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**#s 318-19 & 319-19**

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**Barney Heath**  
Director

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**PUBLIC HEARING/WORKING SESSION MEMORANDUM**

**DATE:** November 15, 2019  
**MEETING DATE:** November 21, 2019  
**TO:** Land Use Committee of the City Council  
**FROM:** Barney Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner for Current Planning  
Michael Gleba, Senior Planner  
**CC:** Petitioner

In response to questions raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at the Land Use Committee public hearing.

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**PETITIONS #s 318-19 & 319-19**

**15-21 Lexington Street**

**Petition #318-19**, for a change of zone to Multi-Residence 3 for portions of land located at **15-21 Lexington Street** (currently zoned Single-Residence 3), also identified as Section 41, Block 35, Lots 2, 3, 4 and 5.

**Petition #426-18- #319-19**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 24-unit multi-family dwelling with a below grade parking garage and surface stalls, to reduce the parking stall depth, to allow restricted end stalls in the garage parking facility, to waive the perimeter screening requirements for the outdoor parking facility, to waive interior landscaping requirements for the outdoor parking facility and to waive the minimum intensity of outdoor lighting of the parking facility on 51,870 sq. ft. of land at 15-21 Lexington Street, Ward 4, West Newton, on land known as Section 41 Block 35 Lots 2-5 in a district zoned SINGLE RESIDENCE 3 (to be rezoned to MU3). Ref: Sec. 7.3.3, 7.4, 3.4.1, 5.1.8.B.2, 5.1.13, 5.1.8.B.6, 5.1.9.A, 5.1.9.B, 5.1.10.A.1 of the City of Newton Revised Zoning Ord, 2017.

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The Land Use Committee (the "Committee") held a public hearing on October 4, 2019 on these petitions. This memo reflects additional information addressed to the Planning Department as of November 13, 2019.

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## **Background**

The subject site is comprised of four parcels located along the west side of Lexington Street just south of the Newton-Waltham line which, taken together, total 51,870 square feet. The petitioners propose to raze an existing single-family house and a three-unit multi-family dwelling and construct a 24-unit multi-family dwelling with below-grade garaged parking stalls and surface parking stalls on the assembled site. To do so, the petitioners are seeking to have the subject parcels rezoned to Multi Residence 3 (MR3) and to be granted a special permit under MR3 zoning to allow for the proposed development.

## **Update**

The petitioner submitted additional and/or modified information on Wednesday, November 13.

In its initial review of the information (much of which appears substantively similar to material provided to Planning Staff on November 5), the Planning Department notes that the petitioner has made changes that address previously raised concerns. These include:

- reducing the proposed number of parking stalls from 51 to the 48 (two per dwelling unit) required by the NZO. Two of the removed spaces were proposed adjacent to an end wall in the below-grade garage (the third was located in the surface parking area in the rear of the property), and their elimination obviates the need for the requested waiver from parking facility maneuverability space. The petitioner has indicated an intent to withdraw that request, and
- “unbundling” the provided parking stalls from the rental of the residential units.

The petitioner has indicated that it is amenable to a special permit condition that would require it to obtain an easement or similar instrument that would require that the landscaping located and/or to located in the area to the rear of the surface parking facility but on the so-called Packard Cove office park property to be continuously maintained.

The petitioner has also stated that it will not be possible to accommodate an accessible van parking within the parking garage due to the design of the garage entrance, etc.

## **Engineering Review**

The petitioner had previously submitted updated material to the Engineering Division for its review and its updated memorandum is attached as **Attachment A**.

## **Sustainability**

The petitioner has submitted a revised sustainability statement. Planning staff has forwarded this document to the Director of Sustainability and will be prepared to discuss any related comments received in advance of the public hearing.

The Planning Department will continue to review the additional materials and will be prepared to discuss them at the public hearing.

## **ATTACHMENTS**

**Attachment A**            Updated Engineering Division memorandum, dated Nov. 6, 2019

# ATTACHMENT A

## 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 – 15-21 Lexington Street

Date: November 6, 2019

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

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

*Site Plan of Land in Newton, MA  
15-21 Lexington Street  
Prepared by: Everett M. Brooks Company  
Dated: September 3, 2019  
Revised: October 30, 2019*

#### Executive Summary:

This application entails the demolition of two dwellings and combining the two lots to erect a 24-unit residential apartment with a parking garage in the basement and surface parking lot on a 51,870 square foot [1.2 acre] site. A new driveway apron is proposed opposite Milton Avenue, the proposed location is near an existing city tree which may have a root system that may extends near this curb cut; if approved the applicant shall consult with the City Tree Warden prior to any construction.

The site has approximately 219-feet of frontage along Lexington Street to the east, bound by a commercial building to the north and the City corporate limit, to the west by a 50-

foot easement and commercial property, and along the south by commercial buildings. The site has a high point at elevation 86-feet near the northeast corner and slopes towards the south-west to a low point of 66-feet near the easement.

The design has incorporated a stormwater collection and infiltration system to comply with the City's 100-year storm event. However, there is a typographical error on the site plan sheet 3 that indicates that system #4 is designed for a 10-year storm event, the calculation confirm it is designed for the 100-year event.

An Operations and Maintenance (O&M) plan for Stormwater Management Facilities is needed 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.

In accordance to the DPW's POLICY FOR SEWER INFILTRATION/INFLOW (I/I) MITIGATION FOR NEW CONNECTIONS AND MODIFICATIONS TO EXISTING CONNECTIONS TO THE MUNICIPAL SEWER SYSTEM an assessment is proposed for this project as follows:

31 bedrooms x 110 gal/day/bedroom x 4:1 x \$19.77 = \$269,662.80 should be contributed toward the mitigation fund.

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 two separate lots be combined into one lot.

Since the total area of disturbance is over one-acre, a NPDES & Storm Water Pollution Prevention Plan will be required.

Upon completion & installation of all municipal utilities, the applicant should replace the sidewalk and reset the curbing as the entire frontage to current standards as they will be altered do to construction.

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:

- 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 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. 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.
3. 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.***

4. 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.

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. Will the building have a generator to provide back-up power?
2. 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*
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.*
9. The contractor of record shall contact the Newton Police Department 48 hours in advanced and arrange for Police detail to help residents & commuters navigate around the construction activity.
10. 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.