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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 15, 2020
Land Use Action Date:	December 8, 2020
City Council Action Date:	December 14, 2020
90-Day Expiration Date:	December 14, 2020

DATE: September 11, 2020

TO: City Council

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

SUBJECT: **Petition #316-20**, to allow a rear-lot subdivision to create two lots fronting on Dedham Street at **432 Dedham Street**, Ward 8, Newton Centre, on land known as Section 81 Block 11A Lot 47, containing approximately 66,503 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.1.5, 3.1.10 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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



432 Dedham Street

EXECUTIVE SUMMARY

The property at 432 Dedham Street consists of a 66,503 square feet lot in a Single Residence 2 (SR2) district in Newton Centre improved with a single-family dwelling built in 1890 and a detached garage in the rear left (north). The petitioner proposes to divide the lot into three parcels. Two lots would front Dedham Street and a third would be a “rear lot” located behind both structures. As proposed, the rear lot (“Lot 1”) would have 31,308 square feet in area, the left front lot (“Lot 2”) would have 17,632 square feet and the right front lot (“Lot 3”) would have 17,563 square feet. A new single-family dwelling is proposed on each of Lots 2 and 3 while the existing single-family dwelling would remain on Lot 1. To divide the property as proposed and create a rear lot requires a special permit per Sections 3.1.5 and 3.1.10 of the Newton Zoning Ordinance.

Each of the two new single-family dwellings would include an at-grade, two-car-garage. These garages would face Dedham Street (i.e., be on the front facades of the dwellings) and be accessed via 14-wide driveways that would be parallel to Dedham Street and traverse the majority of each lot’s front yards. The existing garage in the rear of the property would be retained for continued use by the existing dwelling on the reduced rear lot. It would be accessed by a new 14-foot wide driveway (perpendicular to Dedham Street and the driveways proposed for the two front lots) located within a 20-foot wide easement that would straddle the property line between the two proposed front lots.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this petition, the City Council should consider whether the rear lot meets the general standards for the requested special permit, namely whether:

- the site in a Single Residence 2 (SR2) district is an appropriate location for the two single-family dwellings proposed for the new front lots and the reduced lot size for the existing single-family dwelling (§7.3.3.C.1);
- the two single-family dwellings proposed for the new front lots and the reduced lot size for the existing single-family dwelling will not adversely affect the neighborhood, (§7.3.3.C.2);
- there would be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4);

As the petition is requesting approval of a rear lot development in a residential zoning district, the City Council shall also consider the following additional criteria:

- whether the proposed buildings or structures exceed the respective average height of abutting residential buildings and any structures used for accessory purposes

- (§7.3.4.B.1);
- the scale of proposed buildings or structures in relation to adjacent residential buildings and structures used for accessory purposes and in relation to the character of the neighborhood (§7.3.4.B.2);
 - topographic differentials, if any, between proposed buildings or structures and adjacent residential buildings and any structures used for accessory purposes (§7.3.4.B.3);
 - proposed landscape screening (§7.3.4.B.4);
 - adequacy of vehicular access, including, but not limited to fire and other public safety equipment, with emphasis on facilitating common driveways (§7.3.4.B.5);
 - whether any historic or conservation public benefit is provided or advanced by the proposed development (§7.3.4.B.6);
 - siting of the proposed buildings or structures with reference to abutting residential buildings or any structures used for accessory purposes (§7.3.4.B.8); and
 - impact of proposed lighting on the abutting properties (§7.3.4.B.9).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on the north side of Dedham Street just east of Parker Street. The properties in the neighborhood north of Dedham Street are uniformly single-family dwellings on lots of widely ranging sizes, including one of approximately 80,000 square feet that abuts to the east. Directly across Dedham Street is a large parcel of over a million square feet that is the location of a 66-unit residential development (**Attachment A**). The zoning in the neighborhood reflects these uses, with the subject property and area north of Dedham Street zoned Single Residence 2 (SR2) and the area south of the street zoned Multi Residence 1 (MR1) (**Attachment B**).

B. Site

The property consists of a level 66,503 square foot parcel of land improved with a single-family dwelling located toward the back of the lot and a detached garage accessed via a paved driveway that extends from the front right to the rear left of the lot. It features extensive lawn area and mature trees, including several along the back of the sidewalk. The parcel slopes downward slightly, about five feet from the front to the rear of the property (southwest to northeast), with most of that downgrade at the front of the property just behind the sidewalk.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

If approved, the principal use of the site would be three single-family homes, one on each of three newly created lots. Those on the two front lots would be of new construction, while the existing dwelling would remain on the new rear lot.

B. Building and Site Design

The petitioner is proposing to divide the subject property lot into three parcels. Two new lots would front on Dedham Street and third would be a new “rear lot” located behind both of those.

As proposed, the rear lot (“Lot 1”) would have 31,308 square feet in area, the left front lot (“Lot 2”) would have 17,632 square feet, and the right front lot (“Lot 3”) would have 17,563 square feet. As proposed rear portions of the two front lot would have ‘irregular’ rear lot lines, i.e., not parallel to their front lot lines and have several ‘jogs.’ The submitted site plans indicate that the areas created by these jogs would be dedicated for the use of Lot 1. As this would indicate a need for some easements or similar agreements being put in place to modify how the lots are to be defined and used, the petitioner should be prepared to provide additional information about this issue at the public hearing. Also, retaining walls measuring less than four feet in height are proposed along the left and right property lines to further level the lot.

The two front lots would meet the new lot frontage requirement of 100 feet per Section 3.1.5., as would the proposed rear lot, with its frontage of 119.88 feet, as measured from the rear lot line of Lot 3 per Section 3.1.10.B.2.

On Lot 1, the existing 2½, story, 4,412 square foot, single-family dwelling would remain in place, as would its associated detached 530 square foot garage. That lot would have a floor area ratio (FAR) of .16, below the .0.20 maximum allowed for rear lots. Its height, as measured above average grade, would remain unchanged at 37.64 feet, just above the maximum 36 feet currently allowed.

New single-family dwellings are proposed on each of Lots 2 and 3. Lot 2 (the left front lot) would be improved with a 2 ½ story, 4,759 square foot (inclusive of a 696 square foot attached garage) single-family dwelling. It would have a floor area ratio (FAR) of 0.27, below the 0.33 allowed by right. Its height, as measured above average grade, would be 31.3 feet, below the maximum 36 feet allowed.

Lot 3 (the right front lot) would be improved with a 2 ½ story, 4,759 square foot (inclusive of a 676 square foot attached garage) single-family dwelling. It would have a floor area ratio (FAR) of 0.26, below the 0.33 allowed by right. Its height, as measured above average grade, would be 31.1 feet, below the maximum 36 feet allowed.

Regarding setbacks, the proposed new structures meet the required rear and side setbacks. The front, side and rear setbacks for the dwelling to be located on Lot 2 would be 45, 16 and 17.7 feet respectively, exceeding the required 30, 15 and 15 feet. Those for the dwelling on Lot 3 would be 36, 16 and 26.6 feet respectively, also exceeding the required measurements to various extents.

The setbacks for the existing dwelling which would be located on the rear lot, Lot 1, would also meet the requirements. The front setback (as measured from Lot 3's rear lot line) of 30.1 feet, is just above the required 30 feet. At 60 feet and 69.3 feet, the side and rear setbacks are more generous than the front, measuring well above the 23 feet required for rear lots in SR2 districts.

All three lots also meet maximum lot coverage requirements, with Lots 2 and 3 (the front lots) just meeting their 20% requirement at 19.7% and 19%, respectively. At 8.1% Lot 1 is well below the lower allowed maximum for rear lots of 17%. A similar pattern is followed for the minimum open space requirements, with Lots 2 and 3 just meeting the required 65% with 65% and 66.2%, respectively, where Lot 1 with 79.9% open space well exceeds the 65% minimum.

Section 7.3.4 of the NZO establishes additional, special requirements for rear lots in residential districts, including additional review criteria (see above). These include assessing analysis of the height, scale and topographical differences of and between proposed structures which are the products of rear lot subdivisions and adjacent residential buildings and structures used for accessory purposes. Other additional criteria include potential impacts on abutting properties from mechanical equipment and lighting. Toward that end, §7.3.4.B provides that petitioners seeking rear lot subdivisions submit additional materials so as to allow analysis of the proposed projects under those criteria.

The petitioner has submitted an area plan that indicates the two proposed new dwellings' distances to adjacent existing residential buildings and structures on the north side of Dedham Street, as well as the heights of those neighboring structures. The closest neighboring structure is approx. 44 feet from the dwelling proposed for Lot 2; all other neighboring structures are at least 140 feet from the proposed new dwellings on Lots 2 and 3. The Planning Department notes that the neighboring structures generally measure about 20-25 feet in height, where the two new dwellings would each be about 31 feet. Given the foregoing and the area's relatively level topography, the proposed dwellings would seem to present as somewhat taller than their neighbors, but this should be somewhat mitigated by the distances between the structures. The Planning Department also notes that the dwellings proposed for Lots 2 and 3 would be located 73.2 and 92.5 feet, respectively from the existing dwelling that would remain on Lot 1 (the rear lot).

The material provided does not include information about any proposed lighting or HVAC unit and other mechanicals for the site. To the extent they are contemplated, the petitioner should be prepared to address these issues at the public hearing.

C. Parking and Circulation

Section 3.1.10.B.1 requires that a 20-foot wide vehicular access, or access easement, be provided for a proposed rear lot. All three lots would be accessed by a single new 20-foot wide curb cut and shared 14-foot driveway located at the center of the property and perpendicular to Dedham Street. This driveway would be located within a twenty-foot wide easement that would straddle the property line shared by the front lots.

It would continue into the new rear lot, curving to reach the location of the existing garage which would remain in place for continued use by the existing dwelling.

Each of the two new single-family dwellings on the front lots would include an at-grade, two-car-garage. These garages would face Dedham Street (i.e., be on the front facades of the dwellings) and be accessed via separate 14-wide driveways that would be parallel to Dedham Street and traverse the majority of each lot's front yards.

The Planning Department has some concerns regarding the driveways proposed for the two front lots. As they "T" off from the main shared driveway to reach the garages that are located at the far sides of the lots, they require considerable paving. The Planning Department again recommends that the petitioner consider modifying the site design to lessen the amount of required paving and, perhaps, reorient the proposed attached garages so as to reduce their visibility from Dedham Street.

D. Landscape and Screening

The petitioner has submitted a landscape plan for the two front lots and a tree plan as part of the petition. The tree plan indicates that several trees will be removed, including the row along the back of the sidewalk, a 46 inch caliper tree that is in the location of the dwelling proposed for Lot 2, and a 40 inch caliper tree in that of the proposed dwelling on Lot 3. The petitioner has indicated that these changes have been reviewed by appropriate City staff and will forward the approvals to Planning staff in advance of the public hearing.

The landscape plan for the front two lots shows the proposed installation of many new trees, including ten deciduous trees lining either side of the center driveway, several conifers to screen the two Dedham Street-facing garages, and several more along the back of the sidewalk and side property lines. The plan does not indicate any additional changes (aside from the replacement of a fence along the left side of the property) or any proposed installations on the rear lot. The Planning Department recommends that the petitioner consider adding additional screening along the left and right property lines to further screen adjacent properties.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking as Special Permit per §7.3. to:

- allow a rear lot subdivision of (§3.1.5, §3.2.10)

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 recommends that the retaining walls proposed along the left and right property lines be relocated 1-2 feet into the property to ensure they are constructed on the petitioner's property as well as for ease of maintenance. The petitioner should be prepared to address this, 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 petitioner should be prepared to address the issues discussed above that the upcoming public hearing.

ATTACHMENTS:

- | | |
|----------------------|--------------------------|
| Attachment A: | Land Use Map |
| Attachment B: | Zoning Map |
| Attachment C: | Zoning Review Memorandum |
| Attachment D: | Engineering Memo |
| Attachment E: | DRAFT Order |

ATTACHMENT A





Land Use

432 Dedham St.

*City of Newton,
Massachusetts*

Land Use

Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Mixed Use
-  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

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Map Date: September 04, 2020





ATTACHMENT B

Zoning

432 Dedham St.

*City of Newton,
Massachusetts*

-  Single Residence 2
-  Multi-Residence 1

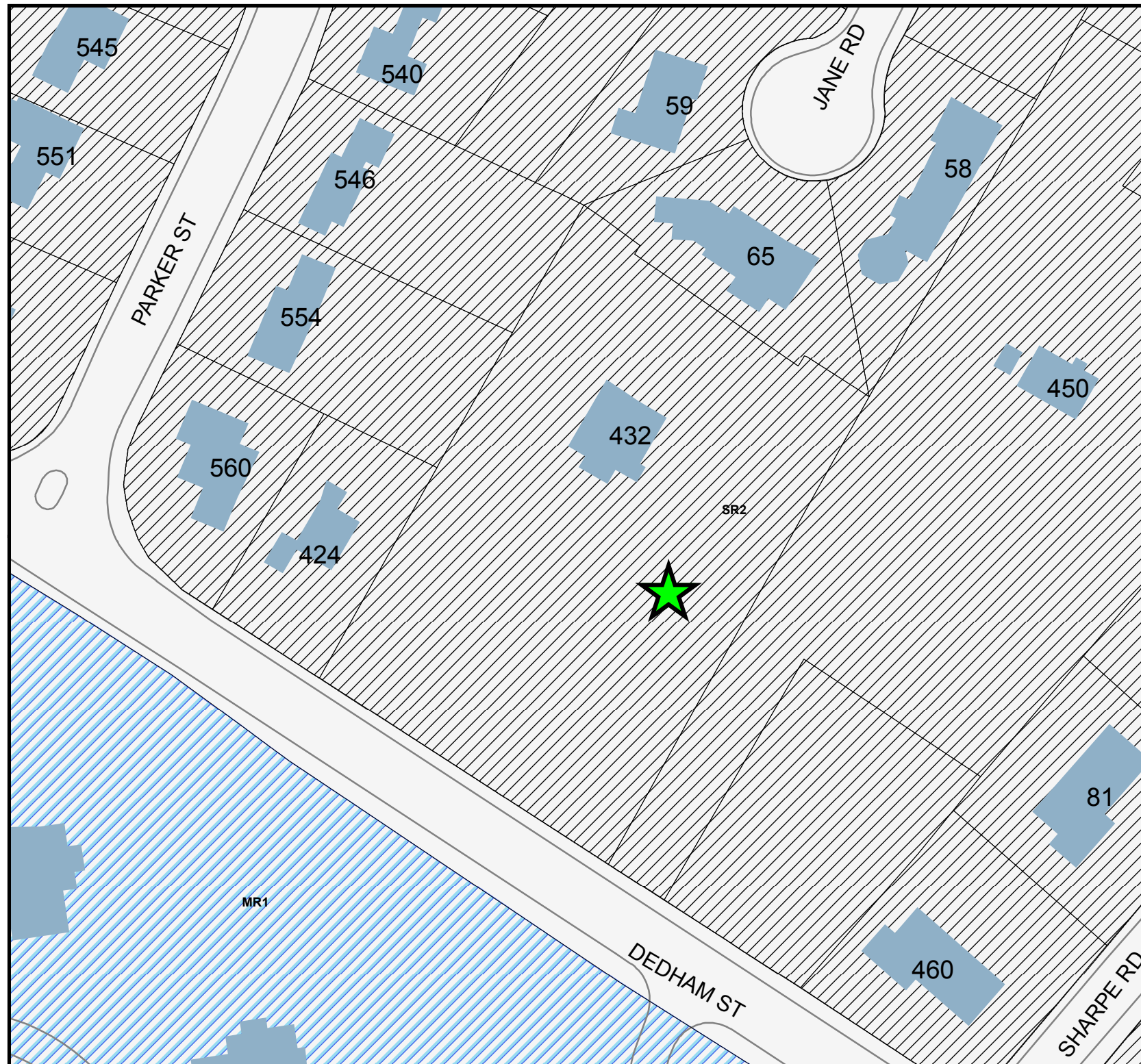


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

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feet

Map Date: September 04, 2020





Ruthanne Fuller
Mayor

ATTACHMENT C

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: August 3, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Frederick Kaplan, Applicant
David Geffen, Manager, David Geffen Construction Company
Barney S. Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to allow a rear-lot subdivision

Applicant: Frederick Kaplan	
Site: 432 Dedham Street	SBL: 81011A0047
Zoning: SR2	Lot Area: 66,503 square feet
Current use: Single-family dwelling	Proposed use: Three single-family dwellings on three separate lots

BACKGROUND:

The property at 432 Dedham Street consists of 66,503 square feet and is improved with a single-family dwelling built in 1890 in the SR2 zoning district. The applicant proposes to subdivide the lot to create two lots fronting on Dedham Street, and a third rear lot on which the existing single-family dwelling will remain.

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

- Zoning Review Application, prepared by David Geffen, dated 6/12/2020
- Survey Plan, signed and stamped by Christopher C. Charlton, surveyor, dated 6/10/2020
- Zoning and Grading Plan, signed and stamped by Christopher Charlton, surveyor, and Edmond Spruhan, engineer, dated 6/10/2020
- FAR worksheets, submitted 6/12/2020
- Architectural Plans and Elevations, prepared by Jeffrey Yates Architects LLC, dated 6/10/2020

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to divide the existing 66,503 square foot lot to create two lots fronting on Dedham Street and a rear lot behind them per Sections 3.1.5 and 3.1.10. Of the two front lots, only one, Lot 3, is subject to the special permit. Lot 2 is a legal stand-alone new lot. To subdivide the land as proposed, a special permit per Section 3.1.10.A is required.
2. Section 3.1.10.B.1 requires that a 20-foot wide vehicular access, or access easement, be provided. The rear lot will be accessed by a 20-foot wide shared easement split between the two front lots.
3. Section 3.1.10.B.2 requires both the front and rear lots to meet the frontage requirements for new lots in the zoning district. The two front lots meet the new lot frontage requirement. The proposed rear lot gains its frontage from the rear lot line of Lot 3, with 119.88 feet, where 100 feet is required per section 3.1.5.
4. Section 3.1.10.B.3.a requires that, subject to a special permit, the proposed rear lot may be no closer than 25 feet from the rear line of the lot in front. The proposed dwelling on the rear lot is situated 48.8 feet from the rear lot line of the front lot where 30 feet is required per section 3.1.5. No relief is required.
5. The proposed structures meet the required rear and side setbacks set forth in Sections 3.1.3 and 3.1.5.

Front Lot (Lot 2) per Section 3.1.3

SR2 Zone	Required/Allowed	Proposed
Lot Size	15,000 square feet	17,631.5 square feet
Frontage	100 feet	100 feet
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	30 feet 15 feet 15 feet	45 feet 16 feet 17.7 feet
FAR	.33	.27
Maximum Stories	2.5	2.5
Max. Lot Coverage	20%	19.7%
Min. Open Space	65%	65%

Front Lot (Lot 3) per Section 3.1.3

SR2 Zone	Required/Allowed	Proposed
Lot Size	15,000 square feet	17,563 square feet
Frontage	100 feet	107.8 feet
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	30 feet 15 feet 15 feet	36 feet 16 feet 26.8 feet
FAR	.33	.26
Maximum Stories	2.5	2.5
Max. Lot Coverage	20%	19 %
Min. Open Space	65%	66.2%

Proposed Rear Lot (Lot 1), per Section 3.1.5

SR2 Zone	Required/Allowed	Proposed
Lot Size	18,000 square feet	31,308 square feet
Frontage	100 feet	119.9 feet
Vehicle Access	20 feet	20 feet
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	30 feet 23 feet 23 feet	30.1 feet 60 feet 69.3 feet
FAR	.20	.16
Building Height	36 feet	37.64 feet (no change)
Maximum Stories	2.5	2.5
Max. Lot Coverage	17%	8.1%
Min. Open Space	65%	79.9%

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Site</i>	<i>Action Required</i>
§3.1.5 §3.1.10	Request to allow a rear lot subdivision	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 Daghlion, Associate City Engineer

Re: Special Permit – 432 Dedham Street

Date: September 11, 2020

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

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

432 Dedham Street
Prepared by: Spruhan Engineering, PC
Dated: 6-10-'20

Executive Summary:

This special permit entails the subdivision of an existing parcel of land having 66,503 square feet [1.52 acres] and over 207-feet of frontage along Dedham Street towards the south into three lots. The site has residential homes along the north, east and western property lines. The topography of the land is relatively flat having a high point near Dedham Street at elevation 180-feet then gently slopes to the north at elevation 175-feet over a 325 distance. The proposed design has two new lots along Dedham Street while maintaining the rear dwelling on a sperate lot; a new common driveway will provide access for the three dwellings, and the old driveway apron will be closed.



Looking southerly towards Dedham Street where the two new dwelling are proposed

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 single lot be subdivided into 3 separate lots. This can be completed prior to applying for a Building Permit.

The engineer of record has designed a stormwater collection system to capture runoff from the impervious surfaces of the two new lots but not the existing dwelling as noting is proposed to this dwelling. Pre & Post watershed plans are needed to verify the final grading and stormwater flows. The soil testing reviled relatively shallow groundwater mottling (a type of mottle associated with wetness in soil); thus, has designed shallow widespread infiltration systems. There seems to be a discrepancy between these systems, on sheet 4 of 6 the detail shows one pipe in a bed of crushed stone, on sheet 6 of 6 the detail shows a Stormtec SC-740 chamber, the design needs clarification.

Versa-Lok landscape walls averaging a height of 3.5 feet is proposed along the property line of #424 Dedham Street as well as a similar wall along the property line with #450 Dedham Street; I recommend that these walls are pulled back a foot or two to keep the walls on the applicants property and ease of maintenance.

New municipal utilities will be provided for the three dwellings if the existing dwelling is to be gutted or renovated by more than 50% the sanitary sewer connection must also be updated to current standard as it dates to 1951.

An existing overhead electric service that provides power to #450 Dedham Street should be re-routed from pole #49 to 117A/1 as it transverses proposed lot # 3.

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. 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. A Pre & Post Construction drainage analysis is required. All stormwater runoff from the site shall be captured on-site and infiltrated in accordance with the Massachusetts Department of Environmental Protection standards and the City of Newton Department of Public Works policy. This policy states that stormwater runoff shall be retained from the 100-year storm event of 8.78-inches over a 24-hour period and shall be infiltrated to the maximum practicable extent. Pre & Post watershed maps (at a proper scale that is legible) are required that delineate control points and limits of the sub-basins. On-site soil evaluation is required to determine the seasonal high groundwater elevation, soil types and to identify any and all unsuitable soils (such as ledge, clay, peat, fill and others). On site soil testing that will include test pit(s) within 25 -feet of each proposed system and percolation test(s) must be schedule and witnessed by a representative of the Engineering Division. Soil logs shall be submitted on the site plan or drainage report and shall be certified by a Massachusetts Licensed Soil Evaluator and/or Professional Civil Engineer.
2. The proposed Operations and Maintenance (O&M) plan for the long-term maintenance of the proposed stormwater management facilities needs to include post construction sweeping of the common drive, once this is updated it will be approved. Once approved the O&M must be adopted by the applicant/property owner, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
3. 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).

Environmental:

- Are there any existing underground oil or fuel tanks? Have they been removed, if they have been, evidence of the proper removal should be submitted to the Newton Fire Department and the Board of Health.

Sanitary Sewer & Domestic Water Service(s):

1. Existing water and sewer services to building(s) shall cut and capped at the respective mains and completely removed from the main(s) and its entire length and properly backfilled. The Engineering Division must inspect and approve this work, failure to having this work inspected will result in delay of issuance of the new Utility Connection or issuance of a Certificate of Occupancy.
2. All new sewer service(s) shall be pressure tested in accordance 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.
3. 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.
4. With the exception of natural gas service(s), all utility trenches within the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E up to within 18-inches of the asphalt binder level, after which Dense Grade Gravel compacted to 95 % Proctor Testing shall be placed over the CDF. Details of this requirement is the Engineering Division website "Standard Construction Details".

5. 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.
6. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division, the engineer of record shall submit a plan to the Director of Utilities for approval.

General:

1. 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.
9. *The engineer of record shall add the following attestation to the plans when applying for a building permit:*

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

Signature

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

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

ATTACHMENT E

DRAFT #316-20
432 Dedham Street

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 the following SPECIAL PERMIT/SITE PLAN APPROVAL for a rear lot subdivision by allowing the frontage of the rear lot to be measured along the rear lot line of a lot in front, the construction of a single-family dwelling on each of the resulting new front lots, and the reduction of the lot size for the existing single-family dwelling, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The site in a Single Residence 2 (SR2) district is an appropriate location for the two single-family dwellings proposed for the new front lots, and the reduced lot size for the existing single-family dwelling, as the proposed new front and rear lots will be used as single-family dwellings in a Single Residence 2 (SR2) district. (§7.3.3.C.1)
2. As single-family dwellings in a Single Residence 2 (SR2) district that conform to relevant dimensional requirements, the proposed residential uses as will not adversely affect the neighborhood. (§7.3.3.C.2)
3. The proposed shared 14 foot wide driveway located within a 20 foot wide easement will provide adequate sight lines and there will be no nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
5. Any impact of the two proposed dwellings' heights that exceed the respective average height of abutting residential buildings and any structures used for accessory purposes would be mitigated by the distances between the proposed and existing structures (§7.3.4.B.1)
6. The two proposed single-family dwellings are designed in such a manner that their massing and scale will be in character and consistent with adjacent existing and allowed residential structures in the surrounding Single Residence 2 (SR2) zoning district. (§7.3.4.B.2)

7. Topographical differences between the two proposed front dwellings and structures on abutting properties are minimal. (§7.3.4.B.3)
8. The proposed landscape plan includes the installation of trees and other vegetation which will largely screen the new dwellings from abutting properties and adjacent public ways. (§7.3.4.B.4)
9. The common driveway is adequate for vehicular access. (§7.3.4.B.5)
10. The siting of the proposed front dwellings is appropriate given the scales and locations of abutting residential structures. (§7.3.4.B.8)
11. The proposed lighting will be residential in character and will not impact abutting properties. (§7.3.4.B.9)

PETITION NUMBER: #316-20

PETITIONER: L. Fred Kaplan

LOCATION: 432 Dedham Street, on land known as Section 81 Block 11A Lot 47, containing approximately 66,503 square feet of land

OWNER: L. Frederick Kaplan

ADDRESS OF OWNER: 432 Dedham Street
Newton, MA 02459

TO BE USED FOR: Rear lot subdivision to create a 31,308 square foot rear lot and construction of two new single-family dwellings, one each on two resulting front lots, one measuring 17,631 square feet , the other on the resulting 17,563 square foot rear lot.

CONSTRUCTION: Wood frame

EXPLANATORY NOTES: Special Permit to allow a rear-lot subdivision (§3.1.5, §3.1.10)

ZONING: Single Residence 2 (SR2) District

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. A plan entitled "Area Plan, 432 Dedham Street, Newton, Massachusetts" (Sheet 1 of 1), prepared by Spruhan Engineering, P.C., signed and stamped by

Christopher C. Charlton, Professional Land Surveyor, dated July 21, 2020, as revised through September 8, 2020;

- b. A set of site plans entitled "432 Dedham Street, Newton, Massachusetts," prepared by Spruhan Engineering, P.C., signed and stamped by Christopher C. Charlton, Professional Land Surveyor, dated June 10, 2020, as revised through August 3, 2020:
 - i. Survey Plan (Sheet 1 of 6)
 - ii. Zoning & Grading Plan (Sheet 2 of 6)
 - iii. Utility Plan (Sheet 3 of 6)
 - iv. System Drainage Plan (Sheet 4 of 6)
 - v. Details (Sheet 5 of 6), dated June 10, 2020, as revised through August 3, 2020
 - vi. Details (Sheet 6 of 6), dated June 10, 2020, as revised through August 3, 2020.
 - c. A plan entitled "Tree Plan, 432 Dedham Street, Newton, Massachusetts (Sheet 1)", prepared by Spruhan Engineering, P.C., dated September 2, 2020;
 - d. A plan entitled "Landscape Plan, 432 Dedham Street, Newton, Massachusetts (Sheet 1)", prepared by Spruhan Engineering, P.C., dated September 2, 2020;
 - e. A set of architectural drawings for the single-family dwellings proposed for the two front lots entitled "Proposed Residences at 432 Dedham Street Newton MA," prepared and copywritten by Jeffrey Yates Architect LLC dated June 10, 2020:
 - i. Front Elevations- Site Sections
 - ii. Plans- Left Residence and Right Residence
 - iii. Left Residence- Front Elevation
 - iv. Left Residence- Right Side Elevation and Left Side Elevation
 - v. Left Residence- Rear Section/Elevation and Rear Elevation
 - vi. Right Residence- Front Elevation
 - vii. Right Residence- Left Side Elevation and Right Side Elevation
 - f. A document entitled "Floor Area Ratio Worksheet, Property Address: 432 Dedham Street- Lot 1," signed and stamped by Jeffrey D. Yates, Registered Architect
 - g. A document entitled "Floor Area Ratio Worksheet, Property Address: 432 Dedham Street- Lot 2," signed and stamped by Jeffrey D. Yates, Registered Architect
 - h. A document entitled "Floor Area Ratio Worksheet, Property Address: 432 Dedham Street- Lot 3," signed and stamped by Jeffrey D. Yates, Registered Architect
- 2. All utilities shall be located underground from the property line.
 - 3. All lighting fixtures shall be residential in scale.

4. Prior to the issuance of any Building Permit, the petitioner shall record a certified copy of an Approval Not Required (ANR) plan showing the division of the property consistent with the plans referenced in Condition #1 with the Registry of Deeds for the Southern District of Middlesex County and file a copy of such recorded ANR plan with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development. Said plan, or a similarly recorded plan, shall show the location and extent of the required easement providing access to the rear lot.
5. Prior to the issuance of any Building Permit, 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 adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
6. Prior to the issuance of any Building Permit, 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.
7. Prior to the issuance of any Building Permits, the petitioner shall provide a Final Landscape Plan showing all new plantings, for review and approval by the Director of Planning and Development.
8. Prior to the issuance of any Building Permit, the petitioner shall submit a final Construction Management Plan (CMP) to the Commissioner of Inspectional Services, the Director of Urban Forestry, the Engineering Division of Public Works, the Director of the Department of Planning and Development, the Newton Fire Department and Newton Police Department, which plan should include at a minimum:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
 - c. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - d. A tree preservation plan to define the proposed method for protection of existing trees to remain on the site and on abutting properties during construction.
 - e. A plan for rodent control during construction.
 - f. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
 - g. To ensure emergency vehicle access there shall be no parking in the driveway.
 - h. The CMP shall also address the following:

- i. location(s) of a staging site for construction equipment and parking for construction workers vehicles;
 - ii. identification of building materials;
 - iii. phasing of the project with anticipated completion dates and milestones;
 - iv. safety precautions;
 - v. anticipated dewatering during construction;
 - vi. site safety and stability;
 - vii. impacts on abutting properties, including any on the retaining wall located on the adjacent property to the west.
9. No Building Permit for one or both of the dwellings shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has, as such relates to the dwelling(s) for which the such building permit is requested:
 - a. Received final approval from the Director of Planning and Development for the Construction Management Plan.
 - b. 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.
 - c. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - e. Obtain a written statement from the Engineering Division of Public Works that confirms the receipt of a certified copy of the recorded O&M in accordance with Condition #4.
 - f. Filed a final Landscape Plan to the Director of Planning and Development for review and approval.
10. No Final Inspection and/or Occupancy Permit for any of the dwellings subject to this Special Permit/Site Plan Approval shall be issued until the petitioner has, as such relates to the dwelling(s) for which the such Final Inspection and/or Occupancy Permit is requested:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Filed with the City Clerk and 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 and fencing.
 - d. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer

- certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
11. No Final Inspection and/or Occupancy Permit for one or both of the dwellings constructed pursuant to this Special Permit/Site Plan Approval shall be issued until the petitioner has, as such it relates to the such dwelling(s) for which the such Final Inspection and/or Occupancy Permit is requested, has filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that the stormwater and drainage improvements identified in the provisions of Condition #1 above have been constructed to the standards of the City of Newton Engineering Department.
 12. Notwithstanding the provisions of Condition #11 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 provide 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.
 13. The landscaping shown on the approved Final Landscape Plan shall be maintained in good condition. The plantings shall be inspected annually and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.