



Ruthanne Fuller
Mayor

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Department of Planning and Development
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Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: June 5, 2020
MEETING DATE: June 9, 2020
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
Katie Whewell, Senior Planner
CC: Petitioner

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

PETITION #169-20

148 Pine Street

Special Permit/Site Plan Approval to change the existing nonconforming use from the existing two-family use to three single-family dwellings on one lot, and to determine appropriate density and dimensional controls.

The Land Use Committee (the "Committee") held a public hearing on this petition on Tuesday April 28, 2020. The public hearing was held open for the petitioner to respond to questions and concerns raised in the Planning Department's memorandum and at the public hearing by the Committee as well as by members of the public. This memo reflects those issues and concerns, as well as revised materials submitted by the petitioner as of June 5, 2020.

Background

The subject property located at 148 Pine Street consists of 18,235 square feet of land, improved with a two-family dwelling constructed circa 1890. The property is located within the Single Residence 3 (the "SR-3") zone in Auburndale. Two-family dwellings are not allowed within the SR-3 zone; as such, the use is legal nonconforming. The petitioner proposes to raze the existing structure to construct three single-family dwellings. Three single-family dwellings are not allowed on one lot; therefore, the petitioner requires a special permit to convert the existing nonconforming two-family residential use to a new nonconforming use comprised of three single-family dwellings. As three single-family dwellings are not allowed by right, the Newton Zoning Ordinance "Ordinance" states that the City

Council determine the density controls for the use and whether the proposed dimensional controls are appropriate.

In the Public Hearing Memorandum, the Planning Department expressed its concerns with the challenges posed by the steep grade change of 11 feet from the front to the rear of the lot presents to locate three single-family dwellings on the site with the proposed dimensional controls. The Planning Department has concerns with the proposed front setbacks of Units 1 and 3 as well as the relationship between Units 1 and 2.

As there are no dimensional controls set forth in the Ordinance for three single-family dwellings on one lot, the City Council must determine the appropriate dimensional and density controls for the site and whether the dimensional and density controls set forth for the site and project as designed are appropriate. The proposed dimensional controls are as follows:

Table 1. Proposed Density and Dimensional Controls

| | Unit 1 | Unit 2 | Unit 3 | Required for single-family detached dwellings in SR-3 district |
|--------------------------|-----------------------------------|-----------------------------------|------------------------------------|--|
| Front Setback | 36.2 feet | 100+ feet | 11 feet | 25 feet/30 feet rear lot |
| Side Setbacks | East: 16.6 feet West: 7.9 feet | East: 100+ feet West: 7.9 feet | East: 57.6 feet West: 100+ feet | 7.5 feet |
| Rear Setback | 85+ feet | 25.4 feet | 31.3 feet | 15 feet |
| Stories | 2.5 | 2.5 | 2.5 | 2.5 |
| Height | 34.83 feet | 32.33 feet | 32.33 feet | 36 feet |
| Frontage | 39.3 feet | | | 70 feet |
| Lot Coverage | 17.93% | | | 30% |
| Open Space | 63.68% | | | 50% |
| Lot Area Per Unit | 6,078 square feet/unit | | | 10,000 square feet/unit |
| FAR | .36 | | | .38 |

Relationship between Units 1 and 2

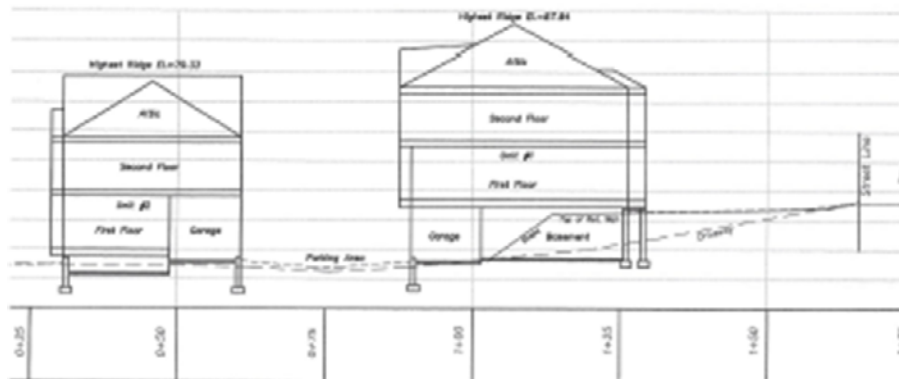
The Planning Department requested elevations that show both Units 1 and 2 to better understand how the structures will relate to each other and the street due to the grade of the lot. The front elevation below shows Unit 1 in the foreground and Unit 2 at a lower grade to the rear of Unit 1. These units are 28.6 feet apart, with little to no screening directly between the units. Staff believes there may not be

enough distance or screening between the two units to allow for sufficient visual and acoustic privacy. The Planning Department implores the petitioner to consider providing a greater distance between Units 1 and 2, shifting Unit 2 so it is not directly behind Unit 1, or remove or relocate the parking between them to provide screening. The Petitioner may also choose to demonstrate that privacy will be maintained between units.

Units 1 and 2 as viewed from the Pine Street



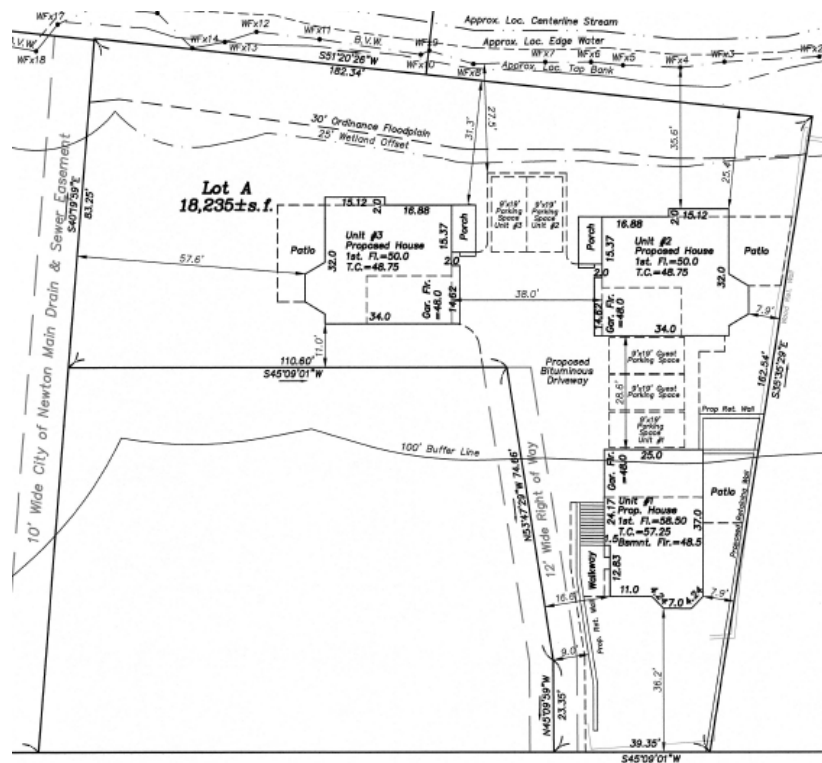
Sections of Units 1 (right) and 2 (left)



Front Setback – Unit 3

Due to the shape of the lot, Unit 3's front setback is measured from the rear lot line of the abutting parcel. The Planning Department remains concerned with the 11 feet proposed from Unit 3 to the rear of the abutting lot at 146 Pine Street. Staff recognizes that the placement of this unit along with Unit 2 affords the most distance from the resource area, but when comparing to the standards for a single-family detached dwelling on a rear lot, which this configuration is most similar to; a 30-foot front setback from the front lot is required for a principal structure.

Proposed Site Plan



Conservation

Much of the site is located within the 100-foot buffer of an intermittent stream and a smaller portion of the site is located within 30 feet of a floodplain; both conditions require review and approval from the Conservation Commission. The petitioner appeared before the Conservation Commission and was issued an Order of Conditions, dated February 21, 2020 (**Attachment A**). Conditions include but are not limited to location of snow storage on site, the proposed planting area, removal of poor-quality soil and replacement with high quality soil, and the approved Operations and Maintenance Plan.

Parking

Members of the Committee questioned the number of parking stalls and as a result, the amount of paving was necessary. The petitioner is providing six parking stalls for the three dwelling units, per the Ordinance, and two guest stalls. The petitioner stated that to minimize the impact on the resource areas and reduce the amount of pavement, all the surface parking of the parking spaces will be permeable pavers. The Planning Department is unconcerned with the additional parking on site as it will keep visiting vehicles off Pine Street.

ATTACHMENTS:

Attachment A: Order of Conditions, dated February 21, 2020
Attachment B: DRAFT Council Order



Ruthanne Fuller
Mayor

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

Attachment A

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(617) 796-1120
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(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

February 21, 2020

Vincent Mastroianni
148 Pine Realty Trust
11 Pine Meadow Drive
Newton, MA 02465

RE: Order of Conditions and
Certificate of Understanding
Site: 148 Pine Street
DEP#: 239-856

Dear Mr. Mastroianni:

Enclosed you will find the Order of Conditions (the Order) issued pursuant to the Wetlands Protection Act, General Laws, Ch. 131, Sec. 40 and pursuant to the Newton Floodplain/Watershed Protection Ordinance, Section 22-22, for the above-referenced project.

No work on the project may begin until the following requirements have been satisfied:

- ☐ You have read and understand the enclosed Order of Conditions (especially Newton's Findings and Special Conditions). It is the responsibility of the owner/applicant to ensure that all conditions and approved plans are complied with. Deviation from the approved plans or conditions may result in a stop work order or further enforcement.
- ☐ The **owner** has signed and returned to me the attached Certificate of Understanding.
- ☐ The **10-business day appeal period** had elapsed. The appeal period begins on the date of issue (pages 1 and 11 of the Order).
- ☐ You have recorded the original Order and Newton's Special Conditions at the Middlesex South Registry of Deeds and have forwarded proof of recording to the Conservation Commission and to the Building Department. The Order is not valid until it is recorded.
- ☐ Special conditions include, but are not limited to:
 - a. Scheduling and attending a pre-construction site visit.
 - b. The secondary compost sock proposed to demarcate the mitigation planting area must be placed immediately after site demo and remain in place as a visual barrier to construction efforts that equipment shall not enter.
 - c. The bounded mitigation planting area must be installed per the approved plans. Substitutions of species or sizes must be approved by the Conservation Office in advance. 75% of all trees and shrubs and 75% aerial coverage of perennials must survive at for 2 growing seasons in order to qualify for a Certificate for Compliance.
 - d. The 8"-deep grass swale designed to channel runoff from 136 Pine St. around the infiltration area and to the brook must be installed as per the approved plans and must be revised, if needed, to channel flow during high rainfall events. Grading along the property boundary between 148 and 146 Pine Street shall in no way impede the flow of surface runoff from 146 Pine St to Brunnen Brook.
 - e. At least 18" of poor-quality soil must be removed from the restoration area and replaced in with high quality sub-soil and topsoil prior to installation of any plantings.
 - f. No net fill can be brought into the City flood zone. Final grades may not exceed existing grades. This must be confirmed on the as-built plan.
 - g. Snow may not be pushed or stored within the bounded mitigation planting area. Snow may not be pushed or stored in any areas not identified on the snow management plan. Snow signage and fencing shall be maintained in perpetuity.
 - h. The required mitigation planting area shall bounded and be maintained in perpetuity in its predominantly natural condition.
 - i. The approved Operations and Maintenance Plan is appended hereto and must be adhered to.

Upon completion of the project, you must:

- ☐ Submit a "Request for a Certificate of Compliance" (state WPA Form 8a).
- ☐ Submit a letter from an engineer stating that the project was completed in substantial compliance with the order and plans.
- ☐ Submit an engineer-stamped and signed "as-built plan."

If you have any questions, please don't hesitate to contact the office at 617-796-1134.

For the Commission,

Claire Rundelli
Assistant Environmental Planner

*Enclosures: Order of Conditions
Certificate of Understanding*

CC: Wetlands Division, DEP - NERO, 205B Lowell St., Wilmington, MA 01887

**Certificate of Understanding re
Conditions and Restrictions in Wetlands and Buffer Zones**

Street Address: _____

DEP File # _____

Owner: _____

OOC Issue Date: _____

I, _____, one of the owners of _____, Newton,
Massachusetts, do hereby acknowledge and understand that:

| | |
|---|-----------------------|
| • A portion of my property lies within buffer zones and/or wetlands and that any new work within this area is subject to review and approval by the Conservation Commission, | <i>initials</i> _____ |
| • I, as property owner, am responsible for all work on my property even if it is conducted by private contractors, | <i>initials</i> _____ |
| • I have received and read and understand all the conditions established in the referenced Order of Conditions (OOC), | <i>initials</i> _____ |
| • I have recorded the OOC at the Registry of Deeds and submitted proof of recording to the Conservation Office and Building Dept./ISD. | <i>initials</i> _____ |
| • There are specific requirements PRIOR to the start of work, | <i>initials</i> _____ |
| • There are specific requirements DURING construction and work, | <i>initials</i> _____ |
| • There are specific requirements for getting a Certificate of Compliance once all work is complete, and | <i>initials</i> _____ |
| • There are a number of ongoing/perpetual conditions that restrict the kind of landscaping and maintenance activities allowed within wetlands and/or buffer zones. | <i>initials</i> _____ |

I have carefully reviewed and understand all these requirements and agree to adhere to them.

(Signature)

(Printed Name)

(Date)

Please complete this form and return it to:

Jennifer Steel, Conservation Commission
1000 Commonwealth Avenue
Newton, Massachusetts 02459



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:
239-856

MassDEP File #

eDEP Transaction #

City/Town

A. General Information

Please note:
this form has
been modified
with added
space to
accommodate
the Registry
of Deeds
Requirements

Important:
When filling
out forms on
the
computer,
use only the
tab key to
move your
cursor - do
not use the
return key.



1. From: Newton
Conservation Commission

2. This issuance is for (check one):
a. ☒ Order of Conditions b. ☐ Amended Order of Conditions

3. To: Applicant:

Vincent

a. First Name

Mastroianni

b. Last Name

148 Pine Realty Trust

c. Organization

11 Pine Meadow Drive

d. Mailing Address

Newton

e. City/Town

MA

f. State

02465

g. Zip Code

4. Property Owner (if different from applicant):

a. First Name

b. Last Name

c. Organization

d. Mailing Address

e. City/Town

f. State

g. Zip Code

5. Project Location:

148 Pine Street

a. Street Address

Newton

b. City/Town

44017

c. Assessors Map/Plat Number

0032

d. Parcel/Lot Number

Latitude and Longitude, if known:

d
d. Latitude

m

s

d
e. Longitude

m

s



Massachusetts Department of Environmental Protection
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WPA Form 5 – Order of Conditions

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A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):
 Middlesex South
 a. County 6859 b. Certificate Number (if registered land) 575
 c. Book 2/20/20 d. Page 2/21/20
7. Dates: 12/17/19 2/20/20 2/21/20
 a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):
 "148 Pine Street (6 sheets)"
 a. Plan Title Verne T Porter Verne T Porter
 b. Prepared By 1/11/20 c. Signed and Stamped by 1"=20'
 d. Final Revision Date 1/31/20 and 2/14/20 e. Scale
 "148 Pine St (5 Sheets) - prepared by Phil Mastroianni Corp." 1/31/20 and 2/14/20
 f. Additional Plan or Document Title g. Date

B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:

Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:

- a. ☒ Public Water Supply b. ☐ Land Containing Shellfish c. ☒ Prevention of Pollution
 d. ☒ Private Water Supply e. ☐ Fisheries f. ☐ Protection of Wildlife Habitat
 g. ☒ Groundwater Supply h. ☒ Storm Damage Prevention i. ☒ Flood Control

2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

Approved subject to:

- a. ☒ the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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B. Findings (cont.)

Denied because:

- b. ☐ the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c. ☐ the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
3. ☒ Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) 1
a. linear feet

Inland Resource Area Impacts: Check all that apply below. (For Approvals Only)

| Resource Area | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|--|----------------------------------|----------------------------------|----------------------|-----------------------|
| 4. <input type="checkbox"/> Bank | a. linear feet | b. linear feet | c. linear feet | d. linear feet |
| 5. <input type="checkbox"/> Bordering Vegetated Wetland | a. square feet | b. square feet | c. square feet | d. square feet |
| 6. <input type="checkbox"/> Land Under Waterbodies and Waterways | a. square feet e. c/y dredged | b. square feet f. c/y dredged | c. square feet | d. square feet |
| 7. <input type="checkbox"/> Bordering Land Subject to Flooding | a. square feet | b. square feet | c. square feet | d. square feet |
| Cubic Feet Flood Storage | e. cubic feet | f. cubic feet | g. cubic feet | h. cubic feet |
| 8. <input type="checkbox"/> Isolated Land Subject to Flooding | a. square feet | b. square feet | | |
| Cubic Feet Flood Storage | c. cubic feet | d. cubic feet | e. cubic feet | f. cubic feet |
| 9. <input type="checkbox"/> Riverfront Area | a. total sq. feet | b. total sq. feet | | |
| Sq ft within 100 ft | c. square feet | d. square feet | e. square feet | f. square feet |
| Sq ft between 100-200 ft | g. square feet | h. square feet | i. square feet | j. square feet |



Massachusetts Department of Environmental Protection
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WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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B. Findings (cont.)

Coastal Resource Area Impacts: Check all that apply below. (For Approvals Only)

| | Proposed Alteration | Permitted Alteration | Proposed Replacement | Permitted Replacement |
|--|---|-------------------------|------------------------------------|------------------------------------|
| 10. <input type="checkbox"/> Designated Port Areas | Indicate size under Land Under the Ocean, below | | | |
| 11. <input type="checkbox"/> Land Under the Ocean | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 12. <input type="checkbox"/> Barrier Beaches | Indicate size under Coastal Beaches and/or Coastal Dunes below | | | |
| 13. <input type="checkbox"/> Coastal Beaches | a. square feet | b. square feet | c. ^{cu yd} nourishment | d. ^{cu yd} nourishment |
| 14. <input type="checkbox"/> Coastal Dunes | a. square feet | b. square feet | c. ^{cu yd} nourishment | d. ^{cu yd} nourishment |
| 15. <input type="checkbox"/> Coastal Banks | a. linear feet | b. linear feet | | |
| 16. <input type="checkbox"/> Rocky Intertidal Shores | a. square feet | b. square feet | | |
| 17. <input type="checkbox"/> Salt Marshes | a. square feet | b. square feet | c. square feet | d. square feet |
| 18. <input type="checkbox"/> Land Under Salt Ponds | a. square feet | b. square feet | | |
| | c. c/y dredged | d. c/y dredged | | |
| 19. <input type="checkbox"/> Land Containing Shellfish | a. square feet | b. square feet | c. square feet | d. square feet |
| 20. <input type="checkbox"/> Fish Runs | Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above | | | |
| | a. c/y dredged | b. c/y dredged | | |
| 21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage | a. square feet | b. square feet | | |
| 22. <input type="checkbox"/> Riverfront Area | a. total sq. feet | b. total sq. feet | | |
| Sq ft within 100 ft | c. square feet | d. square feet | e. square feet | f. square feet |
| Sq ft between 100-200 ft | g. square feet | h. square feet | i. square feet | j. square feet |



Massachusetts Department of Environmental Protection
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B. Findings (cont.)

* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23. ☐ Restoration/Enhancement *:

a. square feet of BVW

b. square feet of salt marsh

24. ☐ Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

C. General Conditions Under Massachusetts Wetlands Protection Act

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
 - a. The work is a maintenance dredging project as provided for in the Act; or
 - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
 - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on 2/21/23 unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



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C. General Conditions Under Massachusetts Wetlands Protection Act

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]
"File Number 239-856 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
 - (1) ☒ is subject to the Massachusetts Stormwater Standards
 - (2) ☐ is NOT subject to the Massachusetts Stormwater Standards

If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
 - i. all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
 - ii. as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
 - iii. any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



Massachusetts Department of Environmental Protection
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C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;

v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.

c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:

i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and

ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.

d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.

e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.

f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

239-856

MassDEP File #

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City/Town

C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)

- g) The responsible party shall:
 - 1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
 - 2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
 - 3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

See attached "Findings and Special Conditions of the Newton Conservation Commission" pages 10-A et seq.

- 20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



Massachusetts Department of Environmental Protection
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Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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D. Findings Under Municipal Wetlands Bylaw or Ordinance

1. Is a municipal wetlands bylaw or ordinance applicable? ☒ Yes ☐ No
2. The _____ hereby finds (check one that applies):

Conservation Commission

- a. ☐ that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

City Floodplain Ordinance

22-22

1. Municipal Ordinance or Bylaw

2. Citation

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b. ☒ that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

City Floodplain Ordinance

22-22

1. Municipal Ordinance or Bylaw

2. Citation

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):

If "yes" above, please see attached "Findings and Special Conditions of the Newton Conservation Commission" pages 10-A et seq.

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-856, 148 Pine Street, teardown duplex and construct 3 SFH

Findings (considered as and given equal status as special conditions)

Site: 148 Pine Street

Owner/Applicant: Vincent Mastroianni, 148 Pine Realty Trust
11 Pine Meadow Drive, Newton, MA 02465
617-594-0165 vinnie@mastrolandscaping.com

Representative John Rockwood, EcoTec, Inc.
102 Grove Street, Worcester, MA 01605
501-752-9666x225 jrockwood@ecotecinc.com

Date of Issuance February 21, 2020

Existing Conditions: Heavily developed lot with an existing duplex, detached garage, and open space dedicated to a professional landscaping operation.

Approved Project Summary:

- Portions of the proposed work fall outside the 100' buffer zone.
- Tear-down the existing duplex and detached garage and remove pavement.
- Construct three new single-family homes with associated shared driveway, patios, stormwater management, grading, and landscaping
- 10 trees (118 caliper inches) will be removed (2 existing trees will be protected).
- The proposed conditions will result in a net increase of 1,144 sf of impervious area within the buffer zone.
- A 3,412 s.f. bounded mitigation planting area within the BZ will be installed and will include: 48 saplings, 117 shrubs, and a large number of herbaceous grasses and wildflowers.

Final Approved Plans

- "148 Pine Street (6 sheets)", prepared by Verne T Porter, stamped and signed by Verne T Porter, last revised 1/11/20.
 - Sheet 1: Existing Conditions Site Plan, scale 1" = 20'
 - Sheet 2: Proposed Layout Plan, scale 1" = 20'
 - Sheet 3: Proposed Grading Plan, scale 1" = 20'
 - Sheet 4: Proposed Utility Plan, scale 1" = 20'
 - Sheet 5: Detail Sheet, no scale
 - Sheet 6: Area Plan, 1" = 40'
- "148 Pine Street (5 Sheets)", prepared by Phil Mastroianni Corp., last revised 1/31/20
 - Sheet 1: Master Plan L-1.0, scale 1.5" = 1' (the only sheet in the set that was last revised 2/14/20)
 - Sheet 2: Construction Management Plan L-1.1, scale 1.5" = 1'
 - Sheet 3: Demo & Prep Plan L-1.2, scale 1.5" = 1'
 - Sheet 4: Site Soil Plan L-1.3, scale 1.5" = 1'
 - Sheet 5: Snow Removal and Disposal Plan L-1.4, scale 1.5" = 1'
 - Sheet 6: Planting Palette, no scale
- Plan Revisions
 - Any required or desired deviations from this plan shall be requested in writing of the Commission Office, who shall determine if said changes require filing a new Notice of Intent.
 - When plans are updated it is the responsibility of the applicant to provide all City Departments involved in the permitting and approval process complete and consistent plans.
 - The Newton Conservation Commission retains the right to require the submittal of additional information or impose additional conditions deemed necessary to ensure the protection of wetland resource areas.

Jurisdiction

- Buffer Zone: 301 CMR 10.53(1)
- City Floodplain: 22-22

Reasons for Approval (Impact Analysis)

- Buffer Zone: The overall project represents an improvement of buffer zone conditions over existing conditions through stormwater management, via infiltration and treatment, and mitigation plantings. Further development

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-856, 148 Pine Street, teardown duplex and construct 3 SFH

behind Unit 2 and Unit 3, such as decks, patios, and hot tubs, closer to Brunnen Brook will be subject to review and permitting by the Conservation Commission. There are 10 trees (with a total of 118 caliper inches) within the project locus in the above area that are required to be removed, but the project proposes seventeen 2.5 to 3" caliper trees and five 2 to 2.5" caliper trees in the mitigation planting area with a total caliper of 58± caliper inches. The project will apply under the Tree Ordinance to address deficiencies. Two trees in the proposed mitigation planting area are proposed to be retained and protected during construction as shown on the landscape plan Demo & Prep Plan.

- City Floodplain: The only work proposed within the City flood zone is removal of compacted soils, replacement loam to match the original grades, and mitigation plantings. No additional fill will be brought into the City flood zone.
- Stormwater Management Standards have been met by infiltrating and treating the majority of the water that will be hitting the site including all roof runoff and driveway runoff.
- Conclusion: The project represents an overall improvement to existing site conditions and meets the necessary performance standards for work in Buffer Zone under the state Wetlands Protection Act and for work in City Flood Zone under the City's Floodplain Ordinance.

Limit of Work: The sediment control line shall be the limit of work.

In case of emergencies, problems, or questions, contact: Jennifer Steel: 617-796-1134.

Conditions Prior to the Start of Work

21. All other applicable federal, state and/or local permits and/or approvals must be obtained.
22. This document shall be included in all construction contracts, subcontracts, and specifications associated with the proposed work and shall supersede any conflicting contract requirements. The Applicant shall ensure that all contractors, subcontractors and personnel performing the permitted work are aware of the permit's terms and conditions. Thereafter, the contractor will be held jointly liable for any violation of this Order. Nothing in this paragraph shall limit or restrict the liability of the Applicant for violations of this Order.
21. The applicant must schedule and attend a pre-construction site visit with the applicant, construction supervisor and Conservation agent, to review:
 - a. Proof of Recording the Order and the Operations and Maintenance Plan appended hereto
 - b. A signed Certificate of Understanding
 - c. Contact information for those responsible for construction, sediment controls, and landscaping
 - d. Anticipated timeline
 - e. DEP File number sign (minimum size 2'x2', clearly visible from the street)
 - f. Sedimentation/erosion controls (properly installed in the correct locations)
 - g. Protection of the trees shown as "to be protected" within the limit of work, and as necessary outside the limit of work, with orange snow fence installed at the dripline, plywood sheeting over the roots, and boards tied to the trunk.
22. Notice shall be given to the Conservation Commission at least two business days prior to the start of work.

Conditions During Work

23. The secondary compost sock proposed to demarcate the mitigation planting area must be placed immediately after site demo and remain in place as a visual barrier to construction efforts that equipment shall not enter.
24. The 8"-deep grass swale designed to channel runoff from 136 Pine St. around the infiltration area and to the brook must be installed as per the approved plans and must be revised, if needed, to channel flow during high rainfall events. Grading along the property boundary between 148 and 146 Pine Street shall in no way impede the flow of surface runoff from 146 Pine St to Brunnen Brook.
25. At least 18" of poor-quality soil must be removed from the restoration area and replaced in with high quality sub-soil and topsoil prior to installation of any plantings. Similar care must be taken to ensure appropriately high-quality topsoil is installed prior to installation of lawn areas.
26. Dewatering must be undertaken as represented on the approved plans, to limit and control any adverse impact on the wetlands resource area(s).
27. Concrete washout must be undertaken as represented on the approved plans, to limit and control any adverse on the wetlands resource area(s).

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-856, 148 Pine Street, teardown duplex and construct 3 SFH

28. Stormwater requirements

- a. To comply with the state stormwater standards, a minimum of 2-feet of separation to groundwater (observed in this area at 44' CNVD) must be provided for the infiltration system proposed for behind unit 3. A groundwater monitoring well was installed in the infiltration area to better determine ESHGW (it is probably higher than the standing water seen during the August test pits). The whole infiltration area will have to be raised if needed to assure 2 feet of separation to groundwater. Revised plans showing same must be submitted for review and approval to the Conservation Office and Engineering Office. Full Commission approval may be required.
 - b. A test pit must be dug in front of unit 1 where the smaller recharge system is proposed.
29. A copy of the approved plans and Order of Conditions shall be on-site and available at all times. All contractors must adhere to the approved plan and conditions. Should any damage occur during the project, the applicant or any successor shall be responsible for the full cost of restoration of the wetland to the satisfaction of the Commission.
30. Erosion controls must be inspected and properly maintained during construction until the site is stable. If a breach of the erosion control barriers occurs, the Newton Conservation Commission shall be notified, and measures shall be taken to remediate said breach. City streets shall be kept clean and catch basins in the immediate area shall be protected from eroding soils. An adequate supply of extra erosion control materials shall be stored on-site at all times for repair or replacement. Hay bales are prohibited without permission from the Commission. Erosion control barriers shall remain in place until written authorization for their removal has been received from the Newton Conservation Commission.
31. Wetlands flags in the vicinity of the work area are to be clearly numbered as they are on the approved plan and must be maintained at all times.
32. "Good housekeeping practices" shall be implemented at all times, including:
- a. appropriate limits to stormwater discharges
 - b. appropriate stockpile area management
 - c. appropriate limits to vehicle refueling, washing, etc.
 - d. appropriate litter management
 - e. appropriate controls for tire tracking
33. During the construction period and prior to issuance of a Certificate of Compliance, members and agents of the Conservation Commission shall have the right to inspect the applicant's project to evaluate compliance with the approved plans and these conditions.
34. Work shall be immediately halted on the site if an Agent of the Commission or DEP determines that any of the work is not in compliance with this Order of Conditions or Special Conditions.
35. The stormwater infiltration system must be installed as per the approved plans.
36. The City Engineer must inspect the infiltration system. The applicant must submit proof of inspection to the Cons. Office.
37. Landscape plantings within Commission jurisdiction must:
- a. Stabilize all exposed areas;
 - b. Be installed in compliance with the approved plans (desired changes in species or sizes must be approved by the Conservation office in advance);
 - c. Be installed on or before June 1, 2021;
 - d. Have a survival rate of 75 % of total number of trees (after 2 growing seasons);
 - e. Have a survival rate of 75 % of total number of shrubs (after 2 growing seasons); and
 - f. Have a survival rate of 75 % aerial coverage of all other plants (after 2 growing seasons).
 - g. If mulch is applied, applications must diminish over time and eventually cease as ground cover species and shrubs spread.
 - h. If either of the two trees within the buffer shown as "to be protected" die within 2 years of the start of construction or have been demonstrably harmed by construction activities, they shall be replaced at a ratio of 2:1 with native canopy saplings (of roughly 2 caliper inches).

Conditions after Work has been Completed

38. The applicant must apply for a Certificate of Compliance in accordance with DEP Condition #12, by submitting:
- a. A completed "Request for Certificate of Compliance (WPA Form 8A)."

Findings and Special Conditions of the Newton Conservation Commission
DEP #239-856, 148 Pine Street, teardown duplex and construct 3 SFH

- b. An as-built plan signed and stamped by a professional land surveyor registered in Massachusetts. This plan will include all structures, grading (topography), drainage, and landscape features and plantings.
 - c. A written statement from a Professional Engineer registered in Massachusetts certifying that the work has been completed in substantial compliance with this Order of Conditions and the approved plans referenced herein (or approved revisions). If the completed work differs from that in the approved plans and conditions, the report must specify how the project differs.
 - d. As-built plan and letter from a landscaper certifying compliance with the approved planting scheme.
39. No Certificate of Occupancy shall be approved by Conservation unless a Certificate of Compliance has been issued or the request receives the written approval of the Chief Environmental Planner.

Perpetual Conditions that Shall Not Expire upon the Issuance of a Certificate of Compliance

40. Prohibitions:
- a. Grading along the property boundary between 148 and 146 Pine Street shall not impede the flow of surface runoff from 146 Pine St to Brunnen Brook.
 - b. No net fill can be brought into the City flood zone. Final grades may not exceed existing grades. This must be confirmed on the as-built plan.
 - c. Snow may not be pushed or stored within the bounded mitigation planting area. Snow may not be pushed or stored in any areas not identified on the snow management plan. Snow signage and fencing shall be maintained in perpetuity.
 - d. The use of herbicides and other pesticides is prohibited and fertilizers shall be limited to slow-release organic fertilizers to improve water quality in the adjacent wetlands and waterways.
 - e. In order to protect wildlife and/or vernal pool species, artificial lighting shall be designed to prevent lighting of the wetlands. Any outdoor lights within 200 feet of the wetland shall be directed so as not to radiate light towards those areas. Any such lights shall be limited to no more than 1,800 lumens per fixture and the fixture shall not illuminate any part of the wetland more than 0.2 footcandles. Exterior lights shall not be mounted higher than 25 feet above the ground.
41. The required mitigation planting area shall bounded and be maintained in perpetuity in its predominantly natural condition.
42. The approved Operations and Maintenance Plan is appended hereto and must be adhered to.

Snow Removal & Disposal Plan Narrative
148 Pine Street
Newton, Massachusetts

January 31, 2020

This Snow Removal & Disposal Plan Narrative shall be referenced in all Association documents and in all Contracts related to snow removal and disposal for the property.

Snow removal and disposal activities at the 148 Pine Street property shall be conducted in accordance with this Narrative by the homeowners and/or a contractor employed on behalf of the Association. Snow removal and disposal activities shall be conducted using plows, bobcats, similar small equipment typically employed for snow removal purposes, snowblowers, and/or hand shovels. Snow from the paved driveway and parking areas shall be moved to the designated snow storage areas/temporary snow storage area as shown on the Snow Removal & Disposal Plan, Sheet L-1.4 of the Landscape Plan Set, prepared by Phil Mastroianni Corp., dated January 31, 2020. A reduced copy of this sheet is attached to and made a part of this Narrative.

A limited linear snow storage area (151 square feet) is located in the lawn along the southwestern edge of the driveway to the north and northwest of Unit 1. The primary designated snow storage area (290 square feet) is located in the lawn area between Units 1 and 2. Signage that does not interfere with snow disposal is proposed to identify the designated snow disposal area and parking restrictions in the two guest parking spaces located between Units 1 and 2. The two guest parking spaces located between Units 1 and 2 shall be used as the temporary snow storage area (365 square feet). Snow placed in this area will either be moved into the primary designated snow storage area or transported off-site. All proposed snow storage areas drain to the parking lot which allows snowmelt to be addressed by the stormwater management system. The snow stored in the primary designated snow storage area may also be hauled off-site to provide additional on-site capacity for future storm events. When snow accumulations exceed the on-site snow storage capacity, all excess snow will be hauled off-site for disposal.

The Narrative includes a sapling planting or a post and rail fence, respectively, and signage to deter snow disposal to the grass swale to the northwest of Unit 3 and to the southeast beyond the end of the two parking spaces located between Units 2 and 3. Snow disposal and storage shall not occur within the grass swale, within the designated parking space for Unit 1, within the designated parking spaces for Units 2 and 3, or within the mitigation planting area located in the southeastern portion of the site.

In the spring, any sand that has accumulated within the lawn in the linear snow storage area and the primary designated snow storage area will be cleaned up and the areas will be re-seeded/re-sodded as lawn, as necessary. Pavement sweeping will be conducted as required by the approved Operations and Maintenance Plan for the site.

Sand and calcium chloride may be used for treatment and de-icing, respectively. Sodium chloride may not be used for de-icing on the site.

DESIGNER
17 Fountain Street
Waltham MA, 02453
t:617-527-8445
nick@pmlandscapes.com

CLIENT
48 Pine Street Newton,
MA 02466

DRAWING NOTES

REVISIONS

| NO. | BY | DATE | REVISION DESCRIPTION |
|-----|----|------|----------------------|
| 1. | | | |
| 2. | | | |
| 3. | | | |
| 4. | | | |
| | | | |
| | | | |



SCALE: 1-1/2" = 1'-0"

1/31/20

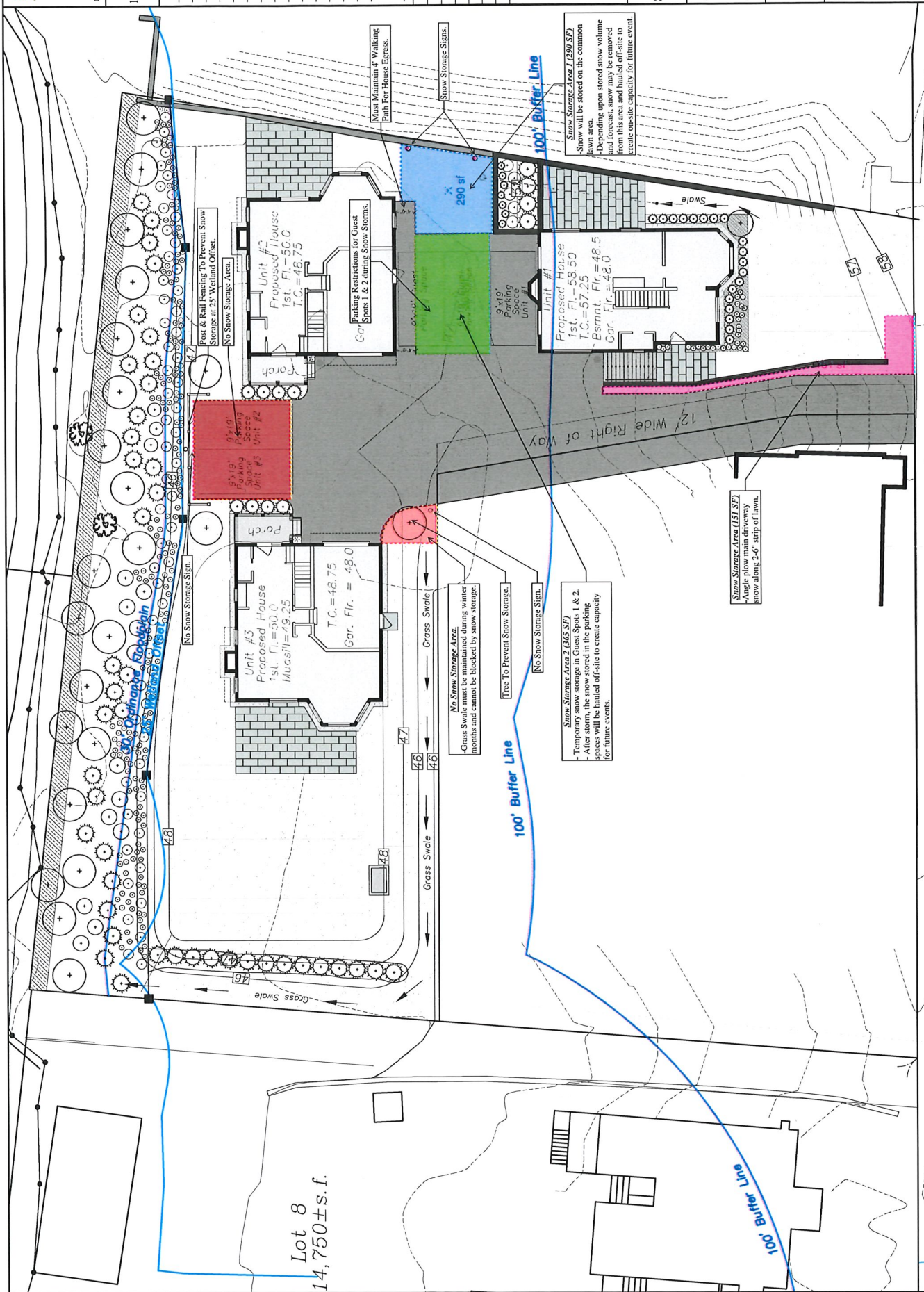
| For Construction Only | Description |
|-----------------------|-------------|
|-----------------------|-------------|

SHEET TITLE

Snow Removal & Disposal Plan

SHEET NUMBER

L-1.4.



OPERATION & MAINTENANCE PLAN
STORMWATER MANAGEMENT FACILITIES
PROPOSED MULTI-UNIT DEVELOPMENT
148 PINE STREET
NEWTON, MASSACHUSETTS

October 23, 2019
(Revised January 11, 2020)

VERNE T. PORTER JR., PLS
LAND SURVEYORS – CIVIL ENGINEERS
354 ELLIOT STREET
NEWTON, MA 02464

**OPERATION & MAINTENANCE PLAN
STORMWATER MANAGEMENT FACILITIES
PROPOSED MULTI-UNIT DEVELOPMENT
148 PINE STREET
NEWTON, MA**

The proposed project includes stormwater runoff controls associated with the construction of a new multi-unit development. The major components associated with maintenance needs are the proposed leaching drywells and rain garden that will handle runoff from the proposed roofs and paved driveway/parking areas. These will need to be cleaned periodically as noted below. Cleaning of these structures shall be done by the property owner or by a specialty contractor with hydraulic cleaning ability. The following outlines the major maintenance issues associated with the project:

Catchbasin/Cleaning:

Have all catch basins cleaned out completely twice annually during April and October, if required.

Culvert/Cleaning:

The proposed culverts should be inspected monthly during the first year, and then every third year following the 1-year inspection.

The culverts are equipped with a frame and cover. After removal of the cover, a stadia rod should be used to measure the depth of sediment. If the depth of sediment is in excess of 3", then the sediment should be removed.

Street Sweeping

Have the driveway swept bi-annually in April and October.

MAINTENANCE RESPONSIBILITIES

The maintenance of the Drainage System is the responsibility of the Property Owners. The actual work can be accomplished by the Owner or can be subcontracted to a company that specializes in the cleaning of storm drainage facilities. Inspections should be performed by independent individual such as the design engineer or other experienced individual in the field.

Construction period pollution control

Erosion and sedimentation control measures will be implemented prior to and during construction activities to minimize impacts from land disturbance activities. Erosion and

sedimentation control measures implemented on the site will include, at a minimum, dust control measures, the installation of silt fence barriers on the up-gradient side of resource areas and catch basin inlet protection. Controls may also include temporary sedimentation basins and diversion swales and temporary seeding. The erosion and sedimentation controls will be inspected at the end of the day if precipitation is forecast, and after each rainfall event of 0.5 inches or more. Should construction occur during winter months, seasonally appropriate stabilization measure will be utilized.

Below is a summary of the minimum construction period pollution control requirements. These topics are presented as a means of demonstrating understanding of pollution control but are not meant to supplant preparation of the SWPPP. Please refer to the SWPPP for complete construction activity details.

a. Dust Control

Mitigation measures will be implemented to control fugitive dust during construction activities. Dust control measure may include seeding, wet suppression, application of soil stabilization agents, or other measures to control dust generated by construction activities. The Contractor shall confirm with state and local regulations to see if the use of calcium chloride for dust suppression is allowed.

b. Erosion Control Barriers

Prior to any ground disturbance, erosion control barriers will be installed at the limit of work at down-gradient positions on the site. The barriers will consist of 12" compost sock and will be entrenched in the soil to prevent underflow.

c. Catch Basin Inlet Protection

All existing and newly installed catch basin shall be protected during construction with a filter insert system. These sedimentation control measures will be regularly maintained until the drainage area tributary to the catch basin has been stabilized.

d. Temporary Sedimentation Basins and Diversion Swales

If necessary, temporary sedimentation basins will be constructed to prevent transport of fine-grained sediment into wetland resource areas and other off-site areas. These temporary basins will be located where appropriate, as determined by the contractor. Temporary diversion swales or berms may be used to convey runoff from construction areas to temporary or previously constructed basins.

e. Temporary Seeding

Temporary seeding will be used where vegetative cover is required for less than one year on disturbed soil areas. Such areas will be seeded if the soils will be exposed without construction activity for more than 30 days. Rapidly growing annual grasses, such as

148 Pine St
Newton, MA

annual rye grass, oats, perennial rye grass or winter rye will be uniformly applied. Depending on the slope, the soil may be covered with a layer of straw mulch, an erosion control blanket, or a bonded fiber matrix.

f. Permanent Seeding

Upon completion of the final grading, any areas not covered by pavement, other forms of stabilization, including landscaping, will be seeded with rapidly growing annual rye grass/red fescue seed mix.

148 Pine St
Newton, MA

**STORMWATER MANAGEMENT REPORT
PROPOSED MULTI-UNIT DEVELOPMENT
148 PINE STREET
NEWTON, MASSACHUSETTS**

INSPECTION REPORT:

Inspection Firm: _____

Inspectors Name: _____ Date: _____

Components Inspected: _____

Signed: _____

SYSTEM MAINTENANCE:

Maintenance Firm: _____ Date: _____

Catchbasin Inspected: Yes ____ No ____ Comments: _____

Catchbasin Cleaned: Yes ____ No ____ Comments: _____

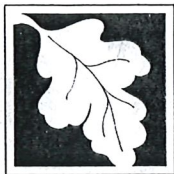
Cultecs Inspected: Yes ____ No ____ Comments: _____

Cultecs Inspected: Yes ____ No ____ Comments: _____

Estimate of Material Removed: _____

Other Comments: _____

Signed: _____



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

239-856

MassDEP File #

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E. Signatures

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

2/21/20

1. Date of Issuance

2. Number of Signers

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

Signatures:

Susan H. Turner
Judith R. Hepler
Leigh A. Giller

Kathryn Code
Ellen Katz

☐ by hand delivery on

☐ by certified mail, return receipt requested, on

Date

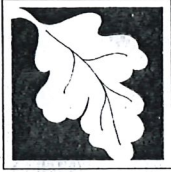
Date

F. Appeals

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

WPA Form 5 – Order of Conditions

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

239-856

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G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for:

Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection
Bureau of Resource Protection - Wetlands

DEP File Number: _____

Request for Departmental Action Fee Transmittal Form

Provided by DEP _____

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

A. Request Information

1. Location of Project

a. Street Address _____ b. City/Town, Zip _____
c. Check number _____ d. Fee amount _____

2. Person or party making request (if appropriate, name the citizen group's representative):

Name _____
Mailing Address _____
City/Town _____ State _____ Zip Code _____
Phone Number _____ Fax Number (if applicable) _____

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name _____
Mailing Address _____
City/Town _____ State _____ Zip Code _____
Phone Number _____ Fax Number (if applicable) _____

4. DEP File Number: _____

Important:
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



B. Instructions

1. When the Departmental action request is for (check one):

- ☐ Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- ☐ Superseding Determination of Applicability – Fee: \$120
- ☐ Superseding Order of Resource Area Delineation – Fee: \$120



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B. Instructions (cont.)

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection
Box 4062
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to change a nonconforming two-family residential use to three single-family dwellings, and to determine density and dimensional controls for the proposed use as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The proposed nonconforming residential use with three single family dwellings will not be substantially more detrimental than the existing nonconforming two-family use is to the neighborhood because the neighborhood has other multifamily uses and is adding one additional unit than the existing two family. (§7.8.2.C.2).
2. The site and structures as proposed are an appropriate location for the density and dimensional controls for the proposed three single-family dwellings due to the multi-family uses in the neighborhood and complies with most dimensional standards of a single family structure in the Single Residence 3 zone (§7.3.3.C.1, §3.1.2.A.3).
3. The proposed three single-family dwellings will not adversely affect the neighborhood as the density is reflective of the existing neighborhood and there is considerable mitigation proposed in the Order of Conditions issues by the Conservation Commission (§7.3.3.C.2, §3.1.2.A.3).
4. There will be a nuisance or serious hazard to vehicles or pedestrians because all parking will be contained on site (§7.3.3.C.3, §3.1.2.A.3).
5. Access to the sites over streets is appropriate for the types and number of vehicles involved (§7.3.3.C.4, §3.1.2.A.3).

PETITION NUMBER: #169-20

PETITIONER: 148 Pine Realty Trust

ADDRESS OF PETITIONER: 11 Pine Meadow Drive
Newton, MA 02465

LOCATION: 148 Pine Street

OWNER: 148 Pine Realty Trust

ADDRESS OF OWNER: 11 Pine Meadow Drive
Newton, MA 02465

TO BE USED FOR: Three single-family dwellings on one lot

EXPLANATORY NOTES: Special permit per §7.8.2.C.2; and §7.3.3: to change a nonconforming two-family residential use to three single-family dwellings, and to determine density and dimensional controls for the proposed use (§3.4.1, §3.1.2.A.3)

ZONING: Single Residence 3

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with
 - a. Site/Civil plans, prepared by Verne T. Porter Jr, PLS, signed and stamped by Verne T. Porter, Professional Land Surveyor, and Paul J. Tyrell, Professional Engineer, consisting of the following three (3) sheets:
 1. Proposed Layout Plan, dated December 5, 2020, revised May 22, 2020
 2. Proposed Utility Plan, dated December 5, 2020, revised January 11, 2020
 3. Proposed Grading Plan, dated December 5, 2020, revised January 11, 2020
 - b. Architectural Plans titled, "148 Pine Street, Newton, Mass." prepared by C.D. Calhoun., signed and stamped by Charles D. Calhoun, revised October 3, 2019 consisting of eight (8) sheets:
 1. Unit 1 Floor Plans, A-1
 2. Unit 1 Left and Front Elevations, A-2
 3. Unit 1 Right and Rear Elevations, A-3
 4. Attic and Half Story Calculations, A-4
 5. Unit 2 Floor Plans, A-5

6. Unit 2 Elevations, A-6
 7. Unit 3 Floor Plans, A-7
 8. Unit 3 Elevations, A-8
- c. Landscape Plans prepared by Phil Mastroianni Corp., consisting of five (5) sheets:
1. L-1.0 Master Plan , revised February 14, 2020
 2. L-1.2 Demo and Prep Plan, dated January 31, 2020
 3. L-1.3 Site Soil Plan, dated January 31, 2020
 4. L-1.4 Snow Removal and Disposal Plan, dated January 31, 2020
 5. L-1.5 Sheet Title Planting Palette, dated January 31, 2020
2. Prior to the issuance of any building permit for the Project, the petitioner shall provide a Final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 3. Prior to the issuance of any building permit for the Project, the petitioner shall provide a Final Site Plan (which shall indicate the location of adequate snow storage area(s) or identify a suitable alternative for snow removal) for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 4. No building permit for the construction of the Project shall be issued pursuant to this Special Permit/Site Plan approval until the Petitioner has:
 - a. Recorded a certified copy of this Council order with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Department of Planning and Development that confirms the final building permit plans and façade elevations are consistent with plans approved in Condition #1.
 - d. Submitted final engineering, utility, and drainage plans for review and approval by the City Engineer. A statement certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
 - e. 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 Middlesex South Registry of Deeds . A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 - f. Provided a Final Landscape Plan showing compliance with the Tree Preservation Ordinance and all new plantings, for review and approval by the Director of Planning and Development.

5. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
6. Prior to the issuance of a temporary certificate of occupancy for the Project, the petitioner shall provide 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 recorded by the petitioners at the Middlesex South District Registry of Deeds and implemented. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
7. No temporary or final occupancy permit 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 and civil engineer certifying compliance with Condition 1.
 - b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.
 - c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.
 - d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features, fencing, and parking areas.
 - e. The Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for portions of the buildings, prior to installation of required on-site landscaping/ exterior hardscape improvements required per the approved plans. Prior, however, to issuance of any temporary certificate of occupancy pursuant to this condition, the Commissioner of Inspectional Services shall require that the Petitioner first file a bond, letter of credit, cash or other security in the form satisfactory to the Law Department in an amount not less than 135% of the value of the aforementioned remaining improvements.
8. The project shall be constructed in accordance with the Order of Conditions issued by the Conservation Commission and must seek approval from the Conservation Commission for any changes to the approved work.