B: Land Use Map
Attachment C: Zoning Review Memorandum, dated January 4, 2019
Attachment D: Engineering Review Memorandum, dated November 28, 2018

Attachment A Zoning Map Cherry St., 424-432

City of Newton,
Massachusetts

Legend

-  Single Residence 3
-  Multi-Residence 1
-  Multi-Residence 2
-  Business 1
-  Manufacturing
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries



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



Map Date: January 04, 2019



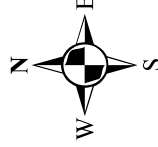
Attachment B Land Use Map Cherry St., 424-432 *City of Newton, Massachusetts*

Legend

Land Use

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Mixed Use
- Open Space
- Nonprofit Organizations
- Building Outlines
- Surface Water
- Property Boundaries



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CITY OF NEWTON, MASSACHUSETTS
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Map Date: January 04, 2019





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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: January 4, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Dennis Cameron, Applicant
Terrence Morris, Attorney
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to allow for a 6-unit and a 3-unit multi-family dwelling and associated parking waivers

Applicant: Dennis Cameron	
Site: 424-432 Cherry Street	SBL: 33011 0002
Zoning: BU1	Lot Area: 14,204 square feet
Current use: Office	Proposed use: 6-unit and 3-unit multi-family dwellings

BACKGROUND:

The property located at 424-432 Cherry Street consists of a 14,804 square foot lot improved with a mixed office building originally constructed as a single-family dwelling circa 1716. The parcel is located in the BU1 zoning district at the corner of Cherry and Webster Streets, as well as Cherry Court to the south, which provides access to police vehicles to the adjacent police station. The petitioner proposes to reconfigure the existing building to accommodate six residential units, and to construct a second building with three residential units, for a total of nine. The petitioner intends to construct three interior parking stalls within the new building and reconfigure the existing parking lot to accommodate 11 parking stalls. To construct the project as proposed, the petitioner requires a special permit for ground level residential units, as well as relief from various parking requirements.

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

- Zoning Review Application, prepared by Terrence Morris, attorney, submitted 5/14/2018
- Existing Conditions Site Plan, prepared by Everett M. Brooks, surveyor, dated 4/3/2018
- Proposed Conditions Site Plan, prepared by Everett M. Brooks, surveyor, dated 4/3/2018
- Architectural Plans and Elevations, signed and stamped by Ronald Jarek, dated 9/12/2017
- FAR calculations, signed and stamped by Ronald Jarek, architect, dated 9/12/2017

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to convert the existing building into six residential dwelling units, and to construct a second separate building with three dwelling units, for a total of nine units. Per section 4.4.1, a special permit is required to allow a ground floor residential units in the BU1 zoning district.
2. The existing structure is nonconforming with 2.5 stories, where two stories are the maximum allowed by right in the BU1 zoning district. The petitioner intends to add dormers to the existing structure, rendering the top level as a full third story. The proposed new building will also be three stories. Per section 4.1.2.B.3 and section 4.1.3, a three-story building requires a special permit.
3. The existing structure is nonconforming at 29.5 feet tall, where the maximum allowed by right in section 4.1.3 is 24 feet, and 36 feet by special permit. The petitioner is not increasing the overall height of the existing building, but is proposing dormers above the 24 foot height. The petitioner proposes to construct the second building to 29.7 feet tall. The proposed dormers on the existing building, and the proposed second building both exceed the by right height, and require a special permit per section 4.1.3.
4. The petitioner proposes to construct 12 surface parking stalls and three below grade garage stalls for a total of 15 stalls to service the 9 dwelling units. The required number of parking stalls for a multi-family dwelling is two stalls per unit per section 5.1.4.A, or 18 total required for this proposal. Section 5.1.4 allows the City Council to grant a special permit to reduce the required number of parking stalls for a multi-family dwelling from two stalls per unit to 1.25 per unit. This waiver would reduce the parking requirement for the residential units from 18 stalls to 12. The petitioner requests a special permit for the reduction in parking to 1.25 stalls per unit per section 5.1.4.A.
5. The existing parking is accessed by an existing curb cut on Cherry Street and a second access on the north end of the property from Webster Street. There is also access to the rear of the property from Cherry Court, which is provided by access through the Newton Police Department driveway to the south. The petitioner intends to construct retaining walls closing off the access to the police department property, as well as the access to Cherry Street. After construction, the only access to the property will be with a driveway from Webster Street.
6. Section 5.1.8.B provides the dimensional requirements for parking stalls. Per section 5.1.8.B.1, the minimum width for a stall is 9 feet wide, and per section 5.1.8.B.2, the minimum depth is 19 feet. The petitioner proposes parking stalls in the rear parking area which are 8.5 feet wide. A special permit is required per section 5.1.8.B.1 to reduce the width requirement for parking stalls.

7. Section 5.1.8.C requires a 24 foot-wide aisle width for two-way access to stalls at a 90 degree orientation. The proposed aisle width is 17.2 feet wide with five feet of at-grade pavers used as a walkway. A special permit is required to reduce the aisle width requirement to 17.2 feet where 24 feet is required.
8. Per section 5.1.8.D.1 requires that entrance and exit drives be a minimum of 12 feet wide for one-way use and a minimum of 20 feet wide for two-way use. The driveway off of Webster Street has a proposed width of 16 feet for two-way traffic. A waiver from section 5.1.8.D.1 is required to reduce the required driveway width for two-way traffic to 16 feet from 20 feet.
9. Section 5.1.9.A requires that outdoor parking facilities with more than five stalls provide adequate screening from abutting streets and properties. A fence is proposed along the eastern property boundary with the police station. No vegetative screening is shown on the proposed plans. To the extent that the proposed parking facility does not provide adequate screening from abutting properties, a special permit waiving the provisions of section 5.1.9.A is required.
10. Section 5.1.10.A sets out lighting requirements for parking facilities with more than five stalls. To the extent that the proposed parking areas do not meet the requirements of section 5.1.10.A, a waiver is requested.
11. Section 5.11.3 states that the inclusionary zoning provisions apply to any residential development requiring a special permit. Per section 5.11.4, the petitioner must provide at least 15 percent affordable units of those nine units, which results in one affordable unit. The petitioner proposes to provide one affordable unit and one unit which is accessible.

BU1 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	14,804 square feet	No change
Setbacks <ul style="list-style-type: none"> • Front (Cherry St) • Front (Webster St) • Front (Cherry Crt) • Side • Rear 	10 feet 10 feet 10 feet 17.23 feet (½ building height) 17.1 feet	10 feet >10 feet >10 feet N/A 36.4 feet	No change 15 feet No change 21.6 feet No change
Building Height	24 feet (by right) 36 feet (special permit)	29.5 feet	29.7 feet
Stories	2 (by right) 3 (special permit)	2.5 stories	3 stories
Lot Area Per Unit	1,200 square feet	N/A	1,645 square feet
FAR	1.0		0.92

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1	Request to allow a residential use with ground floor units	S.P. per §7.3.3
§4.1.2.B.3 §4.1.3	To allow a three-story structure at 30 feet in height	S.P. per §7.3.3
§5.1.4.A §5.1.13	To allow a reduction in required parking for a multi-family dwelling to 1.25 stalls per unit	S.P. per §7.3.3
§5.1.8.B.1 §5.1.13	To waive the minimum stall width requirements	S.P. per §7.3.3
§5.1.8.C §5.1.13	To reduce the minimum aisle width requirements	S.P. per §7.3.3
§5.1.8.D.1 §5.1.13	To waive the minimum driveway width	S.P. per §7.3.3
§5.1.9.A §5.1.13	To waive the perimeter landscape screening requirements	S.P. per §7.3.3
§5.1.10.A §5.1.13	To waive lighting requirements	S.P. per §7.3.3

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Gregory Schwartz, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – #424-432 Cherry Street

Date: November 28, 2018

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

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

Site Plan of Land in Newton, MA 423-432 Cherry Street

Dated: April 3, 2018

Prepared By: Everett M. Brooks Company

Executive Summary:

This project entails the renovation of an existing building fronting on Cherry Street and the construction of a new building fronting on Webster Street on a 0.32 Acre (14,199 sf) lot.

The site topography is like a “depress bowl” having highpoints at Webster Street at elevation 54’ that slopes down towards the northeast portion of the lot, as does a high point of 53’ along Cherry Street to the same low point. The site is essentially the low point of the neighboring properties; everything drains from the property limits towards the center of the lot. The engineer of record has designed a stormwater collection & infiltration system consistent with the DPW Stormwater Policy. A test pit is indicated on the proposed site plan; yet no soils log was provided to confirm design assumptions, groundwater elevation, etc. Additionally an Operations and Maintenance plan is need for the long-term maintenance of the proposed systems.



Utilities for the new building will to be provided from Cherry Street. If the existing building is to be renovated by more than 50% then both water and sewer services need to be update.

Access for the proposed conditions is to be provided from an existing driveway apron from Webster Street.



Driveway apron off Webster Street

This driveway apron must be reconstructed to meet ADA & City Standards. The existing apron is approximately 16 feet due to the limits of Webster Street; I recommend that the curb cut be widened to a maximum of 22' as allowed by City Standards which would facilitate better maneuvering of vehicles into and out of the parking lot. The sight distance towards the west is limited; it is recommended that these high bushes be removed for safe egress for proposed conditions, and to see pedestrians within the sidewalk; the proposed conditions plan does not indicate if these bushes will be removed.



These overhanging bushes need to be trimmed back to allow adequate ADA access

The existing apron on Cherry Street is to be closed off, this apron and the sidewalk along this entire frontage is in poor condition and needs to be updated to current standard of cement concrete sidewalk with granite curbing in compliance with ADA and City standards.



Cherry Street sidewalk



Discharge pipe from Police Dept. garage

Based on a site visit today a storm drain pipe discharges from the roof of the Police Department onto to this lot, this needs to be redirected.

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.
2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean.

Drainage:

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

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted to 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. 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.
2. 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.***

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. For water quality issues a fire hydrant will be required at the end of the proposed water main. This hydrant will be utilized for flushing out the main as required.
3. 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.
4. 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. No excavation within City Streets are permitted between November 15th to April 15th unless approved by the Commissioner of the DPW.
3. All tree removal shall comply with the City's Tree Ordinance.
4. 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 is 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*
5. 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.*

6. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
7. 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.***
8. All site work including trench restoration must being completed before a Certificate of Occupancy is issued. *This note must be incorporated onto the site plan.*

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.