



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
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Barney Heath  
Director

## STAFF MEMORANDUM

Meeting Date: **Wednesday, April 10, 2024**  
DATE: April 5, 2024  
TO: Urban Design Commission  
FROM: Shubee Sikka, Urban Designer  
SUBJECT: **Additional Review Information**

The purpose of this memorandum is to provide the members of the Urban Design Commission (UDC) and the public with technical information and planning analysis which may be useful in the review and decision-making process of the UDC. The Department of Planning and Development’s intention is to provide a balanced view of the issues with the information it has at the time of the application’s review. Additional information may be presented at the meeting that the UDC can take into consideration when discussing Sign Permit, Fence Appeal applications or Design Reviews.

Dear UDC Members,

The following is a brief discussion of the sign permit applications that you should have received in your meeting packet and staff’s recommendations for these items.

### I. Roll Call

### II. Regular Agenda

#### **Sign Permits**

##### **1. 344-348 Walnut Street – Otto Pizza**

**PROJECT DESCRIPTION:** The property located at 344-348 Walnut Street is within a Business 1 zoning district. The applicant is proposing to install the following signs:

1. One marquee split principal sign, internally illuminated, with approximately 22 sq. ft. of sign area on the western façade facing Walnut Street.
2. One perpendicular split principal sign, non-illuminated, with approximately 6 sq. ft. of sign area on the western façade perpendicular to Walnut Street.
3. Multiple window signs, non-illuminated.

**TECHNICAL REVIEW:**

- Both the proposed split principal signs appear to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is exceeding, and on this façade of 57 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is not exceeding. Per Zoning Ordinance §5.2.8, *“In particular instances, due to the nature of the use of the premises, the architecture of the building, or its location with reference to the street, the total allowable sign area may be divided between two wall signs which together constitute the principal wall sign.”*
- Window signs appear to be less than 25% of the window area. Window signs are allowed by right and do not require a sign review.

**STAFF RECOMMENDATION:** Staff recommends approval of both the split principal signs as proposed.

**2. 308-322 Walnut Street - Lorraine**

**PROJECT DESCRIPTION:** The property located at 308-322 Walnut Street is within Business 1 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, non-illuminated, with approximately 6 sq. ft. of sign area on the western building façade facing Walnut Street.

**TECHNICAL REVIEW:**

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 100 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.

**STAFF RECOMMENDATION:** Staff recommends approval of the principal sign as proposed.

**3. 130 Needham Street – Fox’s**

**PROJECT DESCRIPTION:** The property located at 130 Needham Street is within a Mixed Use 2 zoning district. The applicant is proposing to install the following signs:

1. One wall mounted principal sign, internally illuminated, with approximately 40 sq. ft. of sign area on the western façade facing Needham Street.
2. One wall mounted secondary sign, internally illuminated, with approximately 40 sq. ft. of sign area on the southern building façade facing the side parking lot.

3. One wall mounted secondary sign, internally illuminated, with approximately 40 sq. ft. of sign area on the northern building façade facing Rockland Street.
4. One window sign, internally illuminated, with approximately 21 sq. ft. of sign area on the western window. The application says there is a window sign of this specification but there is no drawing provided. Staff has reached out to the applicant about the sign and is waiting for a drawing.

**TECHNICAL REVIEW:**

- The proposed wall mounted principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 61 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- Both the proposed wall mounted secondary signs appear to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two secondary signs are allowed, which the applicant is not exceeding, and on this façade of 96 feet, the maximum size of each sign allowed is 50 sq. ft., which the applicant is also not exceeding.

**STAFF RECOMMENDATION:** Staff recommends approval of the proposed principal sign and both secondary signs. Staff is waiting to hear back from the applicant about the window sign.

**4. 71 Needham Street – AT&T**

**PROJECT DESCRIPTION:** The property located at 55-71 Needham Street is within a Mixed Use 1 zoning district and has a comprehensive sign package authorized by a special permit via Board Order # 213-12(1).

The applicant has included two set of drawings showing different size of the signs. Staff has reached out to the applicant to clarify which sign drawings are the correct ones. Staff will email the Commission with staff review before the meeting. Applicant has submitted two files for sign plans - "updated sign package.pdf" and "new scope.pdf" with different sign size. The details section of the application says the signs are 30 sq. ft. and 16 sq. ft. which doesn't match any of the drawings.

**5. 131-181 Needham Street – Veterinary Specialists**

**PROJECT DESCRIPTION:** The property located at 131-181 Needham St is within a Mixed Use-1 district. This property is also known as “Newton Nexus” and is subject to a comprehensive sign package, approved in February 2015 (Board Order #19-15) and a consistency ruling, approved in May 2015 for arbor and tenant signage (attachment A, B, and C). The applicant is proposing to install the following sign:

1. One arbor mounted sign, internally illuminated, with approximately 8.95 sq. ft. of sign area facing Needham Street.

TECHNICAL REVIEW:

- The proposed arbor mounted sign appears to be consistent with the revised comprehensive sign package. The consistency ruling by Land Use Committee approved arbor signs that were 5'-4 ½" x 1'-8" = 8.95 sq. ft. and the proposed sign appears to be consistent with that.

STAFF RECOMMENDATION: Staff recommends approval of the proposed arbor sign.

**6. 200-220 Boylston Street – Glowbar**

PROJECT DESCRIPTION: The property located at 200-220 Boylston Street is within a Business 4 district and has a comprehensive sign package authorized by a special permit via Board Order # 214-10(2). The applicant is proposing to install the following sign:

1. One wall mounted principal sign, internally illuminated, with approximately 12 sq. ft. of sign area on the southern façade of building B facing the parking lot.

TECHNICAL REVIEW:

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 66 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding. The sign is also consistent with the comprehensive sign package, it is within the sign band.

STAFF RECOMMENDATION: Staff recommends approval of the proposed principal sign.

**III. Old/New Business**

**1. Approval of Minutes**

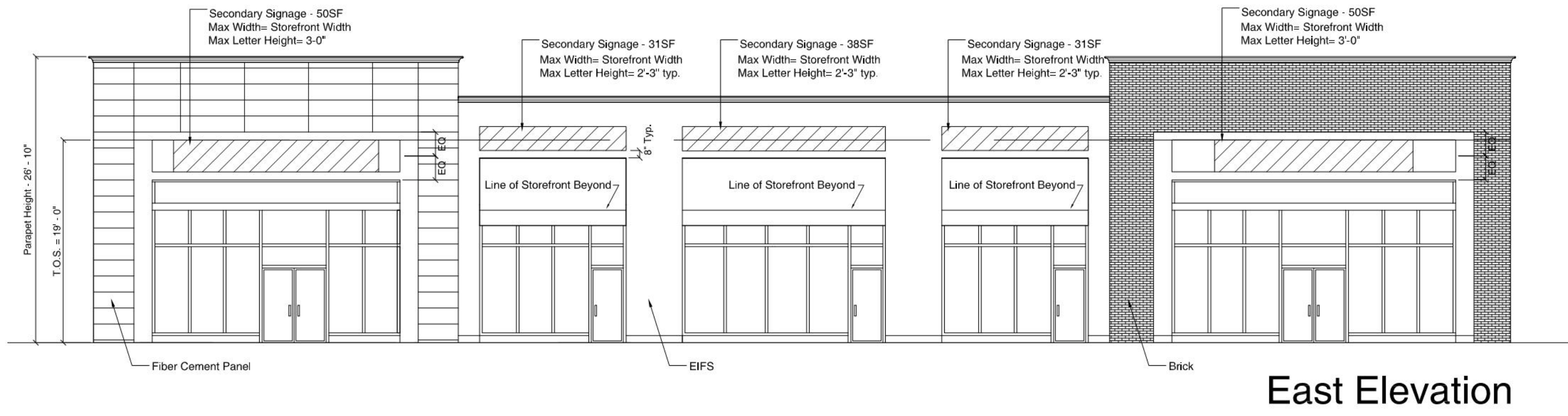
Staff will email meeting minutes before the meeting.

**Attachments**

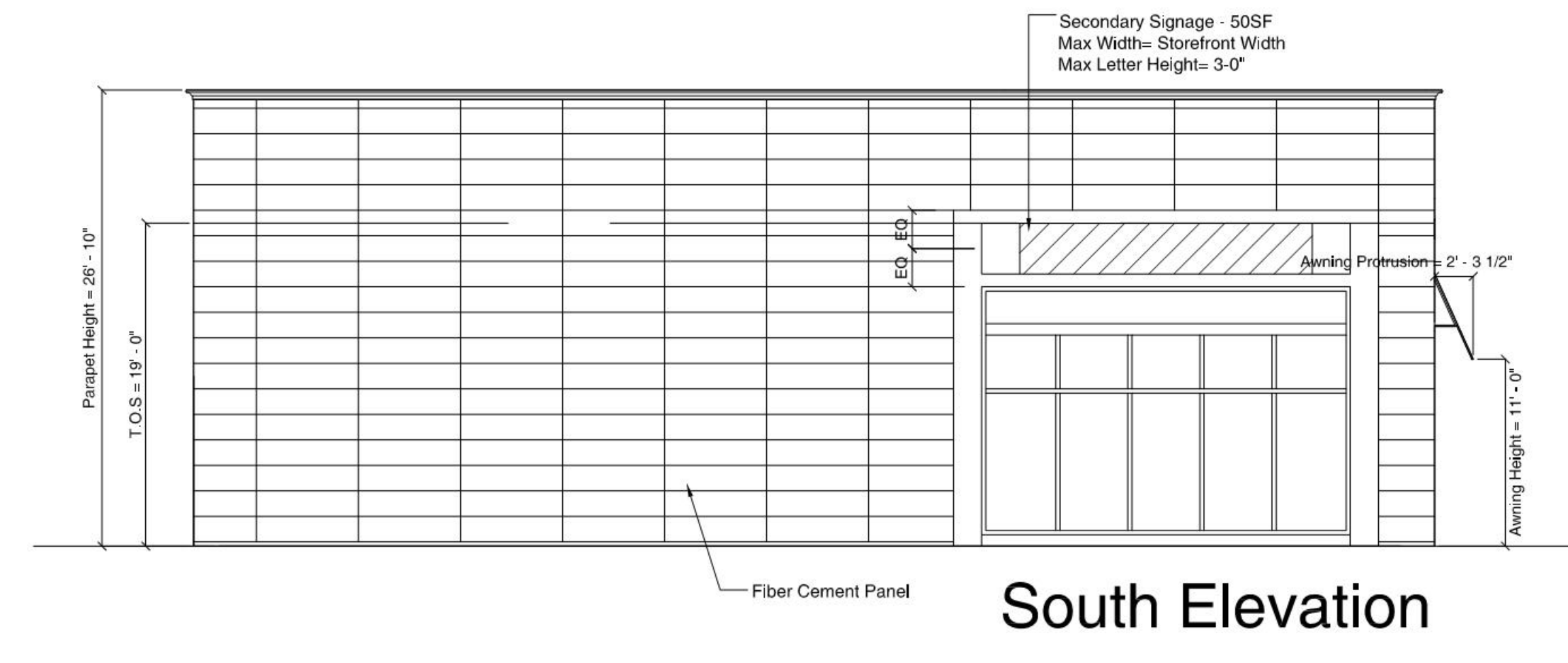
- Attachment A – 71 Needham Street Comprehensive Sign Package
- Attachment B - 71 Needham Street – Recorded Board Order #213-12(1)
- Attachment C – 131-181 Needham Street Recorded Board Order
- Attachment D – 131-181 Needham Street Sign Package
- Attachment E – 131-181 Needham Street Consistency Determination
- Attachment F – 200-220 Boylston Street – Board Order
- Attachment G – 200-220 Boylston Street – Comprehensive Sign Package



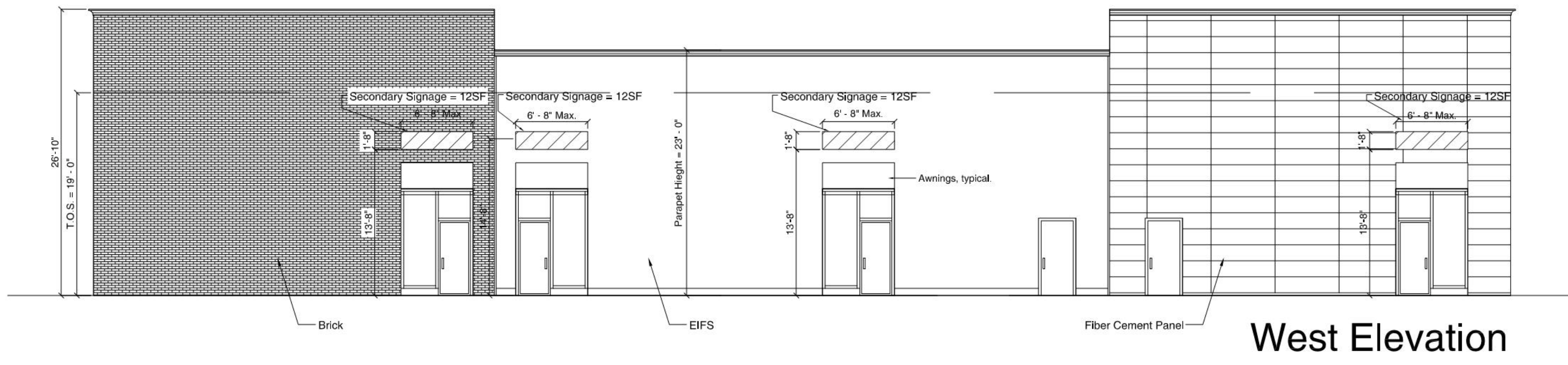
# Building 1



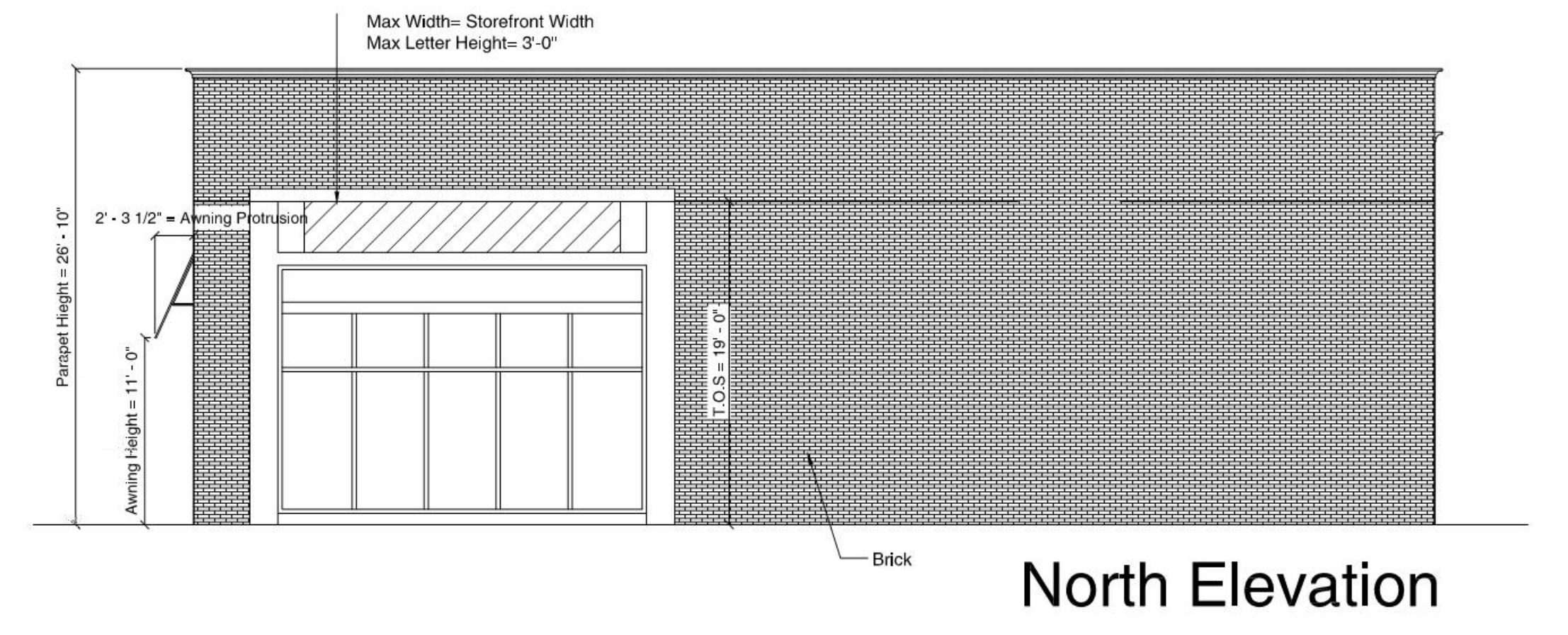
East Elevation



South Elevation

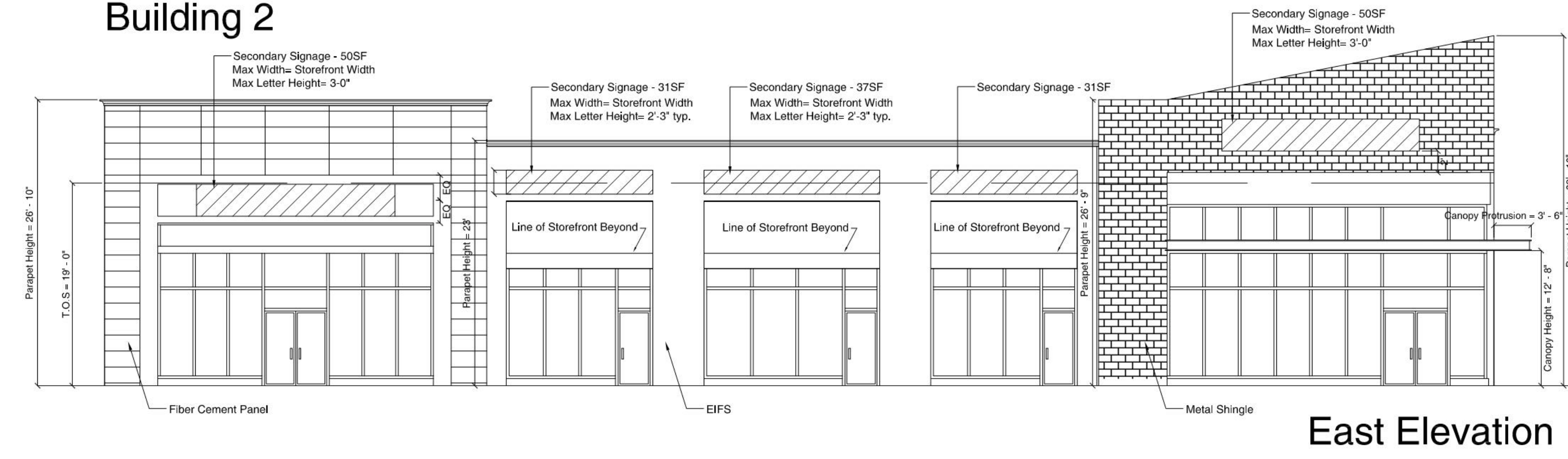


West Elevation

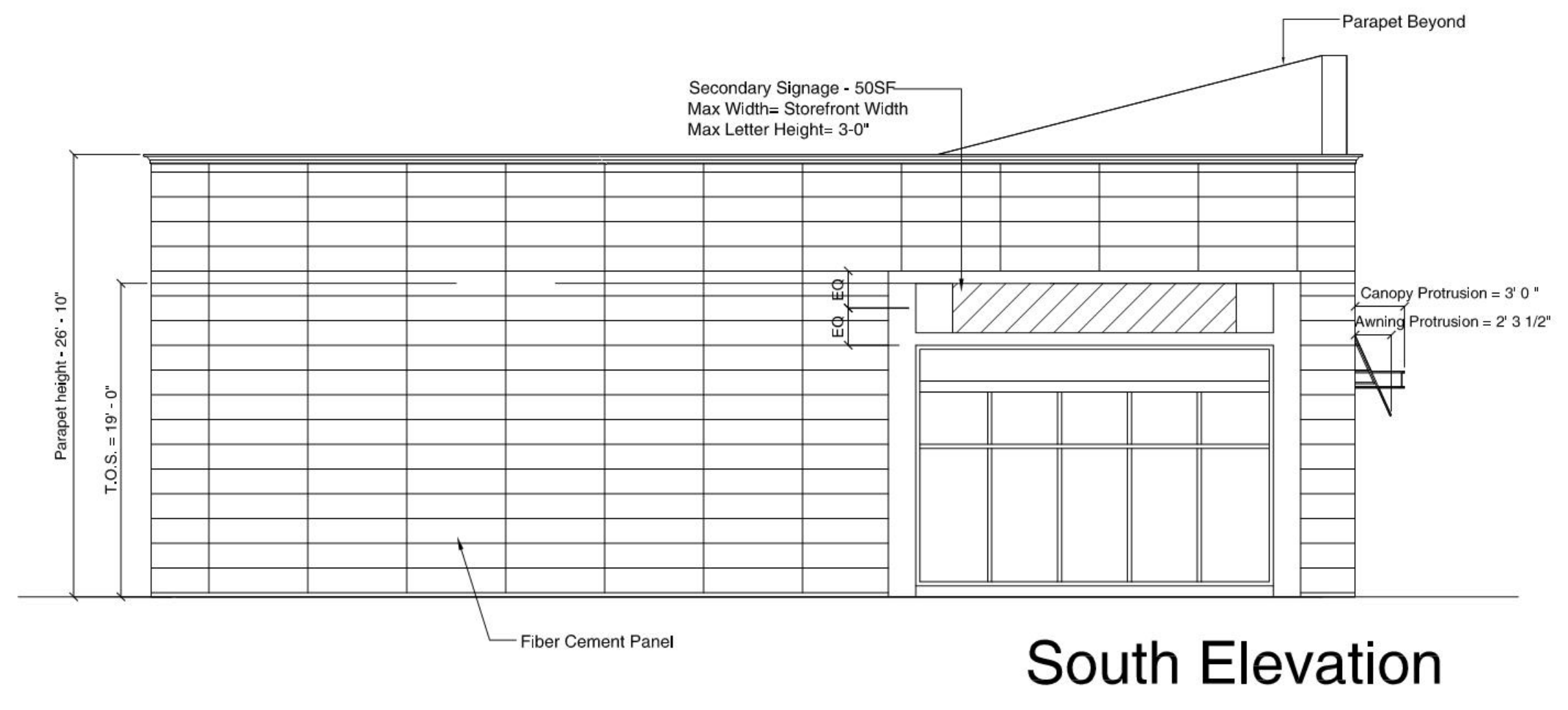


North Elevation

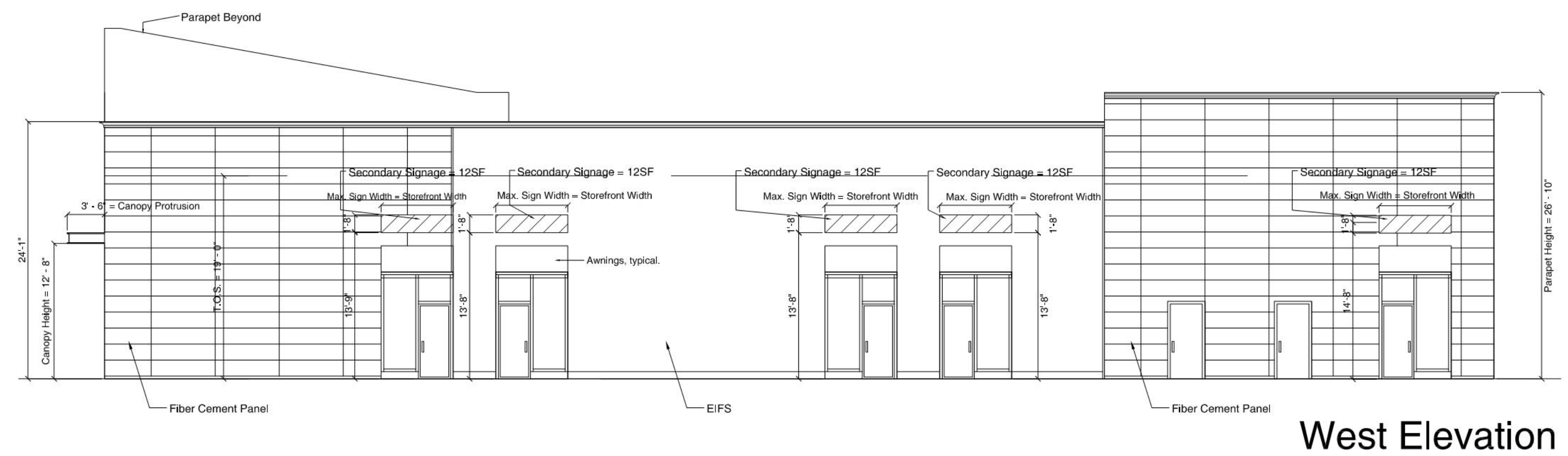
# Building 2



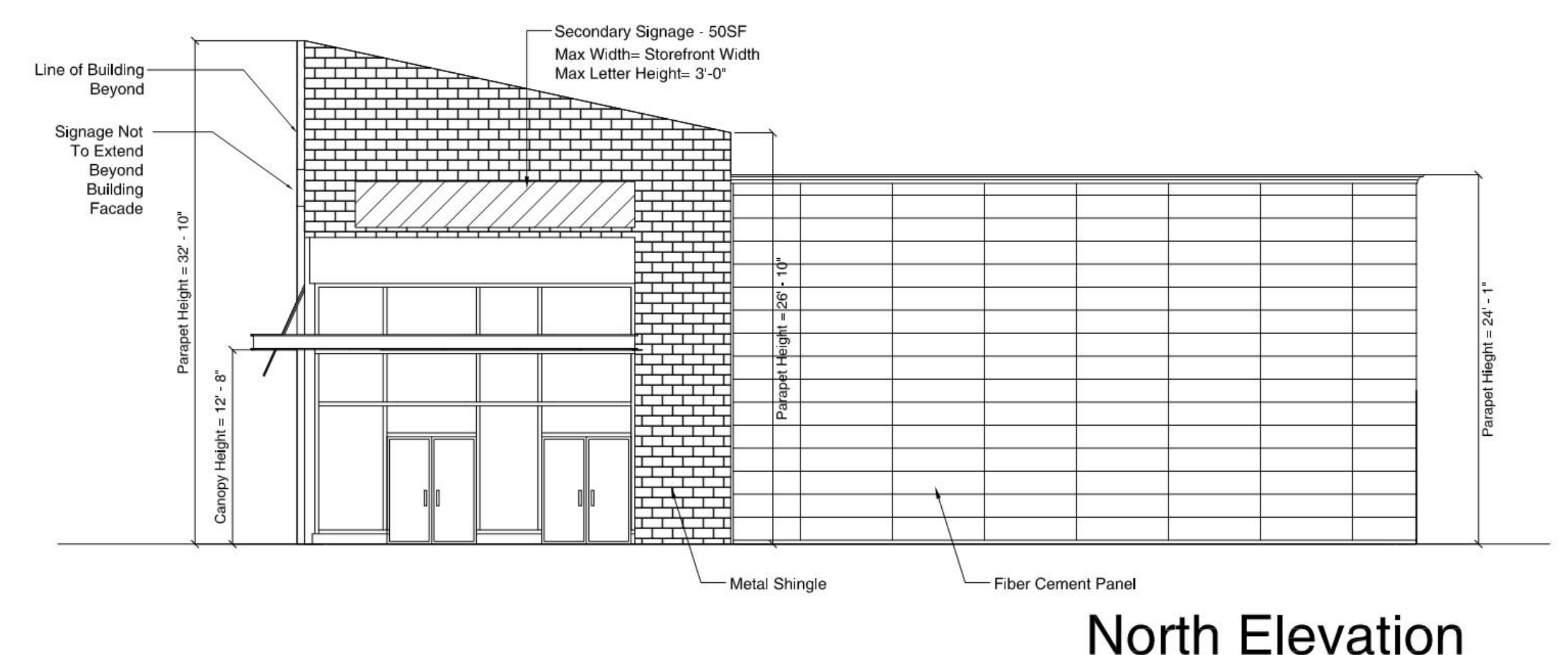
East Elevation



South Elevation



West Elevation



North Elevation

Revisions:


Date: October 19, 2012  
Scale: 1/8" = 1'-0"  
Drawn by: \_\_\_\_\_ Checked by: \_\_\_\_\_  
Project: 11069

Title:  
**ELEVATIONS AND SIGNAGE AREAS**



Property Address: 55 Needham St., Newton, MA Owner: Needham Street Village Shops LLC Title Ref.: Book 59437, Page 421 and Book 59437, Page 425 in So. Middlesex Registry  
Property Address: 71 Needham St., Newton, MA Owner: H&J Newton LLC Title Ref.: Book 28482, Page 189 in So. Middlesex Registry

RECEIVED  
Newton City Clerk  
2012 NOV -7 AM 11:06  
David A. Olson, City Clerk  
Newton, MA 02459

CITY OF NEWTON  
IN BOARD OF ALDERMEN

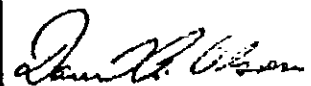
November 5, 2012

ORDERED:

That the Board, 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 construct two single-story commercial buildings with an aggregate total gross floor area of 19,200 sq. ft.; to permit retail and/or service uses; to waive up to 6 parking stalls and certain dimensional requirements and associated landscaping, fencing and lighting requirements for parking facilities greater than five stalls; to waive one required loading dock facility; and to allow a freestanding sign and the number of secondary signs and dimensional requirements for signs at 49, 55, 71 NEEDHAM STREET, Ward 5, on land known as Sec 51, Blk 28, Lots 23, 22, 20, containing approximately 11,775 sq. ft., 19,625 sq. ft. and 27,475 sq. ft., respectively, for a total of 58,875 sq. ft., in a district zoned MIXED USED 1. Ref: Sec. 30-24, 30-23, 30-21(b), 30-13(b)(1), (4), (h)(1), 30-19(d), (h)(3)a), (i)(1)a)(ii), (j), (l), (m), 30-20(f)(1), (2), (9) and 30-20(l) of the City of Newton Rev Zoning Ord, 2012, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

- 1) The continuation of a non-conforming retail use at this location is not substantially more detrimental to the neighborhood because the area is already characterized by retail uses.
- 2) A service establishment use at this location is appropriate and will not adversely affect the neighborhood nor present a nuisance or hazard to vehicles or pedestrians because the area is already a commercial corridor with these types of uses.
- 3) A waiver of 6 parking stalls (calculated without regard to the provisions of Section 30-19(c)(2)) is appropriate based on the mixed-use nature of the area, the potential for sharing parking with neighboring properties, the availability of an improved pedestrian environment, the availability of transit and bicycle facilities, including the provision of bike racks and the waiver is smaller than the existing nonconformity.

A True Copy  
Attest



City Clerk of Newton, Mass.

- 4) 23-foot wide maneuvering aisles where 24-foot aisles are required will not pose an obstacle to emergency vehicle access and literal compliance with this requirement is impractical due to the limited depth of the lot.
- 5) A waiver allowing a two-foot bumper overhang into the rear landscaped area is appropriate because literal compliance with this requirement is impractical due to the size and depth of the lot. The landscaped area provided, in concert with the existing rear fence on the adjacent property serve to meet the intent of the zoning ordinance.
- 6) A waiver for the required parking facility lighting is appropriate because the provision of the one-foot candle standard would negatively affect adjacent residential uses and the small areas where lighting will be substandard will not present a safety hazard.
- 7) A waiver for the required loading dock facility is appropriate because of the small size of the businesses that will occupy the proposed buildings, which will generally not require large deliveries.
- 8) That permitting a freestanding sign as well as a third secondary sign on the north and south end of each building is appropriate because, based on the use and architecture of the project, and the location of the proposed sign, it would be in the public interest to allow the requested signs.
- 9) The proposal is consistent with the *2007 Newton Comprehensive Plan*, which encourages projects of this kind that provide new commercial space with a high degree of quality in design that reflects concepts of place-making and supports improvements to the pedestrian environment and accommodation of bicycles.
- 10) In light of the above findings and the following conditions imposed by this Order, the Board of Aldermen finds that the public convenience and welfare of the City will be served and that the criteria of §30-23 and §30-24 for granting a special permit/site plan approval will have been satisfied.

PETITION NUMBER: #213-12

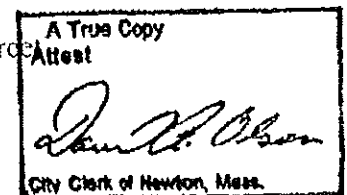
PETITIONER: Needham Street Village Shops, LLC

LOCATION: 49, 55, & 71 Needham Street

OWNERS: Needham Street Village Shops, LLC (49 & 55 Needham Street)  
H&J Newton LLC (71 Needham Street)

ADDRESS OF OWNERS:  
420 Bedford Street

71 Needham Street



Lexington, MA 02420

Newton, MA 02464

TO BE USED FOR: Retail and service space.

CONSTRUCTION: Two new, single-story, multi-tenant, commercial buildings.

EXPLANATORY NOTES: Special permit sought: (1) for retail store pursuant to Section 30-13(b)(1); (2) for services businesses pursuant to Section 30-13 (b) (4); (3) for site plan approval pursuant to Section 30-13 (b)(1); (4) for waivers under Section 30-19 (m) as to six (6) parking stalls pursuant to Section 30-19(d); aisle width requirements of Section 30-19(h)(3); fence location of Section 30-19(i)(1)a)(ii); the lighting requirements for parking facilities of greater than five stalls pursuant to Section 30-19 (i); one required loading dock facility pursuant to Section 30-19(1); (5) a freestanding sign pursuant to Section 30-20(1); (6) extension of nonconformities under Section 30-21 (b); (7) site plan approval under Section 30-24.

ZONING: Mixed Use 1 District

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. "Proposed Retail Development, 49, 55, and 71 Needham Street, Newton, Massachusetts, Special Permit Plans," dated August 6, 2012 with revisions through October 18, 2012, containing the following sheets:

- i. Sheet C-1 Existing Conditions and Demolition Plan
- ii. Sheet C-2 Site Plan
- iii. Sheet C-3 Grading and Drainage Plan
- iv. Sheet C-4 Utilities Plan
- v. Sheet C-4A Sewer Profile
- vi. Sheet C-5 Landscape Plan
- vii. Sheet C-6 Grade Plane Plan
- viii. Sheet C-7 Construction Management Plan
- ix. Sheet C-8 Truck Turning Plan
- x. Sheet C-9 Erosion Control Notes and Details Sheet
- xi. Sheet C-10 Details Sheet
- xii. Sheet C-11 Details Sheet
- xiii. Sheet C-12 Details Sheet
- xiv. Site Lighting Plan

b. "Site Plan, Needham Street, 71 Needham Street, Newton, MA", dated October 19, 2012, containing the following sheets:


- i. Sheet AO-1 Site Plan

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Attest



Daniel H. Olson  
City Clerk of Newton, Mass.

- ii. Sheet A1-1 Partial Site Plan, Building 1 Floor Plan
  - iii. Sheet A 1-2 Partial Site Plan, Building 2 Floor Plan
  - iv. Sheet A2-1 Elevations and Signage Areas
  - v. Sheet A2-2 Free Standing Sign Dimensions
2. The petitioner shall maintain all landscaping associated with this Special Permit/Site Plan approval in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
  3. The petitioner shall reserve the right to change the location of the doorways to the commercial space within the existing glazing in response to tenant demands, with approval by the Director of Planning and Development and the Commissioner of Inspectional Services.
  4. The petitioner shall underground all utilities from the street to the building.
  5. Rooftop mechanical equipment shall be located as close to the wall of the rear parapet as is practical with approval by the Director of Planning and Development and the Commissioner of Inspectional Services.
  6. As necessary, snow shall be removed from the site to avoid a reduction in the number of parking stalls available for use.
  7. The trash enclosures shall be maintained in sanitary condition with the gate remaining closed at all times when not in use.
  8. The petitioner shall submit all proposed signage for review by Planning and Development staff and the Urban Design Commission.
  9. The petitioner shall submit a parking management plan subject to review and approval by the Director of Planning and Development in consultation with the City Traffic Director. Such plan may include obtaining revocable parking licenses or other parking rights from nearby properties to the extent they may be available from time to time.
  10. The petitioner shall submit a transportation demand management plan which shall include actions to be taken to reduce the reliance on single occupant vehicles by employees and patrons of the businesses to be located at this site. The plan shall also identify methods of enhancing the safety of those using the southern egress from the property including agreements with the neighboring property owner on that side to maintain visibility between their respective driveways and signage directing the majority of those using the parking lot to exit via one of the two other egress points. The plan shall be approved by the Director of Planning and Development with the advice of the Transportation Director.
  11. At the written request of the Director of Planning and Development, the petitioner shall submit funds in the amount of \$19,200 (\$1 per square foot of building) to be paid towards undergrounding of utilities at such time as either the City of Newton or the Commonwealth commences a project of undergrounding the utility lines with sufficient funding in place or committed from governmental or private sources to undertake the undergrounding project for at least the section of Needham Street from Winchester Street to Columbia Street. This obligation shall run with the land for a period of 12 years from the date of this special permit. The petitioner shall not be required to made the contribution called for in this Condition in

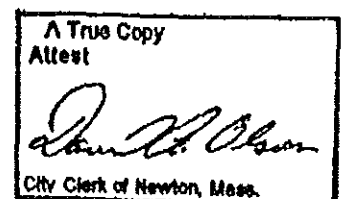
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City Clerk of Newton, Mass.

the event that an improvement district is established which undertakes the undergrounding project.

12. No building permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
  - a. consolidated all lots through an Approval Not Required (ANR).
  - b. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - c. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - d. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
  
13. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
  - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
  - b. submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.
  - c. completed all landscaping in compliance with Condition #1.
  - d. the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building constructed subject to this special permit prior to installation of landscaping required in Condition #1 and #13c, provided 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 improvements to ensure their completion.

Under Suspension of Rules  
Readings Waived and Approved  
23 yeas 0 nays 1 absent (Alderman Albright)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 7, 2012. 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:



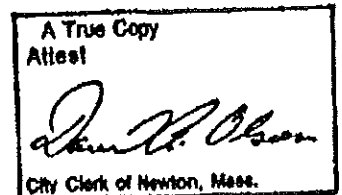
(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Board of Aldermen

I, David A. Olson, 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 4/7 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Board of Aldermen



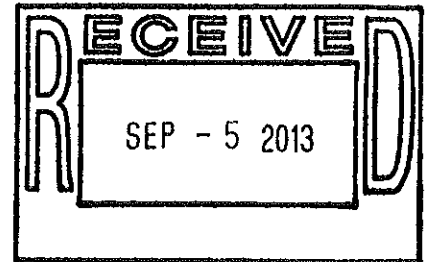
# Middlesex South Registry of Deeds Electronically Recorded Document

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## Recording Information

Document Number	: 273464
Document Type	: DECIS
Recorded Date	: December 12, 2012
Recorded Time	: 02:30:24 PM
Recorded Book and Page	: 60716 / 421
Number of Pages(including cover sheet)	: 7
Receipt Number	: 1499103
Recording Fee	: \$75.00



**Middlesex South Registry of Deeds  
Eugene C. Brune, Register  
208 Cambridge Street  
Cambridge, Massachusetts 02141  
617/679-6310**





59

CITY OF NEWTON  
IN BOARD OF ALDERMEN

April 21, 2015

RECEIVED  
NEWTON CITY CLERK  
2015 APR 27 PM 5:05  
David A. Olson, City Clerk  
Newton, MA 02459

ORDERED:

That the Board, 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 partially demolish two buildings and to construct additions to the front of each building, which will bring them closer to the street, to reconfigure the existing parking areas and reduce the parking requirement to 441 parking stalls in order to redevelop the site for a mix of office, restaurant, retail, and service uses, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

131-181 Needham Street, Newton, MA

1. The existing site is nonconforming with regards to both the building setbacks and the parking stalls located in the front and side setback and within five feet of the building. The proposed alterations to the existing buildings and the parking layout will not be substantially more detrimental than the existing nonconforming layout is to the neighborhood because there will be a reduction in size of the buildings and improvements to the parking lot. (§30-21(b))
2. The specific site is an appropriate location for a mixed use development with office, service, retail, and restaurant uses, as it is located in an active commercial corridor with similar uses. The proposed site plan and elevations will enliven and improve the pedestrian environment along Needham Street. (§30-24(d)(1))
3. The proposed use, as developed and operated, will not adversely affect the neighborhood. The site is located in a mixed-use area with active commercial uses, and has adequate on-site parking to meet the projected parking demand for the proposed uses. The proposed site plan includes a new publicly accessible pathway along South Meadow Brook that will allow for a future connection to the Newton Upper Falls Greenway. (§30-24(d)(2))
4. The proposed parking layout and directional signage within the site will allow for safe and efficient vehicle circulation and the curbed and/or painted walkways and traffic calming measures will create a safe environment for pedestrians. For these reasons the project will not result in serious hazards to pedestrians or vehicles. (§30-24(d)(3))
5. Access to the site is appropriate for the types and numbers of vehicles involved, as the site is located on a major commercial corridor with access to highways and public transportation, including the MBTA Green Line and Bus, and the proposed project will not significantly affect the levels of service at surrounding intersections. (§30-24(d)(4))

Return:  
Crosspoint Associates, Inc.  
300 Third Ave., Suite 2  
Waltham, MA 02451

13229-645

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City Clerk of Newton, Mass.

- 6. The proposed construction will meet or exceed the building code as it relates to energy efficiency, will utilize efficient lighting, and will utilize recycled building materials to the extent practical. The proposed site plan will improve stormwater quality and groundwater recharge as required by the Department of Environmental Protection and the Department of Public Works and will be in conformance with the City's Stormwater policy. The removal of invasive species and planting of native vegetation will improve the riverfront area. For these reasons, the proposed project will contribute significantly to the efficient use and conservation of resources and energy. (§30-24(d)(5))
- 7. The reduction in the number of proposed parking stalls below the amount required by the Newton Zoning Ordinance is appropriate, as the peak operating hours for the proposed mix of uses will complement each other and the site has access to public transportation, such that the use of a shared parking model better reflects the project's parking demand. Limiting the number of parking stalls to meet the actual parking demand is in the public interest, as it preserves a greater amount of open space. (§30-19(m))
- 8. The Board finds that the petitioner's voluntary contribution of funding for improvements within the Newton Upper Falls Greenway rail trail are a public benefit to the City of Newton that will enhance the safety of pedestrian and vehicular movements for residents of the project and the surrounding neighborhood.

PETITION NUMBER: #19-15

PETITIONER: Newton Technology Park, LLC

LOCATION: 131-181 Needham Street, on land known as SBL 51, 28, 9A-15, containing approximately 11.06 acres of land  
*Deed Reference: Book 13229, Page 645*

OWNER: Newton Technology Park, LLC

ADDRESS OF OWNER: 300 3<sup>rd</sup> Avenue  
Waltham, MA 02451

TO BE USED FOR: Redevelopment of site for a mixed-use center including office, retail, service and restaurant uses.

EXPLANATORY NOTES: §30-13(b)(1), to allow retail use in the Mixed Use 1 District; §30-13(b)(4), to allow service use in the Mixed Use 1 District; §30-13(b)(5), to allow restaurant use in the Mixed Use 1 District; §30-13(b)(12), to allow bank, excluding drive-in use in the Mixed Use 1 District; §30-13(b)(16), to allow uses similar or accessory to those authorized by §30-13(b) in the Mixed Use 1 District; §30-19(d)(18) and §30-19(m), to allow for a one-third reduction in the required number of parking stalls; §30-19(h)(1), §30-19(m) and §30-21(b), to allow parking within required front and side setbacks

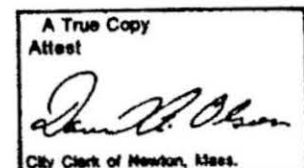
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*John H. Olson*  
City Clerk of Newton, Mass.

and to allow parking within 5 feet of a building; §30-19(h)(3)(a), §30-19(m) and §30-21(b), to allow reduced aisle widths to be maintained; §30-19(h)(4)(b), §30-19(m) and §30-21(b), to allow a nonconforming driveway width exceeding allowed maximum; §30-19(i), §30-19(m) and §30-21(b), to allow nonconforming perimeter landscape screening; §30-19(j)(l), (m), to waive requirements for lighting; §30-20(1) comprehensive signage package exception; §30-23 site plan approval; §30-24 special permit.

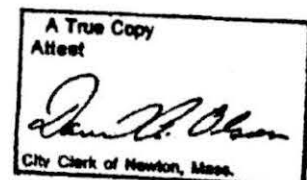
ZONING: Mixed Use 1 district

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. Civil Engineering Plans, prepared by Kelly Engineering, stamped and signed by Steven M. Horsfall or David Kelly, Professional Engineer, dated January 9, 2015 , consisting of the following ten (10) sheets.
    - i. Sheet 1 - Title Sheet, revised April 16, 2015;
    - ii. Sheet 2 - Vicinity Plans, revised March 30, 2015;
    - iii. Sheet 3 - Existing Conditions Plan, revised March 30, 2015;
    - iv. Sheet 4 - Layout and Zoning Plan, revised April 16, 2014;
    - v. Sheet 5 - Grading Plan, revised April 16, 2015;
    - vi. Sheet 6 - Sewage and Drainage Plan, revised April 16, 2015;
    - vii. Sheet 7 - Utility and Abandonment Plan, revised April 16, 2015;
    - viii. Sheet 8 - Detail Sheet, revised March 30, 2015;
    - ix. Sheet 9 - Detail Sheet, revised March 30, 2015;
    - x. Sheet 10 - Detail Sheet, revised April 16, 2015.
  - b. Floor Plans and Elevations, prepared, stamped and signed by Louis Allevato, Registered Architect, Allevato Architects, Inc., dated January 9, 2015, consisting of the following nine (9) sheets:
    - i. Sheet A1 - Floor Plans;
    - ii. Sheet A2 - Building N3 Exterior Elevations;
    - iii. Sheet A3 - Building N3 Exterior Elevations (signs);
    - iv. Sheet A4 - Building N2 Exterior Elevations;
    - v. Sheet A5 - Building N2 Exterior Elevations (signs);
    - vi. Sheet A6 - Building N1 Exterior Elevations;




- vii. Sheet A7 - Building N1 Exterior Elevations (signs);
  - viii. Sheet A8 - Site Signage; and
  - ix. Sheet A9 - Model Perspective Views.
- c. Comprehensive Signage Package, prepared by Allevato Architects, Inc., dated February 4, 2015 and revised on February 18, 2015 and February 24, 2015.
  - d. Lighting Plan, prepared by Boston Light Source, dated January 12, 2015
  - e. Snow Storage Plan, prepared by Kelly Engineering Group, Inc., dated March 30, 2015
  - f. Crosswalk Plan, plotted January 21, 2015, consisting of two sheets, preparer not identified on plan.
  - g. Landscape Plan, prepared by Shadley Associates, signed and stamped by James P. Shadley, dated January 9, 2015, consisting of three (3) sheets:
    - i. Sheet L1 - Site
    - ii. Sheet L2 - Courtyard
    - iii. Sheet L3 - Landscape details
  - h. Electrical Site Plan prepared by AVID Engineers, E-001, dated April 08, 2015.
2. Prior to the issuance of any building permit the petitioner shall submit a Construction Management Plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Board Order and shall include, but not be limited to, the following provisions:
- a. 24-hour contact information for the general contractor of the project.
  - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services.
  - c. The proposed schedule of the project, including the general phasing of the construction activities.
  - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for delivery vehicles, and location of any security fencing.
  - e. Proposed truck route(s) that minimize travel on local streets.
  - f. 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.
  - g. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. 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.



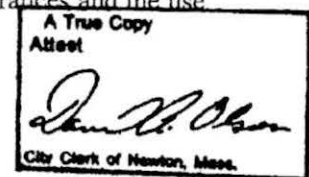
- h. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
  - i. A plan for rodent control during construction.
- 3. The petitioner shall maintain all landscaping associated with this Special Permit/Site Plan Approval in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
- 4. The petitioner may operate a retail use consisting of a grocery store on the site, but such grocery store shall not exceed 25,000 square feet in size unless allowed through an amendment to this Special Permit/Site Plan Approval.
- 5. The Comprehensive Signage Package submitted by the petitioner is hereby approved. The petitioner or its tenants shall submit sign permit applications to the Director of Planning and Development for a determination of consistency with the approved Comprehensive Sign Package. For modifications determined to be inconsistent with the Comprehensive Sign Package, petitioner shall seek an amendment to this Special Permit/Site Plan Approval.
- 6. The petitioner shall apply for and use good faith efforts to obtain necessary federal, state and local permits and/or approvals, including but not limited to MassDOT's Access Permit, to construct the two crosswalks across Needham Street and the alterations to the site's access points, as shown in the site plans approved in Condition #1, prior to the issuance of a Certificate of Occupancy for the renovated buildings covered by this Special Permit/Site Plan Approval. The petitioner shall bear the sole cost of such improvements. The Petitioner shall use good faith efforts to consult with the Planning Department prior to any request for modification to the site plan as it relates to these improvements
- 7. When new off-site sidewalks are provided at the two crosswalks across Needham Street with pedestrian features as approved by MassDOT, said pedestrian safety improvements related to the sidewalk connection to these crosswalks shall be constructed at the petitioner's sole expense to include pedestrian push buttons, wheelchair accessible ramps, and associated sign and pavement markings and subject to receipt of all necessary approvals.
- 8. At its sole expense, the petitioner shall complete a post occupancy traffic study to document the actual traffic characteristics of the Project and to assess traffic volumes and operating conditions at the three access points to the site and at the intersection of Needham Street and Jaconnet Street. The traffic study, with a scope of work to be defined by the Planning and Development Department, shall be conducted by a qualified professional firm selected by the petitioner and approved by the Director of Planning and Development. The petitioner shall coordinate with the Planning and Development Department within three months after the site has reached full occupancy to determine the exact dates for conducting the traffic study. The results of the traffic study shall be provided to the Director of Planning and Development, the Director of the Transportation Division of Public Works and the MassDOT for review.

If the traffic study indicates that the project has created an unsafe environment or hazardous conditions for vehicles or pedestrians within the segment of Needham Street


Attest  
  
City Clerk of Newton, Mass.



- adjacent to the project site, as determined by the City or the MassDOT, and including but not limited to the intersection of Jaconnet Street at Needham Street, the petitioner shall participate in discussions with the City and MassDOT to assess how the petitioner shall modify their site plan or mitigate such conditions within the segment of Needham Street adjacent to the project site, through modifications such as lane striping, the addition of medians, restrictions on turning movements through signage, or such other measures as the petitioner may agree to which can be made within the street layout. The petitioner shall bear sole responsibility for the cost of such mitigation.
9. At its sole expense, the petitioner shall conduct a Parking Utilization "After Study" during the first fall/winter peak shopping season after the site has reached full occupancy. The exact dates for the "After Study" shall be subject to approval by the Director of Planning and Development. The Parking Utilization "After Study" shall be conducted by a qualified professional firm selected by the petitioner and approved by the Director of Planning and Development. If the results of any Parking Utilization "After Study" indicate that the peak parking occupancy is less than 75%, the petitioner agrees to participate in discussions with the Director of Planning and Development to assess if the petitioner should modify its site plan with regards to the parking.
  10. The petitioner shall store snow at the site only within the locations identified in the snow storage plan, except to the extent snow removal is deemed by the petitioner to be operationally necessary during the peak parking periods.
  11. No changes to the Project shall be permitted, except as otherwise set forth in this Special Permit/Site Plan Approval, unless they are consistent with the approved plans listed in Condition #1. Consistency determinations shall be subject to review and approval by the Commissioner of Inspectional Services. When making a request for a consistency determination, the Petitioner shall submit a memorandum to the Commissioner of Inspectional Services demonstrating that such change(s) do not: (a) require further review by the Conservation Commission; (b) constitute a reallocation or reconfiguration of square footage among uses in the Project or otherwise allowed in the Mixed Use 1 District such that no increase in the parking waiver special permit approved hereunder is required; (c) require a new type of zoning relief (other than the categories of relief granted and/or modified pursuant to this Special Permit/Site Plan Approval); (d) reduce the useable open space as shown in the Special Permit Plan Set; and (e) modify any façade on the buildings covered by this Special Permit/Site Plan Approval in a way that deviates from the vibrancy of the mixed use development as specified in condition 15 below. If the Commissioner of Inspectional Services grants any consistency ruling pursuant to this Condition, he shall provide a copy to the Land Use Committee of the Board of Aldermen.
  12. The trash enclosures shall be maintained in a sanitary condition with the gate remaining closed at all times when not in use. The collection/emptying of such receptacles shall only occur on weekdays between 8:00 a.m. and 5:00 p.m.
  13. The petitioner shall use reasonable efforts to promote an enlivened streetscape along Needham Street, including but not limited to the installation of store entrances and the use

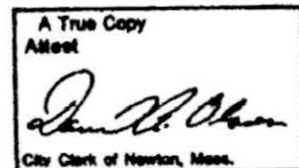


- of glazing, and to use glazing and attractive materials on all facades of the buildings covered by this Special Permit/Site Plan Approval to the extent practicable, and in harmony with the approved elevations and plans listed in Condition #1.
14. The petitioner shall construct and maintain an eight foot wide pathway along the South Meadow Brook over the former railroad bed, as shown on the approved plans listed in Condition #1, and as approved by the Conservation Commission. The pathway shall be constructed prior to the issuance of a Certificate of Occupancy for any of the buildings on the Project's site covered by this special permit.
  15. The petitioner shall enter into a license agreement with the City for the public use of the proposed pathway along the South Meadow Brook. Such license agreement shall be in a form acceptable to the City's Law Department.
  16. At the written request of the Director of Planning and Development, the petitioner shall submit funds in the amount of \$87,545.00 to be paid towards undergrounding of utilities along Needham Street at such time as either the City of Newton or the Commonwealth commences a project of undergrounding the utility lines with sufficient funding in place or committed from governmental or private sources to undertake the project for at least a distance of a quarter mile, inclusive of the section of Needham Street fronting the subject property at 131-181 Needham Street. This obligation shall run with the land for a period of 25 years from the date of this special permit. These funds shall be used by the City or the Commonwealth for the purpose of undergrounding utilities on Needham Street within the 25 year time period identified above. Any funds collected under this condition and not spent in accordance with this condition at the end of this time period shall be returned to the petitioner or its successors or assigns.
  17. The Petitioner shall underground utilities on the site in accordance with the approved plans listed in Condition #1 and shall use good faith efforts to underground any remaining above-ground utilities.
  18. The petitioner shall maintain public access for vehicles through the driveway entrance located along the side property line to the north.
  19. In furtherance of the City's proposed Newton Upper Falls Greenway (NUFG) rail trail behind the Property and as a public benefit to the City, the Petitioner agrees: (a) to participate in conjunction with the City of Newton, abutters and other stakeholders in reasonable efforts to promote development of the NUGF, which may include planning and design initiatives and (b) to provide a voluntary contribution of funding to the City in the amount of \$10,000.00 to be used by the City for the development of the NUGF, and (c) to remove invasive species along the boundary of its site with the NUGF, pursuant to a plan to be reviewed with the Engineering Department. These undertakings shall run with the land for a period of 25 years from the date of this special permit. Any funds collected under this condition and not spent in accordance with this condition at the end of this time period shall be returned to the petitioner or its successors and assigns.
  20. The petitioner shall, at its expense, install wayfinding signage at the beginning (southeast corner of the site) and end (southwest corner of the site) of the foot path indicated on the approved "Layout & Zoning Plan" listed in Condition #1. The petitioner shall work with

A True Copy,  
Attest  
  
City Clerk of Newton, Mass.

the City's Planning & Development Department, Public Works Department, and Parks and Recreation Department to review and approve the proposed wayfinding signage.

21. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Filed final site plans for review and approval by the City Engineer. A copy of such written approval shall be filed with the Clerk of the Board, Director of the Department of Planning and Development, and the Commissioner of Inspectional Services.
  - d. Filed an approval from the Tree Warden
  - e. File a copy of the perimeter plan filed with the City Engineer with the Clerk of the Board and the Director of Planning and Development.
  - f. Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
  - g. Filed a copy of the Construction Management Plan required by Condition #2 with the Commissioner of Inspectional Services and the Director of Planning and Development.
22. No Certificate of Occupancy for the buildings and uses covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or surveyor certifying substantial compliance with Condition #1.
  - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in digital format by a licensed surveyor.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
  - d. Incorporated the approved Operations and Maintenance Plan for Stormwater Management on file with the City Clerk's Office into the Master Deed, which shall be recorded with the Registry of Deeds for the Southern District of Middlesex County in conjunction with the completion of the construction of such special permit, proof of which shall be submitted to the Engineering Division.
  - e. Filed with the Department of Planning and Development, a statement from the City's Conservation Agent stating that the petitioner has complied with all requirements of the Order of Conditions from the Conservation Commission.
  - f. Filed with the Department of Planning and Development, a statement from the City's Tree Warden stating that the petitioner has complied with all requirements of the City's Tree Preservation Ordinance.






- g. 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, fencing, signage and parking areas.
  - h. Filed a copy of the license agreement allowing public use of the proposed pathway with the Clerk of the Board and the Director of Planning and Development.
  - i. Constructed a pathway in accordance with Condition #14.
23. Notwithstanding the provisions of Condition #22g above, 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, signage and parking areas 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 Approved  
 20 yeas 0 nays 4 absent (Aldermen Baker, Gentile, Hess-Mahan, and Laredo)


The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 April 27, 2015. 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) DAVID A. OLSON, City Clerk  
 Clerk of the Board of Aldermen

I, David A. Olson, 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 4/27 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

  
 (SGD) DAVID A. OLSON, City Clerk  
 Clerk of the Board of Aldermen

A True Copy  
 Attest  
  
 City Clerk of Newton, Mass.



NEWTON

NEXUS

A DEVELOPMENT OF:

**CROSSPOINT**  
Crosspoint Associates, Inc.

PREPARED BY:

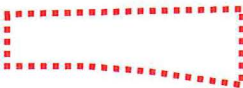




**ALLEVATO**

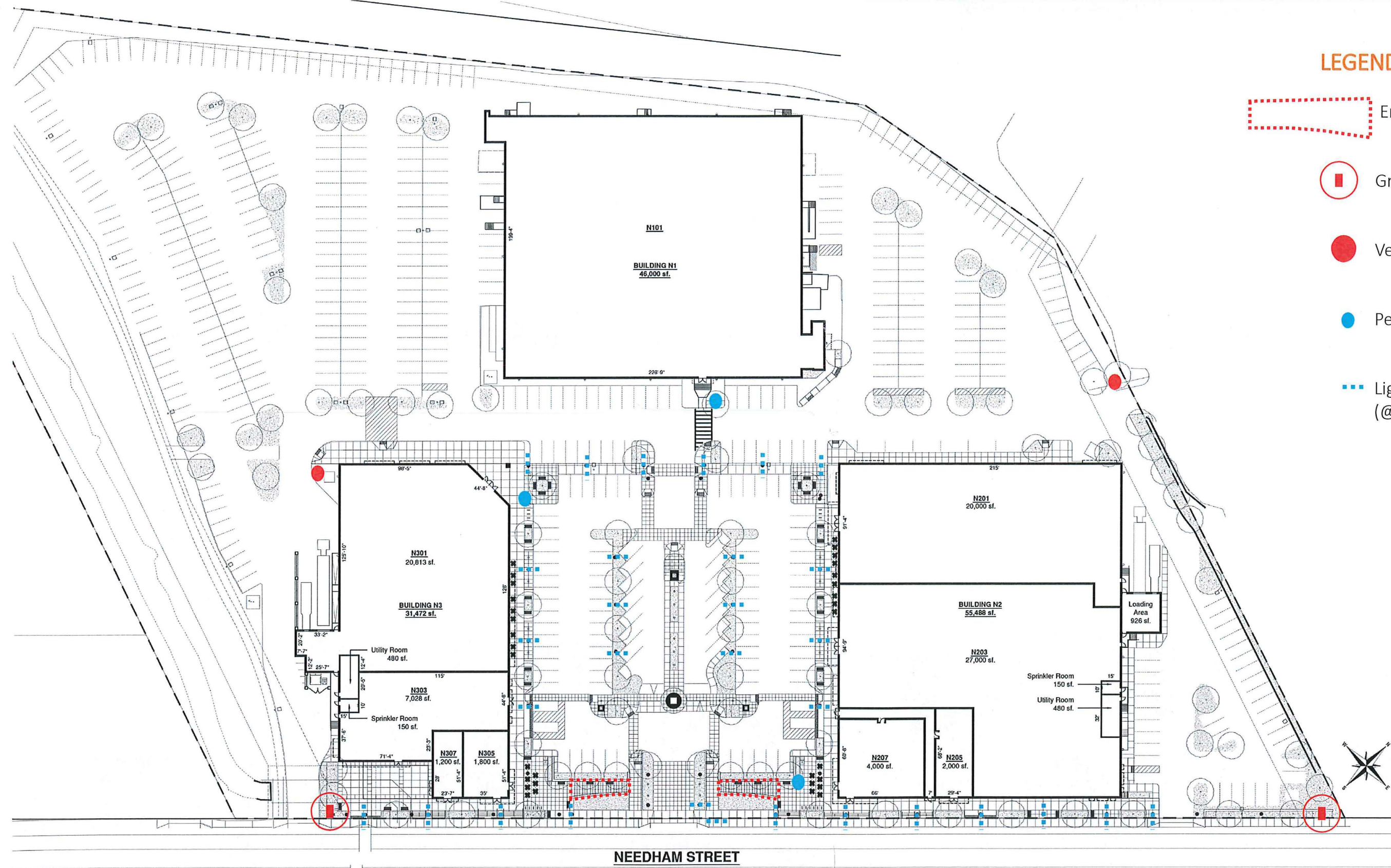


# SITE SIGNS: PROPOSED LOCATIONS

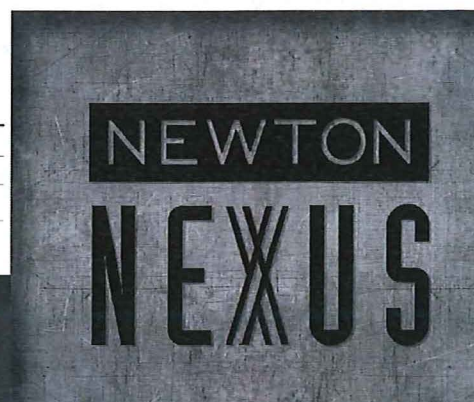
WAIVER # 4

## LEGEND

-  Entrance Sign (1)
-  Ground Sign (2)
-  Vehicular Way-finding Sign (2)
-  Pedestrian Directory Sign (3)
-  Light Pole Banner Sign (@ each light pole)



NEEDHAM STREET



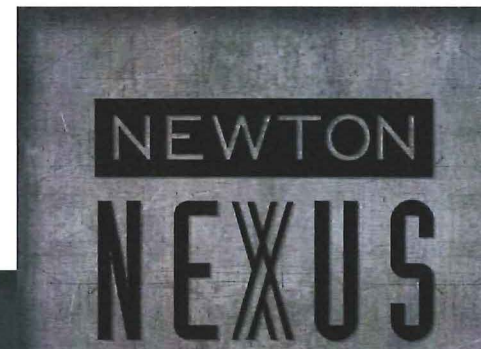
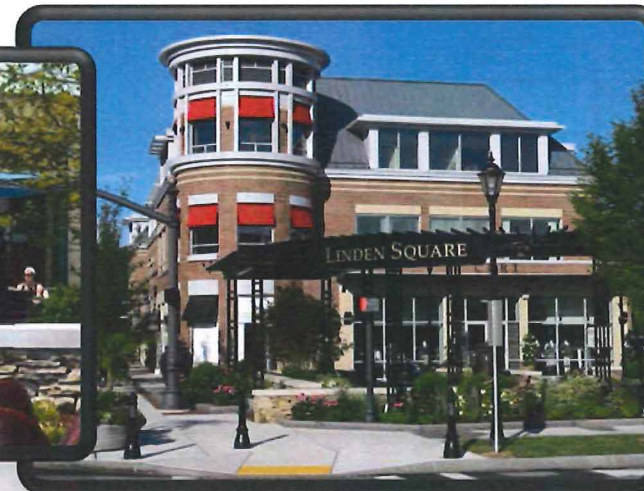
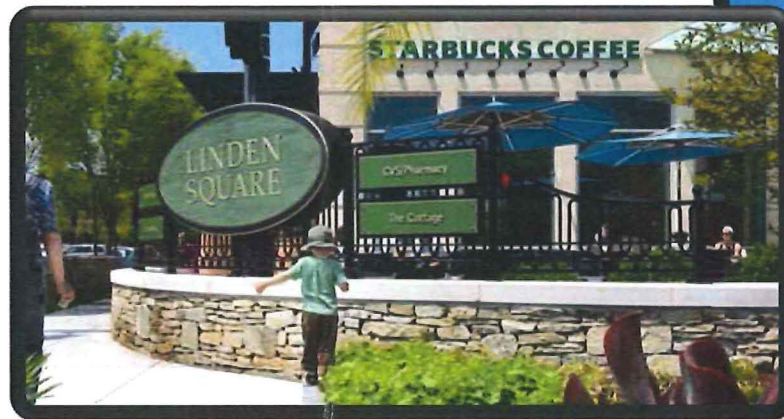
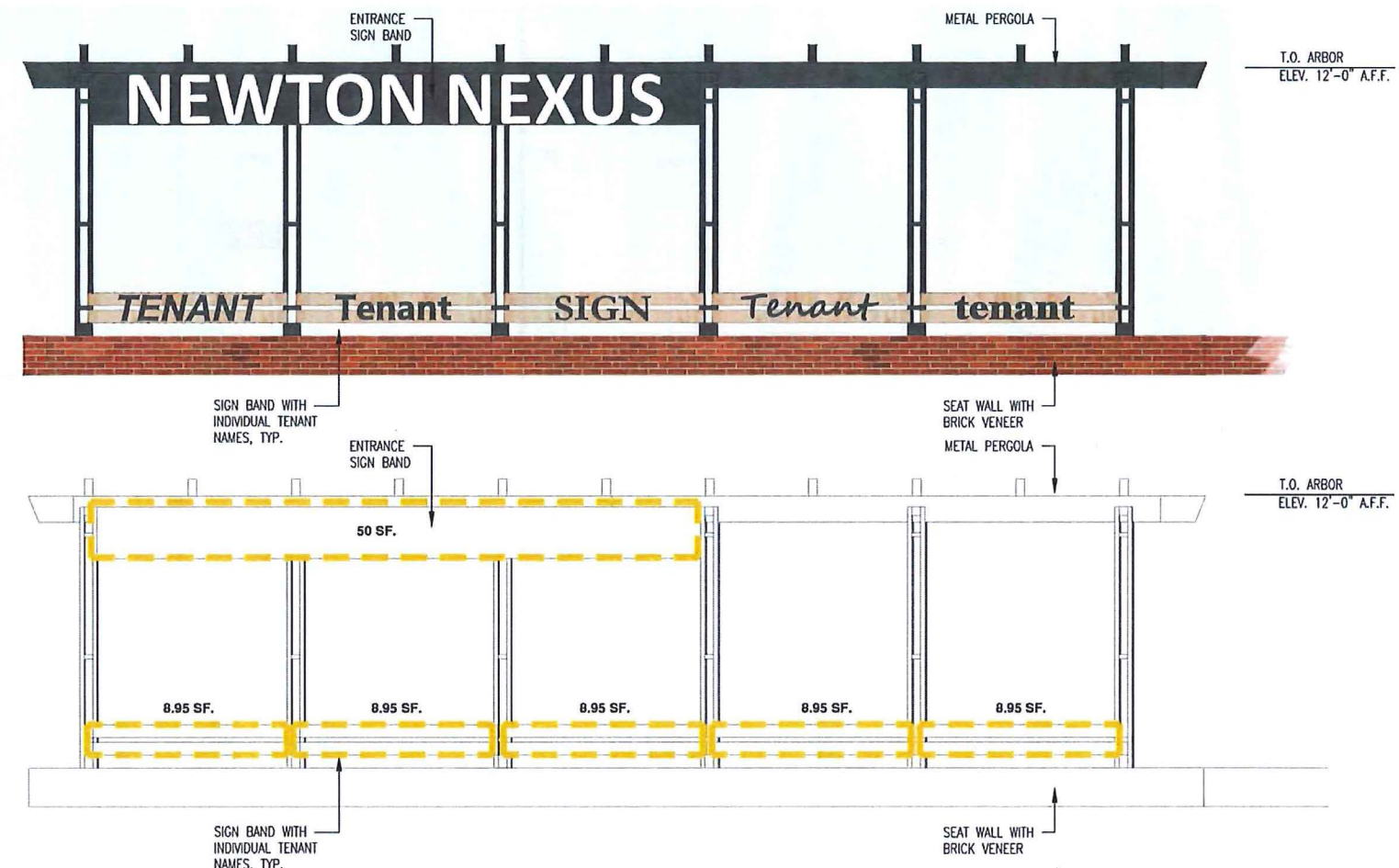
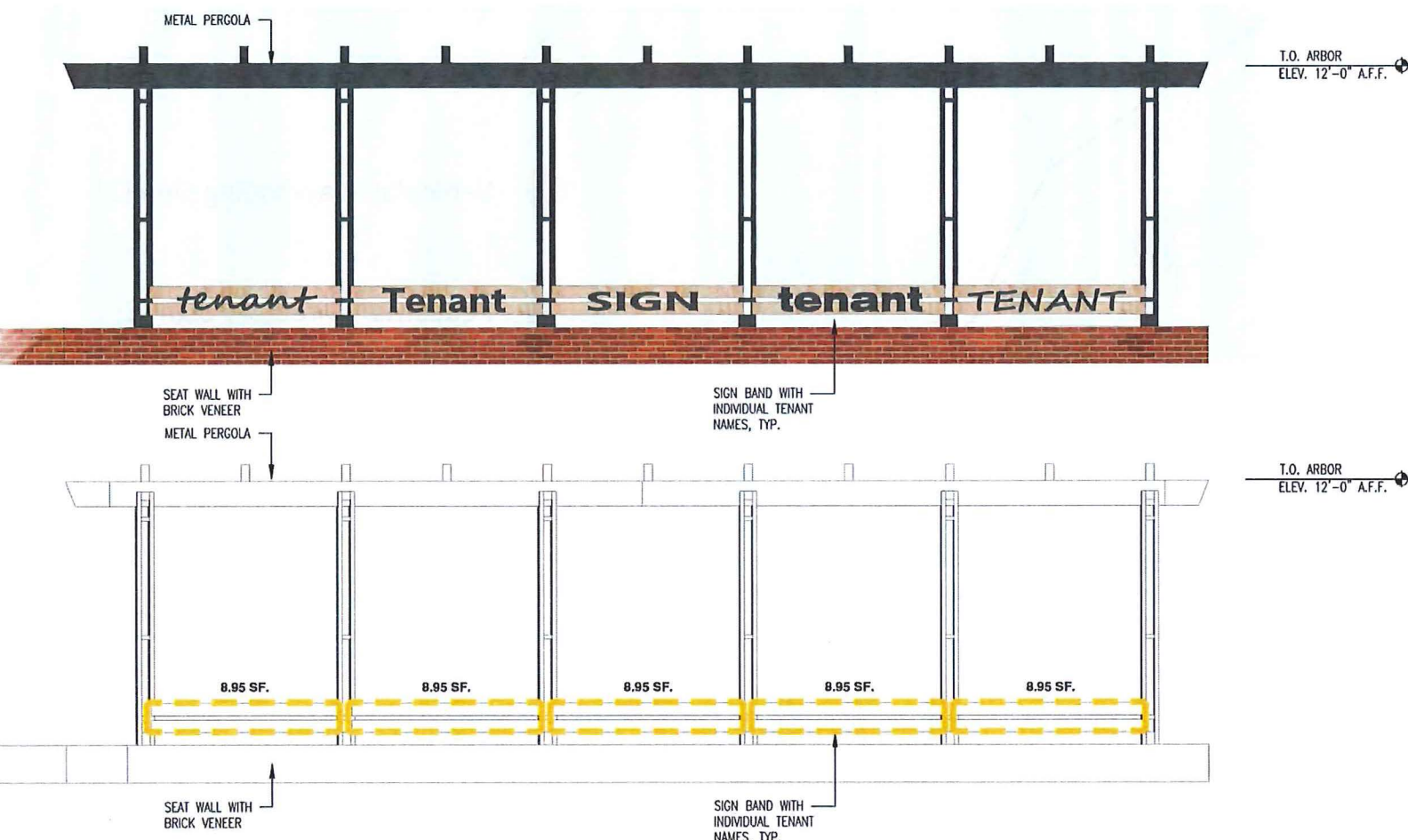




ENTRANCE SIGN:

SITE SIGNS : DETAILS

WAIVER # 4





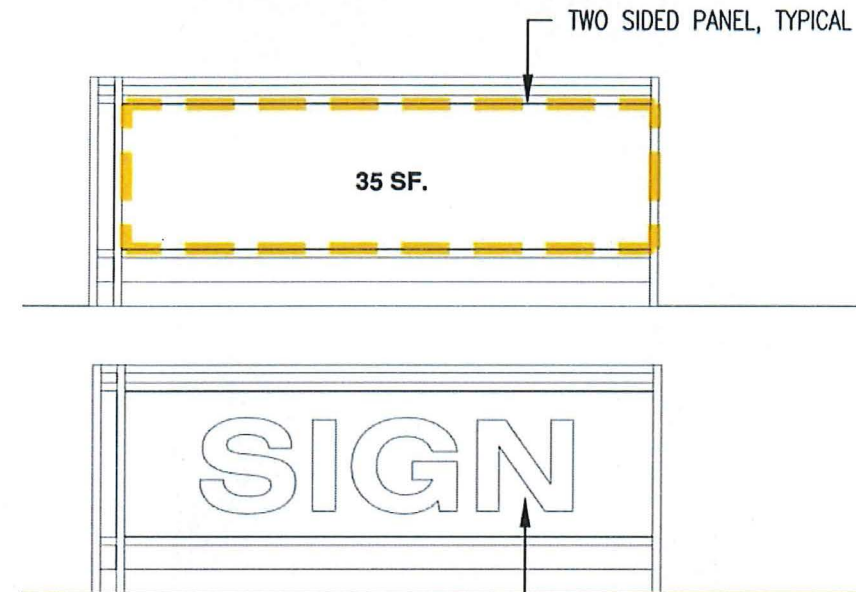
VEHICULAR WAY-FINDING SIGN:



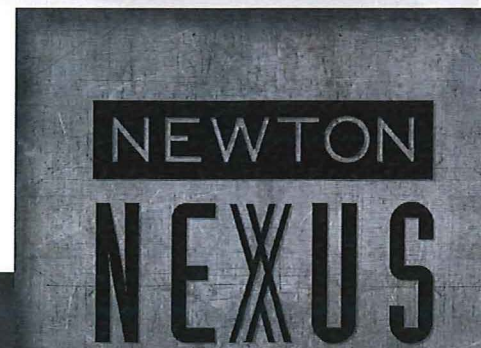
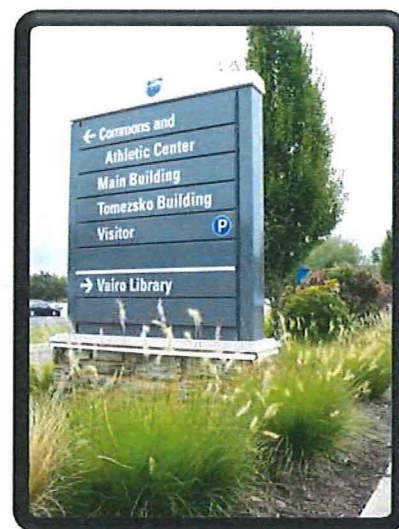
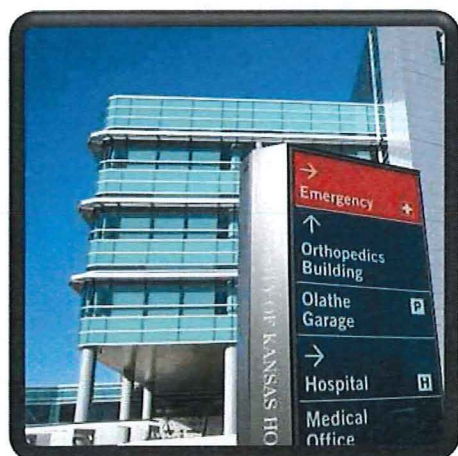
TYPICAL VEHICULAR DIRECTIONAL SIGN, SUPPORTING STRUCTURE AND DESIGN (TBD)

TWO SIDED PANEL, TYPICAL

GROUND SIGN:

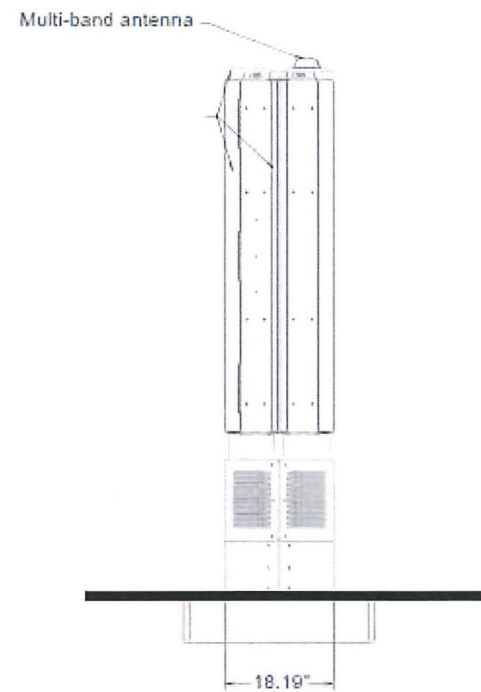
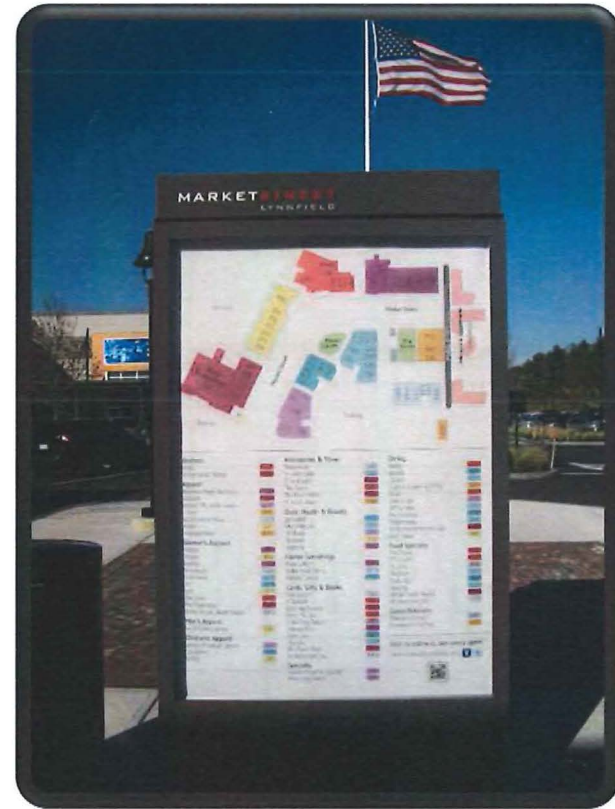
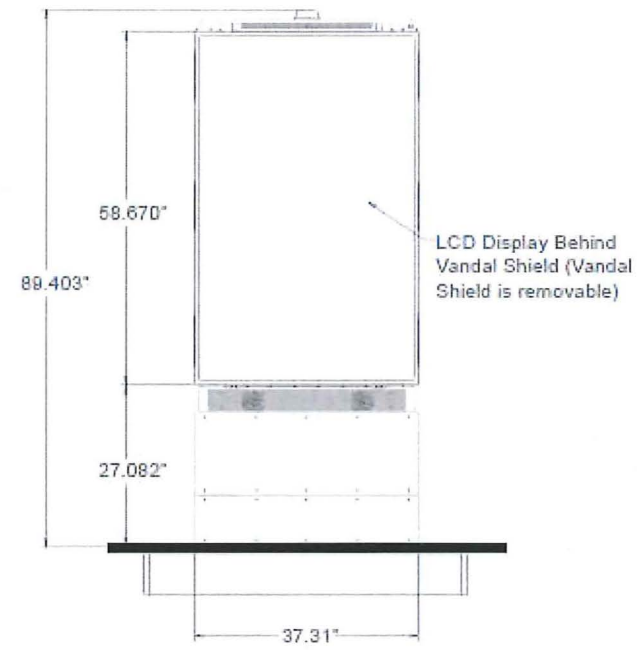


TYPICAL "NEXUS" GROUND SIGN PANEL, SUPPORTING STRUCTURE DESIGN AND DIMENSIONS (TBD). SEE LANDSCAPE PLAN L1 (2) SIGN LOCATIONS

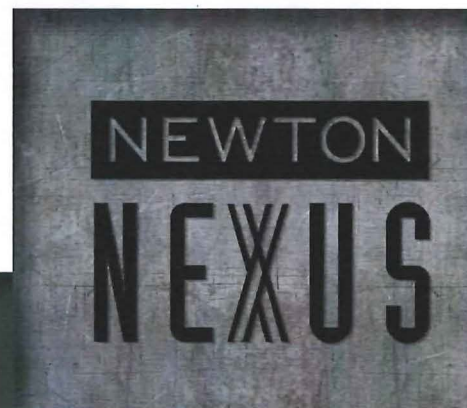
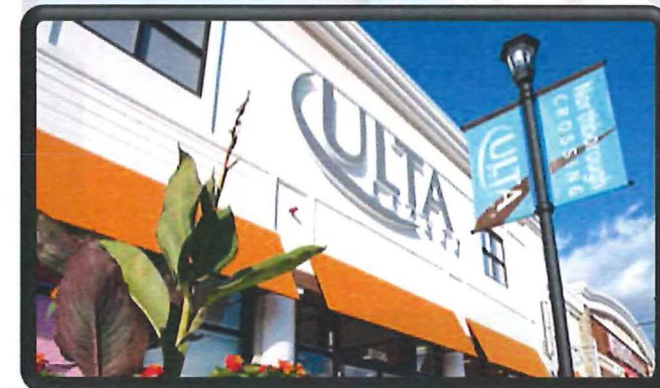
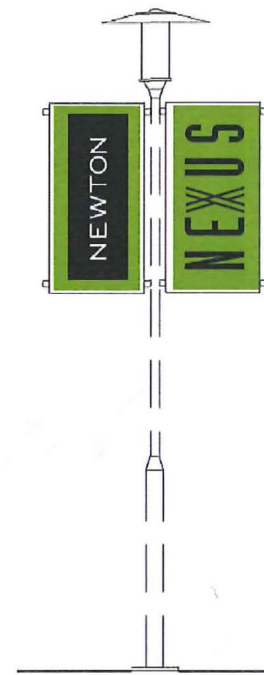
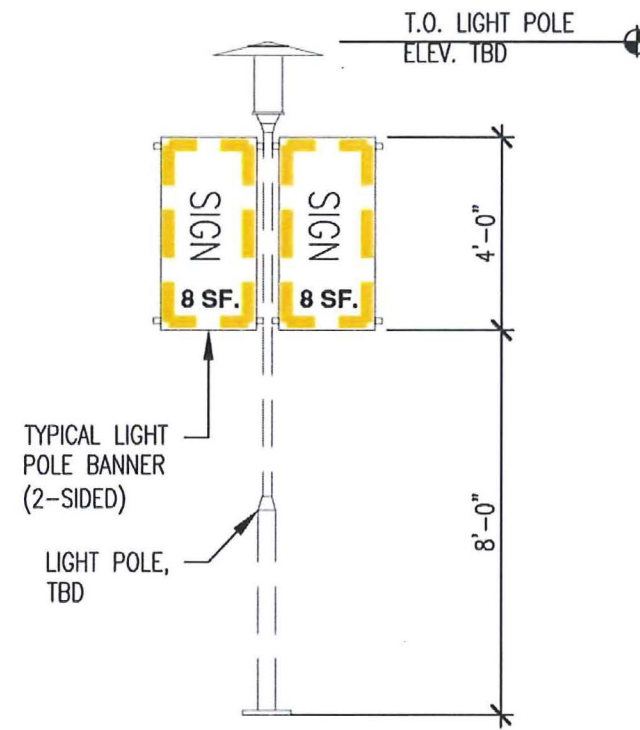




PEDESTRIAN DIRECTORY SIGN:



LIGHT POLE BANNER SIGN:



**DEPARTMENT OF PLANNING AND DEVELOPMENT  
CITY OF NEWTON  
Massachusetts**

**INTER-OFFICE CORRESPONDENCE**

**DATE:** July 6, 2017  
**TO:** John Lojek, Commissioner of Inspectional Services  
**FROM:** Neil Cronin, Senior Planner  
**SUBJECT:** SP #19-15, 131-181 Needham Street  
Request for Consistency

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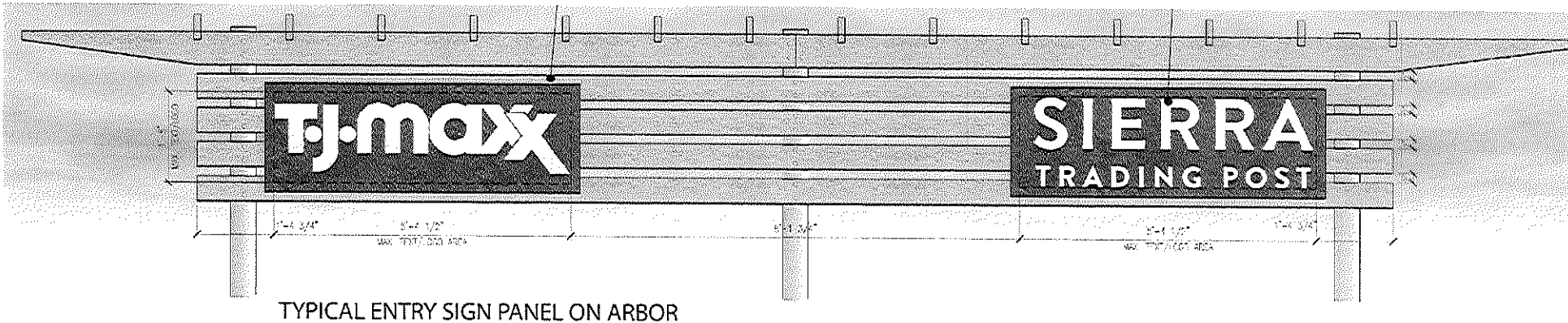
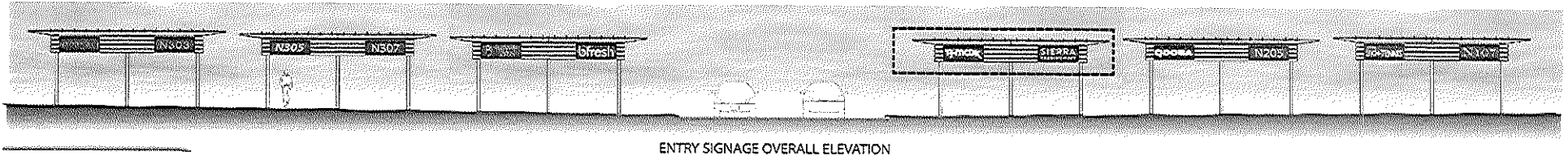
At the May 30, 2017 meeting of the Land Use Committee, the Committee found the rendering entitled, "Proposed Arbor and Tenant Signage (1'8" x 5'4.5"=8.95 SF)", prepared by Crosspoint, dated May 17, 2017 consistent with the comprehensive sign package allowed per Board Order #19-15 dated April 21, 2015. I have attached the rendering for your records. Please call me if you have any further questions regarding this subject.

Thank you.

cc: Planning Department Files  
City Clerk Files



# Proposed Arbor and Tenant Signage (1'-8" x 5'-4 1/2" = 8.95 SF)





**Special Permit and Site Plan Approval #214-10(2)**

Dated December 6, 2010

(see attached)

CITY OF NEWTON  
IN BOARD OF ALDERMEN

December 6, 2010

10 DEC -9 1 P 3: 08  
CITY CLERK  
NEWTON, MA. 02159

ORDERED:

That the Board of Aldermen (the "Board"), finding that the public convenience and welfare will be substantially served by its action hereunder, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in Chapter 30 of the Revised Ordinances of the City of Newton, Massachusetts (the "Zoning Ordinance"), that the application meets the criteria established in, §30-19(m), §30-20(l), §30-23(c)(2)(a-h) and §30-24 (d)(1)-(5), 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 in the Business 4 Zoning District (the "BU-4 District") to allow: buildings to exceed dimensional standards for height and number of stories; retaining walls of greater than 4 feet in setbacks; multi-family dwelling; multi-level parking facility; restaurants with greater than 50 seats; open-air businesses; buildings containing individually or in the aggregate 20,000 or more square feet in gross floor area; reduction in parking spaces for compatible uses; waiver of parking spaces for retail, restaurant, office and health club uses constructed and occupied prior to full build-out of the Project; entrance and exit driveways in excess of 25 feet wide; managed and/or valet parking; parking within the required setbacks; a waiver of dimensions for parking stalls, including handicapped parking stalls; two freestanding signs; and signs larger, in quantities, illumination and locations other than allowed by-right in the BU-4 District.

In accordance with the Zoning Ordinance and the applicable rules of the Board, the Petitioner submitted its pre-application for the proposed Project, including the required pre-filing review checklist, to the Chief Zoning Code Official on June 8, 2010. The Chief Zoning Code Official having determined that the Petitioner's submission was complete, issued a Zoning Review Memorandum dated July 29, 2010 itemizing any and all relief required in connection with the proposed project. On August 2, 2010, the Petitioner filed a draft application, addressing all comments noted in the Zoning Review Memorandum, with the Director of Planning and Development, who approved the draft application pursuant to the required Completeness Review. The final application was duly filed with the City Clerk on August 2, 2010.

After due notice of public hearing published in the *Boston Globe* on September 14, 2010, and September 21, 2010, and mailed to all parties in interest all pursuant to and in compliance with the Zoning Ordinance and M.G.L. ch. 40A, the Board held a public hearing at Newton City Hall on September 28, 2010. At the close of the public hearing, the application was duly referred to the Board's Land Use Committee, which held working session meetings on the application on October 19<sup>th</sup>, November 4<sup>th</sup>, November 23<sup>rd</sup> and November 30<sup>th</sup>, 2010. At the conclusion of the working session meetings, the Land Use Committee voted to (i) recommend approval of the

application to the Board; and (ii) forward a draft written Board Order to the Board for consideration.

Comments from the public and various City boards and departments were received by the Board during the public hearing. In addition, the Board received extensive testimony and written reports from the City's professional consultants, Woodward and Curran, Inc. (civil engineering) and McMahan Associates, Inc. (transportation). During the review process, the Petitioner's professional consultants also provided various supplemental materials in response to requests by the Board, its consultants and various City departments that reviewed the Project (as defined below). The foregoing written reports and supplemental materials prepared by City staff, as well as comments received from the public are included in the record of the Board's proceedings and provide factual and technical background for the Findings and Conditions set forth within the body of this Order.

Finding that all applicable provisions of the Zoning Ordinance and the Board of Aldermen Rules and Orders have been complied with, the Board GRANTS approval of this Special Permit/Site Plan Approval based on the following findings, as recommended by the Land Use Committee of the Board through its Chairman Alderman Ted Hess-Mahan:

1. The Chestnut Hill Square Project will redevelop, in two phases, an existing underutilized site into a mixed-use development of up to 245,000 square feet of commercial space and up to 100 residential units (the "Project"). The Project is anticipated to include approximately 154,000 square feet of retail and restaurant space, 61,000 square feet of medical office space and/or 30,000 square feet of health club space. Phase 1 of the Project will consist of three buildings, for the retail, restaurant, office space, and health club or other by-right uses permitted in the BU-4 District. Phase 2 of the Project will consist of one residential building with commercial space and a parking garage.
2. The entire Project site is located in the BU-4 District, pursuant to that certain Order of the Board # 214-10 which has been adopted by the Board in conjunction with, and immediately prior to, this Order.

With regard to special permits under §§ 30-11(d)(7), (8), (9),(10), and (k), §30-15, Table 3, and the criteria under sec. 30-24(d)(1)-(5):

3. The Project represents a mix of uses, scale and location that advances the City's planning goals, as set forth in the City's Comprehensive Plan and Zoning Ordinance, with respect to smart growth and business development along the Route 9 corridor.
4. The Project site is an appropriate location for the proposed mixed-used development, which is anticipated to include a mix of retail, restaurants including those with over 50 seats, office, health club, residential or other by right uses permitted in the BU-4 District, serving residents and surrounding neighborhoods and attracting visitors because the site is located on Route 9, a state highway and a major transportation and commercial corridor. Furthermore, the Petitioner are required by Mass DOT in accordance with Mass DOT's Section 61 finding to make numerous infrastructure improvements in order to make the Project feasible from a traffic standpoint and to improve travel along this

portion of Route 9 overall. The Project as developed and operated in accordance with the conditions of this Special Permit/Site Plan approval will not adversely affect the surrounding neighborhoods.

5. The design of the Project site and the buildings, including, but not limited to, the building heights, setbacks, open space and pedestrian and vehicular circulation is appropriate for the site and the surrounding area by concentrating the tallest buildings towards the center of the Project, retaining more open space than required in the BU-4 District for commercial projects and creating safe and accessible vehicular and pedestrian circulation routes within the Project.
6. To minimize the Project's impacts on the Florence Street neighborhood, the Project has been designed so that the Florence Street entrance/exit will be not be used for any purpose other than as a secondary construction access point during construction of the Project and for emergency vehicle access during and following construction. In addition, existing vegetation closest to Florence Street will be substantially retained and enhanced with additional trees and plantings to provide a landscaped edge along Florence Street.
7. The Project accommodates vehicular and pedestrian movement through the implementation of numerous on- and off-site measures to support pedestrian, vehicular and bicycle access to the Project, including providing redesigned access to the site in connection with an extensive transportation infrastructure improvement program proposed to improve the Route 9 corridor; newly constructed accessible sidewalks and crosswalks along Rt. 9 and Florence Street and within the Project; landscaped areas within the site to provide safe pedestrian walkways as well as plazas and gathering spaces. As proposed, there will be no nuisance or serious hazard to vehicles or pedestrians.
8. The access to the Project over streets is appropriate for the type(s) and number(s) of vehicles anticipated and the Project will function efficiently within the existing transportation system with the implementation of a proposed transportation infrastructure improvement program. Based on an independent review by McMahan Associates, Inc. the Petitioner has proposed significant roadway improvements to offset the impacts of the proposed Chestnut Hill Square project, many of which originate from and are consistent with "The Route 9 Corridor in Brookline and Newton Report" produced by the Central Transportation Planning Staff for the Massachusetts Highway Department published in February 2002.
9. In addition to those required by current state laws and building code in effect, the Project as proposed incorporates a number of sustainable design measures, which would represent a significant contribution toward the efficient use and conservation of natural resources and energy. These include: redevelopment of an already developed site, open space in excess of that required in the BU-4 District, light-colored reflective roof membranes, solar-ready construction of Building C, construction and operational phase recycling programs, high efficiency exterior lighting systems, a tenant manual requiring tenant water and energy conservation measures and/or participation in Transportation Demand Management measures, tree shaded parking areas, stormwater management

systems (condition 26) and the Petitioner's contributions to the Fats Oils Grease (FOG) program (condition 33). In addition, as required by the Massachusetts Environmental Policy Act (MEPA) and the Department of Energy Resources (DOER), the petitioner will also implement a comprehensive strategy to reduce mobile greenhouse gas emissions.

10. The Petitioner will improve public welfare and safety on the Project site and in the surrounding area through measures such as the installation of an OPTICOM traffic signal preemption system for all modified traffic signals and the implementation of a proposed transportation infrastructure improvement program within the Route 9 corridor to decrease emergency response times within the area.
11. The Petitioner will provide a Construction Management Plan which will include appropriate procedures and protocols to be implemented during construction of the Project to minimize construction related impacts, such as blasting, noise, dust, and construction traffic, and to provide construction parking areas on site to the extent feasible.

With regard to the site plan criteria under §§ 30-23(2)(a)-(h):

12. Based on an independent review by Woodward and Curran, Inc. and comments received from the City's Engineering Department, there is sufficient capacity in the City's water and sewer system to support the Project. The Petitioner has also agreed to: (a) install two 12-inch water lines, which will cross the Project site to connect the water main servicing Route 9 to the water main servicing Florence Street; and (b) make a contribution towards the study of an existing problem related to fats, oils, and grease ("FOG") within the City's sanitary sewer system.
13. The Petitioner will install a stormwater management system, which, based on the independent review by Woodward and Curran, Inc., will result in overall improvement to the flow management and water quality runoff from the Project site.
14. Appropriate landscaping and screening of the parking area(s) and structure(s) will be provided including, but not limited to, buffering from the Florence Street neighborhood by substantially retaining the existing vegetation closest to Florence Street and enhancing the area with additional trees and plantings.
15. The Project is a redevelopment of a site that generally contains only large areas of asphalt and abandoned buildings. To the extent feasible, the Petitioner will minimize removal of viable trees and soil (with nearly all of the existing vegetation immediately along Florence Street intended to be substantially retained and enhanced). The Project will be landscaped in a manner that will enhance the appearance of the site in keeping with the appearance of neighboring, commercially developed areas.
16. The utility services lines along the Project's Route 9 frontage will be located underground subject to necessary permits and approvals. The feasibility of underground location of other utility service lines will be reviewed by the Petitioner in light of other site design considerations, such as the location and configuration of structures, site costs, required earthwork and other similar considerations.

17. No historical resources currently exist on the Project site and demolition of the existing buildings on site requires no further historic review under the City's historic ordinances.

With regard to the reduction in the required number of parking stalls under §30-19(d)(18) and other parking waivers including an additional reduction in parking stalls under § 30-19(m):

18. The Project's use of structured parking, reduction in the number of required parking stalls, and indoor off-street loading facilities creates greater opportunity for open space on the Project site, which allows the Petitioner to increase landscaping and provide for plazas and gathering spaces on site. This design enhances the environmental features of the Project while still providing sufficient parking to accommodate projected demands. The Petitioner's parking space waiver is expressed as a percentage by which the number of spaces that would otherwise be required under the Zoning Ordinance for any given combination of uses in the Project are reduced (the "Parking Reduction").
19. The combination of three (3) or more uses in a single integrated development, as proposed by the Project, allows a reduction of up to 33% of the required number of parking stalls. An additional reduction in the number of parking stalls is justified in view of the anticipated parking demands, and is further justified given that literal compliance is impracticable due to the size and grade of the lot and desired scale, design, and use characteristics for this site. The Petitioner has also submitted a Transportation Demand Management Plan which will help reduce vehicle trips to the site and a Managed Parking Plan which will help manage parking during peak periods.
20. Based on the mix of uses set forth in the application for this Special Permit/Site Plan Approval, at the conclusion of Phase 1, a total of 691 parking stalls will be provided on site, including 22 handicapped spaces; at the conclusion of Phase 2, a total of 908 parking stalls will be provided on site, including 29 handicapped spaces and 392 spaces in the garage; the total number of required parking stalls for the anticipated uses (including 100 dwelling units in the residential building) for both phases is 1375 spaces; the total Parking Reduction for Phase 1 shall not exceed 39% (i.e., a waiver of up to 438 spaces); and the total Parking Reduction at the conclusion of Phase 1 and 2 shall not exceed 34% (i.e., a waiver of up to 467 spaces).

With regard to the criteria for Inclusionary Housing required under section 30-24(f):

21. The Inclusionary Housing Plan filed with the application satisfies all applicable requirements for the issuance of this Special Permit/Site Plan Approval.

With regard to the criteria for waivers for signage under section 30-21(l)

22. The mix of uses within the Project, the complex nature of the building layout (which includes several facades inwardly oriented to encourage pedestrian activity and connectivity) and the unique architecture of the Project, the Board finds that the proposed number, size, location, type and height of the signage program as substantially shown in the Petitioner's Comprehensive Signage Package (see Exhibit A), which include two (2) free standing signs along Rt. 9, are in the best interests of the public as they serve

important wayfinding, building identification and ornamental functions and match the scale of the Project.

With regard to retaining walls in excess of four feet in height under section 30-5(b)(4):

23. The proposed retaining walls greater than four feet in height, which are located within the setbacks as generally shown the Special Permit Plan Set, will not adversely impact immediate abutters because the Petitioner has proposed appropriate materials, designed the walls at an appropriate scale in relation to abutting properties, accommodated stormwater through the proposed stormwater management system so that it is generally detained on-site as required, and will remove any trash and debris that accumulates around and between such retaining walls and abutting properties on at least a semi-annual basis.

In light of the above findings and the following conditions imposed by this Order, the Board of Aldermen finds that the public convenience and welfare of the City will be served and that the criteria of §30-23 and §30-24 for granting a special permit/site plan approval will have been satisfied.

PETITION NUMBER:	#214-10(2)
PETITIONER:	NED Chestnut Hill Square LLC, successor(s), assign(s) and/or designee(s)
LOCATION:	200-230 Boylston Street, Boylston Street, 7 Hammell Place LLC, 114 and 146 Florence Street; Section 82, Block 2, Lots 8, 9, 10, 11, 12, 13, 14, 15, 15A, 15B, 15C, 18, 29, 30, 32. The project area is shown on the Zoning Plan Exhibit A dated 8/2/10 prepared by Harry R. Feldman, Inc. and referenced on Exhibit A-1 attached hereto.
OWNER:	G&K LLC; Key Chestnut LLC; 7 Hammell Place LLC; and NED 220 Boylston LLC
ADDRESS OF OWNER:	200 Boylston Street, Chestnut Hill, MA 02467 One Wells Avenue, Newton, MA 02459
TO BE USED FOR:	A mixed-use development of approximately 245,000 square feet of commercial space and up to 100 residential units, and accessory parking as described in Finding 1 above
CONSTRUCTION:	New construction including masonry and brick veneer buildings with glass storefronts and windows, accented with metal and glass

windows, accented with metal and glass canopies and metal panels, fieldstone and cement block retaining walls, precast concrete garage

EXPLANATORY NOTES:

The following special permits are granted subject to the Findings and Conditions set forth herein: §30-15, Table 3 to allow buildings to exceed dimensional standards, including height and number of stories as generally shown on the Special Permit Plan Set; §30-5(b)(4) to allow retaining walls of greater than 4 feet, which are located within setbacks as generally shown on the Special Permit Plan Set; §30-11(d)(7) to allow a multi-family dwelling containing up to 100 units, §30-11(d)(8) to allow a multi-level parking facility containing approximately 392 spaces; §30-11(d)(9) to allow restaurants with greater than 50 seats; §30-11(d)(10) to allow open-air businesses; §30-11(k) to allow buildings containing individually or in the aggregate 20,000 or more square feet in gross floor area; §30-19(m) for a waiver of parking spaces by the Parking Reduction set forth in the application for any uses constructed and occupied prior to full build-out of the Project (e.g. 438 of the 1,129 required parking spaces are waived to provide 691 spaces prior to full build-out based on the uses anticipated by the application); §30-19(d)(18) to reduce the sum total of parking spaces required for the Project at full build-out by the Parking Reduction set forth in the application based on the combination of three or more uses in a single integrated development (e.g. 467 of the 1,375 required parking spaces are waived to provide 908 spaces for the Project based on the uses anticipated by the application); §30-19(h)(4), §30-19(m) to allow entrance and exit driveways in excess of 25 feet wide as generally shown on the Special Permit Plan Set; §30-19(h)(5)(b) to allow managed and/or valet parking; §30-19(h)(2)(c), §30-19(m) for parking within the required setbacks and a



waiver of dimensions for parking stalls, including handicapped parking stalls as generally shown on the Special Permit Plan Set; §30-20(f)(9) and §30-20(l) to allow one freestanding primary sign for the residential building and two additional freestanding signs; and §30-20(d)(2), §30-20(c)(1), (2) and (9), §30-20(i)(4), §30-20(l) for signs larger, in quantities, illumination and locations other than allowed by-right

ZONING:

Business 4

Approved subject to the following conditions:

1. All buildings, parking and other site features associated with this Special Permit/Site Plan Approval for the Project shall be located and constructed/implemented consistent with the plan set entitled "Special Permit Application Submission for Chestnut Hill Square Boylston Street/Route 9 Newton, MA" (the "Special Permit Plan Set"), which plans are identified in Exhibit A and are hereby incorporated by reference.
2. This Special Permit/Site Plan Approval shall be deemed to have been (i) exercised, for the purposes of utilizing the benefits of the change of zone authorized by Board Order #214-10, upon the submission to the City of an application for a building permit for all or any portion of the Project; and (ii) vested and exercised, with respect to the entire Project, for all purposes, once construction under this Special Permit/Site Plan Approval has begun for any portion of the Project. In no event shall any portion of the Project for which a certificate of occupancy has been issued in accordance with the provisions of this Special Permit/Site Plan Approval be deemed to be in violation of this Special Permit/Site Plan Approval or be deemed to have lapsed due to the fact that any phase of the Project has not been commenced or completed, subject to the 10 year lapse provision contained in condition 3 below.
3. The Project may be constructed in two Phases. Phase 1 of the Project will consist of three buildings for the retail, restaurant, office space, health club or other by-right uses permitted in the BU-4 District. Phase 2 of the Project will consist of one residential/commercial building containing up to 100 residential units and a parking garage. Each of the proposed buildings/site improvements may be constructed and occupied prior to construction of the remaining buildings/site improvements (including the parking structure), provided that adequate parking and landscaping associated with such proposed building, as set forth in the Special Permit Plan Set and application are provided by the Petitioner. The determination as to the adequacy of parking and landscaping shall be subject to the review and approval of the Commissioner of Inspection Services and the Director of Planning and Development and shall be made in accordance with the provisions of condition 16 below. The Petitioner agrees to submit updated construction sequencing plans and landscape sequencing plans to the Director of Planning and Development and the Commissioner of Inspectional Services, together with

a memorandum demonstrating that the current construction and landscaping status and the proposed parking are consistent with the relief granted by this Special Permit/Site Plan Approval in connection with any request for a certificate of occupancy.

Construction of any phase of the Project will not obligate the Petitioner to construct the balance of the Project (or any portion thereof) in a subsequent phase(s), provided that the Petitioner shall be obligated to complete any requirements that are a condition of a certificate of occupancy in accordance with the provisions of condition 16 below. If the Petitioner has not commenced construction of any portion of the Project within ten years of the exercise (as defined in Condition 2(ii) above) of this Special Permit/Site Plan Approval, construction of such portion, even if consistent with the original Special Permit Plan Set, shall require an amendment to this Special Permit/Site Plan Approval.

4. The Petitioner shall comply in all material respects with the final Construction Management Plan to be submitted for review and approval to the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, Fire Department, Public Works Commissioner, City Engineer, and City Traffic Engineer. The Final Construction Management Plan shall be materially consistent with the construction sequencing shown in the Special Permit Plan Set, and include appropriate provisions for dust controls, noise, blasting, construction traffic routing, a requirement that access to the site from Florence Street be restricted to use as a secondary construction access point and be chained or gated during construction, and off-site construction parking that may be required to provide parking for uses in operation on the site during construction activities. The final Construction Management Plan shall also include adequate and appropriate procedures and protocols to be implemented to allow effective operation of the Project site during construction, including, without limitation providing temporary cellular antennas to maintain cellular service in the area of the Project during construction activities.
5. The Comprehensive Signage Package submitted by the Petitioner (see Exhibit A) is hereby approved in concept. The Petitioner shall submit a final Comprehensive Signage Package to the Director of Planning and Development for review and approval prior to implementation of the Project signage program. The Director of Planning and Development shall review the Comprehensive Signage Package, in consultation with the Newton Urban Design Commission, and provide the Petitioner with recommendations but in no event shall any such recommendations require the Petitioner to obtain additional relief under the Zoning Ordinance. The Director of Planning and Development shall review any proposed modifications to the Project signage program to ensure that the same are generally in harmony with the findings, safeguards and conditions set forth in this Special Permit/Site Plan Approval and substantially consistent with the Comprehensive Signage Package submitted by the Petitioner in support of the application for this Special Permit/Site Plan Approval.
6. Subject to the provisions hereof and receipt of all necessary state, federal and local permits and/or approvals, including MassDOT review, revision, approval (the "Approvals"), the Petitioner shall design and construct the Route 9 Corridor Improvements and Local Roadway Improvements, which shall include the installation of

an OPTICOM traffic signal preemption system for all modified traffic signals, as substantially set forth in the Traffic Impact and Access Study submitted in support of the application for this Special Permit/Site Plan Approval (see Exhibit A), as the same may be modified by MassDOT or other applicable authorities (the "Proposed Transportation Improvement Program").

The Board recognizes that certain portions of the Proposed Transportation Improvement Program fall under the jurisdiction of MassDOT or other state agencies and that the Petitioner's obligation to construct the Proposed Transportation Improvement Program may be satisfied through state and/or federal infrastructure work/funding; provided however, that, subject to the provisions of Condition 8 below, the failure of such state and/or federal infrastructure work/funding shall not relieve the Petitioner from this Condition 6. In order to ensure coordination of the Proposed Transportation Improvement Program between state and local jurisdictional areas, the Petitioner, at the request of the Director of Planning and Development, shall provide the City with a summary of the status of MassDOT's review. The Petitioner shall submit to the Director of Planning and Development for review in consultation with the Commissioner of Public Works, City Engineer, the Commissioner of Inspectional Services and the City Traffic Engineer (i) copies of final design plans for the Proposed Transportation Improvement Program upon the final issuance of all of the Approvals for the Proposed Transportation Improvement Program (or any portion thereof); and (ii) a certification from a professional traffic engineer or MassDOT and/or City's Traffic Engineer Peer Reviewer confirming the substantial completion of the Proposed Transportation Improvement Program (or any portion thereof).

Prior to a request for modification of the state highway access permit for the Project, the Petitioner shall meet with the Director of Planning and Development, Commissioner of Public Works, City Engineer, the City Traffic Engineer, and the Commissioner of Inspectional Services to obtain the City's comments and, to the extent feasible, incorporate such comments into the Petitioner's request for modification. Subject to Condition 8 below, the Proposed Transportation Improvement Program shall be substantially completed prior to substantial occupancy of the Project authorized under this Special Permit/Site Plan Approval.

7. Subject to the provisions hereof and receipt of all of the Approvals, the Petitioner shall initially implement the Transportation Demand Management measures, including, without limitation, the shuttle bus service, as generally set forth in the Traffic Impact and Access Study submitted in support of the application for this Special Permit/Site Plan Approval (see Exhibit A), as the same may be modified by MassDOT or other applicable authorities (the "TDM Measures"). The Petitioner will review the TDM Measures with the Director of Planning and Development prior to the opening of the first building in the Project, including operations of the shuttle service. At the request of the Director of Planning and Development or at the Petitioner's election, the Petitioner will annually evaluate the effectiveness of the TDM Measures to determine whether any proposed adjustment to the TDM Measures should be made to optimize the TDM program. Any adjustments to the TDM Measures resulting from such annual review will be submitted to the Director of Planning and Development and City Traffic Engineer and shall be

maintained on file at the Project. Subject to Condition 8 below, the TDM Measures shall be substantially implemented prior to initial occupancy of the Project authorized under this Special Permit/Site Plan Approval, unless otherwise determined by the Director of Planning and Development in consultation with the City Traffic Engineer.

8. A Certificate of Occupancy may be issued for any portion of the Project prior to completion of the Proposed Transportation Improvement Program or implementation of the TDM Measures upon submission by the Petitioner of a parking analysis and traffic report prepared by a professional traffic engineer to the Commissioner of Inspectional Services, Director of Planning and Development, and the City Traffic Engineer evidencing that the parking provided and improvements completed, together with any necessary alternative measures proposed by the Petitioner in the Traffic Impact and Access Study submitted in support of the application for this Special Permit/Site Plan Approval (see Exhibit A), are sufficient to safely and efficiently accommodate the (i) parking required by the Zoning Ordinance (as the same may be adjusted by the Parking Reduction); and (ii) anticipated traffic volumes for the portion of the Project for which the Certificate of Occupancy is sought. The parking analysis and traffic report shall be subject to review and approval by the Commissioner of Inspectional Services, in consultation with the Director of Planning and Development, and the City Traffic Engineer.
9. The City has previously secured partial, but not sufficient, funding from another developer for the installation of a traffic signal at the intersection of the Route 9 eastbound offramp and Hammond Pond Parkway (the "HPP Signal") in the amount of \$250,000 (the "Signal Funding"). Upon the issuance of all necessary Approvals, the Petitioner agrees to install or cause to be installed the HPP Signal in accordance with the Proposed Transportation Improvement Program. Upon substantial completion of the HPP Signal, as certified by a professional traffic engineer, the Director of Planning and Development shall request appropriation of the Signal Funding to the Petitioner, provided that nothing in this condition shall require the Mayor and Board of Aldermen to approve such appropriation request.
10. The Petitioner will provide the City with a good faith estimate of the cost to design and construct a sidewalk built to City standards within the northerly portion of the Florence Street right-of-way from 188 Florence Street to the westerly boundary of the Atrium Mall property. If the good faith estimate exceeds \$300,000, the City may either provide the Petitioner with the additional funds necessary to construct the sidewalk or may elect to construct the sidewalk itself in which event the Petitioner shall pay the \$300,000 to the City prior to construction of the sidewalk. If the good faith estimate is less than \$300,000 or the City provides such additional funds to cover the cost in excess of \$300,000, the Petitioner shall, subject to approvals, design and construct the sidewalk. The completion of this work shall not be a condition to the issuance of a Certificate of Occupancy for any portion of the Project, but the Commissioner of Inspectional Services may include the cost to install the sidewalk in the 135% bond or other security in accordance with the provisions of condition 16.

11. Subject to the provisions hereof and receipt of all of the approvals, the Petitioner shall construct the Route 9 sidewalk/landscaped areas proposed in the Special Permit plan set in front of Building C. The Petitioner agrees to seek approval for effective 15' sidewalk/landscaped area (whether owned by MassDOT or Petitioner) which areas may include a five (5) foot sidewalk along Route 9, a four (4) foot planted buffer area and a six (6) foot internal sidewalk/walkway, all subject to review and approval by MassDOT after consultation with the City Traffic Engineer and Director of Planning and Development, provided, further that the petitioner shall not be required to seek amended and/or additional special permits or variances or other relief in connection with the project.

The Petitioner agrees to contact the owners and tenants of the Capital Grille and David's buildings, so called, to discuss expanding the sidewalks adjacent to such buildings and to the extent such owners and/or tenants consent is obtained, and such expansion does not result in zoning or other violations, to implement improved sidewalk conditions at their frontage.

12. The Petitioner shall comply with the Post Development Traffic Monitoring Program set forth in Exhibit B attached hereto.
13. On-site Project sidewalks, pedestrian ramps and handicapped parking spaces shall be constructed in material compliance with any applicable requirements of the City of Newton General Construction Details, the Americans with Disabilities Act (ADA) and/or the Massachusetts Architectural Access Board (MAAB) requirements (unless otherwise allowed by the grant of a waiver or variance). Where new off-site sidewalks are provided at an intersection that the Petitioner will install or modify a traffic signal system, said improvements will be constructed to include pedestrian push buttons, bicycle detection, traffic signal phasing, wheelchair accessible ramps, and associated sign and pavement markings to the extent appropriate and feasible and subject to receipt of all necessary Approvals. The Petitioner agrees to work with the City's Committee for People with Disabilities regarding its reasonable request for the relocation of the handicap parking stalls to enhance utilization of such stalls; provided that no construction, reconstruction, or reconfiguration of Project improvements shall be required other than pavement restriping. The Petitioner will also enforce handicap parking restrictions and will register with the Newton Police Department to allow police enforcement of handicap parking restrictions as well.
14. Managed and/or valet parking operations are permitted at the Project provided they are conducted in all material respects pursuant to a professionally-prepared Parking Management Plan, which shall be maintained on file at the Project and available for review upon request by the Director of Planning and Development. Valet parking must be kept within the Project site.
15. Petitioner will store snow at the Project, except to the extent removal is deemed by the Petitioner to be operationally necessary during peak parking periods. To the extent snow removal is necessary, such removal will be conducted pursuant to a Snow Removal Plan, which shall be maintained on file at the Project and available for review upon request by

- the Director of Planning and Development. The Petitioner will request permission from MassDOT to clear the sidewalks along the Route 9 Project frontage of snow and ice. If MassDOT approves the Petitioner's request, the Petitioner shall use commercially reasonable efforts to keep the sidewalks along the Route 9 Project frontage of the site clear of snow and ice at all times in order to improve safe pedestrian travel. The Petitioner shall also remove snow along the sidewalk on its Florence Street frontage in accordance with the City's snow removal ordinance.
16. A Certificate of Occupancy may be issued for any portion of the Project prior to installation of all required landscaping and hardscape/open space areas shown in the Special Permit Plan Set or installation of the sidewalk along Florence Street. Prior, however, to issuance of such Certificate of Occupancy, the Commissioner of Inspectional Services in consultation with the Director of Planning and Development may require that the Petitioner first file a bond, letter of credit, cash or other security in the form satisfactory to the Law Department in an amount not less than 135% of the value of the aforementioned remaining landscaping, hardscape/open space areas, and the sidewalk along Florence Street to secure the installation of these items. The Commissioner of Inspectional Services may include in the value of such bond or other security the costs associated with any portion or all of the required landscaping, hardscape/open space, and/or Florence Street sidewalk as he deems reasonably necessary to ensure that the site amenities, pedestrian and vehicular circulation pathways, and gathering spaces as show on the Special Permit Plan Site will be installed even if the Project's Phase 1 or Phase 2 are not completely built-out. The review under this condition shall be in addition to the review to be conducted under condition 8 above.
  17. Any plant material required by this Special Permit/Site Plan Approval that becomes diseased or dies shall be replaced with similar material on an annual basis.
  18. No changes to the Project shall be permitted, except as otherwise set forth in this Special Permit/Site Plan Approval, unless they are consistent with the Special Permit Plan Set. Consistency determinations shall be subject to review and approval by the Commissioner of Inspectional Services but shall not require approval of the Board. When making a request for a consistency determination, the Petitioner shall submit updated construction sequencing plans and a memorandum to the Commissioner of Inspectional Services demonstrating that such change(s): (i) do not require further Massachusetts Environmental Policy Act (MEPA) review under 301 CMR 11.10(8); (ii) constitute a reallocation or reconfiguration of square footage among uses in the Project or otherwise allowed in the BU-4 District such that no increase in the Parking Reduction approved hereunder is required; (iii) do not require a new type of zoning relief (other than the categories of relief granted and/or modified pursuant to this Special Permit/Site Plan Approval); and (iv) maintain the same percentage of useable open space as shown in the Special Permit Plan Set. If the Commissioner of Inspectional Services grants any consistency ruling pursuant to this Condition, he shall provide a copy to the Land Use Committee of the Board. The Land Use Committee shall not be required to vote or to approve the consistency request.

19. Nothing in this Special Permit/Site Plan approval shall prevent the Petitioner from submitting a building(s) to a condominium property regime, provided that the land on which such condominium is located shall not be subdivided. In no event shall the submission of the buildings to a condominium property regime relieve the Petitioner of any applicable requirements of this Special Permit/Site Plan Approval. The violation of the conditions of this Special Permit/Site Plan Approval by an owner or occupant of a single condominium unit within the Project shall not be deemed to be a violation by any other owner or occupant within the Project, but shall be deemed to be a violation by the owner or occupant of the condominium unit(s)/premises violating the conditions of this Special Permit/Site Plan Approval. The City may, at the election of the Commissioner of Inspectional Services, look to the applicable condominium association, or in the event of a lease-hold condominium, the applicable lessor, in connection with such violation. Nothing herein shall limit the rights of a condominium association against a violating owner or occupant.
20. The Petitioner shall merge the existing 11 distinct parcels to one new lot either prior to the issuance of the first building permit for the Project, or within thirty (30) days from the issuance of such permit.
21. The Petitioner shall design and construct an at-grade pedestrian crossing of Route 9 at the signalized Project driveway. Said crossing shall be push button-actuated and include a marked crosswalk. The Petitioner shall work with the City and MassDOT to ensure that the pedestrian crossing phase includes an appropriate amount of time for pedestrians to cross Route 9. The Petitioner shall also install a marked crosswalk across Florence Street and Louise Road at the intersection of these two roadways.
22. The Petitioner will work with the MBTA to establish a bus stop and layover areas within the Project to accommodate the bus routes passing by the site.
23. The Petitioner will implement the TDM Measures as set forth in Condition 7 above and the Post Development Traffic Monitoring Program attached hereto as Exhibit B. The goal of the TDM Measures is to reduce single-occupancy vehicle traffic associated with the Project by a minimum of 10 percent during the commuter peak-hours. This goal (10 percent reduction in single-occupancy vehicle traffic) will be monitored by the Petitioner as a part of the Post Development Traffic Monitoring Program for the Project. Should the Post Development Traffic Monitoring Program indicate that a 10 percent reduction in Project-related peak-hour traffic has not been achieved as a result of the TDM Measures, the Petitioner shall work with the City and the Route 128 Business Council to expand and refine the elements of the TDM Measures.
24. The Petitioner will seek MassDOT approval for roadway treatments or other measures such that the vehicles exiting the easternmost Project driveway are directed through signs and channelization onto the Hammond Pond Parkway off-ramp from Boylston Street.
25. The Petitioner shall not allow the Florence Street entrance/exit to be used for any purpose other than as a secondary construction access point during construction of the Project,



and for emergency vehicle access during and following construction. The Petitioner shall chain or gate the Florence Street access during and after construction.

26. The Petitioner has committed to an ongoing stormwater system cleaning and maintenance effort as described in their Stormwater Operations and Maintenance Plan on file with the City. The Petitioner will comply during construction with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site and provide documentation to the City once every four months during construction that the stormwater pollution control measures to be undertaken during construction have been implemented on an ongoing basis. The Petitioner will provide the City with a Stormwater Pollution Prevention Plan prior the issuance of the initial occupancy permit for any portion of the Project.
27. The utility services lines along the Project's Route 9 frontage will be located underground, subject to necessary Approvals. The feasibility of underground location of other utility service lines will be reviewed by the Petitioner in light of other site design considerations, such as the location and configuration of structures, site costs, required earthwork and other similar considerations.
28. The Petitioner has applied to the Public Facilities Committee to relocate the existing City drain easement and grant the City a new easement for access and maintenance of the new drainage culvert and water main pursuant to the Easement Relocation Plan noted on Exhibit A. The Easement Relocation Plan, once approved by the Board, will be recorded at the Middlesex South Registry of Deeds.
29. The Petitioner will remove any trash that may accumulate between the Petitioner's retaining wall and the retaining wall along Florence Court Condominiums at least semi-annually.
30. The Petitioner shall be responsible at its sole cost for trash disposal for the residential units.
31. The Petitioner will comply with applicable state and local laws, regulations and protocols governing blasting, including, the Standard Blasting Conditions for Special Permit/Site Plan Approvals, dated May 31, 2002 on file with the City Clerk.
32. The Petitioner will not contest parking restrictions on the north side of Florence Street.
33. The Petitioner will work with the City Engineer regarding a study of an existing problem related to FOG within the City's sanitary sewer system and will negotiate with the City Engineer regarding a contribution towards such study. Such contribution shall be made prior to the issuance of any Certificate of Occupancy.
34. The Petitioner shall prepare a Functional Design Report in support of planned improvements that will provide a review of design alternatives for both the Parker Street and Centre/Cypress Street intersections for review by the Director of Planning and Development in consultation the City Traffic Engineer.

for review in consultation with the Newton Housing Authority for compliance with the provisions of §30-(f)(8).

36. No building permit shall be issued pursuant to this special permit/site plan approval until the Petitioner has:
  - a. recorded a certified copy of this board order with the Registry of Deeds for the Southern District of Middlesex County.
  - b. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. with regard to each building permit, submitted final plans and elevations to the Director of Planning and Development to assure consistency with the applicable plans approved under this Special Permit/Site Plan Approval.
37. The issuance of a Certificate of Occupancy for all or any portion of the Project shall evidence compliance with all Conditions set forth herein except as otherwise expressly set forth herein or properly noted on such Certificate of Occupancy.
38. At the completion of Phase I, the Petitioner will review the as-built condition with the Commissioner of Inspectional Services in consultation with the Director of Planning and Development to determine to what extent, if any, additional pedestrian amenities (i.e. reconfiguration of existing gathering spaces, width of sidewalks, and similar issues) can be reasonably incorporated consistent with the approved site plan. The Petitioner shall not be required to seek amended and/or additional special permits, variances or other relief and shall, further, only be obligated to implement such amenities under the consistency review provision of this Special Permit/Site Plan Approval.

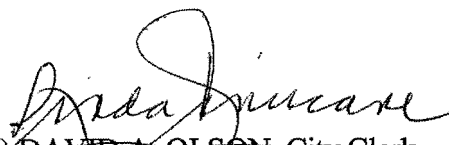
Under Suspension of Rules

Readings Waived and Approved

20 yeas 0 nays 4 absent (Aldermen Freedman, Gentile, Salvucci, and Sangiolo)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 December 9, 2010. 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) DAVID A. OLSON, City Clerk  
*acting* Clerk of the Board of Aldermen

I, David A. Olson, 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 \_\_\_\_\_ and that NO APPEAL to said decision pursuant to M.G. Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:

(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Board of Aldermen

## EXHIBIT A<sup>1</sup>

### Special Permit Application Materials

- **Special Permit Application**
  - Special Permit Narrative
    - Zoning Table
    - Parking Table
    - As-of-Right Diagram
    - Easement Relocation and Discontinuance Plan
    - Inclusionary Housing Plan
    - Traffic Impact and Access Study, including the Traffic Demand Management Program
    - Shared Parking Analysis
    - Stormwater Management Report
  - Shadow Study
  - Comprehensive Signage Package
- **Special Permit Plan Set:**
  - C.00 Cover Sheet
  - C.01 Context Plan / Area Plan (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - C.02 Existing Conditions Site Plan (3/17/09, Stamped and Signed by Robert Applegate, a Professional Land Surveyor)
  - C.03 Layout and Traffic Control Plan (8/2/10, revised 11/30/10 Stamped and Signed by John Stoy, a Professional Engineer)
  - C.04 Erosion Control Plan (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - C.05 Grading and Drainage Plan (4/27/10, Stamped and Signed by John Stoy and Duncan Wood, Professional Engineers)
  - C.06 Utility Plan (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - C.07 Fire Truck Circulation Plan (8/2/10, , revised 11/30/10 Stamped and Signed by John Stoy, a Professional Engineer)
  - C.08 Service Truck Ingress Plan (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - C.09 Service Truck Egress Plan (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - C.10 Pedestrian Circulation Plan (8/2/10, , revised 11/30/10 Stamped and Signed by John Stoy, a Professional Engineer)
  - C.11 General Notes (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - C.12 Erosion Control Details (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - C.13 Drainage Details (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - C.14 Drainage Details (8/2/10, Stamped and Signed by John Stoy and Duncan Wood, Professional Engineers)
  - C.15 Utility Details (8/2/10 Stamped and Signed by John Stoy, a Professional Engineer)
  - C.16 Utility Details (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - C.17 Site Details (8/2/10 Stamped and Signed by John Stoy, a Professional Engineer)
  - C.18 Grade Plane Calculations (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - SL.01 Site Photometric / Lighting Plan (8/2/10, , revised 11/30/10 Prepared by WSP/Flack and Kurtz, Lighting Consultants)
  - SL.02 Lighting Fixture Lot Sheet (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - L.01 Overall Landscape Plan (8/2/10, , revised 11/30/10 Prepared by CBA Landscape Architects)
  - L.02 Enlarged Landscape Plan North (8/2/10, , revised 11/30/10 Prepared by CBA Landscape Architects)
  - L.03 Enlarged Landscape Plan South (8/2/10, , revised 11/30/10 Prepared by CBA Landscape Architects)
  - L.04 Plant List & Detail (8/2/10, Prepared by CBA Landscape Architects)
  - T.01 Tree Inventory and Location Plan and List (8/2/10, Prepared by CBA Landscape Architects)
  - A.01 Grocer Level and Parking Plan (8/2/10, Stamped and Signed by Robert Slattery, a Registered Architect)
  - A.02 Retail Level 1 Plan (8/2/10, Stamped and Signed by Robert Slattery, a Registered Architect)
  - A.03 Health Club Level 2 Plan (8/2/10, Stamped and Signed by Robert Slattery, a Registered Architect)
  - A.04 Office & Typical Residential Upper Level Plan (8/2/10, Stamped and Signed by Robert Slattery, a Registered Architect)
  - A.05 Site Sections (8/2/10, Stamped and Signed by Robert Slattery, a Registered Architect)
  - A.06 Site Elevations East, West and North (8/2/10, Stamped and Signed by Robert Slattery, a Registered Architect)
  - A.07 Site Elevations South & Interior Retail (8/2/10, Stamped and Signed by Robert Slattery, a Registered Architect)
  - CS.01 Construction Sequencing Plan 1 (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - CS.02 Construction Sequencing Plan 2(8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - CS.03 Construction Sequencing Plan 3 (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - CS.04 Construction Sequencing Plan 4 (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - CS.05 Construction Sequencing Plan 5 (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - CS.06 Construction Sequencing Plan 6 (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - CS.07 Construction Sequencing Plan 7 (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
  - Consolidation Plan of Land (3/19/09, Prepared by Harry R. Feldman, Inc.)
  - Zoning Plan Exhibit A (8/2/10 Prepared by Harry R. Feldman, Inc.)
  - Easement Relocation Plan (8/2/10, Prepared by Harry R. Feldman, Inc.)
  - RW-1 – Retaining Walls (or systems of walls) greater than four feet in height

<sup>1</sup> In the event of any inconsistency between the plans set forth on this Exhibit A, the final design shall be deemed to conform to the Layout and Traffic Control Plan (C.03).

## EXHIBIT B

### Post Development Traffic Monitoring Program

The Petitioner shall complete a post development traffic monitoring program for the Project in order to: (i) document the actual traffic characteristics of the Project; (ii) evaluate the success and refine the elements of the TDM Measures; and (iii) assess traffic volumes and operating conditions at the two primary driveways serving the Project and at specific off-site intersections. The monitoring program will consist of the following elements:

1. Collection of 24-hour automatic traffic recorder counts over a continuous 7-day, week-long period on the two primary driveways serving the Project.
2. Collection of weekday morning (7:00 to 9:00 AM), weekday evening (4:00 to 6:00 PM) and Saturday midday (11:00 AM to 2:00 PM) peak period manual turning movement counts at the following intersections hereafter defined as the "traffic monitoring program study area":
  - Route 9 at the signalized Project driveway/The Mall at Chestnut Hill Driveway
  - Route 9 at the east project driveway
  - Route 9 at Langley Road
  - Route 9 at Florence Street
  - Route 9 at Tully Street
  - Route 9 at Hammond Street
  - Hammond Street at Heath Street
  - Hammond Pond Parkway at the Route 9 Ramps (two locations)
  - Hammond Pond Parkway at the Chestnut Hill Shopping Center Driveway
  - Hammond Pond Parkway at Heath Street
  - Parker Street at the Route 9 Ramps (two locations)
3. Documentation of commuting modes of residents and employees of the Project including public transportation and shuttle bus use.

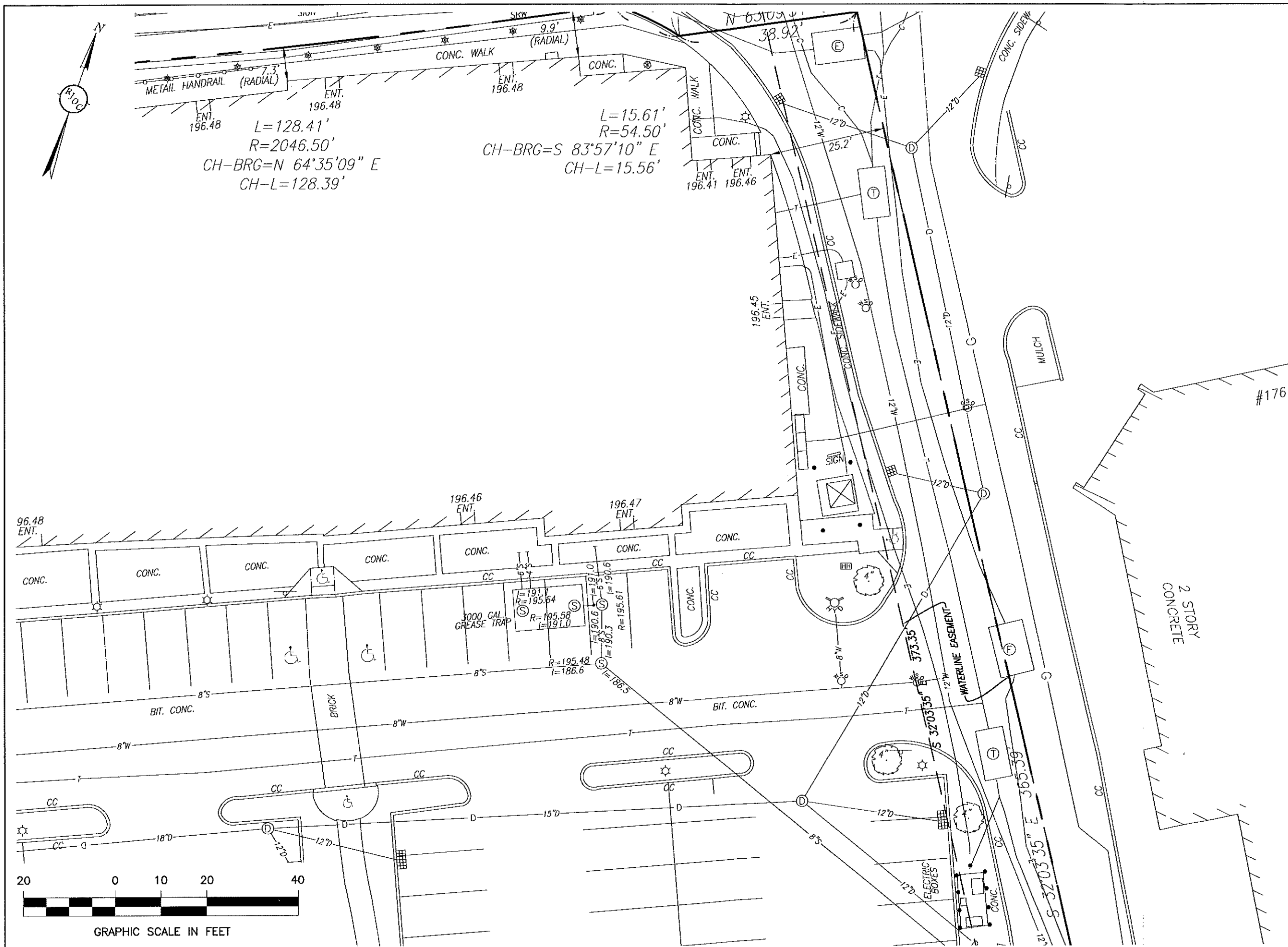
The traffic counts that form the basis of the Post Development Traffic Monitoring Program will be performed under average-month conditions while public schools are in regular session (April-June, September-October). The results of the Post Development Traffic Monitoring Program will be submitted to the City prior to the end of the calendar year in which the study is completed.

If the results of the Post Development Traffic Monitoring Program indicate: (1) the need to adjust the traffic signal timing for the improved or monitored intersections along Route 9, the Hammond Pond Parkway and/or Parker Street within the traffic monitoring program study area to accommodate traffic volume fluctuations solely related to the Project; (2) the need to install the second traffic control signal at the Parker Street/Route 9 westbound ramp intersection; and/or (3) the actual measured traffic volumes associated with the Project as then constructed and occupied exceed the trip estimates presented in the June 1, 2010 Supplemental Traffic Impact Assessment by more than 10 percent of the projected trip generation for then occupied uses as

measured at the two primary driveways serving the Project; then the Petitioner shall implement the following corrective measures as may be necessary and appropriate, as certified by the professional traffic engineer of record for the Project, and subject to receipt of all necessary rights, permits and approvals:

- a. Adjust the traffic signal timing, phasing and coordination for the improved or monitored intersections along Route 9, the Hammond Pond Parkway, Parker Street, Hammond Street and/or Tully Street within the traffic monitoring program study area;
- b. To the extent necessary implement refinements to on-site traffic flow and parking management;
- c. Construct the traffic signal at the Parker Street/Route 9 westbound ramp intersection and interconnect and coordinate said traffic signal with the traffic signal at the Parker Street/Route 9 eastbound ramp intersection;
- d. Expand or modify the elements of the TDM Measures in order to increase use of public transportation, the shuttle service, car/vanpools or other alternatives to automobile travel. These measures may include expansion of the shuttle bus service schedule and/or route (service area), and other incentives that are designed to encourage residents, employees and customers to use public transportation, the shuttle service or to car/vanpool, or other additional TDM Measures subject to review of the Director of Planning and Development in consultation with the City Traffic Engineer.

The Post Development Traffic Monitoring Program will commence upon occupancy of the first commercial building within the Project. The results of the Post Development Traffic Monitoring Program will be submitted annually in the form of a memorandum for review by the Director of Planning and Development in consultation with the City Traffic Engineer. The Post Development Traffic Monitoring Program will continue on an annual basis for not less than five (5) years following substantial completion of both Phases of the Project, provided, however, if the Petitioner elects not to fully complete either Phase of the Project, the Traffic Monitoring Program shall continue for a period not less than five (5) years following the Petitioner's notice to the Commissioner of Inspectional Services and the Director of Planning and Development that it has reached substantial completion of the Project.



Drawing name: G:\MA\Newton\New England Development\Main\Lunette Optic\Panero EC-1 Existing Condition Plan.dwg  
Aug 25, 2017 11:46am

Rev	Date	Description

<b>Designed by:</b>	SPG
<b>Drawn by:</b>	RJK
<b>Checked by:</b>	SPG
<b>Scale:</b>	1"=20'
<b>Date:</b>	08/24/2017

Prepared For:  
**NewEngland**  
 DEVELOPMENT  
 75 PARK STREET  
 BOSTON, MA 02116  
 617-955-8700

Prepared By:  
**RJO'CONNELL  
& ASSOCIATES, INC.**  
 CIVIL ENGINEERS, SURVEYORS  
& LAND PLANNERS  
 80 MONTVALE AVE.  
 STONINGHAM, MA 02150  
 PHONE: (781) 278-0180  
 FAX: (781) 278-0173

**Project Name:**  
 CHESTNUT HILL SQUARE  
 LUNETTE OPTIC  
 NEWTON, MA

**Drawing Name:**  
 EXISTING  
 CONDITIONS  
 PLAN

**Drawing No.:**  
**EC-1**  
**Project No.:** 16087

EXTERIOR FINISH LEGEND - (SEE EXTERIOR ELEVATION FOR TAGS)			
MARK	DESCRIPTION	MANUFACTURER	SIZE / COLOR
AL - 01	ALUMINUM PANEL	ALUCOBOND	MATCH EXISTING STOREFRONT
BRK - 01	FACE BRICK		
BRK - 02	CALCIUM SILICATE MASONRY UNITS		RENAISSANCE WHITE - ROCK FACE
BRK - 03	CALCIUM SILICATE MASONRY UNITS		RENAISSANCE WHITE - SMOOTH
PVC - 01	PRE MOLDED CORNICE	CHEMCREST	TBD
SF - 01	ALUMINUM STOREFRONT		FINISH TO MATCH EXISTING STOREFRONT
STN - 01	STONE BASE		GRANITE

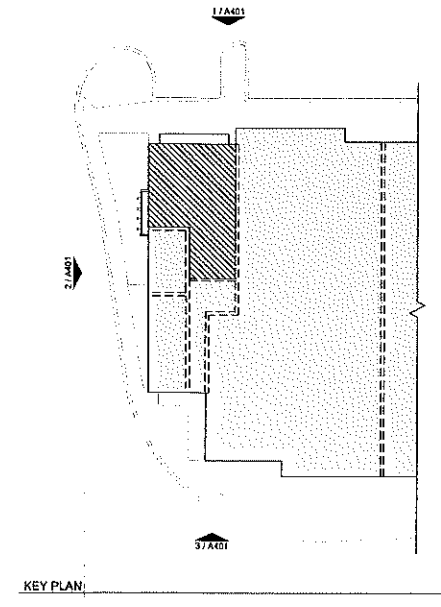
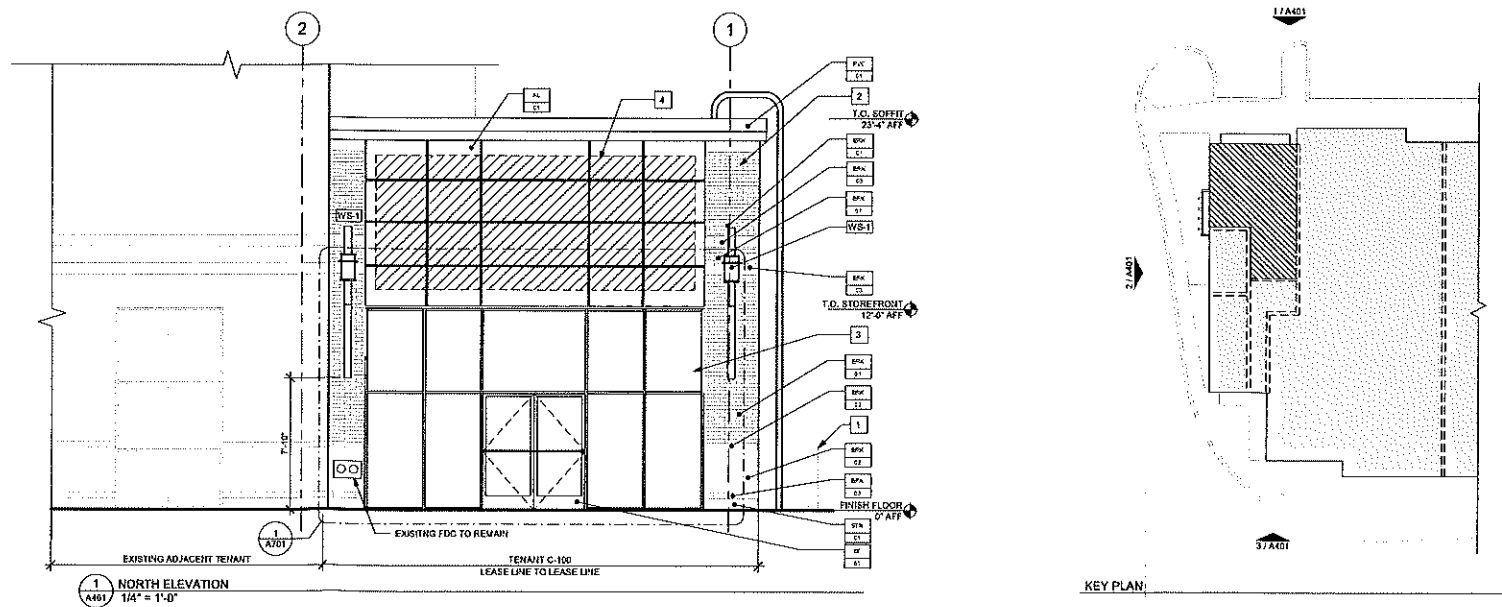
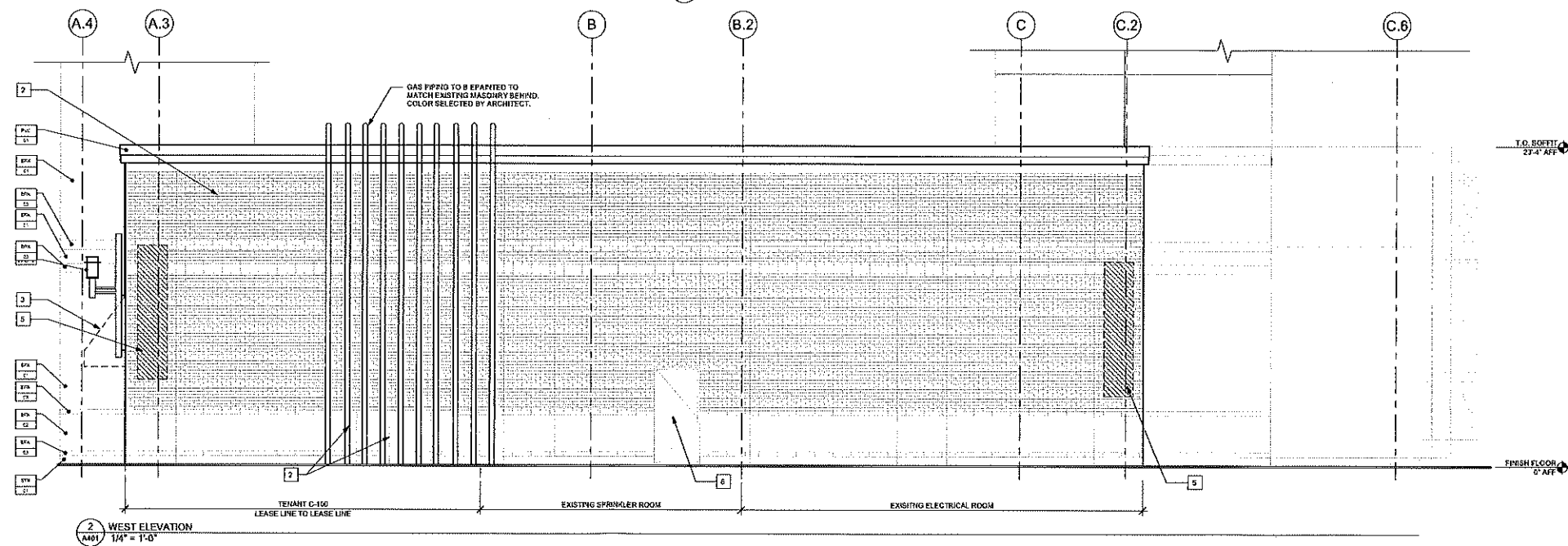
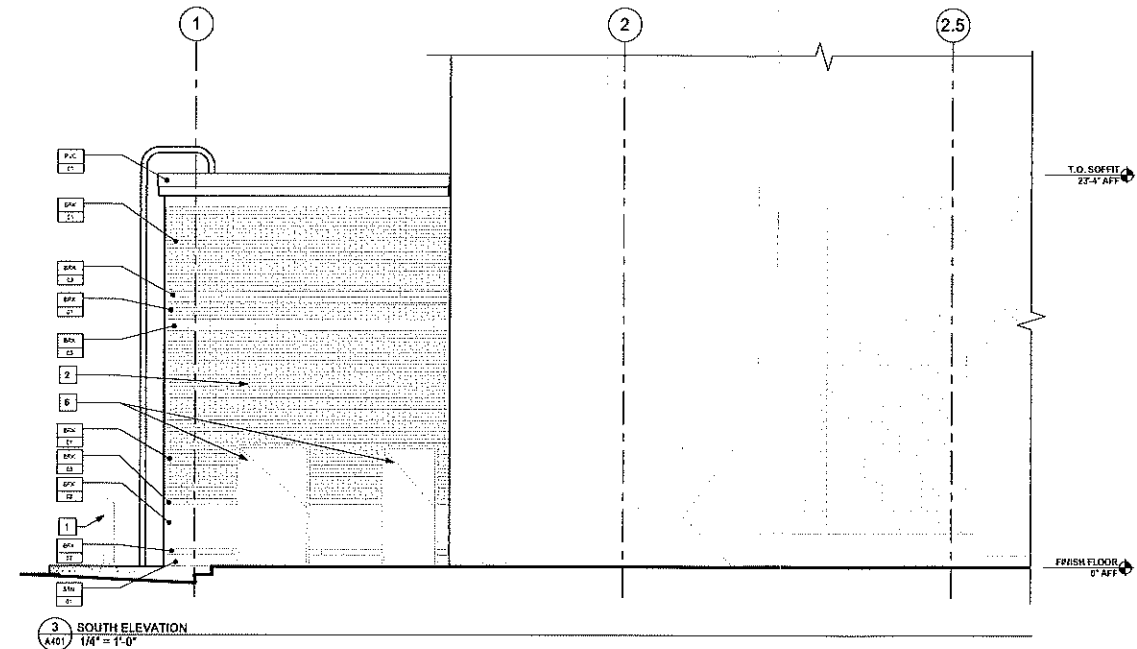
**FINISH NOTES**

- 1 EXISTING BOLLARDS TO REMAIN.
- 2 EXISTING EXTERIOR WALLS AND FINISHES TO REMAIN, TYP.
- 3 NEW METAL FRAMED FABRIC AWNING INSTALLED BY TENANT. EXISTING DOOR TO REMAIN.
- 4 ZONE OF NEW EXTERIOR PLYWOOD SHEATHING FOR FUTURE TENANT SIGNAGE. (SHOWN AS 8'-6" X 19'-0")
- 5 AREA OF PREVIOUS LIGHT FIXTURE LOCATION. PATCH AND REPAIR DAMAGED MASONRY AS REQUIRED TO MATCH EXISTING ADJACENT WALL FINISH.
- 6 EXISTING DOOR AND FINISHES TO REMAIN.

**EQUIPMENT LEGEND**



WS - 1 - EXISTING WALL SCONCE LIGHT FIXTURE TO BE RELOCATED.



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& ASSOCIATES, LTD.  
14015240710  
31 Howard Street  
Franklin, Massachusetts 01916  
www.hfa.com

**REGULATION COMPLIANCE**  
This drawing was prepared in accordance with the requirements of the Massachusetts State Board of Building, Fire and Mechanical Inspectors (BFBM) and the National Fire Protection Association (NFPA) codes. The contractor is responsible for obtaining all necessary permits and ensuring compliance with all applicable codes and regulations.

**CHESTNUT HILL SQUARE**  
Store Number: BUILDING C - TENANT #100  
200 BOYLSTON STREET  
NEWTON, MA 02467  
JOB NUMBER: 4017-2400

**ISSUE BLOCK**

NO.	DATE	DESCRIPTION

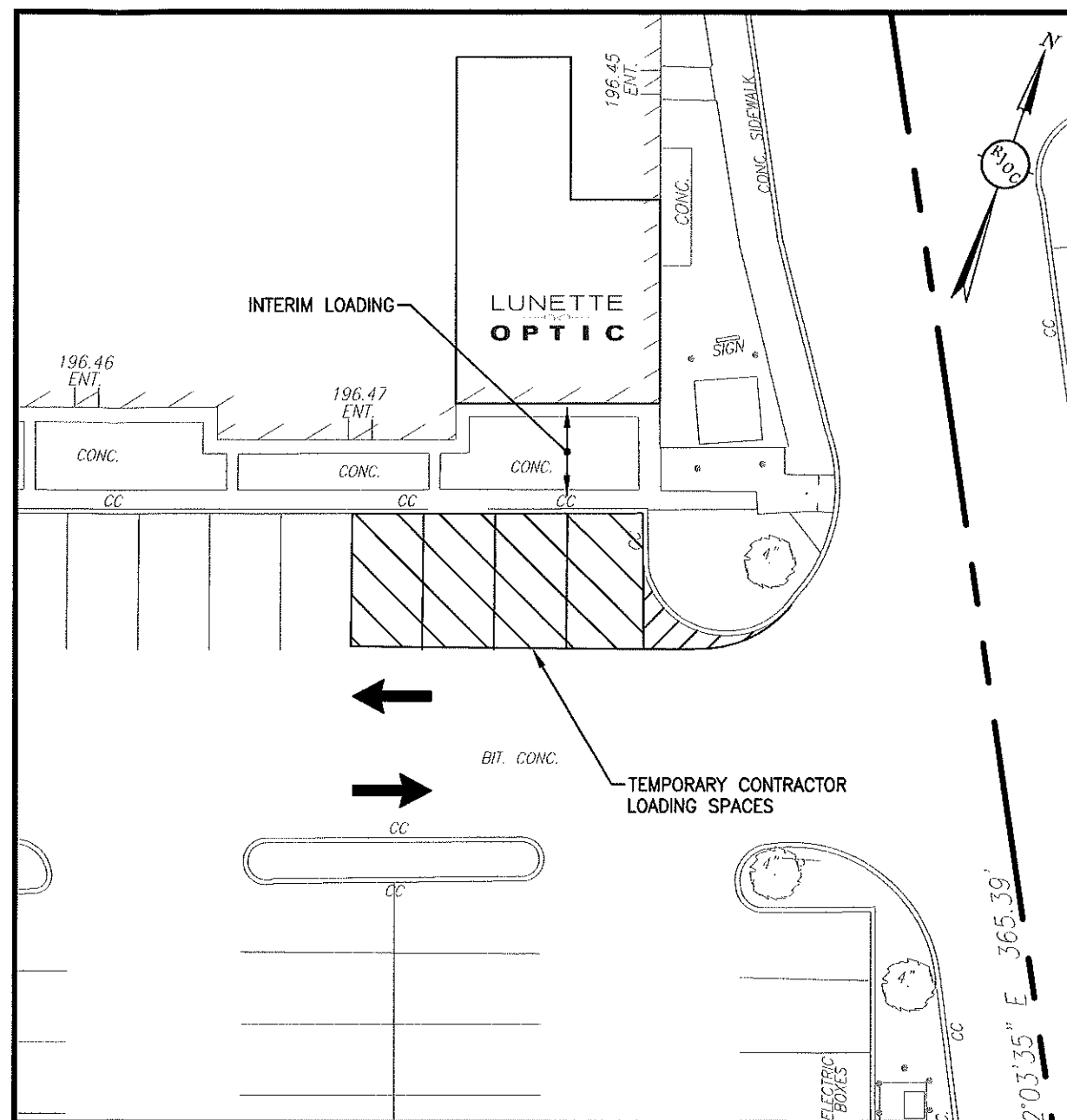
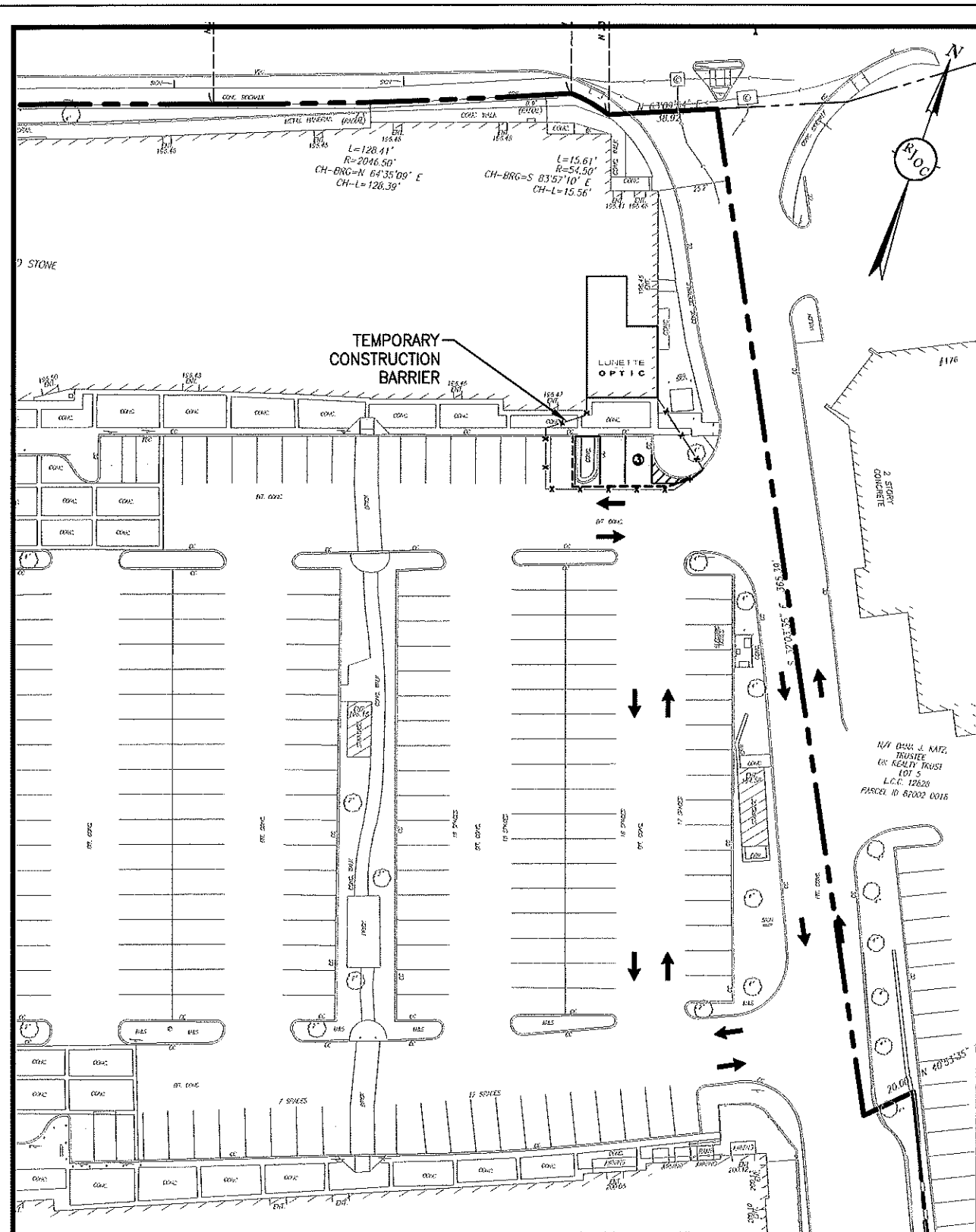
CHECKED BY: Checker  
DRAWN BY: Author  
DOCUMENT DATE: 9-15-2017

NOT FOR CONSTRUCTION

EXTERIOR ELEVATIONS  
SHEET: **A401**

07/2017/11/15/2017  
Chestnut Hill Square  
200 Boylston Street  
Newton, MA 02467  
Job Number: 4017-2400





Designed by: SPG  
 Drawn by: RJK  
 Checked by: SPG  
 Scale: 1"=50'  
 Date: 08/24/2017

Prepared For:  
**New England**  
 DEVELOPMENT  
 75 PARK STREET  
 BOSTON, MA 02116  
 617-866-8700

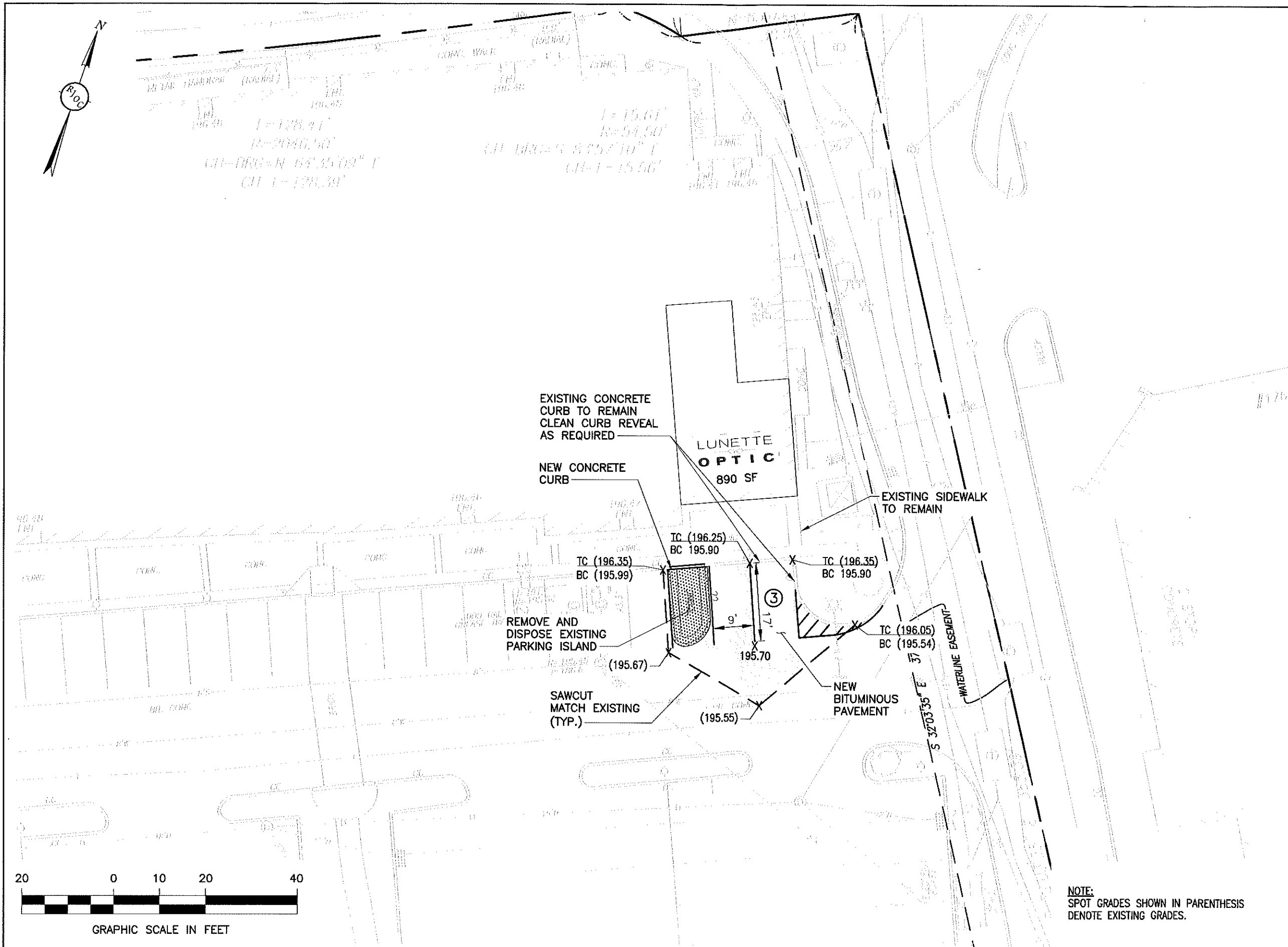
Prepared By:  
**RJO'CONNELL  
& ASSOCIATES, INC.**  
 CIVIL ENGINEERS, SURVEYORS  
& LAND PLANNERS  
 80 MONTAILE AVE  
 STORINGHAM, MA 02180  
 PHONE: 781 278-0180  
 FAX: 781 278-0173

Project Name:  
**CHESTNUT HILL SQUARE  
LUNETTE OPTIC  
NEWTON, MA**

Drawing Name:  
**CONSTRUCTION  
SEQUENCING  
PLAN**

Drawing No.:  
**CS-1**

Project No.:  
**16087**



Designed by: SPG  
 Drawn by: RJK  
 Checked by: SPG  
 Scale: 1"=20'  
 Date: 08/24/2017

Prepared For:  
**NewEngland**  
 DEVELOPMENT  
 76 PARK STREET  
 BOSTON, MA 02116  
 617-966-8700

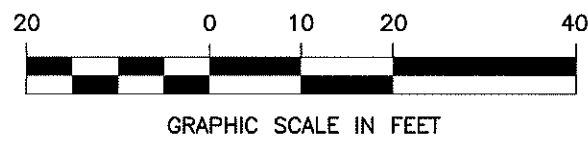
Prepared By:  
**RJO'CONNELL & ASSOCIATES, INC.**  
 CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS  
 80 MONTVALE AVE  
 STORSHAM, MA 02180  
 PHONE: (508) 278-0180  
 FAX: (508) 278-0112

Project Name:  
**CHESTNUT HILL SQUARE  
 LUNETTE OPTIC  
 NEWTON, MA**

Drawing Name:  
**SITE PLAN**

Drawing No.:  
**SP-1**  
 Project No.: 16087

**NOTE:**  
 SPOT GRADES SHOWN IN PARENTHESIS  
 DENOTE EXISTING GRADES.



**Consistency Determination**

Dated August 8, 2017

(see attached)

City of Newton



Setti D. Warren  
Mayor

## Inspectional Services Department

John D. Lojek, Commissioner  
1000 Commonwealth Avenue  
Newton Centre, MA 02459-1449  
Telephone: (617) 796-1060  
Fax: (617) 796-1086  
www.ci.newton.ma.us

Building/Zoning Inspectors  
(617) 796-1060  
Zoning Board of Appeals  
(617) 796-1065  
Plumbing and Gas Division  
(617) 796-1070  
Electrical Division  
(617) 796-1075  
TDD/TTY  
(617) 796-1089

August 8,, 2017

Timothy W. Sullivan, Esq.  
goulston&storrs, PC  
400 Atlantic Avenue  
Boston, MA 02110-3333

Re: Consistency ruling for additional level on garage and residential building changes to footprint.

Dear Mr. Sullivan:

I am in receipt of your request for a consistency ruling with regard to the addition of another (fifth) level on the existing garage and a slight change in the layout of the residential building (Phase 2). I have read your letters and attachments. This letter should serve as a cover letter to the facts as presented therein. I understand that the purpose of providing this additional parking is to provide relief during the construction of the proposed residential building. While the level will remain after the residential building is complete as it will also serve as additional parking for the center as a whole.

I find that the addition of a single additional level is not detrimental to the context of the neighborhood nor is it out of character with the center. The additional height is granted in the Special Permit #214-10 (2). This project is not in any way an expansion of the center for tenants or customers but rather a way to accommodate cars during construction and thereafter. I find the proposed project to be consistent with the intent and spirit of the original Special Permit, #214-10(2).

Sincerely,

John D. Lojek

cc: Barney Heath, Director of Planning and Development  
David Olson, Clerk of the City Council

*Strict code enforcement makes the city safer  
Before buying, renting or leasing check zoning*

March 23, 2017

VIA HAND DELIVERY

John Lojek  
Commissioner of Inspectional Services  
Newton City Hall, Room 202  
1000 Commonwealth Ave.  
Newton, MA 02459

Re: Chestnut Hill Square  
Consistency Determination and Minor Modification Approval; Residential Project

Dear Commissioner Lojek:

As you know, in connection with the Chestnut Hill Square mixed-use development project on Boylston Street in the City of Newton (the "Project"), the Board of Aldermen granted that certain Special Permit and Site Plan Approval #214-10(2) to NED Chestnut Hill LLC, an affiliate of CHS Commercial Owner LLC (the "Applicant"), in a decision dated December 6, 2010 (the "Special Permit").

The commercial component of the Project, including required parking ("Phase 1"), are complete and occupied at the present time. As you know, we have worked with the Planning Department to confirm that the conditions of the Special Permit relating to Phase 1 have been satisfied and Phase 1, as constructed, is consistent with the Special Permit.

The Applicant is now in a position to advance the previously-approved residential component of the Project ("Phase 2"), together with additional parking. Phase 2 is anticipated to include the construction of (i) a residential building containing up to 100 dwelling units, (ii) approximately 107 parking spaces in support of the residential building, and (iii) an additional level on the existing parking structure, with approximately 76 parking spaces. Upon completion, the Project will provide approximately 1,027 parking spaces. In anticipation of submitting a building permit application for the commencement of Phase 2, the following materials are enclosed for your review:

- Plan Set, including:
  - Existing Conditions
  - Overall Site Plan
  - Grade Plane Calculation
  - Site Plan
  - Grading and Drainage Plan
  - Utility Plan
  - Fire Truck Circulation Plan
  - Landscape Plan and Materials
  - Construction Sequencing Plans
  - Existing Parking Structure Addition Plan
  - Substitute Parking Structure Plans
  - Approved Residential Structure Plans
  - Existing Parking Structure Addition Elevation
  - Building Elevations
- Stormwater Memo
- Utilities Memo

- Traffic Letter
- Parking Summary Table, showing:
  - At full build out, a total of approximately 1027 proposed parking spaces, exceeding the Special Permit requirement to provide at least 932 parking spaces
  - The Project will maintain, at all times, at least 786 parking spaces, which complies with the minimum required by the Special Permit
  - The additional parking to be constructed in Phase 2 will help improve site operations and mitigate any potential congestion or inconvenience.

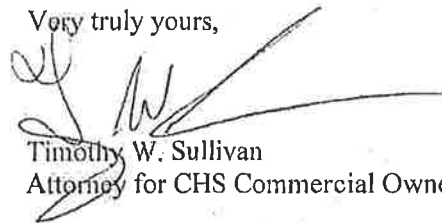
**The design, layout, utilities, traffic and related materials in support of the Project were fully reviewed and approved at the time of the issuance of the Special Permit. Accordingly, the materials itemized above and submitted herewith demonstrate that Phase 2 is consistent with previously reviewed and approved materials and the Special Permit.** As you will note, certain upgrades have been incorporated into Phase 2, including a slightly modified residential building footprint to improve the site layout and additional structured parking spaces in support of both the proposed residential building and the existing commercial components of the Project. To the extent such upgrades constitute minor modifications to the approved plans, the modifications are allowed pursuant to condition 18 of the Special Permit. The following bullets demonstrate that the plans submitted herewith, including any minor modification to the approved plan set, satisfy the criteria required for approval pursuant to Section 18 of the Special Permit:

- **MEPA** – The proposed minor modifications will not increase vehicle trips, impervious area, number of parking spaces or other reviewable area of impact beyond the thresholds requiring Massachusetts Environmental Policy Act (MEPA) review. Accordingly, the first criterion of Condition 18 is satisfied because the proposed minor modifications do not require further MEPA review.
- **Use/Parking** – The proposed minor modifications will not exceed the approved total commercial and residential uses approved for the Project (i.e., 245,000 square feet of commercial space and up to 100 residential units). Additionally, as demonstrated by the enclosed parking summary table and parking chart, the total parking to be provided will exceed the parking required by the Special Permit without the need to increase the 34% parking waiver applicable to the full build out. The 1,027 parking spaces to be provided at the Project exceeds the parking required (932 spaces) by the Special Permit. Accordingly, the second criterion of Condition 18 is satisfied because the proposed minor modifications constitute a reallocation or reconfiguration of square footage among commercial and residential uses already approved in the Project and an increase in the parking waiver granted by the Special Permit is not required.
- **Zoning Relief** – The proposed minor modifications are consistent with the zoning relief previously granted by the Special Permit, and the increased garage height is a category of relief granted or modified pursuant to the Special Permit. Accordingly, the third criterion of Condition 18 is satisfied because the proposed minor modifications do not require a new type of zoning relief (other than the categories of relief granted and/or modified pursuant to the Special Permit).
- **Open Space** – The amount of open space at the Project is maintained. Accordingly, the fourth criterion of Condition 18 is satisfied because the percentage of useable open space as shown in the approved plan set is not decreased.

John Lojek  
Page 3

We trust that this letter, together with the enclosed materials, completes your file to demonstrate (i) the consistency of Phase 2 with the Special Permit and prior submitted materials on file and (ii) the satisfaction of Condition 18 of the Special Permit to the extent you determine there are proposed minor modifications, such that a consistency finding by you is appropriate. We understand that you may seek an Advisory Opinion from the Land Use Committee to assist you in your review. Thank you for your attention to this matter and please feel free to contact me with any questions.

Very truly yours,

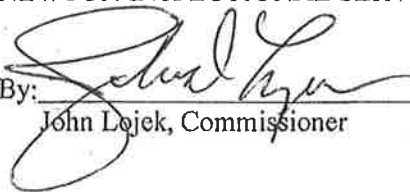


Timothy W. Sullivan  
Attorney for CHS Commercial Owner LLC

Enclosures

cc: John Twohig  
Michael Barelli

CONSISTENCY FINDING CONFIRMED:  
NEWTON INSPECTIONAL SERVICES DEPARTMENT

By:  8/8/17  
John Lojek, Commissioner

**Chestnut Hill Square**  
**Summary of Current & Anticipated Parking Supply**

<b>Construction Phase</b>	<b>Parking Supply</b>	<b>Required Spaces<sup>1</sup></b>	<b>Comply</b>
Current <i>Existing Program</i>	944	786	YES
Phase 1 (1 month) <i>Garage Steel Erection</i>	798	786	YES
Phase 2 (2-4 months) <i>Garage Fit-Out</i>	873	786	YES
Phase 3 (16 months) <i>Residential Building Construction</i>	920	786	YES
Post-Completion <i>Existing Program + 91 units</i>	1027	925	YES

1. Required Spaces based on development program noted above and applicable waivers per the Special Permit
2. Parking supply changes will be coordinated with Chestnut Hill Square shopping patterns





35 New England Business Center Drive  
Suite 140  
Andover, MA 01810-1066  
Office: 978-474-8800  
Fax: 978-688-6508  
Web: www.rdva.com

Ref: 7538

February 23, 2017

CHS Residential Owner LLC  
c/o Mr. Michael Barelli  
New England Development  
75 Park Plaza  
Boston, MA 02116

Re: The Residences at Chestnut Hill Square  
210 Boylston Street (Route 9)  
Newton, Massachusetts

Dear Michael:

Vanasse & Associates, Inc. (VAI) has completed a review of the current proposal by CHS Residential Owner LLC (the "Developer") to advance the previously-approved residential component of the Chestnut Hill Square mixed-use development located at 210 Boylston Street (Route 9) in Newton, Massachusetts (the "Project"). The residential component of the Project was included as a part of the overall development program that was approved by way of the December 6, 2010 Board Order issued by the City of Newton Board of Aldermen granting a Special Permit and Site Plan Approval for the Project, and the current development proposal is consistent with these approvals.

At the present time, the commercial component of the Project is complete and consists of approximately 242,028 square feet (sf) of commercial space, and encompasses the following specific land uses and supporting parking:

- 146,363 sf of retail and restaurant space
- 59,100 sf of medical office space
- 36,565 sf health club (including retail space)
- 944 parking spaces

At this time, the Developer plans to commence construction of an approximately 100-unit residential apartment building and to add 83 parking spaces to the overall parking supply, resulting 1,027 parking spaces at the completion of the residential building. Both the size of the residential building (100 units) and the proposed parking supply (1,027 spaces) are within the scope of the Project that was referenced in the Special Permit. We note that, while the total amount of commercial space that has been constructed is slightly less than that approved as a part of the Special Permit, the allocation of specific uses varies slightly from the mix of uses originally contemplated. Specifically, the health club component of the Project is slightly larger than originally contemplated, but also includes a retail component. The impacts associated with the minor adjustment in floor area are off-set by the reduction in the size of the other components of the Project.

CHS Residential Owner LLC  
c/o Mr. Michael Barelli  
February 23, 2017  
Page 2 of 2

A review of the Site Plan for the Project with the addition of the previously-approved residential building indicates that there are no changes to the internal circulation or parking layout that would alter traffic volumes, trip patterns, or the elements of the Project site access and off-site improvements that have been constructed to support the build-out of the Project as approved as a part of the Special Permit, which included the residential building.

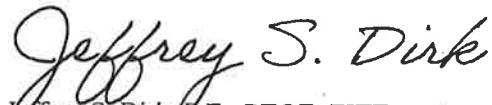
The 2016 Traffic Monitoring Program that was completed for the Project<sup>1</sup> concluded that the transportation system serving the Project site "...continues to function as designed and within accepted standards given current traffic volumes and flow patterns, and affords sufficient capacity to accommodate the planned construction of the residential component of the Project." The monitoring program indicated that the Project is generating lower traffic volumes on an average weekday and on a Saturday when compared to the traffic volume projections that were presented in the 2010 Supplemental Transportation Impact Assessment (STIA) that was prepared in support of the Project and which formed the basis of the roadway, intersection and traffic control improvements that were designed and constructed in conjunction with the Project. We note that the STIA reflected the development of a slightly smaller residential component than is currently proposed (91 units vs. 100 units); however, the resulting increase in peak-hour traffic volumes will be less than 5 vehicle trips and will not result in a material impact on motorist delays or vehicle queueing on the roadways or at the intersections serving the Project site.

In consideration of the above findings, we have concluded that the residential building and the associated modifications to the parking supply are consistent with the overall development program that was included in the Special Permit, and that there are no substantive changes to the Site Plan that would alter traffic volumes, trip patterns, or the elements of the Project site access and off-site improvements that have been constructed to support the build-out of the Project.

If you should have any questions regarding our review or the associated findings and conclusions, please feel free to contact me.

Sincerely,

VANASSE & ASSOCIATES, INC.



Jeffrey S. Dirk, P.E., PTOE, FITE  
Principal

JSD/jsd

cc: File

---

<sup>1</sup>Chestnut Hill Square 2016 Traffic Monitoring Program; VAI; October 7, 2016.



# RJO'CONNELL & ASSOCIATES, INC.

CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS

80 Montvale Ave., Suite 201  
phone 781-279-0180

Stoneham, MA 02180  
fax 781-279-0173

## Memorandum

Date: February 13, 2017  
To: John Twohig (NED)  
From: Stephen Glowacki  
Regarding: Chestnut Hill Square- Residential: Existing and Proposed Utilities

The proposed project consists of the construction of an approximately 141,600 square foot building including a 42,600 square foot parking structure beneath a 99,000 square foot residential building. The building will be approximately 86.5 feet high with a total of 100 units and 107 parking spaces. In addition, a level providing approximately 70 net new spaces will be added to the existing parking structure at the south side of the project. The following summarizes the existing and proposed utilities on site:

### Stormwater Management

#### Existing

Stormwater runoff from the existing, developed site sheet flows over pavement to existing catch basins, and is directed through pipes to one of several on-site subsurface detention systems, constructed as part of the recent shopping plaza development. The subsurface detention systems were previously designed to store and attenuate storm runoff from the existing site. The subsurface systems outlets to the existing 42-inch drain pipe in Florence Street.

#### Proposed

Stormwater runoff from the proposed redevelopment will be collected in roof drains and catch basins with deep sumps and hooded outlets, and directed to existing on-site subsurface detention systems, similar to existing conditions. Overall impervious cover of the watershed will be decreased by approximately 1,500 sf. With a reduction in impervious area, the existing stormwater management systems will have sufficient capacity and runoff from the overall site will be reduced. The following table summarizes the pre-redevelopment and post-redevelopment stormwater flows for the proposed building site.

Peak Rates of Discharge (cfs)			
Storm Event	Pre-Redevelopment	Post-Redevelopment	% Decrease
2-year	3.07	3.00	2.41
10-year	4.10	4.00	2.41
25-year	4.78	4.67	2.41
100-year	6.04	5.89	2.41

## **Sewer**

### Existing

An 8" gravity sewer line is located in the access driveway to the east of the proposed building. A 6" sewer stub was constructed during the previous overall site redevelopment and intended for future use by the proposed building. Sewer from all buildings on the overall site is collected in an 8" line on-site and flows south and eventually outlets to a sewer main in Florence Street.

### Proposed

Sewer from the proposed building will tie into the existing 6" sewer stub to the east. The proposed design flow is approximately 12,870 gallons per day (gpd). Sewer capacity analysis for the overall site, including design flows from the proposed building, was performed during permitting.

## **Water**

### Existing

An existing 12" water line runs along the north and west sides of the proposed building and extends to the south and off-site. An existing 8" water line ties into the 12" line at the southern corner of the proposed building and runs to the east.

### Proposed

The water line along the west side of the building will be relocated to the west to avoid the building foundation. New water service will be provided via a stub off of the existing 12" line to the north of the building. Based on 110% of the design sewer flow, the future water demand is approximately 14,160 gpd.

## **Electric**

### Existing

Currently, electric service is provided to the overall site via underground conduit and electric manholes. There is an existing electric manhole located near the northeast corner of the proposed building which connects conduits running along the site access driveway.

### Proposed

New electric service to the proposed building will be provided from the existing electric manhole at the east side of the building into the mechanical room at northeast corner of the building.

## **Gas**

### Existing

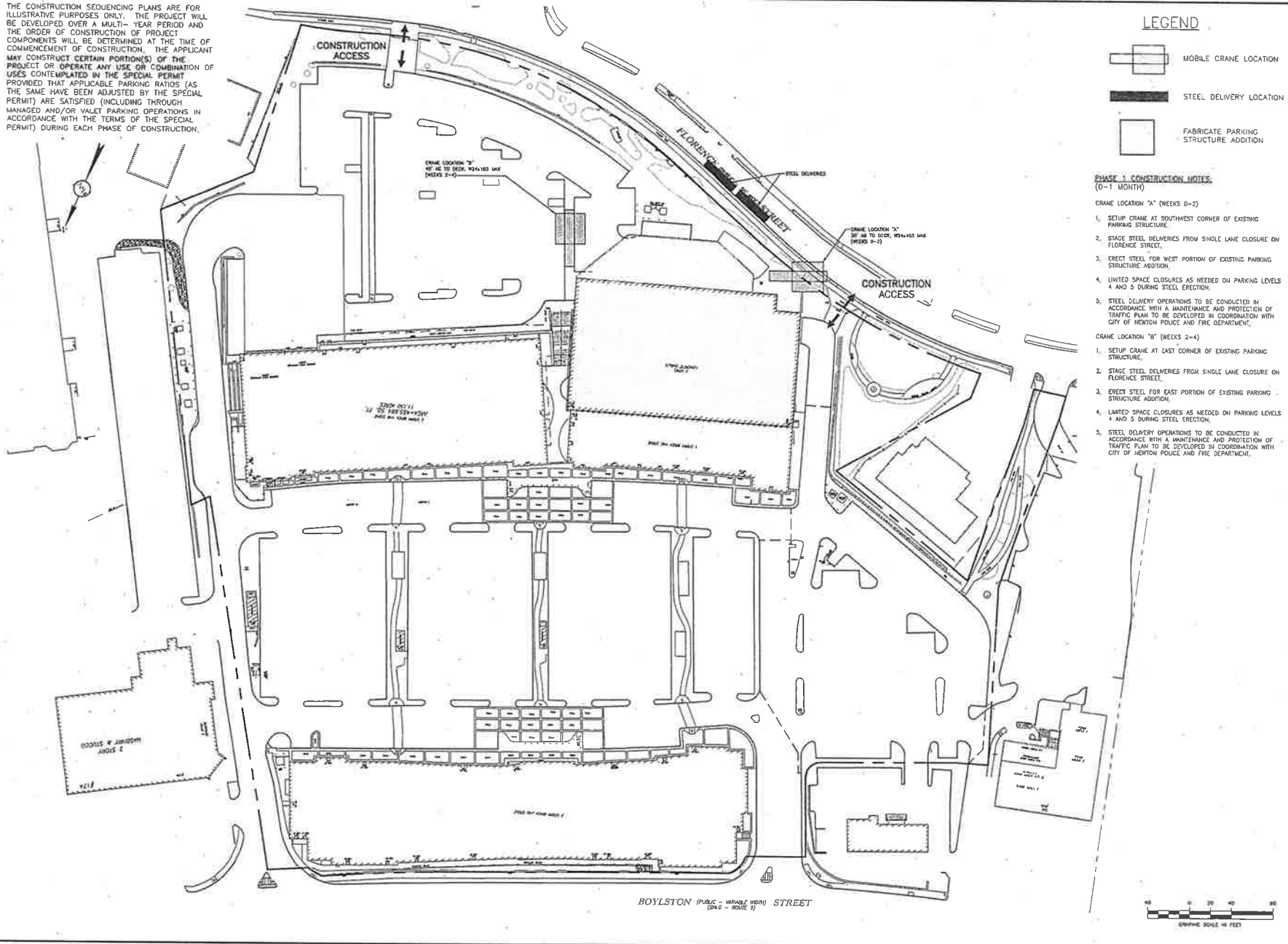
There is an existing gas line from Boylston Street that runs along the east side of the proposed building.

### Proposed

Gas service will be provided at the northeast corner of the proposed building via a new gas line stub from the existing gas line to the east.



THE CONSTRUCTION SEQUENCING PLANS ARE FOR ILLUSTRATIVE PURPOSES ONLY. THE PROJECT WILL BE DEVELOPED OVER A MULTI-YEAR PERIOD AND THE ORDER OF CONSTRUCTION OF PROJECT COMPONENTS WILL BE DETERMINED AT THE TIME OF COMMENCEMENT OF CONSTRUCTION. THE APPLICANT MAY CONSTRUCT CERTAIN PORTIONS OF THE PROJECT OR OPERATE ANY USE OR COMBINATION OF USES CONTEMPLATED IN THE SPECIAL PERMIT PROVIDED THAT APPLICABLE PARKING RATIOS (AS THE SAME HAVE BEEN ADJUSTED BY THE SPECIAL PERMIT) ARE SATISFIED (INCLUDING THROUGH MANAGED AND/OR VALET PARKING OPERATIONS IN ACCORDANCE WITH THE TERMS OF THE SPECIAL PERMIT) DURING EACH PHASE OF CONSTRUCTION.



**LEGEND**

- MOBILE CRANE LOCATION
- STEEL DELIVERY LOCATION
- FABRICATE PARKING STRUCTURE ADDITION

**PHASE 1 CONSTRUCTION NOTES:**  
(0-1 MONTH)

- CRANE LOCATION "A" (WEEKS 0-2)
1. SETUP CRANE AT SOUTHWEST CORNER OF EXISTING PARKING STRUCTURE.
  2. STAGE STEEL DELIVERIES FROM SINGLE LANE CLOSURE ON FLORENCE STREET.
  3. ERECT STEEL FOR WEST PORTION OF EXISTING PARKING STRUCTURE ADDITION.
  4. LIMITED SPACE CLOSURES AS NEEDED ON PARKING LEVELS 4 AND 5 DURING STEEL ERECTION.
  5. STEEL DELIVERY OPERATIONS TO BE CONDUCTED IN ACCORDANCE WITH A MAINTENANCE AND PROTECTION OF TRAFFIC PLAN TO BE DEVELOPED IN COORDINATION WITH CITY OF NEWTON POLICE AND FIRE DEPARTMENT.
- CRANE LOCATION "B" (WEEKS 2-4)
1. SETUP CRANE AT EAST CORNER OF EXISTING PARKING STRUCTURE.
  2. STAGE STEEL DELIVERIES FROM SINGLE LANE CLOSURE ON FLORENCE STREET.
  3. ERECT STEEL FOR EAST PORTION OF EXISTING PARKING STRUCTURE ADDITION.
  4. LIMITED SPACE CLOSURES AS NEEDED ON PARKING LEVELS 4 AND 5 DURING STEEL ERECTION.
  5. STEEL DELIVERY OPERATIONS TO BE CONDUCTED IN ACCORDANCE WITH A MAINTENANCE AND PROTECTION OF TRAFFIC PLAN TO BE DEVELOPED IN COORDINATION WITH CITY OF NEWTON POLICE AND FIRE DEPARTMENT.

DATE	12/11/17
SCALE	AS SHOWN
PROJECT	CHESTNUT HILL SQUARE
CLIENT	NEW ENGLAND DEVELOPMENT
DESIGNED BY	SPG
DRAWN BY	SAG
CHECKED BY	SPG
SCALE	1"=40'
DATE	03/23/2017

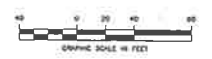
Designed by: SPG  
 Drawn by: SAG  
 Checked by: SPG  
 Scale: 1"=40'  
 Date: 03/23/2017

Prepared for:  
**NEW ENGLAND DEVELOPMENT**  
 75 PARK PLAZA  
 BOSTON, MA 02116  
 617-855-8700

Prepared by:  
**RJO'CONNELL & ASSOCIATES, INC.**  
 CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS  
 80 MONTVAIL AVE  
 STONEMAN, MA 02180  
 TEL: 781-378-0380  
 FAX: 781-378-0173

Project Name:  
**CHESTNUT HILL SQUARE**  
 NEWTON, MA  
 Drawing Name:  
**CONSTRUCTION SEQUENCING PLAN: PHASE 1**

Drawing No.:  
**CS-1**  
 Project No.: 16087



BOYLSTON (PUBLIC - VARIABLE WIDTH) STREET  
 (SHA - ROUTE 9)

Project name: C:\MSD\Projects\New England Development\16087\_08\_CS-1\_Construction Sequencing Plan.dwg  
 Date: 03/23/2017 10:18:30am

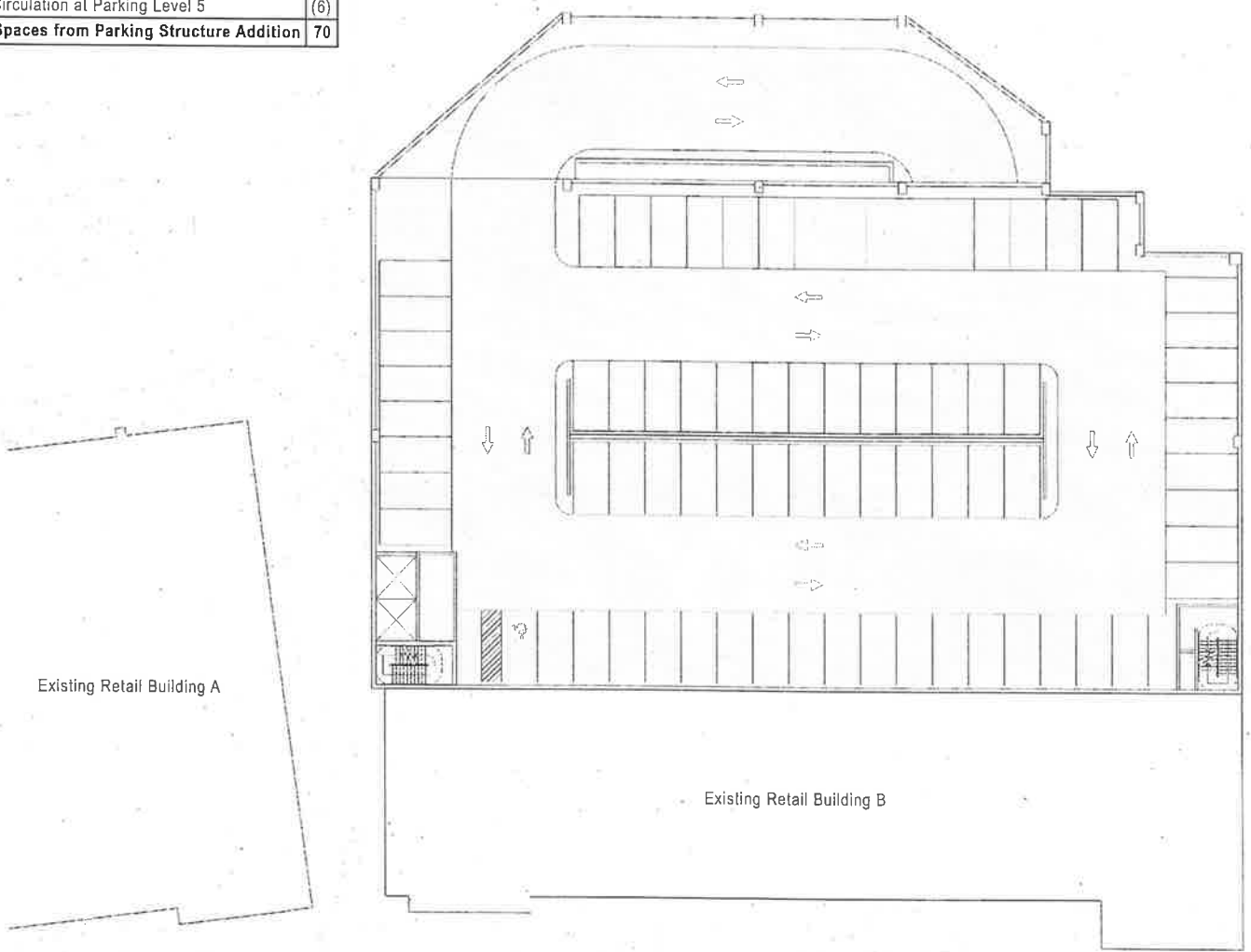








Spaces at Parking Structure Addition	76
Spaces Lost to Circulation at Parking Level 5	(6)
<b>Net Additional Spaces from Parking Structure Addition</b>	<b>70</b>



Chestnut Hill Square  
 Newton, MA

**NEW ENGLAND DEVELOPMENT**  
 75 PARK PLAZA  
 BOSTON, MA 02110  
 617.585.8700

Progress Print  
 NOT FOR CONSTRUCTION

Project No.	11059.01
Project Name	EXISTING PARKING STRUCTURE ADDITION
Client	HTS
Architect	BOC
Design Date	10 March 2017
Scale	AS SHOWN
Drawn By	
Checked By	
Approved By	

Existing Parking Structure Addition Plan

**A-100**

Chestnut Hill  
 Square  
 Newton, MA

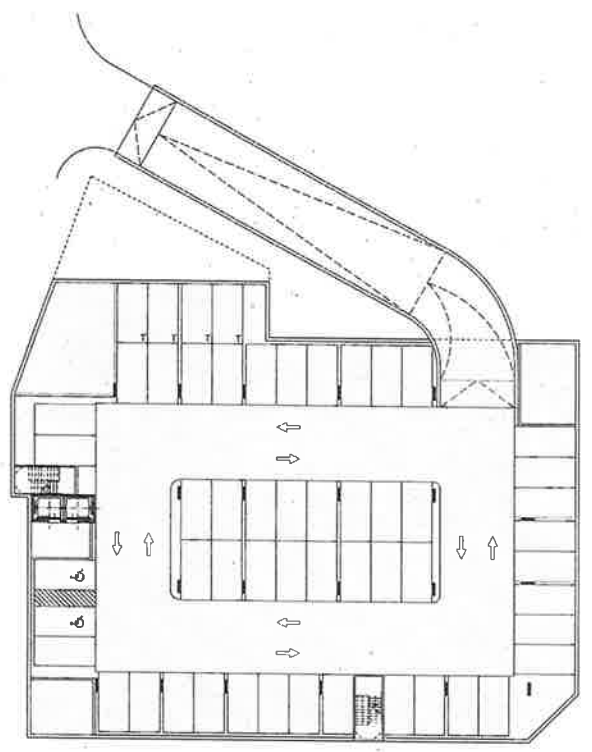
**Building Summary**  
**107 Total spaces**

**NEW ENGLAND  
 DEVELOPMENT**  
 75 PARK PLAZA  
 BOSTON, MA 02115  
 617.893-6700

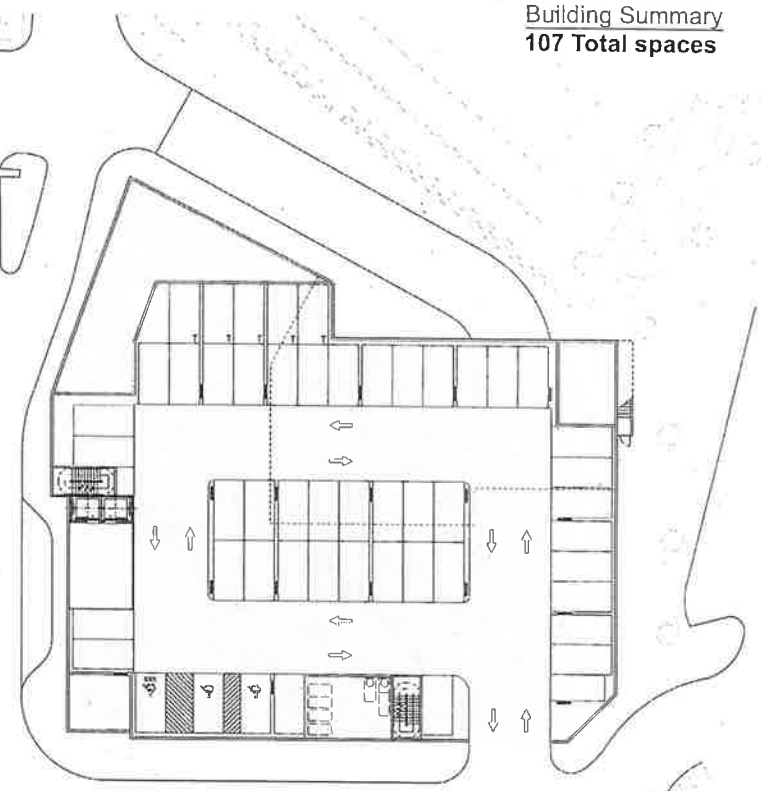
Progress Print  
 NOT FOR  
 CONSTRUCTION

Month	NG
Availability	BOC
Approval	NTS
Approval	10 March 2017
Project No.	11059.01
Rev.	001
Rev.	002
Rev.	003
Rev.	004
Rev.	005
Rev.	006
Rev.	007
Rev.	008
Rev.	009
Rev.	010

Substitute  
 Parking  
 Structure  
 Plans



Lower Level Parking Plan



Grade Level Parking Plan

**Building Summary**  
**100 Total units**

Chestnut Hill  
 Square  
 Newton, MA

**NEW ENGLAND  
 DEVELOPMENT**  
 15 PARK PLAZA  
 BOSTON, MA 02116  
 617-265-8700

Progress Print  
 NOT FOR  
 CONSTRUCTION

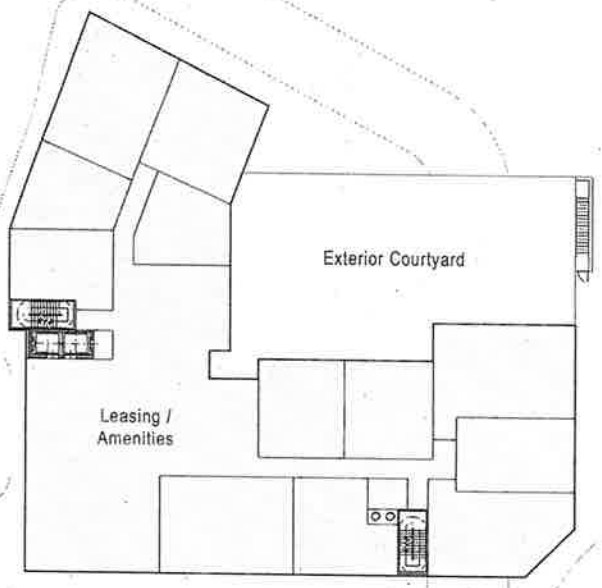
Architect	NG
Engineer	BOC
Inspector	NFS
Approval	16 March 2017

Project No: 11059.01

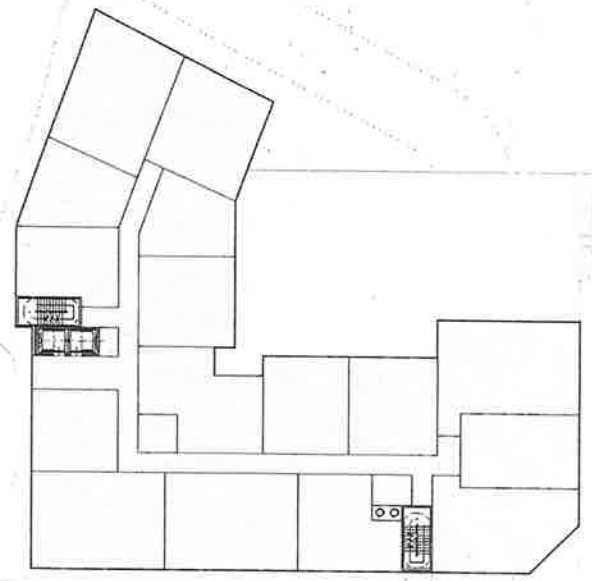
Rev	Description	By
1	ISSUE FOR PERMIT	EFB/ST
2	ISSUE FOR CONSTRUCTION	

Approved  
 Residential  
 Structure  
 Plans

**A-102**



First Floor Plan



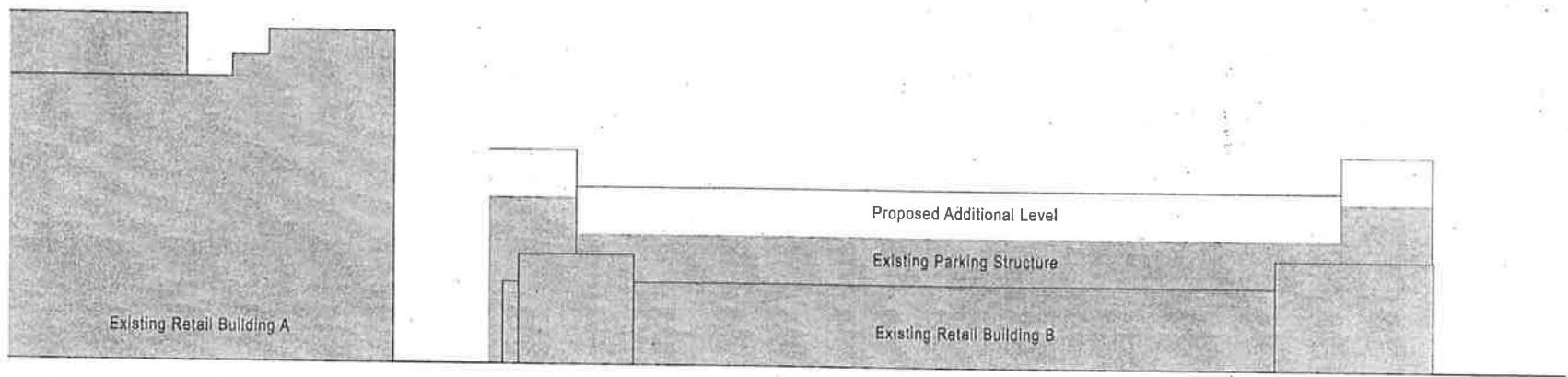
Typical Upper Floor Plan (Levels 2-6)

Chestnut Hill  
 Square  
 Newton, MA

**NEW ENGLAND  
 DEVELOPMENT**  
 78 PARK PLAZA  
 BOSTON, MA 02110  
 617-565-8700

Progress Print  
 NOT FOR  
 CONSTRUCTION

Project:	NG
Organization:	BOC
Project:	NTS
Revision:	10 March 2017
Quantity:	11059.00
Unit:	SQ FT
Category:	CONSTRUCTION



North Elevation

Existing  
 Parking  
 Structure  
 Addition  
 Elevation

**A-200**



**Consistency Determination**

Dated May 8, 2018

(see attached)

City of Newton



Ruthanne Fuller  
Mayor

## Inspectional Services Department

John D. Lojek, Commissioner  
1000 Commonwealth Avenue  
Newton, MA 02459  
[www.newtonma.gov](http://www.newtonma.gov)

Telephone  
(617) 796-1060  
Fax  
(617) 796-1086  
Email  
[ISD@newtonma.gov](mailto:ISD@newtonma.gov)

May 8, 2018

Goulston & Storrs, PC  
400 Atlantic Avenue  
Boston, MA 02110  
Attn: Timothy Sullivan

RE: Chestnut Hill Square

Dear Mr. Sullivan:

I am in receipt of your request for a consistency ruling for the conversion of the former loading dock space in the northeast corner of the site to allow an 890 sq. ft. tenant space. This conversion will have no impact on parking, as they will be adding 3 new spaces, nor any impact on the internal circulation of the lot. I find this request for conversion of the former loading dock to be consistent with the intent and purpose of the existing Special Permit.

I hope this serves your purposes. Please contact this office if we can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Lojek", written over a circular stamp.

John D. Lojek  
Commissioner

**Consistency Determination**

Dated March 7, 2023

(see attached)



City of Newton



Ruthanne Fuller  
Mayor

## Inspectional Services Department

John D. Lojek, Commissioner  
1000 Commonwealth Avenue  
Newton, MA 02459  
[www.newtonma.gov](http://www.newtonma.gov)

Telephone  
(617) 796-1060  
Fax  
(617) 796-1086  
Email  
[ISD@newtonma.gov](mailto:ISD@newtonma.gov)

March 7, 2023

John E. Twohig  
New England Development  
75 Park Plaza  
Boston, MA 02116

Re: New Charging stations at C.H. Square/ consistency ruling

Dear Mr. Twohig:

I am in receipt of your request for a consistency ruling for the addition of 12 new Super Charger Stations at the above property. The subject property is under the Special Permit #214-10(2), dated December 6, 2010, and the associated site plan.

The addition of the new charging stations will take up 12 spaces that were previously parking lot spaces. Under Special Permit #214-10(2) the development has sufficient parking, and these new stations will still operate as parking spaces, therefore the parking calculations will not change.

I find that the installation of 12 new Super Charger Stations is consistent with the meaning and intent of Special Permit #214-10(2) and may be installed.

I hope that this letter serves your purposes. Please contact this office if we can be of further assistance

Sincerely,

John D. Lojek

cc: Anthony Ciccariello, Deputy Commissioner ISD  
Jennifer Caira, Deputy Director Planning and Development

20 February 2013

---

# Chestnut Hill Square

Newton, Massachusetts

**City Filing Special Permit Application Submission  
Comprehensive Sign Plan, Tenant Signage**

PREPARED BY

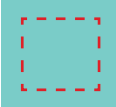
**ARROWSTREET**

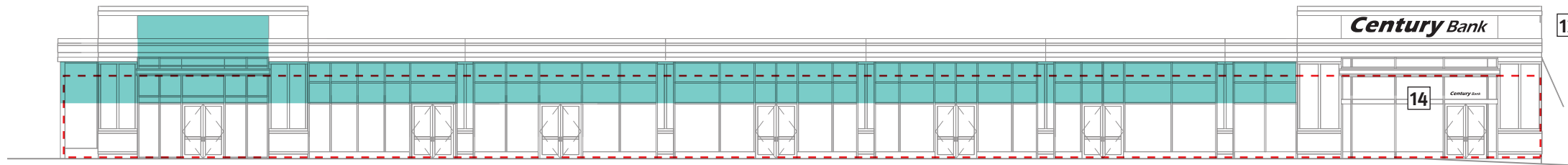
Architecture  
Urban Design  
Planning  
Graphics and Interiors

212 Elm Street  
Somerville MA 02144  
617-623-5555  
www.arrowstreet.com

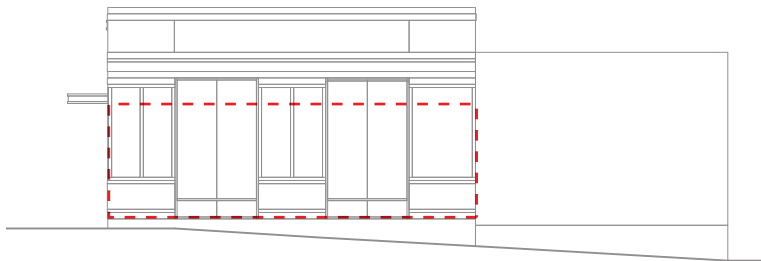
APPLICANT

**NewEngland**  
DEVELOPMENT  
phone 617-965-8700 - fax 617-243-7329

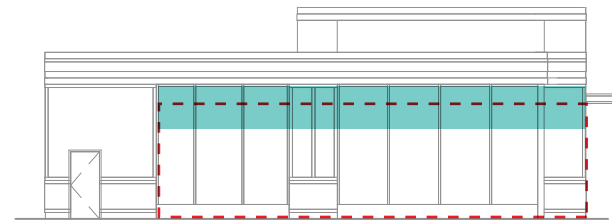
	SIGN	TENANT	SIGN AREA	NOTES	SIGN DESCRIPTION	COMPLIANCE WITH SPECIAL PERMIT
<b>Retail B</b>	13	Century Bank	40 SF	As-of-Right Principal Wall Sign	Externally illuminated channel letters with red faces	✓
	14	Century Bank	4 SF	As-of-Right Secondary Sign	Internally illuminated channel letters with white faces	✓
		Permissible Sign Area		Principal wall sign not to exceed 3sf per linear foot of frontage up to 100 sf per tenant; Secondary wall sign not to exceed 1 sf per linear foot of frontage up to 50 sf per tenant; Windows with lettering/graphics occupying less than 25% of the area of the window through which they are visible and awning signs with lettering/graphics occupying less than 50% of the awning area may be displayed in this area		✓



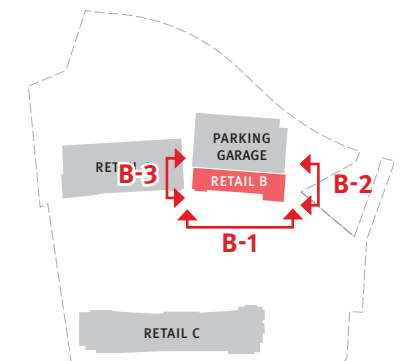
**B-1:** Retail Building B, North Elevation (View from Upper Parking Area towards Florence Street)  
scale: 1" = 20'-0"



**B-2:** Retail Building B, West Elevation (View from Capital Grille Parking Lot)  
scale: 1" = 20'-0"



**B-3:** Retail Building B, East Elevation (View from Interior Plaza between Buildings A and B)  
scale: 1" = 20'-0"



PREPARED BY

**ARROW STREET**

Architecture  
Urban Design  
Planning  
Graphics and Interiors

212 Elm Street  
Somerville MA 02144  
617.623.5555  
www.arrowstreet.com

APPLICANT

**NewEngland**  
DEVELOPMENT  
phone 617-965-8700 - fax 617-243-7329

PROJECT **Chestnut Hill Square // Comprehensive Sign Plan, Tenant Signage**

LOCATION **NEWTON, MA**

SCALE **AS NOTED**

JOB NO. **09057**

DATE **20 FEBRUARY 2013**

SHEET