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James Freas  
Acting Director

**PUBLIC HEARING/WORKING SESSION MEMORANDUM**

**DATE:** November 13, 2015  
**MEETING DATE:** November 17, 2015  
**TO:** Land Use Committee of the Board of Aldermen  
**FROM:** James Freas, Acting Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Stephen Pantalone, Senior Planner  
**CC:** Petitioner

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

**PETITION #147-15**

**157 Herrick Road**

Request for Special Permit/Site Plan Approval to rehabilitate and construct an addition to Farwell Hall to be used as a congregate living center, to waive 28 parking stalls, and to allow relief certain dimensional requirements for parking facilities.

The Land Use Committee (the "Committee") held a public hearing on September 10, 2015, which was held open so that the petitioner could respond to questions/concerns that were raised in the Planning Department's memorandum and at the public hearing by the Committee and the public. This memo reflects additional information submitted by the petitioner and additional analysis completed by the Planning Department.

**Inclusionary Housing Payment**

The City's Law Department reviewed the proposed inclusionary housing payment and found that it met the requirements of the Newton Zoning Ordinance. The proposed lump sum payment is the approximate present value of the 2.5% payment over a 10-year period. After year 10, any additional funds would be minimal. Therefore, the City believes that the proposed payment is satisfactory and has no concerns.

### **Engineering Comments**

The petitioner responded to the concerns raised in the Engineering Division Memorandum and submitted a stormwater report (**ATTACHMENT A**). The Engineering Division will review the project and any revisions to the plans prior to the issuance of a building permit, if the special permit is approved. The Planning Department consulted with the Law Department and believes that the proposed contribution for I&I at 1:1 is adequate because the project will have less than 100 beds.

### **Recommendation**

The Planning Department finds the petition to be complete and recommends approval with conditions.

### **ATTACHMENTS:**

**Attachment A:** Petitioner Response to Engineering Memorandum



November 10, 2015

**Attention: John Daghlian, Associate City Engineer**  
**CITY OF NEWTON**  
ENGINEERING DIVISION  
Department of Public Works  
Newton City Hall, Room 102  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

**Reference: Preliminary Review Sheet**

Dear Mr. Daghlian,

Thank you for providing us with your comment letter pertaining to the Special Permit drawing set for *Benchmark at Andover Newton Technology School* dated May 29, 2015. We have reviewed your comments and have offered responses below. For ease of reading, we have re-typed each of your comments and have provided responses immediately following the comments in *italics*. We have also included a revised plan set addressing your comments.

1. The engineer of record has designed a drainage collection system to collect runoff from the parking lot and infiltrate the water into an underground infiltration system within the parking lot; my concern about this is water that permeates from the system is in close proximity of the proposed retaining walls. Retaining wall stability is a major concern specifically when excess water is introduced behind the wall.

**Response:** *The subsurface infiltration chamber system has been revised to allow for greater separation between the system and the proposed retaining walls. See attached revised utility plans.*

2. Furthermore, the design has an overflow flared end section pipe to discharge excess water from the system down the steep hill towards Cypress Street. This is unacceptable if the overflow pipe is needed, (the design engineer needs to justify the need); the overflow pipe shall be placed underground in a perforated pipe with crushed stone to act as a diffuser rather than discharge as point source and avoid erosion.

**Response:** *The overflow is needed for cases when storms of greater intensity than a 100-yr even occur. We have added a detail describing the suggested level spreader design on the attached utility plans.*

3. An area drain and infiltration units are proposed within an interior courtyard of the new building along with an overflow pipe (a flared end section) towards the downstream embankment, again this is not acceptable; the pipe shall be placed underground as a



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**Reference: Preliminary Review Sheet**

**Response:** *The site area that is the subject of this proposal has been remediated. The Landowner is to address any historical concerns regarding the underground tanks.*

8. Site stability during and after construction is a concern specifically with the proximity of the steep hill down towards Cypress Street and the juxtaposed power plant building. The engineer of record needs to describe how the site construction will be stabilized and secure. Additionally the area behind the new building (southern side) has a proposed embankment of 2:1 horizontal: vertical slope how will this be maintained and stabilized.

**Response:** *The plan set includes a sedimentation and erosion control plan. It is the responsibility of the contractor to determine the means and methods by which this gets established. The contractor, once selected, will provide a construction management plan.*

*There is no new 2:1 embankment proposed on this project. The embankment already exists and will remain as is in current conditions.*

9. The site also has a series of concrete stairs that provide access to the existing power plant building and Cypress Street. Several neighborhood residents and students utilize these stairs to cut through the campus and access the Bowen School and Cypress Street neighborhood; although this is not a City concern the applicant should be aware of this activity.

**Response:** *Comment Acknowledged.*

Construction Management:

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

**Response:** *This will be the responsibility of the site contractor once one is selected and will be submitted when a building permit is applied for.*

2. Stabilized driveway entrances are needed during construction which will provide a tire wash and mud removal to ensure City streets are kept clean.



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**Reference: Preliminary Review Sheet**

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.

**Response:** *The adjacent property, but not the project site is subject to ongoing remediation which is the responsibility of Andover Newton.*

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.

**Response:** *None are located on the Benchmark site.*

3. As the total site disturbance is over an acre, a Phase II General Construction (NPDES) Permit will need to be filed with DEP & EPA. A Stormwater Pollution Prevention Plan (SWPPP) will need to be developed.

**Response:** *Acknowledged. Prior to construction, the contractor will file an eNOI with EPA and a SWPPP will be developed for the project.*

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 main need to match.

**Response:** *Profiles have been included in the attached plan set. The rim and invert information for two manholes of the existing sanitary sewer system can be seen on the existing conditions plan included in the special permits set.*

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



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**Reference: Preliminary Review Sheet**

**Response:** Fire flow tests will be completed by the fire suppression consultant. A note has been added to the revised plans. Benchmark has met with the Utilities Director about past and future area improvements.

2. For water quality issues a fire hydrant will be required at the end of the proposed water main. This hydrant will be utilized for flushing out the main as required.

**Response:** The proposed water line to Farwell Hall will be constant use and the additional hydrant proposed will help to bleed the existing water line, but no work is proposed to be done outside the project limits.

3. 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.

**Response:** This has been noted on the revised plans.

4. 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.

**Response:** A water service plan will be submitted to the Utilities Division.

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.

**Response:** Finalized utility connection plan reflecting the above changes that meets the minimal design standards of the City of Newton will be submitted by the Contractor.



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**Reference: Preliminary Review Sheet**

**Response:** *This has been noted on the revised plans.*

8. All site work must be completed before a Certificate of Occupancy is issued. This note must be incorporated onto the site plan.

**Response:** *This has been noted on the revised plans.*

Please feel free to contact me with any questions at (617)654-6048.

Sincerely,

**Stantec Planning and Landscape Architecture, P.C.**

Tony Moura  
Stantec Planning and Landscape Architecture P.C.  
226 Causeway Street,  
Boston, MA 02114  
tony.moura@stantec.com

Attachments: as noted



ATTORNEYS AT LAW

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ATTACHMENT D

STEPHEN J. BUCHBINDER  
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OF COUNSEL  
ROBIN GORENBERG

August 18, 2015

Alexandra Ananth  
Director of Current Planning  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: Benchmark Senior Living - Herrick Road Newton Center - I&I Contribution

Dear Alexandra;

The Benchmark Senior Living proposal for Herrick Road is to be heard by the Land Use Committee on September 10, 2015. In advance of the hearing we wish to propose a contribution to be made to the City for repair of sewer infrastructure.

The housing proposal includes the removal of the current 50 dormitory beds and replacement with 22 dormitory beds and 51 assisted living units of which 40 will be single bed units and 11 will be 2 bed units. Attached is a calculation of the sewer flow calculation for the project netting out the reduction for the prior use. The net new flow is 4,230 gallons per day.

Benchmark proposes to provide funds for remediation at the rate of 1:1 at the City's standard rate of \$8.43/gallon. That will calculate as a contribution of \$35,660.

We are aware of the City's past policy of assessment for projects over 100 bedrooms which does not apply to this project as the net new bedroom count is (51 + 22 = 73 total bedrooms - 50 prior = 23 new bedrooms). We are also aware that the project will be making a significant contribution for affordability which we will discuss separately.

Please include this proposal in your analysis of the project.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Alan J. Schlesinger'.

Alan J. Schlesinger

cc: John Daghlian  
John Dragat

## Benchmark Senior Living Sewer Flow Calculations

### Existing Farwell

College Dorms - Beds	50	
Applied Rate	65 GPD	(per Person)
<b>Total</b>	<b>3250 GPD</b>	

### New Project

College Dorm - Beds	22	
Applied Rate	65 GPD	(per Person)
BSL - 1 Bd Units	40	
Applied Rate	110 GPD	(per Unit)
BSL - 2 Bd Units	11	
Applied Rate	150 GPD	(per Unit)
<b>Total</b>	<b>7480 GPD</b>	

Net New                      **4230 GPD**