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Mayor

**City of Newton, Massachusetts**  
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James Freas  
Acting Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date: May 12, 2015  
Land Use Action Date: June 9, 2015  
Board of Aldermen Action Date: June 15, 2015  
90-Day Expiration Date: August 10, 2015

DATE: May 8, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Stephen Pantalone, Senior Planner 

SUBJECT: **Petition #92-15**, ANDREW CONSIGLI, 131 CHARLESBANK ROAD LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-unit addition to an existing two-family dwelling at **131 Charlesbank Road**, Ward 1, on land known as SBL 71, 7, 25, containing approximately 14,080 square feet of land in a district zoned MULTI RESIDENCE 2. Ref: Sec 30-24, 30-23, and 30-9(d)(1) of the City of Newton Rev Zoning Ord, 2012.

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The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



**131 Charlesbank Road**

## **EXECUTIVE SUMMARY**

The property at 131 Charlesbank Road consists of 14,080 square feet of land, improved with a single-family dwelling constructed in 1870. The petitioner is proposing to convert the original structure to two units and to add an additional two units in the rear, thereby creating a four-unit multi-family dwelling. The petitioner is proposing to use the significant downward slope of the site to construct three single-car garage bays at the ground level of the addition, each with an exterior parking stall in front of it, and to create three additional surface parking stalls. The petitioner is seeking a special permit to allow a multifamily building, which conforms to all of the dimensional requirements for multi-family dwellings. The petitioner received a waiver of the demolition delay from the Newton Historical Commission (“NHC”) based on the proposed plans (**ATTACHMENT A**).

The site is located in a dense neighborhood with a mix of single-family, two-family, and multi-family dwellings including several three-family dwellings, and based on the Assessors Database, what appears to be four dwelling units 123-128 Charlesbank Road (abutting property to the north), and six dwelling units at 26-28 Jefferson Street (abutting the rear of the subject property). The density of the neighborhood in terms of bulk and mass of the structures varies by property, with lots where the building consumes most of the site, and other lots that have rear yards.

The Planning Department believes that the site is an appropriate location for a multi-family building with three to four units in order to preserve the existing structure, and that the site plan effectively uses the grading on the site. The Planning Department also believes that design of the addition, which led NHC to waive the demolition delay, is respectful of the existing structure and successfully integrates its architectural features. The petitioner should use the materials for the existing structure and addition as discussed at the NHC meeting. The proposed addition will be largely screened from the streetscape, as it is located in the rear of the existing structure and will be partially screened due to the slope of the site and the existing vegetation.

The Planning Department recommends that the petitioner replace the existing fence along the southern property line which is in poor condition, provide vegetation along the southern façade of the addition where the foundation is visible, and consider planting additional vegetation along the side property lines towards the rear of the site, particularly if large mature trees are to be removed as part of the project. The Planning Department also suggests that the petitioner utilize a stone veneer for the foundation as discussed at the NHC meeting.

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

When reviewing this request, the Board should consider whether:

- The specific site is an appropriate location for the proposed multi-family dwelling. (§30-24(d)(1))

- The proposed multi-family dwelling as developed and operated will not adversely affect the neighborhood. (§30-24(d)(2))
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§30-24(d)(3))
- Access to the site over streets is appropriate for the types and number of vehicles involved. (§30-24(d)(4))

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The site is located on Charlesbank Road off of St. James Street. The land uses in the surrounding neighborhood consist of single-family, two-family and multi-family dwellings (**ATTACHMENT B**), including four dwelling units at the abutting property to the east, three dwelling units at the abutting property to the south, and six dwelling units at one of the abutting properties to the west. The zoning district in the surrounding neighborhood is Multi-Residence 2 (**ATTACHMENT C**).

### B. Site

The site consists of 14,080 square feet of land, improved with a single-family dwelling constructed in approximately 1870. The 2.5-story structure is located proximate to the front property and has a large rear yard. There is a significant downward slope from the front to the rear of the site and a city sewer easement that runs through the rear of the property.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The petitioner is proposing to convert the existing single-family dwelling to two units and to add an additional two units on the rear of the structure, resulting in a four-unit multi-family dwelling. The units will consist of three bedrooms and will have a total living area (including space in the basement) of 2,525 square feet (Unit A), 2,184 square feet (Unit B), 3,150 square feet (Unit C), and 2,378 square feet (Unit D). Units A and B are located in the existing structure and Units C and D are in the addition.

The Planning Department does not have any concerns with the proposed multi-family use, as the project meets the dimensional requirements of the Newton Zoning Ordinance and the site is located in a neighborhood with similarly dense residential uses in terms of lot area per unit.

B. Building and Site Design

The petitioner is proposing to construct a 2½-story addition to the rear of the existing dwelling that doubles the size of the existing footprint. The addition will consist of two units with three single-bay garages at the basement/first story level. The petitioner will provide enough space for an additional parking stall in front of each of the garage bays and create three surface parking stalls over the City sewer easement. The petitioner is proposing to extend and expand the existing driveway by using five feet of pavers on either side of the nine foot driveway, in order to allow two-way traffic and Fire Department access. The proposed addition incorporates architectural features of the existing building and will step down in height from the existing structure.

The approximate floor area ratio (FAR) of the project is approximately .65 (assuming living area plus ½ basement area). Based on the data from the Assessors Database, with the assumption that some of the basement counts because of the grading in the neighborhood; the average FAR of the surrounding properties is in the range of .55 (**ATTACHMENT D**). However, the Planning Department emphasizes that there is no maximum FAR for multifamily dwelling, and that the Accessors Database can only provide a very rough estimate for general comparison purposes.

The Planning Department believes that the petitioner is efficiently using the grading of the site to mitigate the view of the addition from the streetscape, and that the design of the addition successfully incorporates architectural features of the existing structure. The petitioner should use materials as discussed in their NHC meeting, which indicated wood clapboard and shingle siding, two over two windows, maintaining stained glass windows where found, and a stone veneer on the foundation. The Planning Department notes that these materials are not identified in the special permit elevations.

C. Landscape Screening

The petitioner is not proposing any additional landscaping on the site. The petitioner should clarify whether existing vegetation will be removed as part of the proposed project. The Planning Department recommends that the petitioner consider additional plantings along the side property lines towards the rear of the site, and that the petitioner replace the existing fence along the southern property line which is in poor condition. The Planning Department also recommends the petitioner plant hedges along the south side of the building to help screen the foundation.

#### IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT E**) provides an analysis of the proposal with regard to zoning. The petitioner is seeking the following reliefs:

- Section 30-9(d)(1), to allow a multi-family building

##### B. Engineering Review

The Engineering Division Memorandum, (**ATTACHMENT F**), provides an analysis of the proposal with regard to engineering issues. The memorandum indicates that the proposed drainage plan is acceptable, but that additional testing will be necessary prior to building permit. The memorandum requests that the Engineer of record demonstrates that the proposed surface parking stalls will not adversely impact the existing underground utility pipes. The petitioner should also clarify the plan for the existing parking stall near the proximate to the street on the north side of the property.

#### V. PETITIONER'S RESPONSIBILITIES

The petition should address the Planning Department's comments regarding planting additional vegetation and identify proposed materials on the elevations that are consistent with the materials discussed at the public hearing with NHC. The petitioner should also address the City engineer's question regarding the plan for the existing parking stall proximate to the street.

#### **ATTACHMENTS:**

- Attachment A:** Newton Historical Commission Decision  
**Attachment B:** Land Use Map  
**Attachment C:** Zoning Map  
**Attachment D:** Neighborhood Comparison  
**Attachment E:** Zoning Review Memorandum  
**Attachment F:** Engineering Memorandum



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
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Candace Havens  
Director

**RECORD OF ACTION:**

**DATE:** February 3, 2015

**SUBJECT:** 131 Charlesbank Road

At a scheduled meeting and public hearing on January 22, 2015 the Newton Historical Commission, by vote of 6-0:

**RESOLVED** to waive the demo delay for a partial demo of 131 Charlesbank Road based on approved plans, with the condition that the proposed materials appear on the final set of plans for staff approval.

Voting in the Affirmative:                      Voting in the Negative:                      Abstained:

- Nancy Grissom, Member
- Jeff Templar, Member
- Mark Armstrong, Member
- Peter Dimond, Member
- Laura Fitzmaurice, Member
- Jean Fulkerson, Member

Katy Hax Holmes  
Staff



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Candace Havens  
Director

**Newton Historical Commission Demolition Review Decision**

Date: 2/3/15 Zoning & Dev. Review Project# 14070052

Address of structure: 131 Charlesbank Road

Type of building : House

If partial demolition, feature to be demolished is rear facade

The building or structure:

is        is not  x  in a National Register or local historic district not visible from a public way.

is        is not  x  on the National Register or eligible for listing.

is        is not  x  importantly associated with historic person(s), events, or architectural or social history

is  x  is not        historically or architecturally important for period, style, architect, builder, or context.

is        is not  x  located within 150 feet of a historic district and contextually similar.

is        **NOT HISTORIC** as defined by the Newton Demolition Delay Ordinance.

*Demolition is not delayed and no further review is required.*

is  x  **HISTORIC** as defined by the Newton Demolition Delay Ordinance (See below).

The Newton Historical Commission staff:

       **APPROVES** the proposed project based upon materials submitted see below for conditions (if any).

*Demolition is not delayed, further staff review may be required.*

x  **DOES NOT APPROVE** and the project requires  
Newton Historical Commission review (See below).

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The Newton Historical Commission finds the building or structure:

is        **NOT PREFERABLY PRESERVED**

*Demolition is not delayed and no further review is required.*

is  x  **PREFERABLY PRESERVED – ( SEE BELOW).**

Delay of Demolition:

       is in effect until       

x  has been waived - see attached for conditions

Determination made by:

*Cathy Jones Jones Note*

Please Note: if demolition does not occur within two years of the date of expiration of the demolition delay, the demolition will require a resubmittal to the Historical Commission for review and may result in another demolition delay.

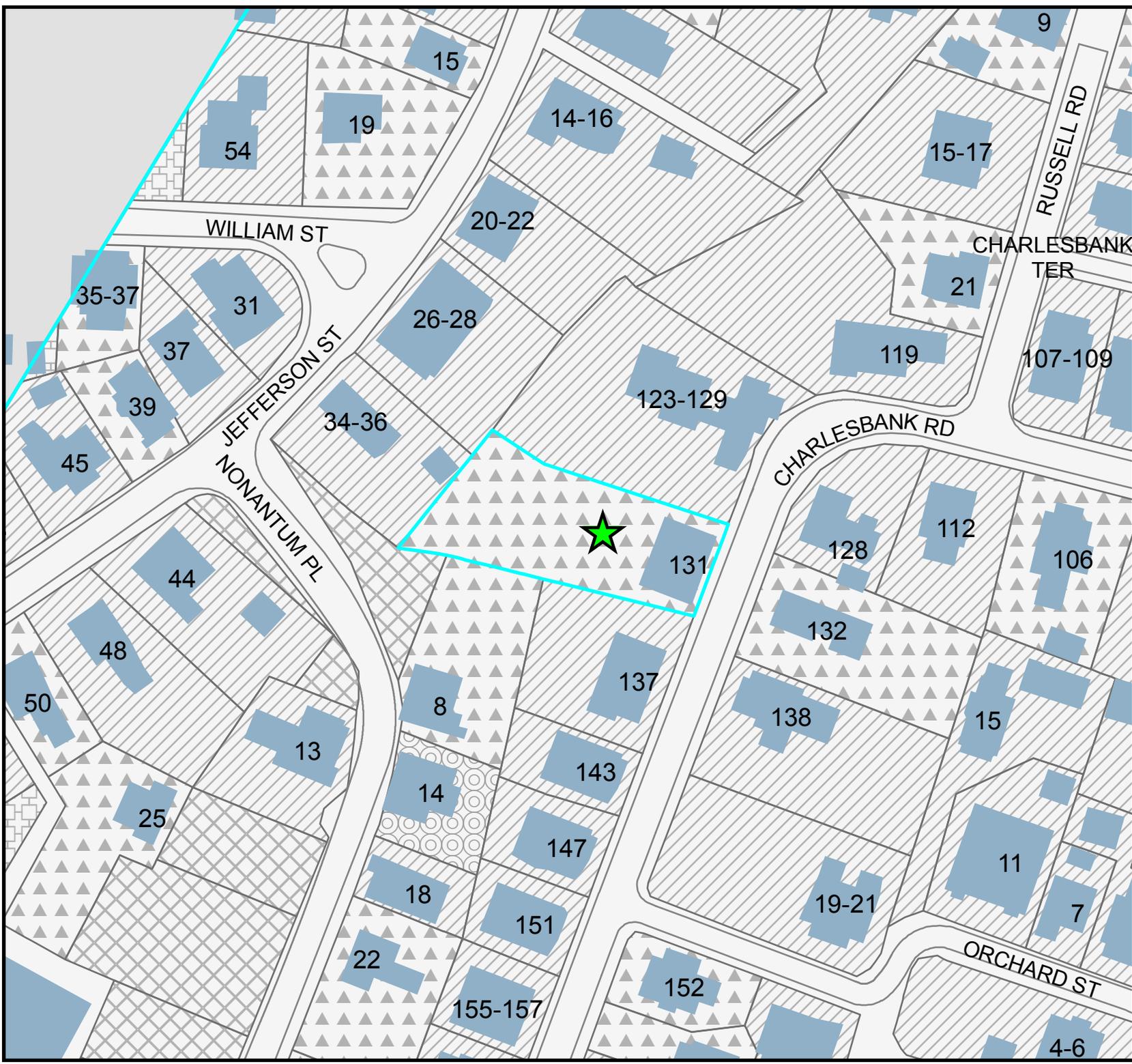
# Land Use Map 131 Charlesbank Rd

City of Newton,  
Massachusetts

**Legend**

- Single Family Residential
- Multi-Family Residential
- Open Space
- Nonprofit Organizations
- Vacant Land

**ATTACHMENT B**



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 - Setti D. Warren  
GIS Administrator - Douglas Greenfield



Map Date: May 01, 2015



## NEIGHBORHOOD COMPARISON

	Units	Lot Size	Main House	Basement	Attic	Garage	FAR*
103-105 Charlesbank Rd	2	5,000	3,000	2,028	200	-	0.80
106 Charlesbank Rd	1	7,664	3,236	942			0.48
107-109 Charlesbank Rd	2	4,745	2,640	1,540			0.72
112 Charlebank Rd	2	7,168	2,904	1,179	110		0.49
119 Charlesbank Rd	3	15,100	2,407	1,260	466		0.20
123-129 Charlesbank Rd	4	17,505	6,672				0.38
128 Charlesbank Rd	2	5,712	1,914	1,034	280		0.43
132 Charlesbank Rd	1	10,250	1,875	1,268			0.24
137 Charlesbank Rd	3	6,735	3,070		764		0.46
138 Charlesbank Rd	2	12,000	1,795	1,545			0.21
143 Charlesbank Rd	3	3,663	2,464	1,232	604		0.84
147 Charlesbank Rd	3	3,972	2,484	1,242	621		0.78
151 Charlesbank Rd	2	3,349	2,484	1,242	300		0.93
152 Charlesbank Rd	1	4,110	2,909	1,193		190	0.90
19-21 Orchard Street	2	12,250	2,917	1,670	624		0.31
14-16 Jefferson St	2	13,950	2,700	1,350	670		0.24
20-22 Jefferson St	2	6,938	2,400	1,200	600		0.43
14-16 Jefferson St	6	9,308	6,622				0.71
Average		8,301					0.53

\* Assumes half of basement counts, and no portion of the attic counts



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James Freas  
Acting Director

**ZONING REVIEW MEMORANDUM**

Date: January 7, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Alexandra Ananth, Chief Planner for Current Planning

Cc: David Oliveri, Consigli Development, applicant  
James Freas, Acting Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to convert existing single-family into two units, and construct two additional attached units in the rear**

<b>Applicant: David Oliveri, Consigli Development</b>	
<b>Site:</b> 131 Charlesbank Road	<b>SBL:</b> 71007 0025
<b>Zoning:</b> MR2	<b>Lot Area:</b> 14,080 square feet
<b>Current use:</b> Single-family dwelling	<b>Proposed use:</b> Four-unit multi-family dwelling

**BACKGROUND:**

The property at 131 Charlesbank Road consists of a 14,080 square foot lot improved with a single-family dwelling built in 1870. The property is located in the Multi-Residence 2 zoning district. This application proposes to maintain the original structure and convert it to two units, as well as add two additional units in the rear, creating a four-unit multi-family structure.

The applicant proposes to construct four single-car garage bays in the lower level of the dwelling, each with an exterior parking stall in front of it. Three additional parking stalls are proposed for visitor parking. The existing driveway will be narrowed, but lengthened to travel to the rear of the property to reach the garages and parking areas. The driveway will be gravel.

To build the project as proposed requires a special permit to allow a multi-family structure in a Multi-Residence 2 district.

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

- Zoning Review Application, prepared by David Oliveri, applicant, dated 12/1/2014

- Proposed Conditions Site Plan, prepared by Boston Survey, Inc, dated 12/19/2014
- Architectural drawings, dated 12/16/2014
  - Restorations and Additions
  - Elevations
  - Basement floor plan
  - First floor plan
  - Second floor plan
  - Third floor plan
  - Plot plan
  - Unit square footages

**ADMINISTRATIVE DETERMINATIONS:**

1. The applicant proposes to maintain the existing single-family dwelling structure, and convert it to two units, while also adding two additional units to the rear. To create a four-unit multi-family structure in the MR2 zoning district requires a special permit pursuant to Section 30-9(d)(1).
2. Section 30-19(d)(2) requires two parking stalls per each residential unit. The applicant proposes attached single-car garages at the ground level for each unit, as well as outdoor parking for seven cars, for a total of 11 parking stalls on site.
3. The applicant proposes to use gravel for the driveway and parking areas to maintain conformity with the open space and lot coverage requirements.
4. The property is located in the MR2 zone and must comply with the dimensional standards of Section 30-15, Table 3 (see chart below).

MR2 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	14,080 feet	No change
Frontage	80 square feet	80 feet	No change
Setbacks <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	25 feet 7.5 feet 15 feet	<b>4.4 feet</b> 9.4 feet N/A	<b>No change</b> 8.2 feet 72.3 feet
Lot Area Per Unit	3000 square feet	14,080 square feet	3,520 square feet
FAR	N/A		.64
Building Height	36 feet	N/A	36 feet
Maximum Stories	3	2.5	2.5
Lot Coverage	30%	N/A	28%
Open Space	50%	N/A	75%

5. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Use</i>	<i>Action Required</i>
§30-9(d)(1)	To allow a multi-family in the MR2 district	S.P. per §30-24

CITY OF NEWTON  
Department of Public Works  
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – #131 Charlesbank Road

Date: May 6, 2015

CC: Lou Taverna, PE City Engineer  
Linda Finucane, Associate City Clerk  
Alexandria Ananth, Chief Planner  
Stephen Pantalone, Sr. Planner

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

*Proposed Addition  
131 Charlesbank Road  
Newton, MA  
Prepared by: Hayes Engineering  
Dated: April 10, 2015  
Revised: April 14, 2015*

*Executive Summary:*

A two story addition is proposed onto the existing dwelling, if the Special Permit is approved the applicants will need a License Agreement from the City since the proposed accesses driveway and parking stalls are within City owned sanitary sewer & stormwater drain easements that traverse this site. The Engineer of record needs to demonstrate that the additional loads imposed by the parked vehicles and vehicle movement over the existing utility pipes are not going to negatively impact the integrity of these pipes.

Based on a site visit yesterday an existing parking area is located on the northeast corner of the lot (see photo below); clarification is needed regarding this stall; is it to be removed and the driveway apron will be modified or is the intent to keep the stall? Ownership and future status of the landscape timber retaining wall shown as a bold black line on the site plan needs clarification. The site plan refers to various notes on Sheet 2; however no Sheet 2 was submitted.



Water and sanitary sewer services shall be updated to these dwellings. The Fire Department may require a fire suppression system for the proposed construction. If so, Fire Flow test will be required along with Hydraulic calculations for the fire sprinkler system.

The proposed on-site drainage improvements and the design methodology are acceptable; however, they are based on Soil Mapping and not actual on site soil analysis. On site soil evaluation will be needed before final approval of the drainage system is issued. The seasonal high groundwater elevation needs to be determined as well as the soils ability to absorb the infiltrated stormwater.

If this permit is approved; prior to any construction; Pre & Post Construction Closed Circuit Television (CCTV) inspection shall be performed on both the sanitary sewer & storm drain pipes and must be witnessed by the Engineering Division.

Finally large circles and lines are shown on the site plan, along the property lines; what do these represent?

Construction Management:

- A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.

Drainage:

1. An on-site soil evaluation needs to be performed to obtain the seasonal high groundwater elevation, percolation rate in accordance to Title V. This information must be submitted with the drainage study. The locations of these tests need to be shown on the site plan and must be performed within 25-feet of a proposed system.
2. An Operations and Maintenance (O&M) plan for Stormwater Management Facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
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, and pipes are the sole responsibility of the property owner(s).
4. Details of the proposed stormwater infiltration system are required.

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

Sewer:

1. A detailed profile is needed which shows the existing water main, proposed water service(s), sewer main and proposed sewer service(s) with the slopes and inverts labeled to ensure that there are no conflicts between the sewer services and the water service. The minimum slope for a service is 2.0%, with a maximum of 10%. Pipe material shall be 6" diameter SDR 35 PVC pipe within 10' of the dwelling then 4" pipe per Massachusetts State Plumbing Code. In order to verify the slopes and inverts of the proposed service connection, two manholes of the existing sanitary sewer system need to be identified on the plan with rim & invert elevations. The crown of the service connection & the sewer man need to match.
2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
3. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the city of Newton Construction Standards Detail Book.
4. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***
5. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. All testing

MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed and a written report is received by the City Engineer.

Water:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.
2. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
3. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. Finalized utility connection plan reflecting the above changes that meets the minimal design standards of the City of Newton must be submitted for approval by the contractor of record with appropriate Bonds & Insurance. The Engineering Division makes no representations and assumes no responsibility for the design(s) in terms of suitability for the particular site conditions or of the functionality or performance of any items constructed in accordance with the design(s). The City of Newton assumes no liabilities for design assumption, error or omissions by the Engineer of Record.
2. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
3. All tree removal shall comply with the City's Tree Ordinance.
4. The contractor is responsible for contacting the Engineering Division and scheduling an appointment 48 hours prior to the date when the utilities will be made available for an inspection of water services, sewer service, and drainage system installation. The utility in question shall be fully exposed for the inspector

to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*

5. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
6. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
7. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
8. If a Certificate of Occupancy is requested prior to all site work being completed. *This note must be incorporated onto the site plan.*

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

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