



**#14-20**

**City of Newton, Massachusetts**  
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Ruthanne Fuller  
Mayor

Barney S. Heath  
Director

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**PUBLIC HEARING MEMORANDUM**

Public Hearing Date: January 14, 2020  
Land Use Action Date: March 23, 2020  
City Council Action Date: April 6, 2020  
90- Day Expiration Date: April 9, 2020

DATE: January 10, 2020

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Jennifer Caira, Deputy Director  
Michael Gleba, Senior Planner

SUBJECT: **Petition #14-20**, SPECIAL PERMIT/SITE PLAN APPROVAL to allow parking design criteria including waivers to; interior landscaping requirements, lighting requirements, to allow parking accessory to a manufacturing use in a residential district and to allow parking in the front and side setback at **287-289 Newtonville Avenue**, Ward, 2 Newtonville, on land known as Section 22 Block 01 Lots 17 and 13, containing approximately 72,643 sq. ft. of land in a district zoned MANUFACTURING and MULTI RESIDENCE 1. Ref: Sec. 7.3.3, 7.4, 5.1.6.C, 3.2.3, 5.1.8.A.1, 5.1.13, 5.1.9.B, 5.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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



**287-289 Newtonville Avenue**

## **EXECUTIVE SUMMARY**

The property at 287 & 289 Newtonville Avenue consists of two separate parcels. The larger parcel, 289 Newtonville Avenue, is an L-shaped, 65,316 square foot lot at the corner of Newtonville Avenue and Albany Street (a cul-de-sac that dead-ends at the Massachusetts Turnpike to the north). Located in a Manufacturing (MAN) district, it is improved with a one-story warehouse structure building constructed in 1951 that is accessed from Albany Street. The smaller parcel, 287 Newtonville Avenue, is 7,643 square foot wooded lot located in the Multi Residence 1 (MR1) district. The petitioner proposes to combine the two parcels into a single 72,643 square foot lot and construct new parking facilities to serve the existing commercial structure.

Accessed via the existing parking area adjacent to the warehouse building, the proposed expanded parking would utilize a currently paved area as well as unused portions of the larger parcel and a portion of the smaller residentially zoned lot. Per Section 5.1.6.C, of the Newton Zoning Ordinance (NZO), a special permit is required for the construction and operation of a parking facility in a residential district accessory to a use in a business or manufacturing district.

As the proposed parking at the front of the site located partially in a MR1 zoning district would otherwise be required per section 5.1.8.A to be located outside of the 25 foot front and 7.5 foot side setbacks required per section 3.2.3, and the remaining proposed parking, located in MAN-zoned areas of the lot (i.e., at the corner of Newtonville Ave. and Albany Street and along the latter street), would be required to be outside the 5-foot side and rear setbacks for parking per Section 4.3.3, a special permit is required to allow the parking proposed within various front and side setbacks on the combined parcel.

Per Section 5.1.9.B, outdoor parking facilities with more than twenty stalls are required to provide interior landscaping, with an area equivalent to at least five percent of the total parking facility with a minimum 25 square feet, and with no dimension less than five feet. Further, there must be at least one tree per each ten parking stalls. While significant perimeter landscaping is proposed at the front parking area, no interior landscaping is proposed. The petitioner requires the interior landscaping requirements to be waived per Sections 5.1.9.B and 5.1.13.

Lastly, the petitioner seeks a waiver from the requirements of Section 5.1.10.A which requires that parking facilities used at night are required to have security lighting with a minimum intensity of one foot candle on the entire surface of the parking facility.

### **I. SIGNIFICANT ISSUES FOR CONSIDERATION:**

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

- The specific site is an appropriate location for the proposed parking accessory to a manufacturing use in a residential district (§7.3.3.1);

- The proposed parking accessory to a manufacturing use in a residential district will not adversely affect the neighborhood (§7.3.3.2);
- Access to the site over streets is appropriate for the types and numbers of vehicles involved with the proposed parking accessory to a manufacturing use in a residential district (§7.3.3.3);
- There will be no nuisance or serious hazard to vehicles or pedestrians associated with the proposed parking accessory to a manufacturing use in a residential district (§7.3.3.4);
- Granting the requested exceptions to provisions Section 5.1 related parking in the front and side setback (§3.2.3, §5.1.8.A.1), interior landscaping requirements (§5.1.9.B), and lighting requirements (§5.1.10) would be appropriate because literal compliance 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 site is located on the northwest corner of Newtonville Avenue and Albany Street and is bounded by the Massachusetts Turnpike to the north. The properties on either side of Albany Street (including the 287 Newtonville Avenue parcel), as well as those in the vicinity to the east along the north side of Newtonville Avenue, are zoned Manufacturing (MAN); the 289 Newtonville Avenue parcel, as well as those along the south side of Newtonville Avenue and those to the west along the north side of that street are zoned Multi- Residence 1 (MR1), with an exception being a large Multi-Residence 3 (MR3) parcel to the south. The area features a mix of land uses, with two-family dwellings predominating in the immediate area to the west (including an immediate abutter) and south of Newtonville Avenue (a notable exception being an assisted living facility on the MR3-zoned parcel referred to above) and commercial and/or non-profit uses located on MAN-zoned parcels to the east/northeast of the site (**Attachments A and B**).

### B. Site

The subject property at 287 & 289 Newtonville Avenue consists of two separate parcels. The larger parcel, 289 Newtonville Avenue, is an L-shaped, 65,316 square foot lot at the northwest corner of Newtonville Avenue and Albany Street improved with a one-story warehouse structure building constructed in 1951 that is accessed from Albany Street. The smaller parcel, 287 Newtonville Avenue, is 7,643 square foot wooded lot located in the Multi Residence 1 (MR1) district.

The currently undeveloped portion of the subject property is wooded and at a higher, by several feet, grade than the surrounding streets and the developed portion of the 287 Newtonville Ave. parcel.

### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

The site is currently a vacant warehouse structure with associated paved parking and maneuvering areas and adjacent wooded areas.

#### B. Site Design- Parking, Landscaping, and Lighting

This petitioner proposes to construct an expanded paved parking area on the combined property, including on wooded portions of the two lots. The site currently has four surface parking stalls. As designed, the project would result in the creation of 40 parking stalls on the site, 36 more than the four currently identified existing stalls, as well as four loading bays and a six- bicycle parking rack. The parking facility would be accessed via the cul-de-sac portion of Albany Street, and a one way exit would be provided on Albany Street near its intersection with Newtonville Avenue.

Thirteen stalls (including two accessible spaces) and the four loading bays would be located in the now-paved area between the warehouse structure and the end of Albany Street. Twenty-seven additional stalls would be created in the now-wooded portion of the combined lots at the corner of Newtonville Avenue and Albany Street, with 14 of those extending in part across the currently existing lot line and into the MR1-zoned 289 Newtonville Avenue parcel. The grade of this area of the property to be used for the new parking area would be lowered somewhat, by approximately 2-3 feet. The parking facility would extend in certain locations into the front and sides setbacks of the combined lot.

As designed, the proposed changes to the site require special permit relief to allow parking accessory to a manufacturing use in a residential district (§5.1.6.C) and allow parking in front and side setbacks (§3.2.3, §5.1.8.A.1, §5.1.13).

Regarding the parking accessory to a manufacturing use that would be located on the residentially-zoned portion of the property, the Planning Department notes that those 14 spaces would be located approximately 40 feet from the abutting residential property and that significant new vegetative screening would be installed between the parking and the residence. While that landscaping and the lowered grade of the proposed parking area should minimize its visual impact on the nearby dwellings, the Planning Department recommends the petitioner consider also installing fencing along or within the buffer to further shield the abutting residence to the west from the headlights of cars using the spaces that

would be located on the residentially-zoned portion of the subject property.

The Planning Department notes that the parking that would be within front or side setbacks are located at the corner of Newtonville Avenue and Albany Street and along the latter, locations which would feature vegetative screening, including new trees. Some parking would also be located along the Massachusetts Turnpike at the north end of the site where the petitioner proposes to install 11 trees (including 10 arborvitaes).

Further, parking facilities with 20 stalls or more require interior landscaping of an area equivalent to 5% of the total parking facility with a minimum of 25 feet of landscaping (§5.1.9.B). No interior landscaping is proposed, and the petitioner is proposing instead perimeter landscaping where the site abuts a dwelling on Newtonville Avenue, along its frontage on that street, along Albany Street and along a portion of the boundary line it shares with the Massachusetts Turnpike. The proposed landscaping includes 18 new deciduous and 26 evergreen trees as well as the preservation of 13 existing mature trees. The Planning Department notes that this approach allows for landscaping to be installed where it would provide for a greater separation/buffer of the parking from the adjoining residential uses.

The petitioner is also seeking relief from the minimum lighting requirements of the NZO (§5.1.10) which states that parking facilities used at night must have security lighting with a minimum of one-foot candle. The petitioner has submitted a photometric study showing that while the lighting on the vast majority of the parking area will meet, and often significantly exceed that requirement, there might be some instances at the perimeter of the site, especially along Albany Street where the lighting levels might be slightly below the standard.

(It should be noted that in the landscaped buffer between the subject property and the abutting residential property the lighting levels would, appropriately, be well below one candle foot, as low as 0.1 foot candle, along the property line.)

The Planning Department is generally unconcerned with the requested waiver from the minimum lighting requirement as it is widely accepted that one-foot candle is unnecessarily high in intensity. Also, as the subject property abuts several residential uses, the Planning Department suggests that the petitioner consider lowering the proposed parking's light levels downward, closer to the required minimum level, so as to limit the visual impacts on those residences.

#### IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**Attachment C**) provides an analysis of the

proposal regarding zoning. Based on the Memorandum, the petitioner is seeking the following relief:

- Special Permit per §7.3.3 to:
  - allow parking accessory to a manufacturing use in a residential district (§5.1.6.C)
  - allow parking in the front and side setback (§3.2.3, §5.1.8.A.1, §5.1.13)
  - waive interior landscaping requirements ( §5.1.9.B, §5.1.13)
  - waive the lighting requirements (§5.1.10, §5.1.13)

B. Engineering Review:

The Associate City Engineer submitted an Engineering Review Memorandum (**Attachment D**) providing an analysis of the proposal with regard to engineering issues.

Among other issues, the memo indicated that the project would result in “a reduction of surface water runoff and water quality will be improved” That said, as detailed in the memo, Engineering did note that the drainage collection system would need to be raised approx. 9.5 inches to get it above seasonal high ground water elevation and requested that, as a public benefit, the design of the curb cut and curb line associated with the sidewalks to be constructed along Newton Wille Avenue and Albany Street adjacent to the site be modified to shorten the existing crossing from 53-feet to 46-feet “to enhance public safety of pedestrians using the sidewalks.”

The petitioner should be prepared to address these, and the other issues raised in the memo in advance of the public hearing and/or any subsequent working session(s).

V. PETITIONER’S RESPONSIBILITIES

The petition is complete at this time.

**ATTACHMENTS:**

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



Land Use

287-289

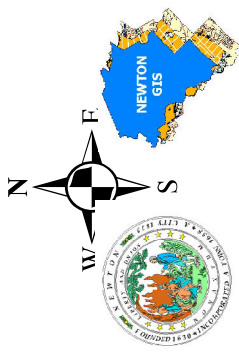
Newtonville Ave.

City of Newton,  
Massachusetts

Land Use

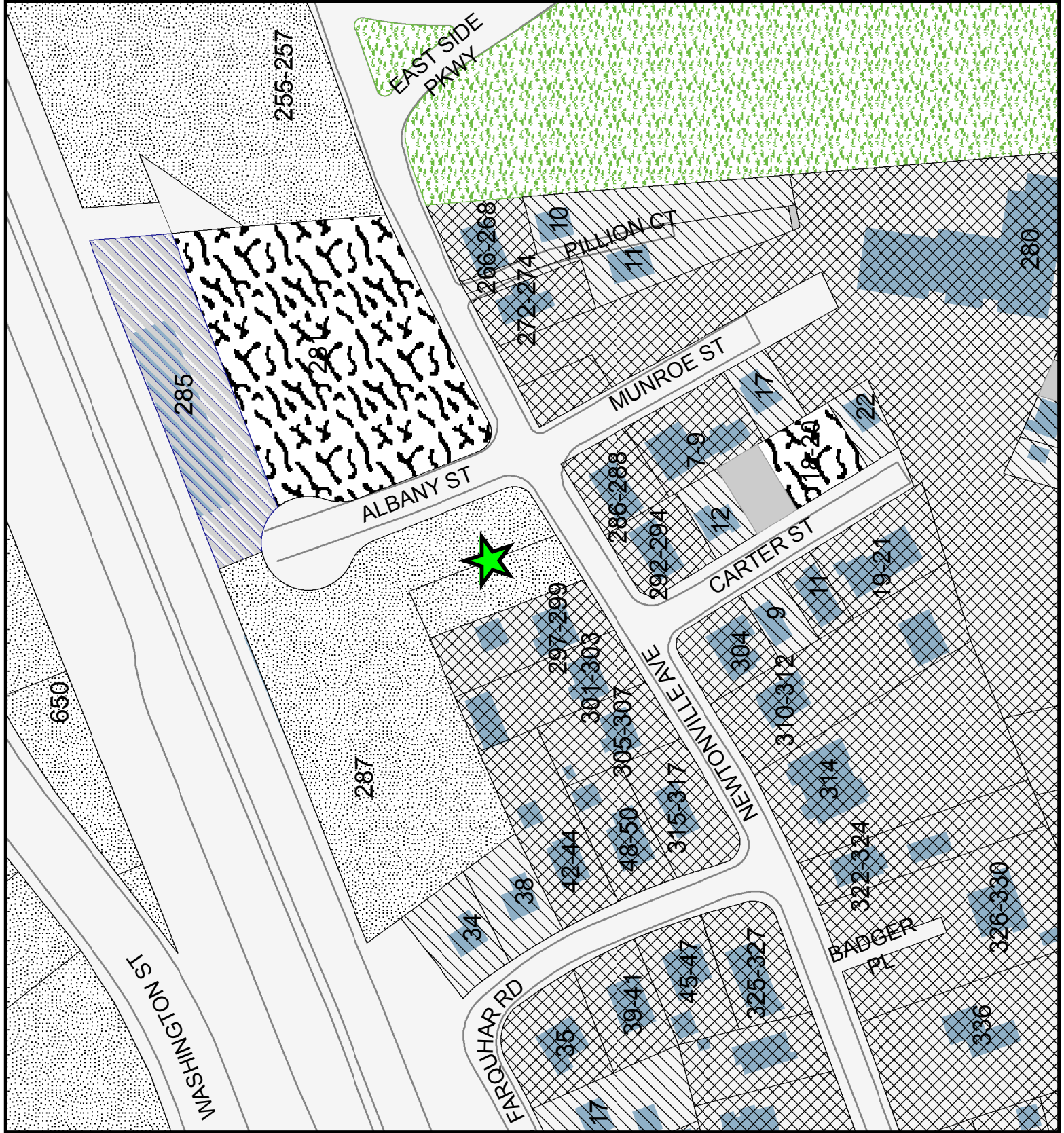
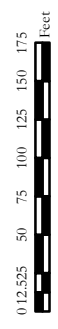
Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- 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





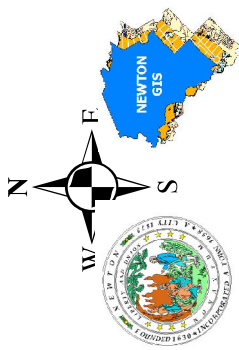
Zoning

287-289

Newtonville Ave.

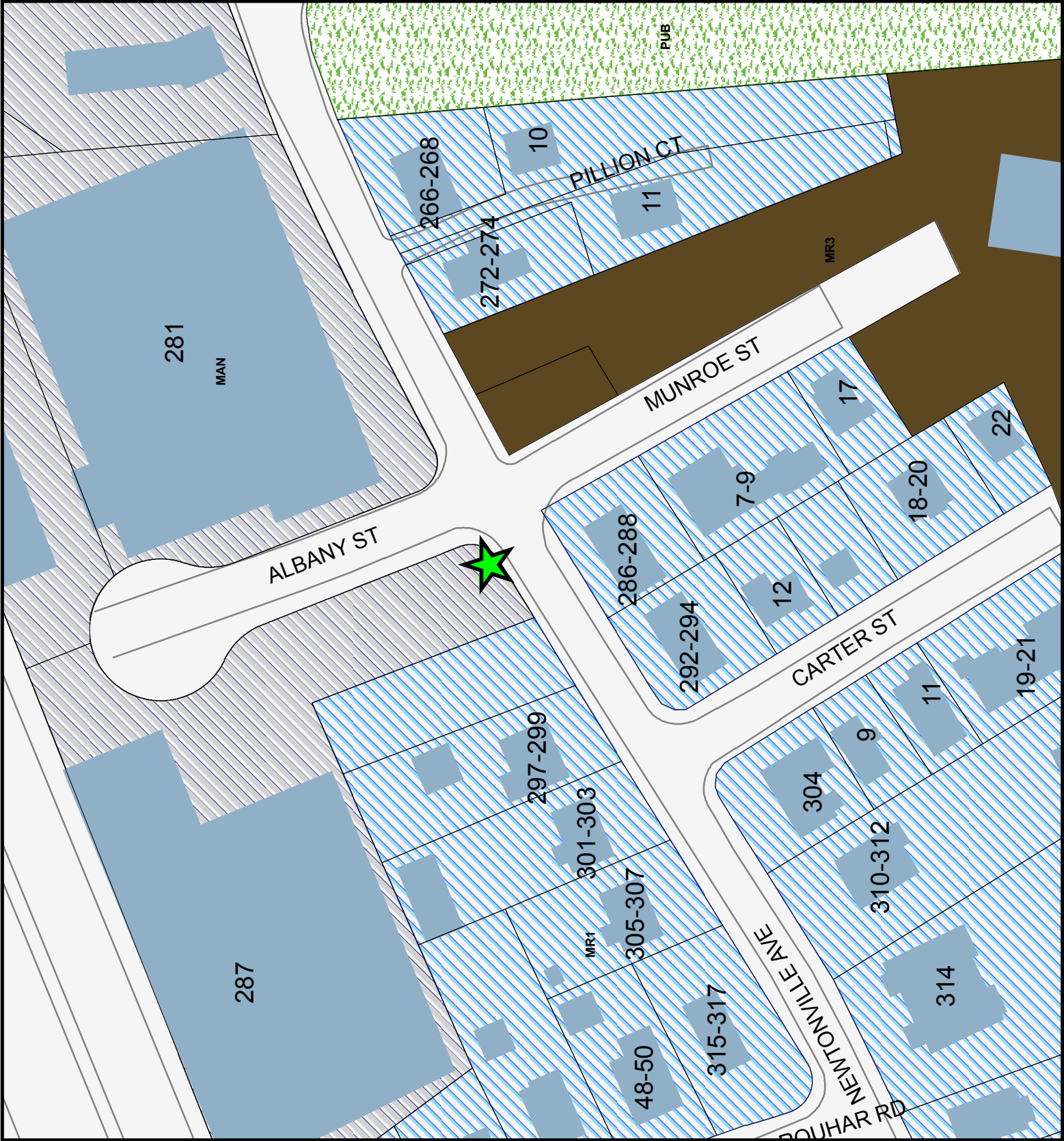
City of Newton,  
Massachusetts

- Multi-Residence 1
- Multi-Residence 3
- Manufacturing
- Public Use



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







Ruthanne Fuller  
Mayor

## ATTACHMENT C

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Barney S. Heath  
Director

### ZONING REVIEW MEMORANDUM

Date: November 21, 2019

To: John Lojek, Commissioner of Inspectional Services

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

Cc: POFCO, Inc, applicant  
G. Michael Peirce, Attorney  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: Request for waivers from parking design criteria

Petitioner: POFCO, Inc	
Site: 287 and 289 Newtonville Avenue	SBL: 22001 0017 and 22001 0013
Zoning: MAN and MR1	Lot Area: 72,643 square feet (combined)
Current use: warehouse	Proposed use: warehouse and parking lot

#### BACKGROUND:

The property at 287-289 Newtonville Avenue consists of two separate parcels with a combined total of 72,643 square feet. The larger rear lot is located in the Manufacturing district and is improved with a one-story warehouse building constructed in 1951 accessed from Albany Street (a paved public way that presents more as a driveway) with some Newtonville Avenue frontage. The smaller wooded front parcel is 7,643 square feet and located in the Multi Residence 1 district with Newtonville Avenue frontage. The petitioner proposes to redesign existing parking and construct additional accessory parking for the commercial building on the vacant portion of the larger parcel and a portion of the smaller parcel.

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

- Zoning Review Application, prepared by G. Michael Peirce, attorney, dated 10/10/2019
- Plan of Land, prepared by Feldman Land Surveyors, dated 3/17/2009
- Proposed Plan, prepared by Lafreniere Architects, dated 10/9/2019

## ADMINISTRATIVE DETERMINATIONS:

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1. The project site consists of two lots, with frontage along Newtonville Avenue and Albany Street. The front 7,643 square foot wooded lot is in a Multi Residence 1 zoning district. The petitioner intends to redesign the existing parking at the rear of the site and utilize a portion of the residentially zoned front lot to construct additional parking for the commercial building. Per section 5.1.6.C, a special permit is required for the construction and operation of a parking facility in a residential district accessory to a use in a business or manufacturing district.
2. The petitioner proposes to redesign the existing parking areas adjacent to the building, as well as construct a new parking area at the front of the property. The existing parking in the rear portion of the lot is located in the Manufacturing district, which requires 5-foot side and rear setbacks for parking per section 4.3.3. The reconfigured parking meets this requirement. The proposed parking at the front of the site is located partially in the Manufacturing zoning district and partially on a portion of the parcel in the Multi Residence 1 zoning district, which requires that parking be located outside of the front and side setbacks per section 5.1.8.A. The required front setback for the residentially zoned parcel is 25 feet and the required side setback is 7.5 feet per section 3.2.3, and parking is proposed within the front and side setbacks on the residentially zoned parcel.
3. Outdoor parking facilities with more than twenty stalls are required to provide interior landscaping per section 5.1.9.B. An area equivalent to at least five percent of the total parking facility must be landscaped with a minimum 25 square feet and with no dimension less than five feet. Further, there must be at least one tree per each ten parking stalls. While significant perimeter landscaping is proposed at the front parking area, no interior landscaping is proposed. The petitioner requires the interior landscaping requirements to be waived per sections 5.1.9.B and 5.1.13.
4. Section 5.1.10.A requires that parking facilities which are used at night have security lighting with a minimum intensity of one foot candle on the entire surface of the parking facility. The petitioner seeks a waiver from the requirements of section 5.1.10.A.
5. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§5.1.6.C	To allow parking accessory to a manufacturing use in a residential district	S.P. per §7.3.3
§3.2.3 §5.1.8.A.1 §5.1.13	To allow parking in the front and side setback	S.P. per §7.3.3
§5.1.9.B §5.1.13	To waive interior landscaping requirements	S.P. per §7.3.3
§5.1.10 §5.1.13	To waive the lighting requirements	S.P. per §7.3.3

# ATTACHMENT D

## CITY OF NEWTON Department of Public Works ENGINEERING DIVISION

### MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 287 & 289 Newtonville Avenue

Date: January 9, 2020

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

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

Permit Site Plan for 287 & 289 Newtonville Avenue  
Warehouse Facility Improvements  
Prepared by: Hancock Associates  
Dated: 15/5/'19

#### Executive Summary:

This application entails the rehabilitation of an existing abandoned warehouse and construction of an expanded paved parking lot on the wooded portion of two lots that total 72,643 square feet (1.67 acres). The site is bound on the north by the Mass turnpike, on the east by Albany Street (45' wide Public Way), to the south by Newtonville Avenue, and on the west by residential homes. The proposed parking will be sited on the wooded portion of the lot with 27 standard (9'x19') stalls with an entrance from the cul-de-sac portion of Albany Street, and a one way exit onto Albany Street near the intersection of Newtonville Avenue (see photo).



*Looking northwesterly at 287 Newtonville Avenue*

If the special permit is approved an Approval Not Required [ANR] plan will be required in accordance to Massachusetts General Laws Chapter 41 Section 81P requiring the two separate lots to be combined into one lot.



*View from Albany Street looking towards the Masspike*



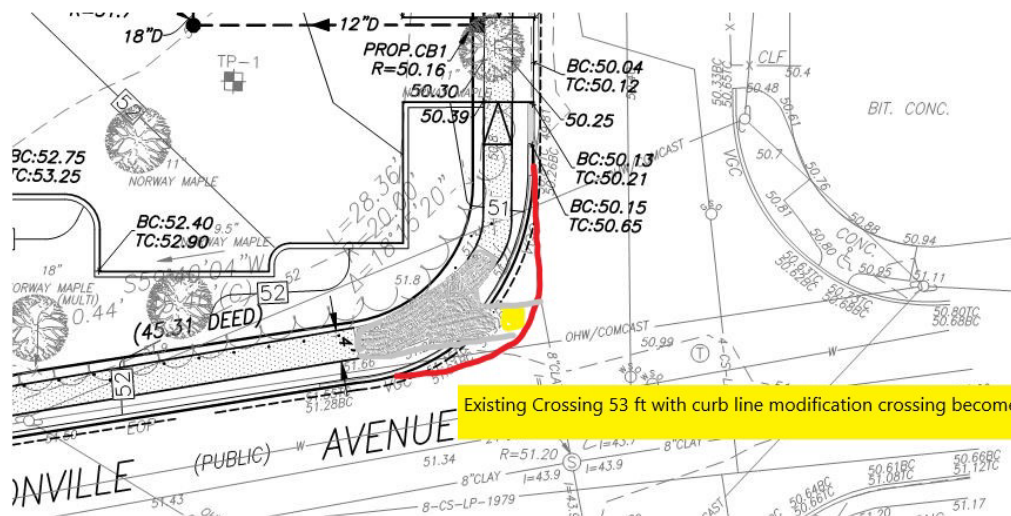
The design entails a drainage collection system to receive stormwater runoff from the new parking lot and will be infiltrated beneath the new paved surface. The drainage calculations demonstrate that there will be a reduction of surface water runoff and water quality will be improved with the use of deep sump catch basins, gas trap outlets and Stormtec infiltration chambers. Proposed catch basin #2 should however be piped to a drain manhole that discharges to the proposed Stormtec system to enhance water quality and infiltrate runoff collected at this basin. The remainder of the existing paved parking lot and the Stormtec system will have an overflow connection to an existing City drain pipe at the end of Albany Street, prior to final approval of the Building Permit, a Closed Circuit Television (CCTV) inspection shall be performed and witnessed by the Engineering Division for Pre & Post construction from the connection point of the manhole on Albany Street towards the downstream manhole or outfall.

Based on the details of the Stormtec system and the soils logs, the bottom of the system is only 1.2-feet above the seasonal high groundwater elevation, DEP requires a 2-foot separation, therefore the system needs to be raised by approximately 9.5-inches.

The Operations and Maintenance plan submitted needs to be modified to include required cleaning intervals of the all the catch basins, trench drains, infiltrations units and sweeping intervals of all parking lots, additionally the inspections and leaning of roof drains and gutters. Once this has been updated the O&M must be registered at the Middlesex Registry of Deeds, and a copy of the recording instrument must be submitted to Engineering.

Once the Building Permit is approved Engineering will require an on-site preconstruction meeting to review scheduling, siltation control.

The site plan indicates that new cement concrete sidewalks will be provided along Newtonville Avenue and Albany Street up to the beginning of the *cul-de-sac*, however; the design skips over the existing ADA pedestrian curb cut at the intersection which is not compliant; as a public benefit I would request that the curb cut and curb line be modified by approximately 7-feet (as shown below) to make the exiting crossing to be shortened from 53-feet to 46-feet, and to enhance public safety of pedestrians using the sidewalks.



#### 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.

#### 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. The detail of the proposed trench drain indicates only 6" of concrete encasement beneath the unit, to prevent frost heave I am recommending that this be increased to 4-feet below the unit.

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. The site plan does not indicate the size and location of the new water & sanitary services, these need to be indicated.
2. 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.
3. All new sewer service(s) shall be pressure tested in accordance to 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.
4. All sanitary sewer manhole(s) shall be vacuum tested in accordance to the City's Construction Standards & Specifications, the sewer service and manhole will NOT be accepted until the manhole(s) pass the testing requirements. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy

will not be recommended until this test is completed to the satisfaction of the City Engineer and a written report of the test results is submitted to the City Engineer.

5. 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".
6. 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.
7. For water quality issues a fire hydrant will be required at the end of the proposed water main/service. This hydrant will be utilized for flushing out the main as required.
8. All water services shall be chlorinated, and pressure tested in accordance to the AWWA and the City Construction Standards & Specifications prior to coming online. These tests MUST be witnessed by a representative of the Engineering Division.
9. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division, the engineer of record shall submit a plan to the Director of Utilities for approval.

*Infiltration & Inflow (I&I):*

- In accordance to the City Ordinance number B-45 Chapter 29; for a warehouse facility and Title V flow rate of 15 gallons per day per person an assessment at the 4:1 reduction and a \$22.02 [Transmission & Treatment] cost to the City equates to:

$$\$22.02 \times 15 \times 1 \times 4 = \$1,312.20$$

The City Engineer recommends that the Commissioner of DPW waive this insignificant mitigation fee assessment as outlined in the Ordinance.



General:

1. 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.*
2. All tree removal shall comply with the City's Tree Ordinance.
3. 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.*
4. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.
5. 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.*
6. 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.*
7. 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.
8. 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.

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

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

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to

allow parking accessory to a manufacturing use in a residential district (§5.1.6.C), allow parking in front and side setbacks, and grant exceptions to certain parking facility interior landscaping and lighting requirements,  
as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed parking accessory to a manufacturing use in a residential district given the proposed parking facility's distance from nearby residences and the parking facility will be well-screened by appropriate landscaping that will be required to be installed and maintained (§7.3.3.1);
2. The proposed parking accessory to a manufacturing use in a residential district will not adversely affect the neighborhood given the proposed parking facility's distance from nearby residences and the parking facility will be well-screened by appropriate landscaping that will be required to be installed and maintained (§7.3.3.2);
3. Access to the site over streets is appropriate for the types and numbers of vehicles involved with the proposed parking accessory to a manufacturing use in a residential district (§7.3.3.3);
4. There will be no nuisance or serious hazard to vehicles or pedestrians associated with the proposed parking accessory to a manufacturing use in a residential district (§7.3.3.4);
5. Granting the requested exceptions to provisions of Section 5.1 related to parking in front and side setbacks, interior landscaping requirements, and lighting requirements (§5.1.10) would be appropriate because such exceptions would be in the public interest as they would provide for better screening and reduce the visual impact of the proposed parking facility from adjacent public ways and abutting residential properties and allow the preservation of existing environmental features, including several existing mature trees (§5.1.13).

PETITION NUMBER: #14-20

PETITIONER: POFCO, Inc.

LOCATION: 287 and 289 Newtonville Avenue, on land known as Section 22 Block 01 Lots 13 and 17, containing approximately 72,643 square feet of land

OWNER: POFCO, Inc.

ADDRESS OF OWNER: 234 Congress Street  
Boston, MA 02110

TO BE USED FOR: Warehouse and parking facility uses

CONSTRUCTION: Site Work (at-grade parking, drainage and landscaping

EXPLANATORY NOTE: Special Permit per §7.3.3 to:

- allow parking accessory to a manufacturing use in a residential district (§5.1.6.C);
- allow parking in the front and side setback (§3.2.3, §5.1.8.A.1, §5.1.13);
- waive interior landscaping requirements ( §5.1.9.B, §5.1.13);
- waive the lighting requirements (§5.1.10, §5.1.13).

ZONING: Manufacturing (MAN) and Multi-Residence 1 (MR1)

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent the following:
  - a. a plan entitled “Existing Conditions Plan, 287 & 291 Newtonville Avenue, Newtonville, Mass.,” prepared by Feldman Land Surveyors, dated October 1, 2019, signed and stamped by Damien J. Raffle, Professional Land Surveyor, on November 27, 2019;
  - b. a set of plans entitled “Permit Site Plan for 287 & 298 Newtonville Avenue, Existing Warehouse Facility Improvements,” prepared by Hancock Associates, dated December 5, 2019, signed and stamped by Anthony Bonato, Registered Professional Engineer, including the following sheets:
    - i. Title Sheet (Sheet 1),
    - ii. Layout & Materials Plan (Sheet 2),



- iii. Grading & Drainage Plan (Sheet 3),
  - iv. Utility Plan (Sheet 4),
  - v. Erosion & Sedimentation Control Plan (Sheet 5),
  - vi. Details Plan (Sheet 6),
  - vii. Details Plan (Sheet 7);
  - c. a plan entitled "Permit Site Plan, 287 & 289 Newtonville Avenue, Newton , Massachusetts 02460, Landscape Plan," prepared by Hancock Associates, dated November 27, 2019, signed and stamped by James K. Emmanuel Registered Landscape Architect;
  - d. a plan entitled "287 Newtonville Avenue, Exterior Lighting Photometric Calculation," prepared by Apex Lighting Solutions," dated November 26, 2019.
2. Prior to the issuance of any building permit for the Project, the petitioner shall provide an Approval Not Required ("ANR") plan combining the two lots into one lot to the City Engineer for review and approval. Once approved, the ANR plan must be recorded at the Middlesex South Registry of Deeds. A certified copy of the ANR plan shall be submitted to the Engineering Division of Public Works and the Commissioner of Inspectional Services.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
- a. Recorded a certified copy of this Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
  - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
  - e. Provided a Final Landscape Plan for review and approval by the Director of Planning and Development.
  - f. Provided a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Registry of Deeds for the Southern District of Middlesex County. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
  - g. Submitted a final Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, the City Engineer, and the Director of Transportation. 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.

- h. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
- 4. No Occupancy Permit/Final Inspection for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
  - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and digital format.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
  - d. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
- 5. Notwithstanding the provisions of Condition #3 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provided that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.
- 6. All landscaping shall be maintained in good condition and shall be replaced with similar material as necessary.