

City of Newton, Massachusetts

Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459
617-796-1120

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: August 4, 2023

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Alyssa Sandoval, Deputy Chief Planner for Current Planning

SUBJECT: **Petition #240-23** Request to allow ground floor residential use, to exceed by right height and stories, and a parking waiver at 290 Watertown Street, Ward 1, Newton, on land known as Section 11 Block 14 Lot 03, containing approximately 11,473 sq. ft. of land in a district zoned BUSINESS 1. Ref: 7.3.3, 4.4.1, 4.1.2.B.3, 4.1.3, 5.1.4, 5.1.13 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.



290 Watertown Street

Project Description

Background

The subject property consists of a long, rectangular 11,473-square foot parcel located at 290 Watertown Street in the Village of Nonantum. The property is improved with a non-conforming two-and-a-half story, two-family dwelling with a detached garage. The house was originally constructed in 1880 and the detached garage of the house is accessed by a single driveway on the right side of the lot.

The surrounding neighborhood includes a mix of businesses including restaurants, stores, personal service businesses, multi-family residential developments, and two-story homes. The development is located in the commercial center of the Village of Nonantum on Watertown Street and on the MBTA Bus 59 line along Watertown Street. Located within the Business Use 1 Zone, the property abuts BU-1 zone properties to the west and north and Multi-Residence 2 (MR-2) zone to the east.

Special Permit

The petitioner requires special permit relief to allow ground floor residential, to allow three stories, allow buildings greater than 24 feet in height, and waive one parking stall. After zoning review, the applicant submitted plans showing a noncompliant parking stall between units 1 and 2. As such, this relief was not applied for. The applicant should confirm whether they will bring that parking stall into compliance by shifting the footprint(s) of the buildings on site.

Analysis

The petitioner proposes to demolish the existing nonconforming dwelling and garage and construct five residential units in three separated 3-story residential buildings, including one single family building and two two-family buildings. Each unit would contain its own garage. The entire residential development is 11,337 square feet, and each unit would have access from ground level entry points from the exterior driveway area.

Planning is unconcerned with the proposed residential use, and believes the overall scale and design is appropriate for the location, and surrounding neighborhood, which includes a mix of businesses including restaurants, stores and personal service businesses, multi-family residential developments, and two-story homes. The design of a smaller-scaled building in the front facing Watertown Street and three separated buildings helps to reduce the overall mass of the 5-unit development. In addition, the proposed development is well below the FAR allowed (1.5) and proposes a FAR of 1.07.

I. Zoning Relief Requested:

Zoning Relief Required		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
§4.4.1	To allow ground floor residential	S.P. per §7.3.3
§4.1.2.B.3	To allow three stories	S.P. per §7.3.3
§4.1.3	To allow buildings greater than 24 feet in height	S.P. per §7.3.3
§5.1.4 §5.1.13	To waive one parking stall	S.P. per §7.3.3

For more details around the zoning analysis please refer to **Attachment A**.

II. Criteria for Consideration per §7.3.3 and/or §5.1.13:

- The site is an appropriate location for the proposed 5-unit, three-story residential development with ground level parking. (§7.3.3.1)
- The proposed 5-unit, three-story residential development with ground floor residential and five units will adversely affect the neighborhood. (§7.3.3.2)
- There will be a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.3)
- Access to the site is appropriate for the types and numbers of vehicles involved. (§7.3.3.4)
- Literal compliance with the requirements regarding the number of parking stalls is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features. (§5.1.13)

III. Project Proposal and Site Characteristics

A. Site

The site consists of one long, narrow 11,473 square-foot parcel at 290 Watertown Street in the BU-1 zone. The property is improved with a two-story, 29-foot high, two-unit multi-family dwelling.

The generally level lot slopes down gradually from the front to the rear of the property about five feet in total. Vehicular access to the property is provided by a curb cut and 12.1-foot-wide driveway located along the front, right side of the

IV. Project Description and Analysis

A. Land Use

The current use of the site is residential. If approved, the use would be remain a residential use.

B. Site Design

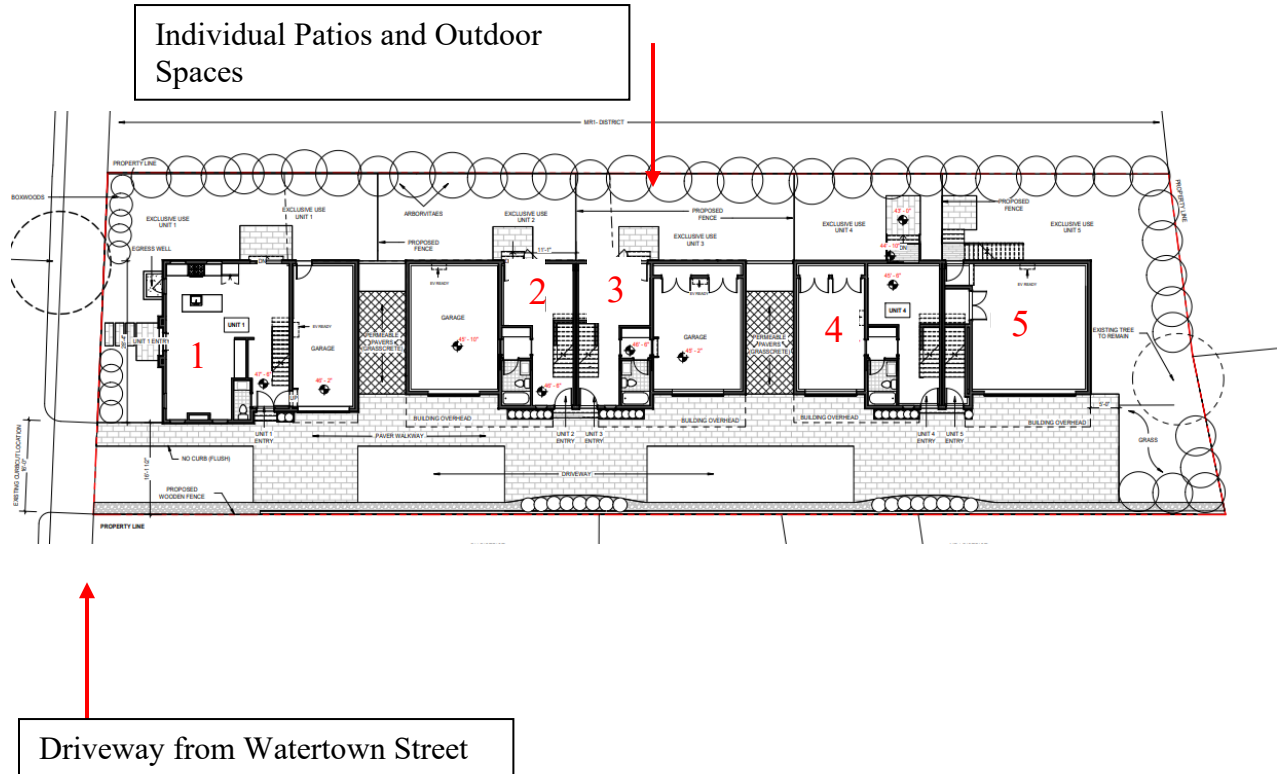
The petitioner proposes to construct a five-unit, 11,337 square foot residential dwelling with individual ground level garages, dedicated patios, and outdoor space. Each unit would have access from ground level entry points accessible from the parking area and internally from the garages. A special permit is required to expand the ground floor residential use with above residential use in a BU-1 district.

As designed, the proposed development requires several dimensional reliefs.

The existing structure has a nonconforming height of 29 feet, where 24 feet is the maximum allowed. The proposed three residential structures would be slightly higher than the existing structure at 30, 30.3, and 29.5 feet respectively, which requires a special permit to allow the additional height above 24 feet. In addition, the structures are three stories where two stories are allowed by right in the BU-1 zoning district. Three-story buildings require a special permit in the BU-1 zoning district.

The development is well under the maximum allowable FAR of 1.5 with a proposed FAR of 1.07. The proposed development meets all the required rear, side, and front yard setbacks for the BU-1 zoning district and provides a slightly larger front yard setback of 8.3 feet, correcting a non-conforming existing front setback of 6.8 feet.

Proposed Site Plan



The 3-bedroom units range in size from 2,093 square feet to 2,436 square feet. The rear unit, Unit 5, includes the only two-car garage and a second-floor deck and stairs leading to the outdoor space. Unit 1 is 2,258 square feet, Unit 2 is 2,436 square feet, Unit 3 is 2,436, and Unit 4 is 2,114 square feet. The five units are spread across three separate buildings structures with the front building on Watertown Street containing one unit and the middle and rear buildings containing two units each. The interior building (Units 2 and 3) is separated from the front and rear buildings by a parking stall (8.5 feet in width) composed of permeable pavers (grasscrete). The design of a smaller-scaled building in the front with three separate buildings overall helps to reduce the overall mass of the 5-unit development. The parking stall dimensions at 8.5 by 18 feet do not comply with the minimum stall width required by NZA of 9 feet by 19 feet. The petitioner notes that this parking stall width will be increased to be compliant.

The proposed front elevation on Watertown Street appears to be in keeping with neighboring properties. The front elevation features architectural elements, such as a front door entry with porch and dormer, which resemble a single-family.

Proposed Front Elevation of Unit 1 (Watertown Street)



Proposed Right Elevation of 5 units



Proposed Left Elevation of 5 units



Planning is unconcerned with the proposed residential use, and believes the overall scale and design is appropriate for the location, and surrounding neighborhood, which includes a mix of businesses and residences, including restaurants, stores and personal service businesses, multi-family residential developments, and two-story homes. The development is in the walkable Village of Nonantum on the main street of Watertown Street and on the MBTA Bus 59 line along Watertown Street.

Planning notes there is a paver walkway indicated on the civil plans and suggests that this is delineated visually to indicate the walking path for visitors and residents, perhaps by utilizing different paver materials.

C. Parking and Circulation

Regarding parking, the petitioners are proposing to provide eight parking stalls, for the proposed five residential units which require 10 stalls (two per dwelling unit) per the NZO. As noted in the attached Zoning Review, the petitioner proposes a one-car garage for each unit except for the end unit in the rear, which will have a two-car garage. There will also be two surface parking stalls provided between buildings for a total of eight parking stalls.

The parking garages would be accessed via driveway on the right side of the property accessible. As noted in the attached engineering review memorandum, a turning template plan was requested to be submitted to demonstrate maneuvering of various vehicle pulling into each garage and backing out to exit the site. Planning has requested this information and received from the applicant but there was not sufficient time for Engineering review at the time of the writing of this memorandum. Planning recommends Engineering review of the turning template plan is included as a condition prior to building permit should this application be recommended for approval by the LUC.

One parking stall each is located on either side of the center building totaling two surface parking stalls composed of grasscrete pavers. These two parking stalls are not dimensionally compliant with the NZA but the petitioner notes that the parking stalls will be revised to be compliant by the time of building permit application. Planning recommends this is included as a condition prior to building permit should this application be recommended for approval by the LUC.

The parking areas and units will be accessed by a 16.1-foot driveway area with a 12-foot-wide curb cut from Watertown Street. Planning does not have concerns with the use of the driveway to access these units.

D. Landscaping

A Landscape Plan is provided for the project. Each unit has an exterior patio and fenced dedicated outdoor space. A retaining wall is proposed along the property line as well as a wood privacy fence. The landscape plan notes variety of arborvitae and boxwoods and privacy fence screening neighbors along the western property line and privacy fence along the eastern property line, where the driveway is located.

E. Sustainability

The petitioner has sustainability features noted on the Landscape Plan, including solar ready roofs; EV chargers for garages; and all electric home and appliance. The installation of bike storage is a welcome feature. The Newton Energy Coach Liora Silkes notes that ensuring the roof is solar ready is a beneficial feature of the project.

V. INTERDEPARTMENTAL REVIEW

- A. Historic Review: On August 31, 2022, the house and garage were determined not to be preferably preserved by the Newton Historical Commission in its Demolition Review and no further review was required.
- B. Tree Warden: Marc Welch has reviewed the landscape plan and the trees proposed are reasonable. In general, tree plantings should be no taller than 8 to 10 feet high to be manageable. The Nyssa tree should be no taller than 12 feet at installation, preferably smaller. They can have a hard time establishing and planting a smaller tree makes it easier to adapt to the site and survive.
- C. Urban Design Commission: The UDC reviewed the project at its January 12, 2023 meeting. The UDC noted that the single-family building along the main frontage was particularly well-designed. See **Appendix C**.
- D. Engineering Review: The Engineering Division has reviewed the proposal. In its attached memorandum (**Attachment D**) that office notes, among other comments, that a turning template plan and snow storage plan is recommended for this project. In addition, a construction management plan (CMP) is needed for this project.

Regarding the sewer infiltration/inflow (I&) mitigation fee, in a July 12, 2023, memo (**Attachment E**) the City Engineer indicated that the fee for the proposed development would be \$84,774, and as this is a special permit project the City Council may, for good cause shown, abate the fee in whole or in part. The memo indicates that at the Planning Department's request, the City Engineer recommends that 75% of the fee be abated, and that the developer consider dedicating that amount, \$63,581, "toward other mitigation purposes as recommended by the Planning Department."

VI. PETITIONER'S RESPONSIBILITIES

The petitioner should review and respond to the suggestions made in this memo regarding tree planting, pedestrian path, and parking. Otherwise, this petition is considered complete.

ATTACHMENTS:

- Attachment A:** Zoning Review Memorandum
- Attachment B:** DRAFT Council Order
- Attachment C:** UDC Memo
- Attachment D:** Engineering Review Memo
- Attachment E:** I&I Fee



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: April 27, 2023

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Laurance Lee, Attorney
290 Watertown St LLC, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to allow ground floor residential use, to exceed by right height and stories, and a waiver of one parking stall

Applicant: 290 Watertown St LLC	
Site: 290 Watertown Street	SBL: 11014 0003
Zoning: BU1	Lot Area: 11,473 square feet
Current use: Two-family dwelling	Proposed use: Five residential dwelling units

BACKGROUND:

The property at 290 Watertown Street consists of 11,473 square feet and is improved with a nonconforming two-family dwelling constructed circa 1880 and a detached garage in the BU1 zoning district. The petitioner proposes to demolish the dwelling and detached garage and construct five residential dwelling units in three buildings.

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

- Zoning Review Application, prepared by Laurance Lee, attorney, submitted 3/29/2023
- Existing Site Plan, signed and stamped by Christopher C. Charlton, surveyor, dated 8/14/2022
- Civil Plan, signed and stamped by Christopher C. Charlton, surveyor and Edmond T. Spruhan, engineer, dated 3/16/2023
- Architectural Site Plan, signed and stamped by Ronald F. Jarek, architect, dated 2/14/2022

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners propose to raze the existing two-family dwelling and detached garage and construct five residential dwelling units in three separate structures. Per section 4.4.1, a special permit is required to allow ground floor residential use with residential use above.
2. Per section 4.1.2.B.3 a building in the BU1 district is allowed two stories by right and up to three by special permit. The petitioner proposes three three-story structures, requiring a special permit.

Per section 4.1.3 the maximum FAR for a three-story structure is 1.50. The petitioners propose an FAR of 1.07.

3. Per section 4.1.3 a building in the BU1 district may be up to 24 feet in height by right and up to 36 feet by special permit. The building with Unit 1 is proposed with a height of 30 feet, the building with Units 2 and 3 is proposed with 30.3 feet and the building with Units 4 and 5 is proposed with a height of 29.5 feet, requiring a special permit.
4. Per section 5.1.4, two parking stalls are required per each dwelling unit. With five units, ten stalls are required. The petitioner proposes a one-car garage each for Units 1 and 5, a two-car garage each for Units 2, 3 and 4 and one surface stall, for a total of nine parking stalls. The petitioner requires a waiver of one parking stall per section 5.1.13.

BU1 Zone	Required	Existing	Proposed
Lot Size	10,000 square feet	11,473 square feet	No change
Setbacks			
• Front	7.2 feet (average)	6.8 feet	8.3 feet
• Side	15 feet (1/2 Bldg Height)	13.3 feet	15.3 feet
• Side	15 feet (1/2 Bldg Height)	12.1 feet	16 feet
• Rear	15 feet (1/2 Bldg Height)	138.6 feet	15.7 feet
Building Height	24 feet (36 feet by SP)	29 feet	30/30.3/29.5 feet*
Max Number of Stories	2.5 (3 by SP)	2.5	3*
Lot Area Per Unit	1,200 square feet	5,737 square feet	2,295 square feet
FAR	1.5 (3 stories)	Not available	1.07*

See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Requested Relief</i>	<i>Action Required</i>
§4.4.1	To allow ground floor residential	S.P. per §7.3.3
§4.1.2.B.3	To allow three stories	S.P. per §7.3.3
§4.1.3	To allow buildings greater than 24 feet in height	S.P. per §7.3.3
§5.1.4 §5.1.13	To waive one parking stall	S.P. per §7.3.3

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, which grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow ground floor residential use, to exceed by right height and stories, and a parking waiver as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed five units in three buildings, with ground level residential use in a BU-1 district, and three stories, due to the surrounding commercial and multifamily uses, and additional mix of uses in the neighborhood. (§4.1.3, §4.4.1, §7.3.3.C.1)
2. The proposed five units in three buildings and three stories will not adversely affect the neighborhood because the height of the buildings is similar to what current exists on the site and the units are spread across three buildings reducing the overall mass of the development. (§4.1.3, §4.4.1, §7.3.3.C.2)
3. The proposed five units in three buildings located in a walkable neighborhood will not create a nuisance or serious hazard to vehicles or pedestrians. (§4.1.3, §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. Literal compliance with parking requirements is impracticable because the proposed parking, including eight parking stalls, is appropriate for the neighborhood with a mix of commercial and residential uses and served by public transit. (§5.1.13)

PETITION NUMBER: #240-23

PETITIONER: 290 Watertown Street LLC

LOCATION: 290 Watertown Street, on land known as Section 11 Block 14 Lot 3, containing approximately 11,473 sq. ft.

OWNER: 290 Watertown Street LLC

ADDRESS OF OWNER: 290 Watertown Street LLC
20 Holly Street
Salem, MA 01970

TO BE USED FOR: Five dwelling units in three structures

CONSTRUCTION: Wood Frame

EXPLANATORY NOTE: Special permit per §4.4.1 to allow ground level residential use, §4.1.2.B.3 allow a three-story structure, §4.1.3 allow buildings greater than 24 feet in height, and §5.1.4, §5.1.13 waive one parking space

ZONING: Business Use 1

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with:
 - a. A set of plans prepared by Spruhan Engineering, P.C., signed and stamped by Edmond Spruhan, Professional Engineer:
 - i. "Civil Plan", 290 Watertown Street, Newton, Massachusetts, dated 5/26/23.
 - b. Architectural plans entitled "290 Watertown Street Residences" prepared by, MGD dated June 7, 2023, signed and stamped by Ronald Jarek, Registered Architect
 - i. Elevations (page 5), signed and stamped by Ronald Jarek, Registered Architect
 - ii. Landscape Plan prepared by Ronald Jarek, Registered Architect, Page 7
2. 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. The Site Plan shall show all parking areas to be compliant with dimensional requirements of the Newton Zoning Ordinance.

3. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
 - b. Provided a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Registry of Deeds for the Southern District of Middlesex County. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 - c. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements, except as modified to show zoning compliant parking areas.
 - d. Provided a parking turning template to the Engineering Division of Public Works for review and approval.
4. The Petitioner shall do the following to remediate pest and rodent activity:
 - a. Prior to issuance of any demolition or building permit, the Petitioner, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity, and plan for preventing pest migration off-site during demolition and construction.
 - b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department for review and approval prior to issuance of any demolition or building permit. A copy of such approval shall be provided to the Department of Planning and Development.
 - c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration.
5. The petitioner shall comply with the Tree Preservation Ordinance.
6. All lighting fixtures shall be residential in scale.
7. All roofs shall be solar panel ready, garage spaces shall be EV-ready, and bicycle storage shall be provided in each garage space as shown on the plans referenced in Condition 1. The petitioner shall provide evidence of such commitments prior to the issuance of a building permit.
8. Prior to the issuance of any Building Permit, the Petitioner shall submit a Construction Management Plan (the "CMP") for review and approval to the Commissioner of Inspectional Services, the Director of Planning and Development, the City Engineer, and

the Chief of the Fire Department. The CMP shall be in compliance with all applicable policies and ordinances in effect at the time of submission. The Petitioner shall comply in all material respects with the Construction Management Plan, which shall be consistent with and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:

- a. 24-hour contact information for the general contractor. This information shall also be posted in a clear and visible manner at the construction site.
- b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
- c. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction materials and delivery vehicles and equipment, and location of any security fencing and erosion control.
- d. A plan showing temporary pedestrian access within work zones in accordance with DPW Policy.
- e. Proposed methods for dust control including, but not limited to: watering, 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.
- f. Proposed methods of noise control, in accordance with the Revised Ordinances, §20-13. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
- g. Tree preservation plan to define the proposed method(s) for protection of any existing trees to remain on site.
- h. The CMP shall also address the following: safety precautions; anticipated dewatering during construction; site safety and stability; and impacts on abutting properties.

Upon conferring with Inspectional Services, they stated they only need construction vehicle routes on larger projects.

- i. Construction Vehicle Routes to and from the site.
9. All construction activity shall be limited to 7:00AM-7:00PM Monday through Friday and 8:00AM-7:00PM on Saturdays, excluding federal, state, and local holidays, unless waived by the Mayor in accordance with Revised Ordinances, § 20-13.
 10. The Petitioner shall make payments in the aggregate amount of \$21,193 to the City for infrastructure improvements for infiltration and inflow (I&I). Payments shall be made as follows:

- a. \$10,596.50 prior to the issuance of any Building Permit for the Project.
 - b. \$10,596.50 prior to the issuance of any certificate of occupancy (temporary or final) for the Project.
11. The Petitioner shall make payments in the aggregate amount of \$63,581 to the City for off-site transportation, pedestrian, or safety improvements or mitigation in the vicinity of the Project. The Petitioner's payments shall be made to a municipal account dedicated for such mitigation and improvements as follows:
 - a. \$31,790.50 prior to the issuance of any Building Permit for the Project.
 - b. \$31,790.50 prior to the issuance of any certificate of occupancy (temporary or final) for the Project.

Funds from the account in which these payments will be held shall be appropriated only with the approval of the City Council and the Mayor in accordance with municipal finance law. The Director of Planning and Development, after consultation with the Commissioner of Public Works, shall recommend improvements for funding to the City Council.
12. The Petitioner shall install all landscaping consistent with this Special Permit/Site Plan approval and shall maintain landscaping in good condition. Any plant material that becomes diseased or dies shall be replaced as soon as feasibly possible with similar material.
13. The trash and recycling disposal shall be handled by a private entity and shall comply with the City's Noise Control Ordinance.
14. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the building permit application statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
 - b. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
Urban Design Commission

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Barney Heath
Director

DATE: March 10, 2023
TO: Katie Whewell, Chief Planner
FROM: Urban Design Commission
RE: 290 Watertown Street Design Review
CC: Barney Heath, Director of Planning and Community Development
Jennifer Caira, Deputy Director
Land Use Committee of the City Council
Petitioner

Section 22-80 of the Newton City Ordinances authorizes the Urban Design Commission to act in an advisory capacity on matters of urban design and beautification. At their regular meeting on January 12, 2023, the Newton Urban Design Commission (UDC) reviewed the proposed project at 290 Watertown Street for design. The Urban Design Commission had the following comments and recommendations:

The UDC commented that the project looks good and like how the project meets the street, the scale works well on the street.

- The UDC commented that unit one along Watertown Street is a positive approach, it's the most positive aspect of the project. The project meets the street in a good way which is very important and keeping the scale in a more traditional look there.
- One of the members asked why are there separations between the homes? Why aren't they just townhouses that are all attached to each other? The applicant responded that they looked at that originally but not having that separation, it will be one massive building on site so wanted to create the small separation between the units and provide access to the rear yard areas. Also want to be able to have three separate buildings, where each one, as you go back into site, drops about a foot and there's always a 30-foot roofline as it keeps going down with the buildings on site. The UDC responded that it's possible to do that whether they are attached or not, these little spaces seem funny and not sure what is accomplished by that. One member commented the space between buildings look okay, can imagine kids playing in the backyard and wanting to get around to the front so they can go through the slits to go in the front. One member responded that the kids could go through the carport, they are going to be funny little spaces that are going to be dark and probably moldy, no sun will not get in there.

- The UDC asked why is there no window for the last unit, next to the unit entry on the gable portion on the right-side elevation? It's like other unit's floor plan and other units have a window so why not this last unit? The applicant responded that they could potentially add a window since the layouts are similar.
- The UDC commented what is supposed to look like dormers, especially on building 2 doesn't look like dormers because there's no setback, on either side of them. Fake dormer look doesn't work architecturally, the roofs are very low sloped. The applicant responded that the third story is just a look they are creating with that kind of roof line coming down where they could potentially be a different material, such as metal or something else. The UDC commented that architecturally fake dormer look is not successful. It's a little bulky and it looks bulky because the applicant is trying to make it look less bulky, the biggest issue is the non-dormer dormers. One member commented that they agree with the comment, but you'd never get far enough away from the building to know whether it's a real dormer or not so doesn't appear to be an issue.
- The UDC commended the applicant for not overdoing with materials, it's nice to see just a couple of materials, dark brown and white color combination looks good.
- The UDC would like to learn more about the project next door at 296 Watertown Street.
- The UDC asked about the width of the driveway? The applicant responded that its about 16 feet including the walkway. Staff commented that they believe the fire department requires driveway to be at least 18 feet wide and recommended to check with the fire department about the driveway width.

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 290 Watertown Street

Date: June 29, 2023

CC: Barney Heath, Director of Planning
Jennifer Caira, Deputy Director
Katie Whewell, Chief Planner
Alyssa Sandoval, Deputy Chief Planner
Lou Taverna, PE City Engineer
Michael Gleba, Sr. Planner

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

*290 WATERTOWN STREET
NEWTON
MASSACHUSETTS*

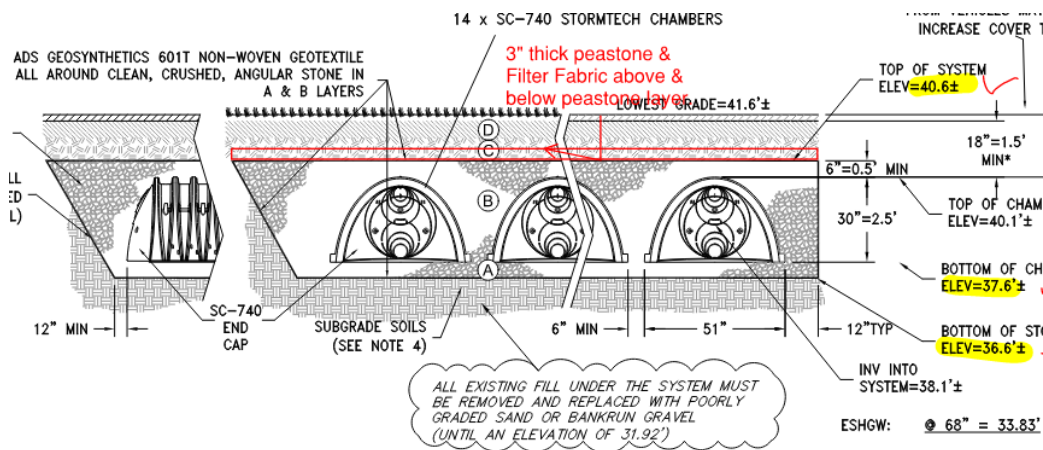
Prepared by: Spruhan Engineering
Dated: 5/30/2023

Executive Summary:

This proposed permit entails the demolition of an existing two-family unit and the construction of a 5-unit residential dwelling. The site has 60-feet of frontage along Watertown Street to the north, and residential dwellings to the south, east and western property lines. The site plan has a north arrow that is incorrectly rotated 180°. A high point elevation of 47-feet is near the front of the home and slopes gently to the northwest to a low point of 39-feet. The new dwelling will have on grade garages, a turning template plan should be submitted to demonstrate proper

maneuvering of various vehicle pulling into each garage and backing out to exit the site. I have a concern for snow removal and storage the applicant needs to explain where snow will be stored as the site does not have much open space along the driveway. On the average a 3-foot-high retaining wall within the setback is proposed along the east, south and western property lines the design needs to ensure that natural surface water flows are not impacted. The wall allows for the construction of flat side yards of patios and the access driveway.

The engineer of record has designed a stormwater collection system that meets the DEP & DPW Stormwater Regulations by collecting and infiltrating runoff from the driveway & roof within 14- infiltration units along the western & northern property lines. The proposed Operations & Maintenance (O&M) plan is acceptable for the design intent, however access to the units maybe problematic. A minor addition is need for the proposed infiltration system; the City requires a 3" thick layer of peastone with filter fabric above & below the peastone covering the entire system as shown below.



In accordance with the City Ordinance B-52 new concrete sidewalk, and granite curbing is required.



Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction materials and equipment, parking for construction workers vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of the general contractor. It shall also address anticipated dewatering during construction, site safety & stability, siltation & dust control and noise impact to abutters.
2. Stabilized driveway construction entrance(s) will be required for the duration of the construction which will provide a truck wash to prevent tracking of mud and silt onto City streets.
3. Catch basins within and downstream of the construction zone will be required to have siltation control installed for the duration of the project and must be identified on the site plan.

Drainage:

1. Should this permit application be approved the O&M must be adopted by the applicant/property owner, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds before a building permit is issued. A copy of the recording instrument shall be submitted to the Engineering Division.
2. 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:

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

Sanitary Sewer & Domestic Water Service(s):

1. 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 with 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 with 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. 5 Year Moratorium – if at time of construction the roadway is under a 5-year moratorium, the roadway must be milled and paved gutter-to-gutter for a distance of 25 feet in each direction from the outermost trenches.
2. 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.*
3. All tree removal shall comply with the City's Tree Ordinance.
4. 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.*
5. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.
6. 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.*

7. 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.*
8. 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.
9. 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.
10. *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.

City of Newton

**DEPARTMENT OF PUBLIC WORKS
ENGINEERING DIVISION
OFFICE OF THE CITY ENGINEER
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449**

Ruthanne Fuller
Mayor

DATE: July 12, 2023
TO: Barney Heath, Director of Planning
FROM: Louis M. Taverna, P.E., City Engineer *Louis M. Taverna*
RE: Sewer Inflow and Infiltration Mitigation Fee
 290 Watertown Street
 Ordinance No. B-45

The City Engineer has calculated the sewer infiltration/inflow mitigation cost for this special permit project. See calculations below. The total mitigation cost for the assumption of low flow fixtures throughout the project is \$84,774. The existing sewer flow at this site is 70 gal/day. This calculation of proposed sewer flow (in gallons per bedroom per day) is consistent with recent previous sewer flow calculations for other developments in Newton, using the 65 gal/bedroom/day rate.

Sewer Ordinance No. B-45 states the following: For projects subject to a special permit, the City Council, for good cause shown, may abate in whole or in part the infiltration/inflow mitigation fee for a particular dwelling, building, or project.

Waiver request:

- a) *The expected impact of the development on sewer infiltration/inflow.* The development will propose to add an average of 975 gallons per day to the existing city sewer system. The existing sewer flow from the site is 70 gallons per day. The city's sewer system in this area flows downstream to the sewer interceptor system along the Charles River.
- b) *Whether infiltration/inflow mitigation has previously been conducted in the general area and to what extent.* This project lies in sewer area 6. Sewer area 6 and the surrounding sewer areas has undergone substantial work related to sewer infiltration/inflow removal, as part of the city's sewer capital improvement program. The estimated cost of the area 6 sewer infiltration/inflow project is \$5 million.
- c) *Whether the abatement will benefit the health and well-being of the public and is reasonably in the best interest of the city.* At the request of the Planning Department, an abatement of 75% of the infiltration/inflow mitigation fee, based on low flow fixtures, is recommended by the City Engineer. This would allow the remaining 25% of the fee, or \$21,193 to be used toward the design and construction of sewer improvements in upcoming sewer project areas. The developer should consider dedicating the abated amount of the fee, or \$63,581 towards other mitigation purposes, as recommended by the Planning Department.

Calculation of sewer infiltration/inflow mitigation:

Proposed Sewer Flow:

15 total bedrooms x 65 gal/bedroom/day = 975 gal/day

Existing Sewer Flow:

Existing property flow at 290 Watertown St = 70 gal/day

Net flow = (975-70) gpd x 4:1 x \$23.41 (as of 1/1/2023) = \$84,774

Sewer Mitigation = \$21,193

Other Mitigation = \$63,581

cc: Jen Caira
Katie Whewell
Cat Kemmett
Michael Gleba
John Daghlian
Jonah Temple

Louis M. Taverna

From: Alyssa Sandoval
Sent: Tuesday, July 11, 2023 1:49 PM
To: Katie Whewell; Louis M. Taverna
Cc: John Daghlian
Subject: RE: 290 Watertown Street SP

Hi Lou,

I found the bedrooms on the architectural plans that I clipped below for 290 Watertown Street. The total number of bedrooms for the development is 15 bedrooms total (3 bedrooms for each unit).

<i>Area Schedule (Feasibility Study)</i>		
LEVEL	AREA (SF)	NOTES:
UNIT #1 (3 BEDROOMS)		
01 - First Floor	929 SF	
02 - Second Floor	920 SF	
03 - Third Floor	409 SF	
	2258 SF	
UNIT #2 (3 BEDROOMS)		
01 - First Floor	728 SF	
02 - Second Floor	865 SF	
03 - Third Floor	843 SF	
	2436 SF	
UNIT #3 (3 BEDROOMS)		
01 - First Floor	728 SF	
02 - Second Floor	865 SF	
03 - Third Floor	843 SF	
	2436 SF	
UNIT #4 (3 BEDROOMS)		
01 - First Floor	841 SF	
02 - Second Floor	737 SF	
03 - Third Floor	737 SF	
	2314 SF	
UNIT #5 (3 BEDROOMS)		
01 - First Floor	820 SF	
02 - Second Floor	737 SF	
03 - Third Floor	737 SF	
	2293 SF	
TOTAL FLOOR AREA	11337 SF	

Please let me know if you need any further information. Thanks!

-Alyssa

Alyssa Sandoval, AICP
Deputy Chief Planner
Pronouns: she/her/hers
City of Newton Planning & Development Department
1000 Commonwealth Ave | Newton, MA 02459
Desk: 617.796.1141
asandoval@newtonma.gov

Information on a special permit, plans, and other relevant information can be found in [NewGov](#).

From: Katie Whewell <kwhewell@newtonma.gov>
Sent: Monday, July 10, 2023 2:00 PM

UB Consumption History Report

Account Number	Customer # Name	Parcel	Cd	Read Date	Time	By	Bill #	Curr	Read	Location Usage	Repl Usage	Charge Amt	Billed Amt	Status
0100175000001	1479308	GIALLOUSIS, NICHOLAS					110140000300			290 WATERTOWN ST				Active
1WATR - 1 MET.	WATER AMCO20820069		E	04/13/2023			75093772		436	4	0	29.60	101.24	
1WATR - 1 MET.	WATER AMCO20820069		E	01/11/2023			75063314		432	5	0	37.00	120.05	
1WATR - 1 MET.	WATER AMCO20820069		E	10/12/2022			75033192		427	6	0	44.40	138.86	
1WATR - 1 MET.	WATER AMCO20820069		E	07/14/2022			75002896		421	6	0	42.98	135.26	

** END OF REPORT - Generated by Kathleen Zegarelli **

$52 \text{ QUARTERS} \times 3 \text{ MONTHS} / \text{QTR} \times 30 \text{ DAY} / \text{MO} = 4680 \text{ DAYS}$

$\frac{436 \text{ HCF}}{4680 \text{ DAYS}} \times \frac{748 \text{ GAL}}{1 \text{ HCF}} = 70 \text{ GAL} / \text{DAY AVG.}$

UB Consumption History Report

Account Number: 0100175000001
 Customer # Name: 350 ROGERS JENNIE
 Service: Mfr Meter Number
 Cd Read Date Time By Bill # Curr Read
 Location: 290 WATERTOWN ST
 Usage: Rep Usage Charge Amt Billed Amt
 Status: ACTIVE

Account Number	Customer # Name	Mfr Meter Number	Cd	Read Date	Time	By	Bill #	Curr Read	Location	Usage	Rep Usage	Charge Amt	Billed Amt	Status
IWATR - 1	MET. WATER AMCO20820069	350	A	04/13/2022			110140000300	415	290 WATERTOWN ST	1	0	7.12	115.50	ACTIVE
IWATR - 1	MET. WATER AMCO20820069		A	01/12/2022				414		1	0	14.24	133.60	
IWATR - 1	MET. WATER AMCO20820069		E	10/14/2021				412		6	0	42.72	151.70	
IWATR - 1	MET. WATER AMCO20820069		E	07/13/2021				406		7	0	49.84	133.60	
IWATR - 1	MET. WATER AMCO20820069		E	04/14/2021				399		6	0	42.72	151.70	
IWATR - 1	MET. WATER AMCO20820069		E	01/14/2021				393		7	0	49.84	133.60	
IWATR - 1	MET. WATER AMCO20820069		A	10/09/2020				386		6	0	42.72	130.12	
IWATR - 1	MET. WATER AMCO20820069		A	07/14/2020				380		6	0	40.32	129.52	
IWATR - 1	MET. WATER AMCO20820069		A	04/14/2020				374		5	0	40.32	129.52	
IWATR - 1	MET. WATER AMCO20820069		A	01/15/2020				369		6	0	33.08	104.50	
IWATR - 1	MET. WATER AMCO20820069		A	10/08/2019				363		5	0	39.60	121.65	
IWATR - 1	MET. WATER AMCO20820069		A	07/11/2019				357		6	0	33.00	104.50	
IWATR - 1	MET. WATER AMCO20820069		A	04/09/2019				352		5	0	39.60	104.50	
IWATR - 1	MET. WATER AMCO20820069		A	01/10/2019				347		6	0	33.00	104.50	
IWATR - 1	MET. WATER AMCO20820069		A	10/11/2018				341		5	0	39.60	117.99	
IWATR - 1	MET. WATER AMCO20820069		A	07/12/2018				336		6	0	33.00	101.00	
IWATR - 1	MET. WATER AMCO20820069		A	04/09/2018				330		5	0	39.60	117.45	
IWATR - 1	MET. WATER AMCO20820069		A	01/12/2018				325		6	0	33.00	101.00	
IWATR - 1	MET. WATER AMCO20820069		A	10/04/2017				319		5	0	39.60	162.41	
IWATR - 1	MET. WATER AMCO20820069		A	07/10/2017				314		9	0	58.20	177.75	
IWATR - 1	MET. WATER AMCO20820069		A	04/10/2017				305		10	0	64.50	193.65	
IWATR - 1	MET. WATER AMCO20820069		A	01/12/2017				295		11	0	70.95	145.95	
IWATR - 1	MET. WATER AMCO20820069		A	10/11/2016				284		8	0	51.60	157.57	
IWATR - 1	MET. WATER AMCO20820069		A	07/13/2016				276		9	0	55.32	110.85	
IWATR - 1	MET. WATER AMCO20820069		A	04/08/2016				267		6	0	36.60	95.50	
IWATR - 1	MET. WATER AMCO20820069		A	01/12/2016				261		5	0	30.50	80.15	
IWATR - 1	MET. WATER AMCO20820069		A	10/08/2015				256		4	0	24.40	93.97	
IWATR - 1	MET. WATER AMCO20820069		A	07/08/2015				252		5	0	30.38	96.31	
IWATR - 1	MET. WATER AMCO20820069		A	04/09/2015				247		6	0	36.42	126.33	
IWATR - 1	MET. WATER AMCO20820069		A	01/08/2015				241		8	0	48.56	171.36	
IWATR - 1	MET. WATER AMCO20820069		A	10/06/2014				233		11	0	66.77	194.75	
IWATR - 1	MET. WATER AMCO20820069		A	07/10/2014				222		13	0	76.24	179.53	
IWATR - 1	MET. WATER AMCO20820069		A	04/08/2014				209		12	0	70.08	179.53	
IWATR - 1	MET. WATER AMCO20820069		A	01/09/2014				197		11	0	70.08	187.55	
IWATR - 1	MET. WATER AMCO20820069		A	10/07/2013				185		12	0	73.30	173.05	
IWATR - 1	MET. WATER AMCO20820069		A	07/08/2013				173		13	0	67.44	173.05	
IWATR - 1	MET. WATER AMCO20820069		A	04/04/2013				160		11	0	61.82	159.15	
IWATR - 1	MET. WATER AMCO20820069		A	01/08/2013				149		12	0	67.44	180.19	
IWATR - 1	MET. WATER AMCO20820069		A	10/09/2012				137		12	0	70.46	180.19	
IWATR - 1	MET. WATER AMCO20820069		A	07/07/2012				125		18	0	102.98	260.47	
IWATR - 1	MET. WATER AMCO20820069		A	04/07/2012				107		13	0	70.46	180.19	
IWATR - 1	MET. WATER AMCO20820069		A	01/09/2012				94		13	0	70.46	180.19	
IWATR - 1	MET. WATER AMCO20820069		A	10/10/2011				81		19	0	98.30	244.41	
IWATR - 1	MET. WATER AMCO20820069		A	07/11/2011				62		15	0	77.10	192.55	
IWATR - 1	MET. WATER AMCO20820069		A	04/11/2011				43		17	0	87.38	217.39	
IWATR - 1	MET. WATER AMCO20820069		A	01/16/2011				28		11	5	82.24	242.23	
IWATR - 1	MET. WATER AMCO20820069		I	07/20/2010				3,855		5	0	55.54	167.71	
IWATR - 1	MET. WATER R 30880933		E	07/14/2010				3,850		13	0	49.68	155.29	
IWATR - 1	MET. WATER R 30880933		A	03/31/2010				3,837		12	0	56.40	152.35	
IWATR - 1	MET. WATER R 30880933		A	01/06/2010				3,825		13	0	56.40	152.35	