



**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

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**PUBLIC HEARING MEMORANDUM**

**DATE:** January 19, 2023

**TO:** City Council

**FROM:** Barney S. Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Joseph Iadonisi, Senior Planner

**SUBJECT:** **Petition #68-24** for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #40-97(2) and allow a free-standing sign at 269-287 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 29 Lot 24, containing approximately 489,460 sq. ft. of land in a district zoned BUSINESS4. Ref: Sec. 7.3.3, 5.2.13.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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



**269-287 Grove St.**

## Project Description

### **Background**

The subject property, known as the Riverside Center, located at 269-287 Grove Street consists of 489,460 square feet of land, improved with a 500,000 square foot office building in the Business 4 zone (BU4) zone in Auburndale. The Riverside Center was constructed in 2000 after being granted #40-97, which allowed the zone change and #40-97 (2) which permitted the office building as designed. The property is abutted by the Riverside MBTA Station in the Business 2 zone and the Riverside MBTA Station parking lot zoned Mixed Use 3 to the south, dwellings in the Single Residence 3 zone to the north, and the Woodland Park Apartments in the Multi-Residence 2 zone to the east.

### **Special Permit**

Condition 9 of Special Permit #40-97(2) stated “services such as a restaurant, coffee shop, newsstand, dry cleaning drop-off and pick-up, ATM, and similar accessory uses to service the primary office use of the building are allowed. There shall be no advertising or promotion of such uses to the general public...on the exterior or grounds of the office building.” The petitioners seek to amend the existing Special Permit to eliminate that language so Kendall Kitchen, a restaurant tenant within the Riverside Center can advertise the café to the public. The proposed sign is a free-standing sign, requiring additional relief. No construction or change of use is proposed and no additional relief other than that for posting of the sign is required.

### **Analysis**

Planning is supportive of the amendment to Special Permit #40-97(2) and of the proposed free-standing sign. The prohibition on advertising for accessory uses within the Riverside Office Center is overly restrictive and presents a hardship to businesses which fall under the accessory uses allowed on site. Signage serves as important wayfinding for visitors to the site to confirm the business is located there and to obtain additional information regarding these uses such as confirming the business exists at this location, the location within the site and hours of operation, etc.

The petitioner appeared before the Urban Design Commission (UDC) to seek a nonbinding recommendation of approval of the proposed sign. The UDC recommended denial (**Attachment A**) of the proposed free-standing sign due to the proposed location of the sign next to an existing monument stone sign. The UDC questioned whether the petitioner could add to the existing stone monument sign, however Planning notes that during spring and summer months plantings may obscure any text located at the bottom of the existing sign. Planning agrees that the sign should be located elsewhere on site, perhaps along the site’s edges along Grove Street in a more visible location from Grove Street and the petitioner should explore other options for the sign’s location on site.

Attached to this memorandum is a draft council order that recommends approval and allows flexibility on the location of the sign. Planning believes the language prohibiting advertising by accessory uses should be eliminated swiftly to remove a barrier for local businesses that seek to locate at the Riverside Office Center and would allow signs permitted by right under section 5.2 of the Zoning Ordinance.

I. Zoning Relief Requested:

Zoning Relief Required		
Ordinance		Action Required
	To amend Special Permit #40-97(2)	S.P. per §7.3.3
§5.2.13.A	To allow a free-standing sign	S.P. per §7.3.3

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

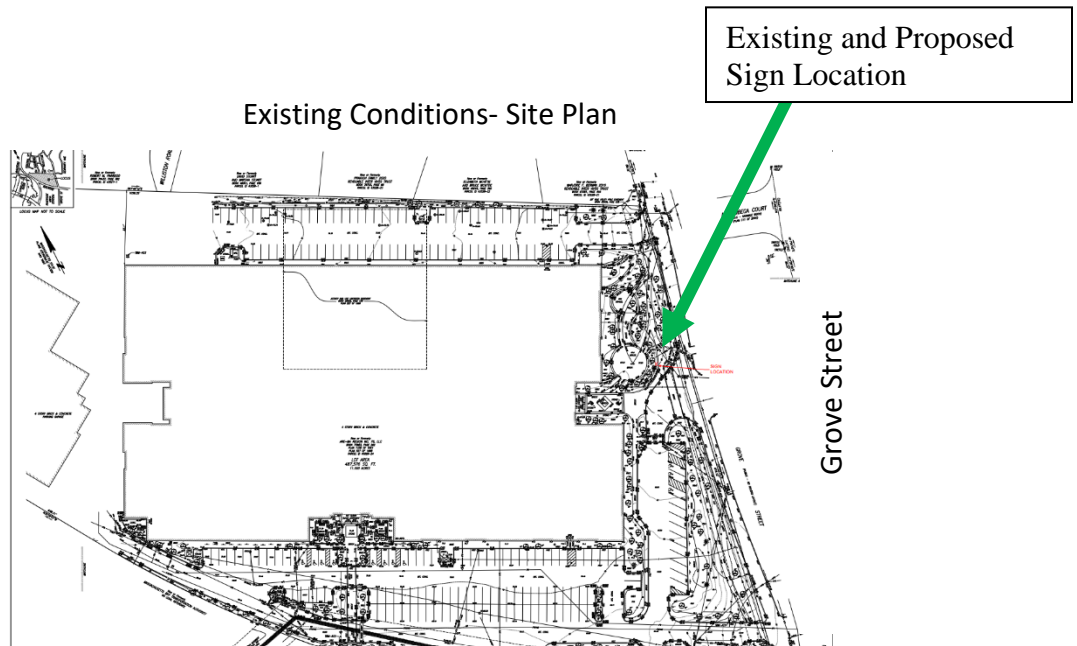
II. Criteria for Consideration per §7.3.3. and/or §7.8.2.C.2:

- The site in the BU4 zone is an appropriate location for the proposed free-standing sign (§7.3.3.C.1).
- The proposed sign will not adversely affect the neighborhood (§7.3.3.C.2).
- The proposed sign will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
- The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises, the architecture of the buildings or their location with reference to the street is such that such exceptions are in the public interest. (§5.2.13)

III. Project Proposal and Site Characteristics

A. Site - Existing Conditions

The property at 269-287 Grove St. currently has one stone monument sign on the east side of the property near the main entrance and several directional signs around the parking lot. Of the 500,000 square feet, the vast majority of the Riverside Business Center is either business offices or atrium space with the exception of the Kendall Kitchen, a restaurant that is open to the general public.



Existing Monument Stone Sign



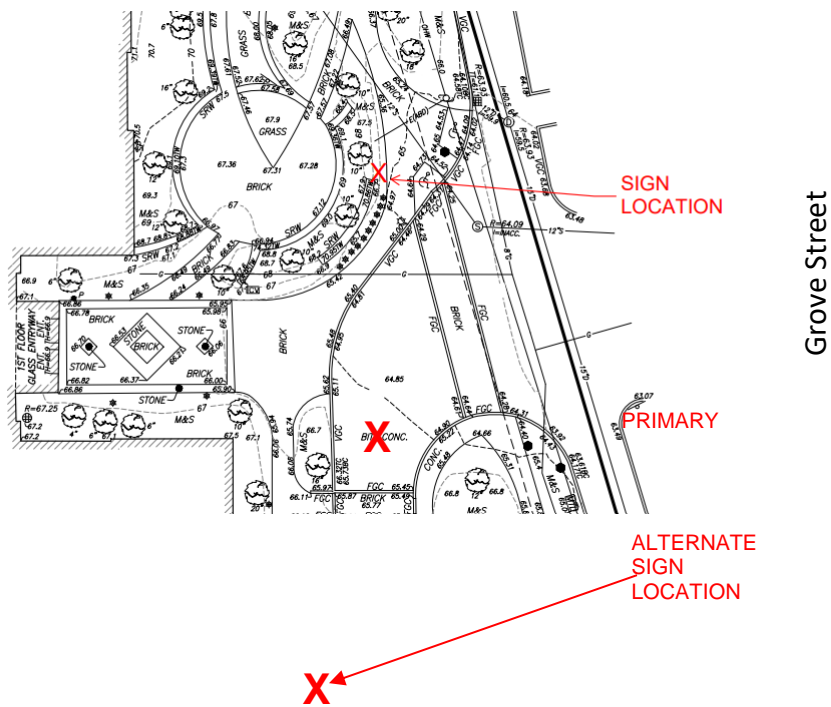
## PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

If approved, the primary use of the Riverside Business Center will remain office use with the Kendall Kitchen as an allowed accessory use.

### B. Site and Building Design

The only proposed change to the site is the addition of the sign near the front entrance of the Riverside Center. The petitioners are requesting approval for the sign, advertising Kendall Kitchen, to be placed in one of two locations. The primary sign location is to the north of the main building entrance on the east side of the building



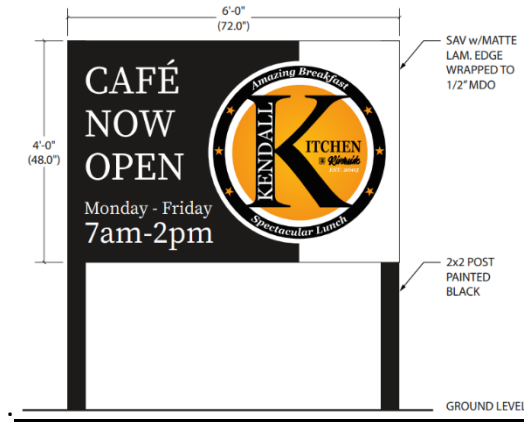
immediately next to the frontage sign. The alternate sign location would be to the south of the same building entrance. The proposed free-standing sign is six feet wide by four feet tall supported by two 2x2 posts. The sign would be primarily black and white, featuring the Kendall Kitchen's logo, hours, and the words "Café Now Open."



Proposed Sign



Proposed Sign



Section 5.2.1 of the Zoning Ordinance covers the intent and purpose of the City’s regulations regarding signs. This section recognizes the importance of signs in informing the public and promoting business while promoting safety and limiting the “potential detrimental impact on the visual and perceptual environment.” There are four intended goals for sign regulation according to this section: to prevent hazards to vehicle and pedestrian safety, prevent signs that would deteriorate property values, provide for easy recognition of all signs, and to preserve the visual quality of the City. Planning believes the sign meets these goals of the Sign Ordinance. Planning is supportive of the petitioner having the flexibility to advertise for accessory uses on site. Planning believes that a more suitable location for the sign may be along the edges of the site to promote visibility and wayfinding for the café and so as not to detract from the main stone monument sign on site.

C. Parking and Circulation

Both proposed sign locations would have no impact on parking and circulation and perhaps may improve existing conditions as visitors in automobiles will not be confused due to lack of signage if they are patronizing the café. The signs are both located between the building and the sidewalk leading to the main entrance of the building, therefore the sign will not obscure the view of pedestrians. Additionally, the proposed locations are by the main vehicular entrance which allows only for one way traffic, so the sign will not obscure the view of any vehicles turning into or out of the business center.

IV. Interdepartmental Review:

No additional reviews are required.

V. PETITIONER’S RESPONSIBILITIES

The petition is considered complete at this time.

**ATTACHMENTS:**

- Attachment A:** UDC Memorandum
- Attachment B** Zoning Review Memorandum
- Attachment C:** Special Permit #40-97 (2)
- Attachment B:** DRAFT Council Order





Ruthanne Fuller  
Mayor

## City of Newton, Massachusetts

Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

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Barney Heath  
Director

**DATE:** January 17, 2024  
**TO:** Katie Whewell, Chief Planner  
 Jane Santosuosso, Chief Zoning Code Official  
**FROM:** Urban Design Commission  
**RE:** 269-287 Grove Street  
**CC:** Land Use Committee of the City Council  
 Petitioner

At the request of the Department of Planning and Development, the Urban Design Commission has reviewed and provides the following comments to the Department of Planning and Development and the Land Use Committee of the City Council regarding the sign at 269-287 Grove Street. The following members were present at the UDC meeting: Michael Kaufman, Visda Saeyan, John Downie, and William Winkler. The following information is intended to give advice on specific matters affecting the free-standing sign.

### **269-287 GROVE STREET – FREE-STANDING SIGN**

At its regularly scheduled meeting on January 10th, the Urban Design Commission (UDC) reviewed the proposed Signage at 269-287 Grove Street and recommended **denial** for:

- One free-standing principal sign, non-illuminated, with approximately 24 sq. ft. of sign area facing Grove Street.

Based on the signage submitted and the presentations by the applicant, the Urban Design Commission recommends denial for the proposed free-standing sign. The Commission recommended denial due to the following reasons:

- This property already has a free-standing sign.
- The UDC understands that the Café has a visibility problem, but the proposed location for the sign is not appropriate.
- It is not appropriate for one business to have a free-standing sign, next to the main sign for the office park. Not appropriate for one tenant to have a sign in a multi-tenant building.

The Commission made a recommendation to the applicant to propose a sign in the blank space on the existing free-standing sign under words “Riverside Center”.



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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: December 14, 2023

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Victoria Sabatino, Greatland Realty Partners  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE: Request to amend Special Permit #40-97(2) and allow a free-standing sign**

Applicant: Greatland Realty Partners	
Site: 269-287 Grove Street	SBL: 43029 0024
Zoning: BU4	Lot Area: 489,460 square feet
Current use: Office complex	Proposed use: No change

### Background:

The property at 269-287 Grove Street is located in the Business 4 district and is improved with two multi-tenanted office buildings and accessory parking allowed by Special Permit #40-97(2). The special permit also allows for accessory service uses on site, but prohibits any on-site advertising. The petitioner seeks to amend the special permit to allow both the free-standing sign and advertisement of the on-site café.

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

- Zoning Review Application, prepared by Victoria Sabatino, Greatland Realty Partners, dated 12/12/2023
- Special Permit #40-97(2)
- Conceptual Signage, prepared by Boston Building Wraps, dated 11/17/2023

**ADMINISTRATIVE DETERMINATIONS:**

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1. Special Permit #40-97(2) allowed for the extension of the nonconforming commercial use on site resulting in the construction of the current office complex consisting of two office buildings and accessory surface and garage parking. Condition #9 of the special permit allows for accessory service uses such as a café, newsstand, ATM or dry cleaners, but prohibits any advertising or promotion of those uses on the exterior or grounds of the office building. The existing café, Kendall Kitchen, is seeking to amend the condition to allow for on-site signage, as the café is open to the general public.
2. The petitioner seeks to allow for a 24 square-foot free-standing sign advertising the on-site café. Two possible locations for the sign are proposed on either side of the entrance court to the atrium; either on the right of the courtyard entrance to the right of the stone wall signage for Riverside Center; or to the left of the courtyard entrance within a landscape bed. Per section 5.2.13.A, a special permit is required to allow a free-standing sign.
3. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<b>Ordinance</b>		<b>Action Required</b>
	To amend Special Permit #40-97(2)	S.P. per §7.3.3
§5.2.13.A	To allow a free-standing sign	S.P. per §7.3.3

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#40-97(2)

CITY OF NEWTON

IN BOARD OF ALDERMEN

June 2, 1997

1997 JUN -4 PM 4:06  
CITY CLERK  
NEWTON, MA. 02159

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action 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, the following SPECIAL PERMIT/SITE PLAN APPROVAL AND EXTENSION OF NON-CONFORMING USE AND STRUCTURE is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefor, through its Chairman, Alderman Susan M. Basham:

1. The Board finds that the specific site is an appropriate location for such use, structure for the following reasons:
  - a) The site has been used for commercial purposes since at least the 1930's;
  - b) The office use is allowed as-of-right in both the Manufacturing and Business 4 districts;
  - c) The site is abutted to the west by the terminus of the Riverside MBTA station;
  - d) Public transit is available.
  
2. The Board finds that the use as developed and operated will not adversely affect the neighborhood for the following reasons:
  - a) The proposed office building will be smaller than the existing building;
  - b) The use of a multi-level parking structure will reduce the amount of surface level parking on the site, permitting more open space and landscaping;
  - c) The provision of an accessory restaurant and coffee shop with more than 50 seats will provide additional amenities for the individuals using the proposed office building and minimize the generation of additional trips from the office building;
  - d) The petitioner proposes a transportation demand management plan to promote the use of public transportation and thereby minimize the number of vehicles coming to the site;
  - e) The petitioner proposes traffic mitigation in front of the site to permit safe turning movements and traffic flow;
  - f) The drainage on the site shall meet the Massachusetts DEP Stormwater Guidelines dated November 18, 1996, rev. March 1997 and represents an improvement over the existing site conditions;

*Brown St New*

20.00

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MSD 02/19/98 03:44:56

*Record Owner  
EOP - Riverside Project, LLC.  
Site # 27596-171*

A True Copy  
Attest  
*Edward J. English*  
City Clerk of Newton, Mass.

- g) The as-of-right alternatives reviewed by the committee and considered economically feasible by the petitioner will generate almost as much traffic as the special permit proposal; however, it is unlikely that there will traffic mitigation with the as-of-right alternatives;
- h) There will be less impervious surface and less building coverage than the existing conditions.
3. The Board finds that there will be no nuisance or serious hazard to vehicles or pedestrians and that access to the site is appropriate for the types and numbers of vehicles involved for the following reasons:
- a) The petitioner's traffic report, and the review of that report made by the City Engineer and Howard Stein-Hudson, concluded that the proposed office use will not overburden Grove Street or the streets feeding into Grove Street;
- b) The petitioner will control access and egress from the site to minimize traffic congestion and hazards at those points and will provide a more "pedestrian friendly" sidewalk by relocating the sidewalk back from the curblines of Grove Street adjacent to the site.
4. The Board finds that the criteria for site plan approval have been satisfied for the following reasons:
- a) The petitioner has made adequate provisions for: sewage and refuse disposal; off-street loading to service the building and controls for restricting use of the loading docks during peak traffic hours; and, screening of the parking area and structures from adjacent properties, especially in the front of the office structure, parking areas and the slope surrounding the parking structure;
- b) The petitioner has minimized major topographical changes by extending part of the hillside adjacent to the parking structure to compensate for removal of a portion of such hill and providing a landscape buffer with heavier and more attractive vegetation than currently exist;
- c) The petitioner will locate utility service lines underground.
5. The Board finds that the proposed structures are not substantially more detrimental to the neighborhood than the existing structure in the following manner:
- a) The proposed office structure and garage will not be substantially more detrimental than the existing structure to the neighborhood.
- b) The footprint of the proposed structure and garage combined will be less than the existing structure. The reduced footprint will enable the structures to have conforming setbacks; and the proposed structure will be set back further from Grove Street than the existing structure.
- c) The proposed structures will be no higher than the existing building.

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*Edward J. English*  
City Clerk of Newton, Mass.

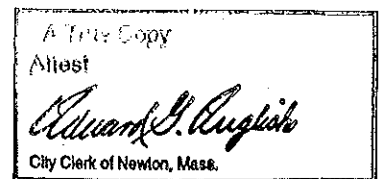
6. The Board finds that the special permit gives greater planning control over the site than as-of-right alternatives. The Board further finds that the parcel is a flat, totally covered and paved 487,578 sq. ft. lot with a non-conforming 600,000 sq. ft. building and is distinguishable from parcels which surround it by a diversity of uses and zoning districts. Furthermore, the site is in an existing Manufacturing District which permits a wider variety of potentially obnoxious and intensive uses on the site to neighbors. Therefore the Business 4 District is preferable to the Manufacturing District.
7. The Board finds that the petitioner has proposed to restrict the use of the site more restrictively than permitted by right in a Business 4 zone.
8. The Board finds that the petitioner has volunteered to provide site specific traffic mitigations which will enhance safety on Grove Street, to provide funding for technical assistance and other traffic improvements which the City will determine and to provide a long range study of the Grove Street areas.
9. The Board finds that the petitioner's promotion of public transportation will include an annual contribution to the Newton Nexus bus system and an additional bus service between Auburndale and Newton Lower Falls during midday hours as well as connections to the Auburndale commuter rail station during peak traffic hours.
10. The Board finds that the petitioner will provide landscaping off-site that will reduce the impact of the project on abutters.
11. The Board finds that the zone change and the special permit serve the public convenience and welfare by meeting the goals of the Newton Comprehensive Plan by providing open space, providing access to and encouraging the use of open space enhancing the appearance of neighborhood through landscaping and architectural design and the rehabilitation of an unsightly building and lot, by providing access to and encouraging the use of public transportation, by improving the effect on the environment.

PETITION NUMBER: 40-97(2)

PETITIONER: Cabot, Cabot & Forbes of New England, Inc. or its assignee/ Auburndale Realty, Inc.

LOCATION: 275 Grove Street, Ward 4, Auburndale, Section 43, Block 29, Lot 24, containing approximately 487,578 sq. ft. of land

OWNER: Auburndale Realty, Inc.



## ADDRESS OF OWNER:

7 West 7th Street  
Cincinnati, Ohio 45202

## TO BE USED FOR:

Redevelopment of approximately 600,000 sq. ft. of existing manufacturing, warehouse, distribution and office space for office use and accessory office uses by demolishing approximately 103,000 sq. ft., inserting one floor plate within the existing southern portion of the building, and adding approximately 9'1" in height to the northern portion of the building, and in a proposed 5 story, 8 level parking structure including 2 levels below grade.

## CONSTRUCTION:

Steel, concrete, masonry and glass.

## EXPLANATORY NOTE:

Section 30-11(d)(7) allows the Board of Aldermen to grant a special permit for a multi-level accessory parking facility.

Section 30-21(b) allows the Board of Aldermen to alter, extend or enlarge a non-conforming structure.

Section 30-15 Table 3 allows the Board of Aldermen to grant a special permit for a building of up to 8 stories and up to 96 feet. The proposed office structure will be four stories and an average height of 51.42 feet. The proposed garage structure will be up to 5 stories (8 levels including 2 levels underground) and an average height of 37.32 feet.

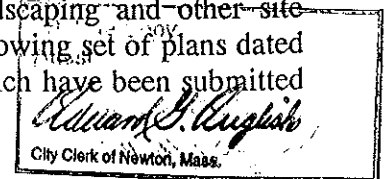
Section 30-11(d)(9) allows the Board of Aldermen to grant a special permit for a accessory restaurant with more than 50 seats.

Section 30-19 (h)(4) and (m) allows the Board of Aldermen to grant a special permit to waive provision of the parking requirements if literal compliance with the requirements is impracticable.

Land referred to is in a Business 4 District.

Approved, subject to the following conditions:

1. That all buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with the following set of plans dated March 6, 1997 and revised May 27, 1997, except as noted, which have been submitted by the petitioner and filed herewith:

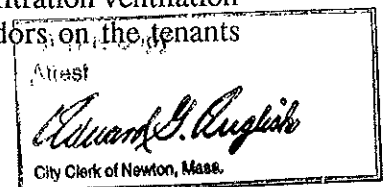


Drawing Title	No.	Prepared by
Existing Conditions and Demolition	C2	Rizzo Associates, Inc.
Site Layout and Materials Plan	C3	Rizzo Associates, Inc.
Grading and Drainage Plan	C4	Rizzo Associates, Inc.
Erosion Control Plan	C5	Rizzo Associates, Inc.
Utility Plan	C6	Rizzo Associates, Inc.
Construction Management Plan	C7	Rizzo Associates, Inc.
Miscellaneous Construction Details	C8	Rizzo Associates, Inc.
Miscellaneous Construction Details	C9	Rizzo Associates, Inc.
Site Lighting Plan	E1	Rizzo Associates, Inc.
Site Landscape Plan	L1	Carol R. Johnson Associates, dated 5/26/97
Grove Street Landscape Plan	L2	Carol R. Johnson Associates, dated 5/26/97
Grove Street Grading Plan	L2A	Carol R. Johnson Associates, dated 5/26/97
Site Area Enlargements	L3	Carol R. Johnson Associates, dated 5/26/97
Site Details	L4	Carol R. Johnson Associates, dated 5/26/97
Site Details	L5	Carol R. Johnson Associates, dated 5/26/97
Architectural Site Plan	A1	Elkus/Manfredi Architects, Ltd. dated 5/20/97 rev.5/27/97
Building Floor Plans	A2	Elkus/Manfredi Architects, Ltd. dated 5/20/97
Building Elevations	A3	Elkus/Manfredi Architects, Ltd. dated 5/20/97
Garage Floor Plans	A4	Elkus/Manfredi Architects, Ltd. dated 5/20/97
Garage Elevations	A5	Elkus/Manfredi Architects, Ltd. dated 5/20/97

2. That all transformers, chillers, air conditioners, mechanical/ventilation systems, HVAC equipment, and similar devices shall be designed, located and baffled using appropriate acoustical screening to minimize the noise produced. The noise produced by this equipment shall comply with the City of Newton Noise Ordinance and shall not exceed 51 dBa during the day and 46 dBa during the night as measured at the property line or any location on immediately abutting residential properties. Emergency generators will be designed to meet City of Newton noise regulations.

During the first summer of operation of the building, the petitioner shall retest and reconfirm the noise levels of the rooftop equipment. In the event of a variance from the dBa levels set forth in the preceding paragraph, the petitioner shall provide additional noise controls as needed to comply with the stated levels. In event that the City of Newton Noise Ordinance requires a lower dBa level than the levels set forth in the preceding paragraph, any replacement equipment shall comply with the City of Newton Noise Ordinance.

3. That the petitioner, its successors and assigns, shall install a charcoal filtration ventilation system and shall operate the kitchen without impact from cooking odors on the tenants in the building or on adjoining properties.





4. That the parking spaces in front of the building shall be designated for short term guest parking only; these parking spaces shall not be used from 7-9 AM. The petitioner shall install signs indicating such restrictions.
5. That if the MBTA creates a new access roadway from the Route 128 ramp into its Riverside property extending to the site's property line, the petitioner shall make all necessary modifications on its site to connect to such roadway and permit access to the site, thereby making it possible to reduce the use of Grove Street for vehicular access to and from the site. An amendment to this special permit will not be required for such modification.
6. That during construction the Construction Management Plan (C-7) dated January 28, 1997 rev. date 5/27/97 shall be implemented which shall include among other provisions the following safeguards:
  - a. Prior to the request for a demolition permit for the existing building, the petitioner shall submit a rodent control plan to the Health Commissioner for his review and approval. Evidence of such approval shall be submitted to the Commissioner of Inspectional Services prior to the issuance of a demolition permit.
  - b. The petitioner shall construct and maintain a security fence around the construction area of the site in compliance with the requirements of the State Code.
  - c. Except to allow for paving, all employees of contractors and subcontractors shall park on site and not on neighborhood streets.
  - d. During construction the petitioner shall provide street cleaning to remove mud or construction debris from streets abutting the site as requested by the Commissioner of Public Works.
  - e. The hours of exterior or structural construction shall be 7 AM. to 6 PM. Monday through Friday and 8 AM. to 6 PM. on Saturday. Work at other times may occur only with the advance approval of the Commissioner of Inspectional Services. Interior construction may be permitted at any time so long as noise levels comply with the City's Noise Ordinance.
  - f. The petitioner shall designate a person responsible for the construction process. That person shall be identified to the Police Department and the Commissioner of Inspectional Services, the Ward 4 Aldermen, the Auburndale Community Association, the Lower Falls Improvement Association, the Tri-Village Association and the abutters and shall be contacted if problems arise during the construction process.

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- g. The petitioner shall take appropriate steps to minimize the dust generated during the grading of the site, excavation and construction and shall require subcontractors to place covers over any open trucks transporting debris and material to or from the site.
  - h. Noise levels shall comply with the City's Noise Control Ordinance, Section 20-13.
  - i. Trucks shall only access the site to and from Route 128, except when the MBTA bridge is too low to allow passage of large equipment, in which case, the routes and times shall be reviewed and approved by the Police Department.
  - j. Noise from heaters used during construction in winter conditions shall comply with the City's Noise Control Ordinance.
7. That the City Engineer shall review and approve the final site grading and drainage plans which should include oil and gas traps. Such grading and drainage plan shall meet the Massachusetts Department of Environmental Protection Stormwater Management Guidelines dated November 18, 1996, and revised March 1997.
  8. That the petitioner, its successors and assigns, shall clean at its expense the gas traps and catch basins at least two times per year. Evidence of such bi-annual cleaning shall be submitted to the City Clerk.
  9. That services such as a restaurant, coffee shop, newsstand, dry cleaning drop-off and pick-up, ATM, and similar accessory uses to service the primary office use of the building are allowed. There shall be no advertising or promotion of such uses to the general public. There shall be no advertising of such uses on the exterior *or grounds* of the office building. The accessory restaurants shall meet all applicable Health Department requirements.
  10. That, if access from the site over MDC and MBTA property is approved by these agencies and if approved by the Newton Conservation Commission as shown on a plan entitled "C3 Site Layout and Materials Plan", the petitioner shall construct a pedestrian walkway over MBTA and MDC property from the subject site to the Charles River. Such walkway and access to it shall be open for the users of the site and the general public from dawn to dusk.
  11. That if access from the site to the MBTA property is approved by the MBTA as shown on a plan entitled "C3 Site Layout and Materials Plan" and "L2 Tree Planting at Grove Street" cited in Condition #1, the petitioner shall construct a pedestrian walkway to the MBTA Riverside Station which walkway and access to it shall be open to the users of the site and the general public.

A True Copy  
Attest

*Edward J. English*  
City Clerk of Newton, Mass.

12. That, except in emergencies, the petitioner shall not permit entry of vehicles for parking on the roof of the garage from 9 PM. to 6 AM. Lights on the top level of the parking garage shall be shut off no later than 9 PM. and turned on no earlier than 6 AM. seven days a week. There shall be no light poles on the roof of the garage.
13. That, except for security lighting, lighting in the surface parking areas shall be shut off no later than 11 PM.
14. That the lighting along the residential side of the property shall be focused inward to the site on poles which are no higher than 18 feet. The source of the lighting throughout the site shall not be able to be seen from abutting properties. Lighting shall not overspill onto abutting properties.
15. That roadway lighting to and from the garage will either be bollard or step lighting with directed light reflectors aimed downward. The source of the lighting shall not be visible.
16. That all lighting in the atrium shall be aimed downward and be designed to minimize intrusion into the neighborhood at night.
17. That the petitioner, its successors and assigns, shall be responsible for snow plowing and snow removal from the site. The petitioner shall make best reasonable efforts to minimize the use of sodium chloride on the site. There shall be no snow removal before 5 AM. on business days or before 8 AM. on weekends, and no later than 9 PM. These hours will be observed except in cases of major snowfall occurrences. Snow removal equipment may only be parked or stored on the site inside the building or the garage structure.
18. That the petitioner, its successors and assigns, shall use best reasonable effort to recycle all materials used in the operation of the site and shall include such a requirement in tenant leases.
19. That the petitioner, its successors and assigns, shall be responsible for removal of solid waste from the site. The pick-up of solid waste and recyclables shall occur only between the hours of 7 AM. and 9 PM. Monday through Friday unless the hours of trash pick-up are further restricted by subsequent City ordinance.
20. That the final location of the dumpster and any screening for it shall be reviewed and approved by the Director of Planning and Development.
21. That there shall be no deliveries to the loading docks from, 10 PM. to 6 AM., 7-9 AM. and 4-6 PM. Any truck seeking the use of the loading docks during these time periods shall be denied access to the loading dock and will be directed to leave the site. The petitioner shall control the route of tractor trailers and large single-body delivery trucks

A True Copy

Attest

  
City Clerk of Newton, Mass.

which are under contract for deliveries to the building and contracts will include a penalty clause for violation of the provisions of this paragraph. Travel to and from the site shall be via Route 128. This condition shall not apply to US postal, Federal Express and United Parcel Service type services.

22. That the petitioner, its successors and assigns, shall be responsible for the maintenance of landscaping and irrigation system, including landscaping on the islands in Grove Street, in good condition and, at least annually, shall replace plant material that dies, is damaged, or is diseased.
23. That the petitioner, its successors and assigns, shall designate a person who shall be responsible for the management, maintenance and operation of the site, including security, parking plan management, truck management plan and clean site appearance. The petitioner, its successors and assigns, shall notify the Police Chief, Commissioner of Inspectional Services, Ward 4 Aldermen, Auburndale Community Association, and Lower Falls Improvement Association and the immediate abutters of the name of the designee. The management and operations plan of the petitioner shall be on file with the city clerk and the department of planning and development.
24. That the petitioner shall execute a Traffic Mitigation Fund Agreement of \$249,000 which it has offered to be used to pay for the cost of traffic improvements and transportation programs selected by the City that will mitigate potential impacts of the project or improve traffic safety and flow in other locations of Lower Falls and Auburndale including the area around the Williams School as set forth in Exhibit A of that Agreement. Each traffic improvement or transportation program that is undertaken by the City with the Traffic Mitigation Fund shall be constructed or operated by the City or a contractor engaged by the City, not the petitioner. Members of the Board of Aldermen or the Public Works Department through the City Traffic Engineer, shall request the Mayor to request an appropriation from the Board of Aldermen from the Traffic Mitigation Fund for any traffic improvement or transportation program from Exhibit A of that Agreement.
25. That, in addition to the Traffic Mitigation Fund Agreement and the \$249,000 to fund it, the petitioner shall provide technical traffic engineering assistance to the City Traffic Engineer, upon request, and at a cost not to exceed \$75,000 to assist with the preparation of any traffic plans or studies required by the City Traffic Engineer or Board of Aldermen relative to the those items listed on Exhibit A of the Agreement. Such technical traffic engineering assistance shall be provided by Sam Park & Associates or another traffic engineering firm designated by the City.
26. That in addition to Conditions #24 and #25 above and the funding amounts therein, the petitioner shall undertake a study within six months of occupancy, in consultation with the City Traffic Engineer and the Planning Department, at a cost not to exceed \$50,000

*Edward S. English*  
City Clerk of Newton, Mass.

for possible long range improvements for regional access to the Grove Street area. This study will be completed on or within one year of occupancy and will include alternatives to reduce "cut through" traffic on Grove Street in Lower Falls and existing impacts from the Riverside MBTA Station and Route 128 ramps on to Grove Street. The petitioner, together with the City Traffic Engineer and the Planning Department shall initiate communication with the Commonwealth (Mass. Highway Department) during the study process to discuss mutual resolutions for issues identified during the study and to encourage mitigations for them in this area to occur as expeditiously as possible.

27. That the petitioner shall implement a Transportation Demand Management program which shall encourage the use of public transportation, promote the use of bicycles by the provision of lockers and shower facilities for cyclists, and promote ridesharing
28. That the petitioner agrees to record a Covenant of Restrictions with the South Middlesex Registry of Deeds that prohibits for 99 years the primary use of the site as retail, movie or performance theater. Any change to the covenant shall require the approval of the Board of Aldermen by a 2/3 vote of the membership. Said covenant shall be reviewed and approved by the Law Department.
29. That the petitioner, its successors and assigns, shall make an annual contribution of \$25,000 to the City's operational inter-village bus service.
30. That in addition to the contribution to the City's inter-village bus service, the petitioner its successors and assigns, shall provide a bus at its own expense which shall operate from the site to Lower Falls and Auburndale from at least 11:30 AM. to 2 PM. and from the site to the Auburndale commuter rail station from at least 7-9 AM. and 4-6 PM. This bus shall be available to the public free of charge at any point along the route. The petitioner, its successors and assigns, shall not be precluded from implementing other uses of the bus Any modifications to the Auburndale commuter rail station route shall be made in accordance with the City's bus licensing process and in consultation with the Ward 4 Aldermen and the Board of the Auburndale Community Association, but will not require an amendment to this special permit.
31. That all utility lines from the street to the site shall be underground.
32. That the petitioner, its successors and assign, will make the atrium common space available on a non-exclusive basis during non-business hours to neighborhood groups for civic meetings without charge or an insurance/indemnification requirement. Scheduling will be handled by the on-site management personnel.
33. That as shown on a plan entitled "C3 Site Layout and Materials Plan", right turns into the site and left turns out of the site shall be permitted at the northern driveway. The center driveway shall be used only as an entrance. Only right turns out of the

*Edward S. Rugh*  
City Clerk of Newton, Mass.

southernmost driveway shall be permitted.

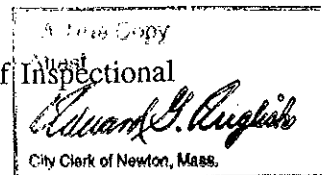
34. That the petitioner, its successors and assigns, shall provide a private police detail to augment the traffic signal and to educate drivers in the morning and the evening peak hours unless the City Traffic Engineer determines that the police officer is no longer required. In making his determination the Traffic Engineer shall consider if the signal is providing sufficient guidance for motorists and if the traffic in the area of the site has normalized. The Traffic Engineer shall make his determination in consultation with the captain of the traffic bureau of the Police Department. If at a later date the Traffic Engineer, in consultation with the captain of the traffic bureau of the Police Department, determines that for public safety a police detail is needed, the private police detail shall be reinstated, until such time as the Traffic Engineer, in consultation with the captain of the traffic bureau determines that the police detail is no longer needed.
35. That, prior to the exercise of this Special Permit and Site Plan approval, the relocation of the public sidewalk on the northwest side of Grove Street and the revised layout of Grove Street as shown on plan "C3 Site Layout and Materials Plan" cited in Condition #1 must be approved by the Board of Aldermen acting through its Public Facilities Committee. If this required approval is not granted, this Special Permit and Site Plan approval cannot be exercised unless the petitioner seeks and is granted an amendment of this Special Permit and Site Plan approval which addresses the issues presented by the lack of a modified layout to Grove Street along the site. Any request for such an amendment shall require notice and a public hearing pursuant to G.L. c. 40A, § 11.
36. That the petitioner shall, at its sole expense, pay for the cost of the design and construction of all public way and traffic signal work required in the plan entitled "C3 Site Layout and Materials Plan" cited in Condition #1 above. The petitioner, its successors and assigns shall be responsible at its expense to maintain and remove snow on the public sidewalk to be installed on the site pursuant to this condition.
37. That this special permit shall be deemed exercised upon the issuance of a building permit.
38. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE and STRUCTURE until:
- a. A final landscape plan, consistent with Condition #1 of this special permit, including lighting and fixture design, indicating the location, number, size and type of landscaping and landscape materials to be installed. This final landscape plan shall be reviewed for consistency have been submitted to and approved by the Director of Planning and Development and statement of certifying such approval for consistency with the plans cited in Condition #1 shall have been filed

*Edward J. English*  
City Clerk of Newton, Mass.

with the City Clerk and the Department of Inspectional Services. If the petitioner successors and assigns has made alterations or additions to the final landscape plan listed in Condition #1, said revised plan, prior to determination of consistency by the Director of Planning and Development, the revised plan shall be distributed to the aldermen from Ward 4 for their review.

- b. The City Engineer has reviewed and approved site grading and drainage, and the installation of sidewalk and curbing improvements along the Grove Street frontage and a statement by the City Engineer certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
  - c. The petitioner shall have granted an easement to the City of Newton for the improvements to Grove Street, including the sidewalk, as shown on plan "C3 Site Layout and Materials Plan" cited in Condition #1, which plan shall have been approved by the Board of Aldermen through its Public Facilities Committee.
  - d. The petitioner shall have recorded a Covenant of Restrictions which prohibits the primary use of the site as retail, movie or performance theater. The restriction shall have been reviewed and approved by the Law Department.
  - e. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL and the Covenant of Restrictions with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
  - f. A certified copy of such recorded notices shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.
  - g. The petitioner has contributed the first \$25,000 payment to the *inter-village* city bus system as required by Condition #29.
39. That no building or structure, or portion thereof subject to this SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE and STRUCTURE shall be occupied until:
- a. The Petitioner shall have filed with the City Clerk, the Department of Inspectional Services and the Department of Planning and Development a statement by a registered architect or registered engineer certifying that Condition 1 has been complied with.

- b. There shall have been filed with the City Clerk, the Department of



Services and the Department of Planning and Development a statement by the City Engineer certifying that the finished grades and final construction details of the driveways, parking area, drainage systems, sidewalks along Grove Street, curbing and utility installations have been constructed to standards of the City of Newton Engineering Department.

- c. There shall have been filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, parking areas, and lighting installation.
- d. Notwithstanding the provisions of Section 39c, hereof, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy of all or portions of the buildings prior to installation of final landscaping 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 landscaping to secure installation of such landscaping.
- e. The petitioner has donated \$249,000 pursuant to the Traffic Mitigation Fund Agreement as noted in Condition #24.
- f. Construction of all public way and traffic signal work required in Condition # 36 above has been completed.

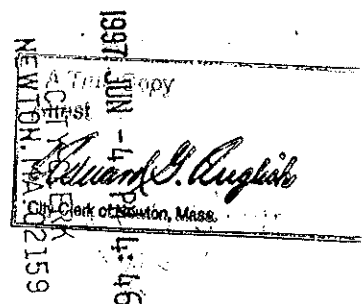
Under Suspension of Rules  
Readings Waived and Approved  
21 yeas 2 nays (Ald. Baker, Parker)  
1 vacancy

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT and SITE PLAN APPROVAL and is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on 6/4/97. 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) EDWARD G. ENGLISH, City Clerk  
Clerk of the Board of Aldermen






I, Edward G. English, as the Clerk of the Board of Aldermen 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 Board of Aldermen in the Office of the City Clerk on 6/4/97 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST   
EDWARD G. ENGLISH, City Clerk

OFFICE OF THE  
CITY CLERK  
CITY OF NEWTON  
100 STATE STREET  
NEWTON, MASSACHUSETTS 02459

A True Copy  
Attest  
  
City Clerk of Newton, Mass.

812

**GRANT OF EASEMENT  
RELATIVE TO MODIFICATION, BY WIDENING, OF GROVE STREET**

EOP-Riverside Project, LLC recorded with the Middlesex South Registry of Deeds at Book 27596, Page 171, in consideration of \$1.00 the receipt of which is acknowledged and the further benefits to be derived by the remaining property as a result of the street modification by widening which will be carried out as a result of this grant, hereby grants to the **CITY OF NEWTON**, a municipal corporation with a business address of 1000 Commonwealth Avenue, Newton, with Quitclaim Covenants, an easement for public way purposes in the parcel shown as "Street Easement" on a plan entitled "Easement Plan of Land Showing Roadway Improvements" dated July 8, 1997, by Rizzo Associates, Inc., and signed by John W. McEachern, Land Surveyor, together with the right to slope and bank upon the adjacent land as required for the support of the public way, provided, however, this grant of easement shall be subject to the following conditions:

1. The Grantor hereby agrees to forever hold harmless, defend and indemnify the City of Newton from and against any and all claims, causes of action, losses, damages or expenses which the City may sustain or for which the City may become liable growing out of any injury to or death of any persons or damage to or loss of real or personal property arising out of or caused by the condition of any of the areas shown on said plan as "Proposed Variable Width Sidewalk Area Easement" and/or "Landscaped Area."
2. The Grantor hereby agrees to forever be responsible, at its sole expense, for the maintenance, including the removal of snow and ice, of the areas shown as "Proposed Variable Width Area Easement". The scope, frequency and other details of maintenance, including the removal of snow and ice, shall be determined by the Public Works Commissioner, in his sole discretion.
3. The Grantor reserves the right to improve, maintain and control the areas shown as "Landscaped Area" (which are located within said "Street Easement" area) for uses such as landscaping, irrigation, outdoor seating and other items consistent with applicable zoning and the provisions of said Order #40-97(2) so long as such private landscaping and uses do not impede or obstruct the City's rights in the public way. All such private landscaping and uses shall be at the sole expense of the Grantor. Notwithstanding the rights of the Grantor as described in the herein paragraph, nothing contained herein shall prohibit the City from temporarily disrupting such landscaping and other uses as is required for maintenance and repairs of the public way and utilities. In such event the City shall bear no expense and have no liability for repair or replacement of such landscaping and/or uses.
4. The Grantor agrees to pay for all design and construction necessary to carry out the modification of public way, including the construction of the sidewalk, consistent with the design and specifications shown on the aforescribed plan and in accordance with city specifications, under the supervision and inspection of the City Engineer.

*John W. McEachern*  
*John W. McEachern*

10.00.0000

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MSD 02/19/98 08:44:56

This Grant of Easement is made in connection with two orders of the Newton Board of Aldermen, as follows: 1) Order #40-97(2) dated June 2, 1997, pertaining to a Special Permit/Site Plan Approval granted relative to the premises now numbered 275 Grove Street a copy of which is recorded at said Registry of Deeds at Book 13 2017 # 982 of 2/19/98, Page \_\_\_\_; and 2) Order #40-97(5) dated July 14, 1997, pertaining to the modifications, by widening, of a portion of Grove Street, a copy of which order shall be recorded herewith.

EOP-Riverside Project, LLC

By: Beacon Property Management Corporation, its managing member

By: Brooke Kenyon  
Its: Vice President

State of Illinois  
Cook County COMMONWEALTH OF MASSACHUSETTS  
MIDDLESEX, ss February 16, 1998

Then personally appeared the above named \_\_\_\_\_ and acknowledged the foregoing Grant of Easement as h\_\_ free act and deed, before me.

Pam Thomason  
Notary Public  
My commission expires:

22604-0:210922 v1



#68-24  
269-285 Grove St.

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, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to strike condition 9 of Special Permit #40-97(2) preventing accessory uses at the Riverside Center from advertising or having signs and allow for a free-standing sign as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The site in the Business 4 zone is an appropriate location for the proposed free-standing sign due to the large size of the site, is within a business zone which will improve visibility of accessory uses on site. (§7.3.3.C.1)
2. The site in the Business 4 zone is an appropriate location for the amendment to Special Permit #40-97(2) because allowing businesses to advertise is consistent with the intent of the Business 4 zone and will remove a barrier to local businesses. (§7.3.3.C.1)
3. The proposed sign as designed will not adversely affect the neighborhood because the proposed sign is 24 square feet and will aid in wayfinding for visitors to the site. (§7.3.3.C.2)
4. The proposed free-standing sign will not create a nuisance or serious hazard to vehicles or pedestrians because it will aid in wayfinding for visitors to the site and eliminate potential confusion for visitors to the site due to lack of signage. (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
6. The proposed exceptions to the sign ordinance should be permitted and are appropriate due to the nature of the use of the premises and are public interest because the site is located within a BU4 zone and will aid in wayfinding for visitors to the site. (§5.2.13)

PETITION NUMBER: #68-24

PETITIONER: Kendall Kitchen

LOCATION: 269-287 Grove Street., on land known as Section 42 Block 29 Lot 24, containing approximately 489,460 sq. ft. of land

OWNER: BIG GRP 275 Grove Owner LLC

ADDRESS OF OWNER: 1 Federal Street  
Boston, MA 02110

TO BE USED FOR: Office

RELIEF GRANTED: Special Permit per §5.2.13.A to allow for a free-standing sign; Amend Special Permit #40-97(2) to eliminate condition 9

ZONING: Business 4

This Special Permit/Site Plan Approval amends Council Order #40-97(2) eliminating Condition 9 which prohibited accessory uses from advertising. All other conditions of Council Order #40-97(2) remain in full force and effect except as modified below.

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
  - a. Site Plan and proposed sign location prepared by Feldman Land Surveyors and Tori Sabatino dated December 21, 2023
  - b. A sign plan prepared by Boston Building Wraps titled "1123\_66 Greatland Realty-275 Grove - Cafe Signage", sheet PP1 showing sign dimensions and design of sign.
2. No building/sign permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
  - a. Recorded a certified copy of this order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

- c. Obtained a written statement from the Planning Department that confirms the building/sign permit plans are consistent with plans approved in Condition #1.
3. The final location of the free-standing sign permitted by this special permit shall be subject to review and approval by the Director of Planning and Development. The petitioner shall explore alternate sign locations that locate the free-standing sign away from the existing stone monument sign.
4. No Final Inspection for a sign covered by this special permit/site plan approval shall be issued until the petitioners have:
  - d. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a licensed design professional that the signs have been installed to comply with applicable building codes.
  - e. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by the sign installer.