

Middlesex South Registry of Deeds
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Middlesex South Registry of Deeds
Maria C. Curtatone, Register
208 Cambridge Street
Cambridge, MA 02141
617-679-6300
www.middlesexsouthregistry.com

RECEIVED

#260-22

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34 Crafts, 36 Crafts, 38 Crafts, 48 Crafts,
50 Crafts, 19 Court, 21 Court Street

CITY CLERK
NEWTON, MA 02459

CITY OF NEWTON


IN CITY COUNCIL

November 7, 2022

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL to construct an Elder Housing with Services facility, to allow a development in excess of 20,000 sq. feet, to allow a six-story building, to allow a building up to 72 feet in height, to allow parking within the side setback, to reduce the required parking stall depth, to reduce the required parking stall depth for accessible stalls, to allow a reduced drive aisle width for two-way traffic and to waive the lighting requirements as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the building and proposed use because the building is in conformance with the Washington Street Vision Plan for the area. The Project provides housing types set forth in the Comprehensive Plan such as senior housing and smaller units. The project meets all setbacks for the Business 4 zone and provides careful design and buffering so as not to impact adjacent and neighboring properties. The project also mitigates the heat island effect by incorporating landscaping and green space where there is currently a large swath of impervious area. (§4.1.2.B.1, §4.1.2.B.3, §4.1.3, §4.4.1, §6.2.10, §7.3.3.1)
2. The Project will not adversely affect the neighborhood because the Project meets all setbacks for the Business 4 zone, provides careful design with varying story heights around residential neighborhoods in conformance with the Washington Street Vision Plan, and provides extensive landscape buffering so as not to impact adjacent and neighboring residential properties. (§4.1.2.B.1, §4.1.2.B.3, §4.1.3, §4.4.1, §6.2.10, §7.3.3.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the Project reduces the number curb cuts from five to two on Crafts Street, creating a safer area for pedestrians with less opportunities for conflicts between vehicles and pedestrians, and also creates a new publicly accessible pedestrian path from Crafts Street to Court Street.

A True Copy
Attest

City Clerk of Newton, Mass.

34 Crafts Street, 48 Crafts Street, and 50 Crafts Street, Newton (Book 72974, Page 100); 36 Crafts Street, Newton (Book 68463, Page 417);
38 Crafts Street, Newton (Book 80513, Page 239); 19 Court Street, Unit #1, Newton (Book 80373, Page 583);
19 Court Street, Unit #2, Newton (Book 80406, Page 353); 21 Court Street, Newton (Book 80406, Page 357)

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50 Crafts, 19 Court, 21 Court Street
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(§4.1.2.B.1, §4.1.2.B.3, §4.1.3, §4.4.1, §6.2.10, §7.3.3.3)

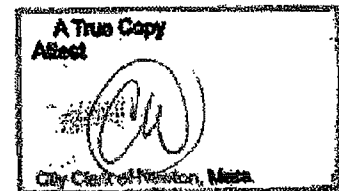
4. Access to the site is appropriate for the types and numbers of vehicles involved because the project complies with the parking requirements of the Ordinance, provides designated loading areas, and reduces five curb cuts to two curb cuts on Crafts Street. (§4.1.2.B.1, §4.1.2.B.3, §4.1.3, §4.4.1, §6.2.10, §7.3.3.4)
5. The site and buildings as designed, constructed, and operated will contribute significantly to the efficient use and conservation of natural resources and energy, including through some or all of the following: (a) minimizing operating energy; (b) minimizing the use of fossil fuels; (c) implementing a transportation plan that will minimize carbon footprint because the project is designed to meet LEED Gold certifiability with a comprehensive TDM plan that includes subsidized transit passes, and exceeding the bicycle parking required by the Ordinance. (§4.1.2.B.1, §7.3.3.C.5)
6. Literal compliance with the dimensional parking requirements is in the public interest as allowing the Petitioner to reduce the required dimensional requirements will reduce impervious paving and provide additional bicycle parking and facilities within the garage to encourage alternate modes of transportation. (§5.1.8.A.1, §5.1.8.B.1, §5.1.8.B.2, §5.1.8.B.4, §5.1.8.C, §5.1.13)
7. Literal compliance with the lighting requirements for parking facilities over five stalls is not in the public interest as allowing the Petitioner to provide lower levels of lighting will benefit the nearby residential areas. (§5.1.10, §5.1.13)
8. In accordance with Section 29-169 of the Revised Ordinances of Newton, Massachusetts, 2017 (the "Revised Ordinances"), the Council finds there is good cause, based on recommendations from the City Engineer and the Director of Planning and Development and in part on other mitigation and community benefits offered by the Petitioner, to waive 75% of the infiltration/inflow calculation for the Project.

PETITION NUMBER: #260-22

PETITIONERS: CRAFTS DEVELOPMENT LLC C/O MARK DEVELOPMENT LLC
275 GROVE STREET, SUITE 2-150
NEWTON, MA 02466

SRG HOLDCO INVESTMENTS, LLC
500 STEVENS AVENUE
SOLANO BEACH, CA 92075

ADDRESS OF PETITIONER: 275 Grove Street
Suite 2-150



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50 Crafts, 19 Court, 21 Court Street

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Newton, MA 02466

LOCATION: 34 Crafts Street on land known as SBL 23, 16, 11
36 Crafts Street on land known as SBL 23, 16, 10
38 Crafts Street on land known as SBL 23, 16, 09
48 Crafts Street on land known as SBL 23, 16, 08
50 Crafts Street on land known as SBL 23, 16, 07
19 Court Street on land known as SBL 23, 16, 12
21 Court Street on land known as SBL 23, 16, 13
containing approximately 115,818 square feet of land

OWNER: CRAFTS DEVELOPMENT LLC, 36 CRAFTS LLC, MONROE-QUEENS
ROCKAWAY LLC, and RK TIC LLC, all C/O MARK DEVELOPMENT LLC

ADDRESS OF OWNER: 275 GROVE ST SUITE 2-150
NEWTON, MA 02466

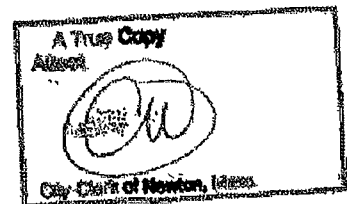
TO BE USED FOR: Elderly Housing with Services

EXPLANATORY NOTES: Special permit per §7.3.3: to construct an Elderly Housing with
Services facility, to allow a development in excess of 20,000 sq.
feet, to allow a six-story building, to allow a building up to 72 feet
in height, to allow parking within the side setback, to reduce the
required parking stall depth, to reduce the required parking stall
depth for accessible stalls, to allow a reduced drive aisle width for
two-way traffic and to waive the lighting requirements (§4.1.1,
§4.1.2.B.1, §4.1.2.B.3, §4.1.3, §4.4.1, §5.1.8.A.1, §5.1.8.B.2,
§5.1.8.B.4, §5.1.8.C, §5.1.10, §5.1.13, §6.2.10).

ZONING: Business 4

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with the following plans (collectively, the "Approved Plans"):



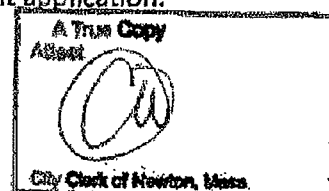
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50 Crafts, 19 Court, 21 Court Street

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- a. Site/Civil plans, prepared by VHB, dated April 4, 2022, revised July 15, 2022, signed and stamped by Jeffrey W. Koetteritz, Professional Engineer, consisting of seventeen (17) sheets:
1. Zoning Assessment Plan, C3.00, revised September 16, 2022
 2. Layout and Materials Plan, C4.00
 3. Grading and Drainage plan, C5.00
 4. Erosion and Sedimentation Control, C6.00
 5. Utility Plan, C7.00
 6. Details 1, C8.01
 7. Details 2, C8.02
 8. Details 3, C8.03
 9. Details 4, C8.04
 10. Landscape Plan L-01
- b. Architectural Plans entitled, "Crafts Street Elderly Housing with Services" prepared by Elkus Manfredi, dated April 4, 2022, revised June 15, 2022, consisting of twelve (12) sheets:
1. Level 0 – Garage, A07, revised August 29, 2022
 2. Level 1 – A01
 3. Level 2 – A02
 4. Levels 3-4 – A03
 5. Level 5 – A04
 6. Level 6 – A05
 7. Roof Plan- A08
 8. Building Sections- A10
 9. Building Elevations, showing the northeast elevation from Crafts St and northwest elevation from McGuire Court – A20
 10. Building Elevations, showing the southeast elevation and southwest elevations- A21
 11. Interior Elevations - A22
 12. Interior Elevations - A23
- c. Lighting Plan, prepared by Reflex Lighting, dated July 15, 2022.

2. Prior to the issuance of any building permit for the Project, the Petitioner shall provide an Approval Not Required ("ANR") plan combining the seven lots into one lot to the City Engineer for review and approval. Once approved, the ANR plan must be recorded at the Middlesex South Registry of Deeds. A recorded copy of the ANR plan shall be submitted to the Engineering Division of Public Works and submitted with the building permit application.

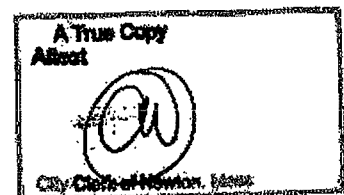


3. All residential units shall conform to the Massachusetts Architectural Access Board (MAAB) requirements for "Group 1" units. In addition, all of the assisted living and memory care units shall be designated as "Group 2A" units which are designed spatially for immediate wheelchair use. The design and construction of the site and proposed structure shall comply with MAAB regulations and the Fair Housing Act.
4. The Petitioner shall retain a qualified accessibility consultant, not directly or indirectly affiliated with Petitioner, to independently review the building permit plans for compliance with MAAB requirements. The Petitioner shall submit the consultant's qualifications to the Inspectional Services Department. Prior to the issuance of a building permit, the consultant shall submit a report to the Inspectional Services Department detailing compliance with MAAB and identifying any variances needed.
5. Prior to the issuance of a certificate of occupancy, the Petitioner's accessibility consultant shall submit reports certifying the construction complies with MAAB and identifying any variances granted.
6. In accordance with the City's Inclusionary Zoning Ordinance, §5.11, based on 233 total beds and the Total Development Cost (TDC) within the Elderly Housing with Services project, the Petitioner shall make payment in the amount of \$11,800,766.00 prior to the issuance of any certificate of occupancy (temporary or final) for the Project.
7. Parking stalls for residents of the project shall be leased separately from the cost of a unit. Prior to the issuance of any certificate of occupancy (temporary or final), the Petitioner shall provide evidence of such separation (such as a lease) to the Director of Planning and Development.
8. The Petitioner shall be responsible at its sole cost for trash and recycling disposal for the Project which shall comply with the City's Noise Control Ordinance.
9. The Petitioner shall make payments in the aggregate amount of \$302,955.00 to the City for infrastructure improvements for inflow and infiltration (I&I) in accordance with Section 29-169 of the Revised Ordinances. Payments shall be made as follows:
 - a. \$151,477.50 at the issuance of any building permit for the Project.
 - b. \$151,477.50 at the issuance of any certificate of occupancy (temporary or final) for the Project
10. The Petitioner shall make a payment of \$25,000.00 to the City prior the issuance of any building permit for improvements to the murals at Pellegrini Park with any excess funds for other improvements at Pellegrini Park. The payment shall be made to a municipal account dedicated to such improvements and funds from the account shall be appropriated only with



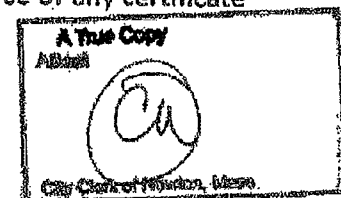
the approval of the City Council and the Mayor in accordance with municipal finance law.

11. The Petitioner, at its sole cost and expense, shall design and construct improvements to the intersection at Washington Street and Crafts Street as follows:
 - a. Prior to the issuance of any building permit for the Project, the Petitioner shall submit plans for pedestrian, landscape, roadway, and safety improvements and/or reconstruction of the intersection at Washington Street and Craft Street as shown in "Conceptual Intersection Improvements Crafts Street at Washington Street dated October 2022" on file with the Planning Department and the City Clerk for review and approval jointly by the Director of Planning and the Commissioner of Public Works. The plans shall be developed in consultation with the Department of Public Works and the Planning Department and shall include sidewalk extensions on the northeast and northwest corners of the intersection and new landscaped areas along the frontage of 647 Washington Street. The applicant shall explore bump outs along the southern side of the intersection. The work required by this condition may include bump outs on the southern side of the intersection provided it is within the budget.
 - b. Prior to the issuance of a certificate of occupancy (temporary or final) for the final dwelling unit, the Petitioner, at its sole cost and expense, shall complete this work in accordance with the approved plans. The Commissioner of Public Works shall inspect and approve the work upon completion.
 - c. In the event the design and construction work described in this condition is completed at a cost of less than \$1,133,856, the Petitioner shall pay the remaining balance of funds to the City to be used and appropriated in the same manner as set forth Condition #10. To ensure compliance, the petitioner shall submit a scope of work with associated costs at the building permit stage and submit a final cost affidavit under the pains and penalties of perjury with an itemized accounting of all design and construction costs incurred upon completion of the work.
12. The Petitioner shall implement a Transportation Demand Management Plan to reduce vehicle trips to the site. The Plan shall include, but not be limited to:
 - a. Displaying all transit schedules in a visible location;
 - b. Provide pre-paid CharlieCard and/or Commuter Rail passes to any employee who can utilize the MBTA system, bikeshare, or similar measure to discourage vehicle trips to the facility, up to a maximum of \$50,000. If the \$50,000 in transit subsidies is not dispensed/expended after a period of five years from any certificate of occupancy, the remainder shall be paid to the City for transportation related improvements or towards funding the City's shuttle system or other public transportation systems.



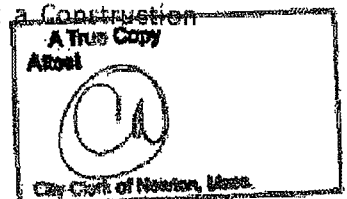
Petitioner/Operator shall provide reports each year, annually on the anniversary of the issuance of the certificate of occupancy, of the number of transit passes issued and funds expended pursuant to this condition.

- c. \$60,000 contribution to the City prior to the issuance of a building permit for vertical construction towards City initiated TDM measures such as a bus shelter, transit, infrastructure, biking, or other measures in the immediate vicinity of the project intended to reduce vehicle trips in the area.
 - d. Providing indoor and outdoor secure bicycle storage areas on site consistent with the Approved Plans.
 - e. Providing on site bicycle locker and shower facilities consistent with the Approved Plans for use by employees.
 - f. Providing a small-scale shuttle van and/or sedan to the Project's residents in perpetuity. Shuttle vehicles shall be parked on site.
 - g. Designating or hiring a TDM coordinator (at the option of the petitioner a TDM membership may be substituted for this requirement.)
13. The Petitioner may reduce the number of parking stalls within the garage to provide additional bicycle parking, if needed or desired. This can be done provided the total number of stalls complies with the required number of parking stalls required under the Zoning Ordinance and is subject to review by the Director of Planning and Development and the Commissioner of Inspectional Services.
14. The Petitioner shall construct an internal pedestrian path connecting Crafts Street to Court Street, as shown on the Approved Plans. This path shall be made available to the public in perpetuity and the Petitioner shall provide the City with a permanent easement in a form approved by the Law Department prior to the issuance of any certificate of occupancy.
15. As referenced on the Landscape Plan listed in Condition #1, vehicular access to the portion of the rear driveway opposite Crafts Street that runs from Court Street to the northwesterly corner of the building shall be limited to emergency vehicles only.
16. Prior to the issuance of a building permit for vertical construction, the Petitioner may apply to Traffic Council to construct and designate pick-up and drop off area along the Crafts Street frontage as shown on the Approved Plans. If Traffic Council approves the request, the Petitioner is responsible for maintaining the public sidewalk on their property. If the Petitioner does not file such application or in the event the Traffic Council denies this request, plans showing the removal of the pickup and drop off area shall be deemed consistent following review of the alternative plans by the Director of Planning and Development and the Commissioner of Inspectional Services. If the pick-up and drop off area is approved, the Petitioner shall provide the City with an easement for the public sidewalk on the Petitioner's property in a form approved by the Law Department prior to the issuance of any certificate



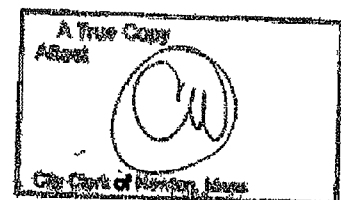
of occupancy.

17. Prior to the issuance of any building permit, the Petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by the Petitioner and recorded at the Middlesex South District Registry of Deeds. A copy of the recorded O&M shall be filed with the Engineering Division of Public Works, the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
18. The Petitioner shall do the following to remediate pest and rodent activity:
- 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.
 - 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.
 - 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. The Pest Control Operator shall maintain a written record of all pest control measures performed within the subject property and shall provide progress reports to the Inspectional Services Department and the Health and Human Services Department upon request.
 - Prior to issuance of the certificate of occupancy, the Pest Control Operator shall file a final report with the Department of Planning and Development and Inspectional Services Department summarizing the methods used, whether off-site migration occurred, the frequency and dates of service, and a post-construction assessment of the site and the neighborhood.
 - In the event any demolition or construction activity causes off-site pest migration, prior to the issuance of any certificates of occupancy (temporary or final), the Petitioner shall offer and provide, at its sole cost and expense, rodent abatement services on an as needed basis for all direct abutters and abutters to direct abutters, subject to owner authorization and a waiver of liability.
19. All construction activity shall be limited to 7:00AM-5:00PM Monday through Friday and 8:00AM-4:00PM on Saturdays, excluding holidays, unless waived by the Mayor in accordance with Revised Ordinances, §20-13.
20. Prior to the issuance of any Building Permit, the Petitioner shall submit a Construction



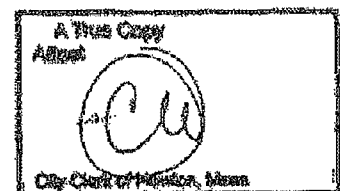
Management Plan (the "CMP") for review and approval to the Commissioner of Inspectional Services, the Director of Planning and Development, the City Engineer, and the Chief of the Fire Department. The CMP shall be in compliance with all applicable policies and ordinances in effect at the time of submission. 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.
 - 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. Construction vehicles shall not park or idle on Court Street.
 - 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: 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.
 - i. A plan showing construction vehicle routes to the site.
21. The Applicant shall be responsible for securing and paying police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
22. The Petitioner shall be responsible for repairing any damage to public ways and public property caused by construction activities or any construction vehicles traveling to or from the site. All repair work shall be done prior to the issuance of the final certificate of occupancy, unless the Commissioner of Public Works determines either: (a) that the damage to the public way is so extensive that it limits the use of the public way; (b) that the damage interferes with traffic flow; or (c) that the damage poses a threat to public safety. In such cases, the repair work must be initiated within one month of the Commissioner making such

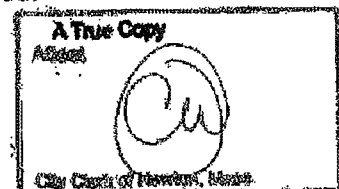


determination and shall be conducted consistent with City Construction Standards, and shall be completed within an appropriate time frame, as determined by the Commissioner.

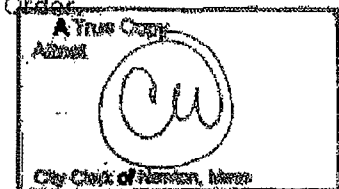
23. Prior to the issuance of any building permit for the Project, the Petitioner shall provide a Final Site Plan (which shall indicate the location of adequate snow storage area(s) or identify a suitable alternative for snow removal) for review and approval by the Department of Planning and Development, the Engineering Division of Public Works and the Fire Department.
24. The Petitioner shall underground all lateral utility connections from the right of way to the structure(s).
25. The Petitioner shall implement the following measures to mitigate and reduce significant vibration impacts caused by construction equipment:
 - a. Prior to the issuance of any demolition, foundation or building permit, the Petitioner shall conduct a pre-construction survey of all buildings and structures within 250 feet of the Project (as measured from the Project's property lines) for which the owner of the building or structure has granted approval at no charge to the owners. The survey must include photos taken both inside and outside prior to construction to set a baseline of existing conditions. Copies of the survey and photos shall be provided to owners.
 - b. Prior to the issuance of any demolition permit, foundation or building permit, the Petitioner shall establish a \$100,000 vibration mitigation fund (or other security in a form satisfactory to the City Solicitor).
 - c. If a property owner has consented to a pre- and post- construction survey as set forth in this condition and the property owner believes its buildings or structures have suffered damage due to vibration impacts from the Project, the property owner may make a claim to the vibration mitigation fund by submitting its claim, along with supporting documentation and photographs, to an independent third party hired and paid for by the Petitioner, subject to review and approval by the City Solicitor, for the independent third party's review. Notice shall be provided to such private property owners on how to make a claim for damages. Only those property owners who consent to a pre-construction survey as set forth above shall be eligible to make a claim to the vibration mitigation fund. If a claim is approved by the independent third party, property owners receiving payment from the mitigation fund must sign a release of claims as a condition to the receipt of such payment. In lieu of seeking payment from the vibration mitigation fund, a property owner may pursue a claim for damages for any amount through private action.
 - d. The Petitioner shall engage a qualified professional to develop and prepare a vibration control plan demonstrating the following:
 - a. Measurements of static ground vibration prior to construction.
 - b. Vibration level limits for demolition and construction activities based on building conditions and soil conditions. The limit should be determined using industry standards, provided that vibration level limits shall not exceed .50 peak particle velocity (PPV) at the property line of the Project.



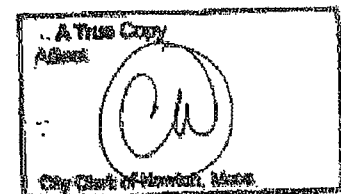
- e. Planned demolition and construction methods to ensure vibration levels will not exceed the identified limit.
 - f. Specific measures to be taken during construction to ensure the specified vibration level limits are not exceeded.
 - g. A monitoring plan to be implemented during demolition and construction that must include installation of vibration measuring devices and alarms.
 - h. The Petitioner shall submit the vibration control plan to the Commissioner of Inspectional Services for review and approval prior to the issuance of any demolition, foundation or building permit.
 - i. The Petitioner shall implement the approved vibration control plan. Vibration levels shall be regularly monitored during demolition and construction. The Petitioner shall keep a record of all monitoring and shall provide copies to the Commissioner of Inspectional Services upon request.
 - j. All work shall be performed within the vibration level limits established by the vibration control plan. If the vibration limit is exceeded, the construction activity causing the vibration shall cease and not resume until mitigation measures are implemented and notice is provided to the Commissioner of Inspectional Services.
 - k. The Petitioner shall provide written notice to all property owners within 250 feet of the Project 48 hours prior to vibration-related activity that includes an explanation of the proposed activity, address of the site, date and time of the work, and contact information of the contractor overseeing the work.
 - l. Following construction, the Petitioner shall re-inspect all homes, with approval of the owners, subject to the pre-construction survey to determine any damages caused by vibration. The Petitioner shall maintain records of all complaints it receives for vibration-related damages. All claims submitted to the mitigation fund shall be fully administered prior to the issuance of the final certificate of occupancy for the Project. Any monies remaining in the fund upon issuance of the final certificate of occupancy shall be retained by the Petitioner.
26. The parking facility shall provide a minimum of 28 electric vehicle charging stations which equates to (a) 20% of the total of 137 garage parking stalls, and (b) 50% of the spaces dedicated to the independent living units.
27. All buildings shall be designed and constructed to achieve LEED v4 Gold Certifiability in accordance with the Sustainable Development Requirements set forth in Section 5.13.4 of the Zoning Ordinance.
28. The Petitioner shall complete Passive House feasibility studies and energy modeling to determine the design and construction approach.
29. The residential portions of the buildings shall be designed and constructed to meet Passive House design metrics; however Passive House certification is not required.



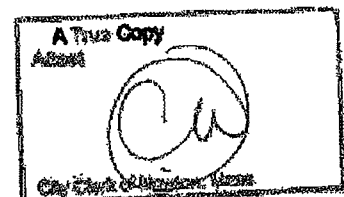
30. Prior to issuance of a building permit, the Petitioner shall submit to the Planning Department the following:
- An updated Rating System Checklist enumerating the criteria set forth in the applicable green building rating system and indicating which technical and design requirements will be met in the green building project design and the resulting rating level of the project.
 - An updated Rating System Narrative describing the technical and design elements of the project that will be utilized to achieve compliance with the applicable green building rating system.
 - An updated Energy Narrative, describing the energy efficiency, renewable energy, and other technical and design elements of the project that serve to minimize energy use, make use of renewable energy sources, and demonstrate how close the project is to achieving net zero energy use status.
 - A document demonstrating the credentials of the project's designated green building professional.
 - An affidavit signed by the green building professional stating that he/she/it has reviewed all relevant documents and that to the best of he/her/its knowledge, the documents provided indicate that the project is being designed to achieve LEED v4 Gold Certifiability.
 - The credentials of the project's green commissioning agent.
- Additional building permit conditions for Passive House:*
- The credentials of the Passive House rater/verifier who will perform testing and verification and letter of intent stating he/she/it has been hired to complete the on-site verification process.
 - The credentials of the Certified Passive House Consultant who has provided design, planning, or consulting services.
31. 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.
32. No building permit (other than a demolition permit) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
- 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, the Inspectional Services Department, and the Department of Planning and Development.
 - Submitted the payments required in accordance with Conditions 9a, 10, 12c.
 - Submitted a recorded lot consolidation plan to the City Engineer and included a copy with the building permit application in accordance with this Order.
 - Submitted final engineering, utility, and drainage plans, and a recorded copy of the O&M Plan with the Middlesex South District Registry of Deeds and provided a copy of the recorded document to the City Engineer in accordance with this Order.



- e. Submitted a Final CMP for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, and the City Engineer.
 - f. Received approval for the Pest Control inspection report and the remediation action plan from the Inspectional Services Department and submitted a copy of such approval to the Director of Planning and Development in accordance with this Order.
 - g. Received approval for the vibration control plan from Inspectional Services and submitted a copy of such approval to the Director of Planning and Development in accordance with this Order.
 - h. Submitted a LEED Checklist prepared and certified by a LEED Accredited Professional to the Director of Planning and Development, indicating which points the building intends to realize to demonstrate LEED certifiability at the Gold level.
33. Prior to certificate of occupancy, the Petitioner shall submit to the Planning Department any updates to the above referenced documents along with the following:
- a. An affidavit certifying that the pre-construction commissioning process requirements of LEED Gold have been met and that the post-construction commissioning process requirements of Section 5.13 of the Zoning Ordinance were included in the scope of work and will be met, including a schedule of when each commissioning requirement was or will be met.
 - b. Credentials of the project's accredited Green Building Professional and an affidavit signed by that professional stating that he/her/it have reviewed all relevant documents and that to the best of their knowledge, the documents provided indicate that the project was built to achieve the requirements of Section 5.13 of the Zoning Ordinance.
 - c. Credentials of the project's accredited Green Building Professional and an affidavit signed by that professional stating that he/she/it has reviewed all relevant documents and that to the best of his/her/its knowledge, the documents provided indicate that the project was built to achieve meet the metrics of Passive House certification for the residential portions of the buildings.
34. Not less than two months prior to the commencement of any site work or other construction activities related to the work approved through this Special Permit/Site Plan Approval, a Construction Liaison Committee shall be established consisting of one designee of the petitioner, two (2) residents from the neighborhood surrounding the site, and one Ward 1 Councilor and one Ward 2 City Councilor, one of which shall be appointed Chair of the Committee. The President of the City Council shall appoint the resident neighborhood members, the City Councilor members, and appoint the Chair. All actions of the Liaison Committee shall be advisory in nature only and the Liaison Committee shall work by consensus. Meetings of the Liaison Committee will be open to the public.
- a. The purpose of the Liaison Committee shall be to enhance and ensure communication as to the status and progress of the construction of the project, to provide a forum for communication of the construction schedule, and to receive and address neighborhood concerns relating to construction.



- b. The first meeting of the Liaison Committee shall occur prior to the commencement of construction and thereafter shall meet monthly (or, at the election of the Liaison Chair, every three months) according to a schedule established by the Liaison Chair until six (6) months after initial occupancy.
 - c. The Liaison Committee shall, at a minimum, give written notice to the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development of its meetings.
35. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
- a. Filed with the Inspectional Services Department and Department of Planning 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.
 - c. Submitted the payments required in conditions 6 and 9b.
 - d. Obtained approval from the City Engineer certifying that all engineering details for the portion of the Project for which a certificate of occupancy is requested have been constructed to standards of the City of Newton Public Works Department.
 - e. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, landscape features, fencing and parking areas related to or for the portion of the Project for which a certificate of occupancy is requested.
 - f. Filed with the Department of Inspectional Services and the Department of Planning and Development a certificate from a licensed architect certifying that: (i) all dwelling units in the building for which a certificate of occupancy is requested have been constructed and conform with MAAB requirements for "Group 1" units.-
 - g. Filed with the Department of Inspectional Services and the Department of Planning and Development evidence that utilities have been located underground for the portions of the Project for which a certificate of occupancy is requested to the extent required by this Order, or submit evidence that best efforts have been made to underground the utilities.
 - h. Filed with the Department of Inspectional Services and the Department of Planning and Development evidence that the criteria for LEED Gold level of construction of the subject building have been satisfied.



36. The Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, and/or benches provided that the Petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site work to secure installation of such landscaping, fencing, signage and parking areas.

Under Suspension of Rules

Readings Waived and Extensions of Time Approved

20 Yeas, 3 Nays (Councilors Malakie, Oliver and Wright), 1 Absent (Councilor Norton)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on November 9, 2022. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



(SGD) CAROL MOORE

Clerk of the City Council

I, Carol Moore, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on November 9, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) CAROL MOORE

Clerk of the City Council

