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Barney Heath
Director

STAFF MEMORANDUM

Meeting Date: **Wednesday, May 8, 2024**

DATE: May 2, 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. 2086-2098 Commonwealth Avenue – Mayani Dental

PROJECT DESCRIPTION: The property located at 2086-2098 Comm. Ave. is within a Business 1 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, internally illuminated, with approximately 22 sq. ft. of sign area on the northern façade facing Commonwealth Avenue.

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 exceeding, and on this façade of 100 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is not exceeding.

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

2. 309-321 Walnut Street – George Howell Coffee

PROJECT DESCRIPTION: The property located at 309-321 Walnut Street is within Business 1 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, externally illuminated, with approximately 16 sq. ft. of sign area on the eastern 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 16 feet, the maximum size of the sign allowed is 48 sq. ft., which the applicant is also not exceeding.

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

3. 417-427 Lexington Street – Milano Jewelry

PROJECT DESCRIPTION: The property located at 417-427 Lexington Street is within a Business 1 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, non-illuminated, with approximately 24 sq. ft. of sign area on the eastern façade facing Lexington Street.

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 20.25 feet, the maximum size of the sign allowed is 60 sq. ft., which the applicant is also not exceeding.

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

4. 188-192 Needham Street – Great Hill Dental

PROJECT DESCRIPTION: The property located at 188 Needham Street is within Mixed Use 1 district. The applicant is proposing to install the following signs:

1. One wall mounted principal sign, internally illuminated, with approximately 36 sq. ft. of sign area on the western building façade facing Needham Street.
2. One wall mounted secondary sign, internally illuminated, with approximately 36 sq. ft. of sign area on the southern building façade facing the side 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 35 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- The proposed secondary sign appears 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 45 feet, the maximum size of the sign allowed is 45 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of both principal sign and secondary sign as proposed.

5. 761-771 Beacon Street – Gibson Sotheby’s

PROJECT DESCRIPTION: The property located at 761-771 Beacon St is within a Business-1 district. The applicant is proposing the following signs:

1. One wall-mounted principal sign, non-illuminated, with approximately 22 sq. ft. of sign area facing Beacon Street.
2. One wall-mounted secondary sign, non-illuminated, with approximately 22 sq. ft. of sign area facing Sumner 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 35 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- The proposed secondary sign appears 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 45 feet, the maximum size of the sign allowed is 45 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of both principal sign and secondary sign as proposed.

6. 899 Washington Street – Eigen Nails & Spa

PROJECT DESCRIPTION: The property located at 899 Washington Street is within a Business 2 zoning district. The applicant is proposing to install the following signs:

1. Reface one free-standing principal sign, internally illuminated, with approximately 25 sq. ft. of sign area perpendicular to Washington Street.
2. One wall mounted secondary sign, non-illuminated, with approximately 30 sq. ft. of sign area on the southern building façade facing Washington Street.

TECHNICAL REVIEW:

- Free-standing sign is a reface of an existing free-standing sign.
- The proposed wall mounted secondary sign 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 34.5 feet, the maximum size of each sign allowed is 34.5 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the reface of the free-standing sign and the proposed secondary sign.

7. 1391-1397 Washington Street - Ninebark

PROJECT DESCRIPTION: The property located at 1391-1397 Washington Street is within a Business 1 zoning district. The applicant is proposing to install the following signs:

1. One wall mounted split principal sign, non-illuminated, with approximately 77 sq. ft. of sign area on the southern building façade facing Washington Street.
2. One perpendicular split principal sign, non-illuminated, with approximately 10 sq. ft. of sign area on the southern building façade perpendicular to Washington Street.

TECHNICAL REVIEW:

- Both the proposed split principal signs appear to be consistent with the dimensional controls specified in §5.2.8. 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.”* Per the Zoning Ordinance, two split principal signs are allowed, which the applicant is not exceeding, and on this façade of 78 feet, the maximum size of the total sign allowed is 100 sq. ft., which the applicant is also not exceeding.

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

8. 1197-1203 Walnut Street – Walnut Dental

PROJECT DESCRIPTION: The property located at 1201 Walnut Street is within a Business 1 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, externally illuminated, with approximately 3 sq. ft. of sign area on the eastern façade facing Walnut Street.

2. One wall mounted secondary sign, non-illuminated, with approximately 6 sq. ft. of sign area on the southern façade facing the driveway.

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 35 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- The proposed secondary sign appears 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 120 ft., the maximum size of the sign allowed is 50 sq. ft., which the applicant is also not exceeding.

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

9. 200-220 Boylston Street – Starbucks

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 14 sq. ft. of sign area on the northern 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.

10.1-27 Boylston Street – Pink Carrot

PROJECT DESCRIPTION: The property located at 1-55 Boylston Street is within a Business 4 zoning district and has a comprehensive sign package authorized by a special permit via Board Order # #70-24. The applicant is proposing to install the following signs:

1. One wall mounted split principal sign, internally illuminated, with approximately 30 sq. ft. of sign area on the western building façade facing side parking lot.
2. One perpendicular split principal sign, internally illuminated, with approximately 6 sq. ft. of sign area on the western building façade perpendicular to the side parking lot.

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 not exceeding, and on this façade of 23'-5", the maximum size of the sign allowed is 70 sq. ft., which the applicant is also 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." However, the wall mounted proposed sign is not consistent with the comprehensive sign package (attachment B).

Note from the applicant:

To UDC Members,

We have noticed an unintentional discrepancy in The Street Comprehensive Sign Package between the sign band that was most recently submitted for the northern portion of the West elevation of 27 Boylston Street (2024) and the sign band in this same area that was previously approved by the Urban Design Commission in 2022.

Given the location of the tenant below grade and beneath the overhang of the second-floor platform, the sign is affected by shadows and a lack of visibility at grade and we would like to respectfully request that we be allowed to revert back to the previously approved sign band for this area. We apologize that this was inadvertently changed as part of our most recent submission and appreciate your consideration of this request.

See below for the previously approved sign band, the most recently approved sign band, and the tenant's current proposal for a primary sign. Please feel free to reach out with any questions.

2022 UDC/Land Use Committee/City Council Approved Sign Band



STAFF RECOMMENDATION: Staff recommends approval of the perpendicular split principal sign as proposed. Staff encourages the applicant to revise the wall mounted split principal sign location, so it is consistent with the comprehensive sign package.

Design Review

1. 41 Washington Street

The project is located at 41 Washington Street on a 25,902 square foot parcel. The proposed development consists of 16 dwelling units. The applicant is seeking a Comprehensive Permit from the Zoning Board of Appeals.

Note from the applicant:

Following the December 13, 2023 UDC meeting on this matter, the development team revisited the design of the project to see if it could address concerns expressed by members of the ZBA, the UDC, and the Planning Department. These concerns related to open space, lot coverage, surface parking, stormwater, and massing, among others. Incorporating the existing structure into the design prevented the development team from making effective strides in most of those areas.

By removing the existing structure, however, the revised design:

- *moves the proposed building closer to Washington Street, thereby providing more separation with the neighbors to the rear;*
- *puts all the proposed parking inside the building;*
- *greatly increases the open space and landscaping options for the site;*
- *increases the side setbacks; and*
- *provides enhanced stormwater drainage.*

The revised design more than doubles the amount of proposed open space from what was originally proposed and eliminates all of the surface parking at the site. The rear setback has increased by over 27 feet from what was originally proposed. The revised design allows the retention of more of existing trees on site and provides a more meaningful vegetative buffer for the neighboring properties.

We feel that the revised design represents a marked improvement over the earlier iteration of the project, and that it addresses several of the concerns raised at our previous meetings with the ZBA and the UDC.

At the request of the Planning Department, the petitioner has been asked to present the project proposal to the UDC for consideration. The Planning Department encourages the UDC to review the project with regards to, but not limited to, the following: the proposed site plan; the building's design; bulk and massing; and relationship to context and the street.

III. Old/New Business

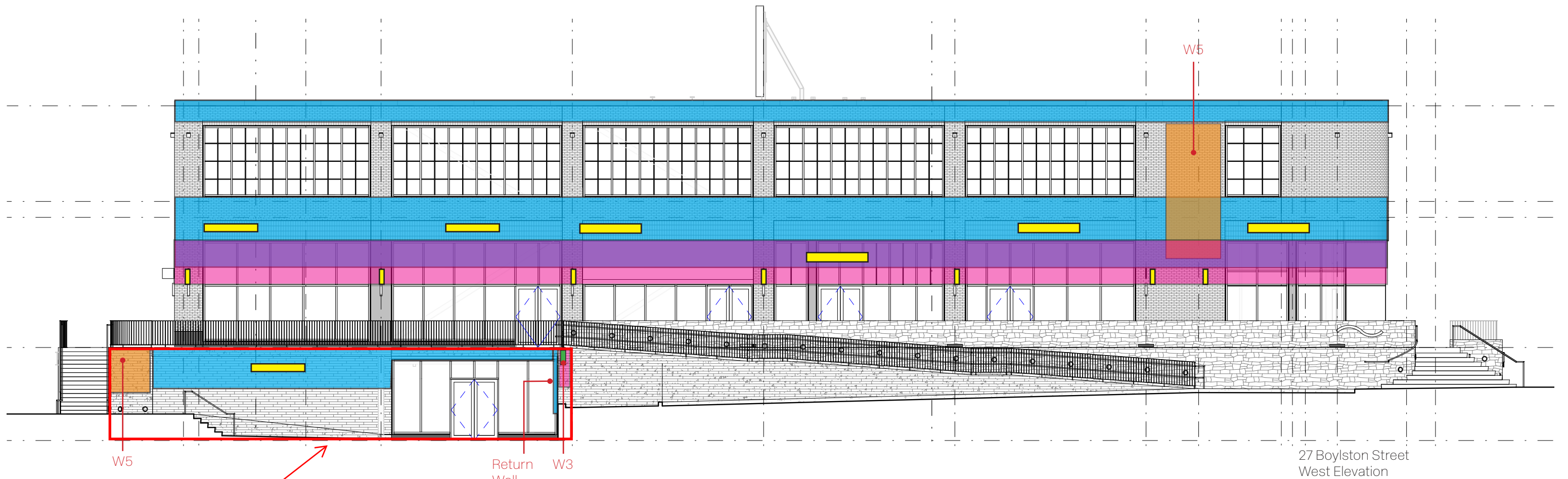
1. Approval of Minutes

Staff has provided draft meeting minutes from the April meeting that require ratification (Attachment D). Staff will email March meeting minutes before the meeting.

Attachments

- Attachment A – 1-27 Boylston Street Comprehensive Sign Package
- Attachment B – 200-220 Boylston Street – Comprehensive Sign Package
- Attachment C – 200-220 Boylston Street – Board Order
- Attachment D – Meeting Minutes 4/10/24 UDC meeting

THE STREET: CHESTNUT HILL
SIGNAGE PACKAGE



Pink Carrot Tenant Space



- Legend
- All Sign Band
 - Blade Sign Band
 - Tenant Sign: Conforming (Example/Provisional Location)
 - Tenant Sign by waiver (Provisional location)
- Green:
- W1 - Theatre Sign
 - W2 - Additional Principal Wall Sign - Pondsides Tenant
 - W3 - Secondary Sign
 - W4 - Canopy Sign
 - W8 - Upper Story Sign
- Wall areas for locating common signs
- Brown:
- W5 - Wall Directory Sign
 - W6 - Blade Panel & Column Capital Signs
 - W7 - Wall Panels

20 February 2013

Chestnut Hill Square

Newton, Massachusetts

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

PREPARED BY

ARROWSTREET

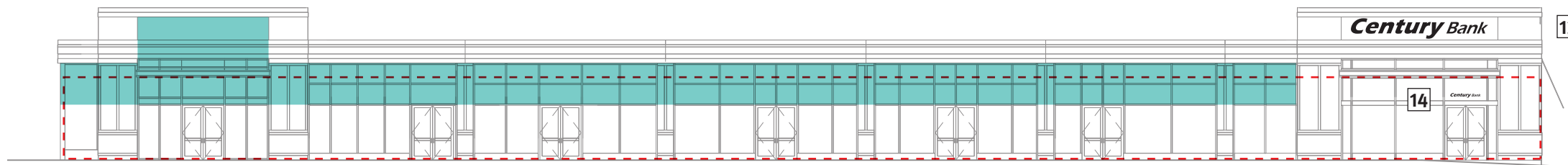
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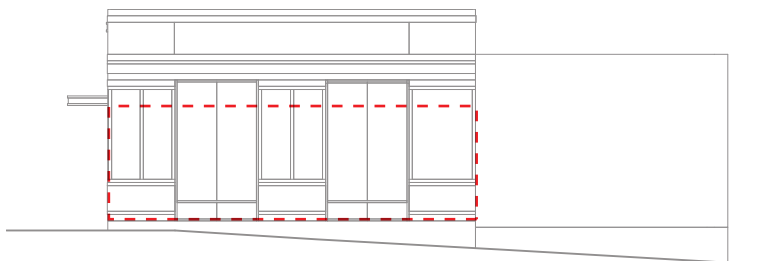
APPLICANT

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

	SIGN	TENANT	SIGN AREA	NOTES	SIGN DESCRIPTION	COMPLIANCE WITH SPECIAL PERMIT
Retail 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		✓



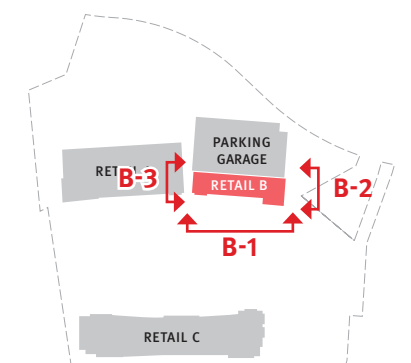
B-1: Retail Building B, North Elevation (View from Upper Parking Area towards Florence Street)
scale: 1" = 20'-0"



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

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

LOCATION **NEWTON, MA**

SCALE **AS NOTED**

JOB NO. **09057**

DATE **20 FEBRUARY 2013**

SHEET

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 19th, November 4th, November 23rd and November 30th, 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.

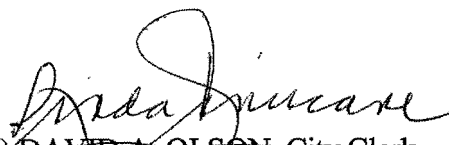
Under Suspension of Rules

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 A¹

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

¹ 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.

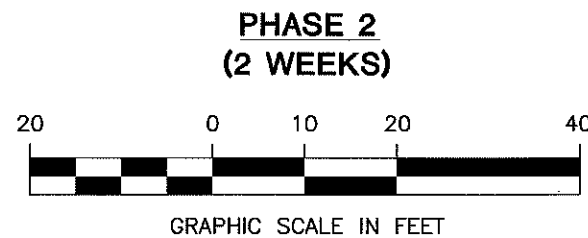
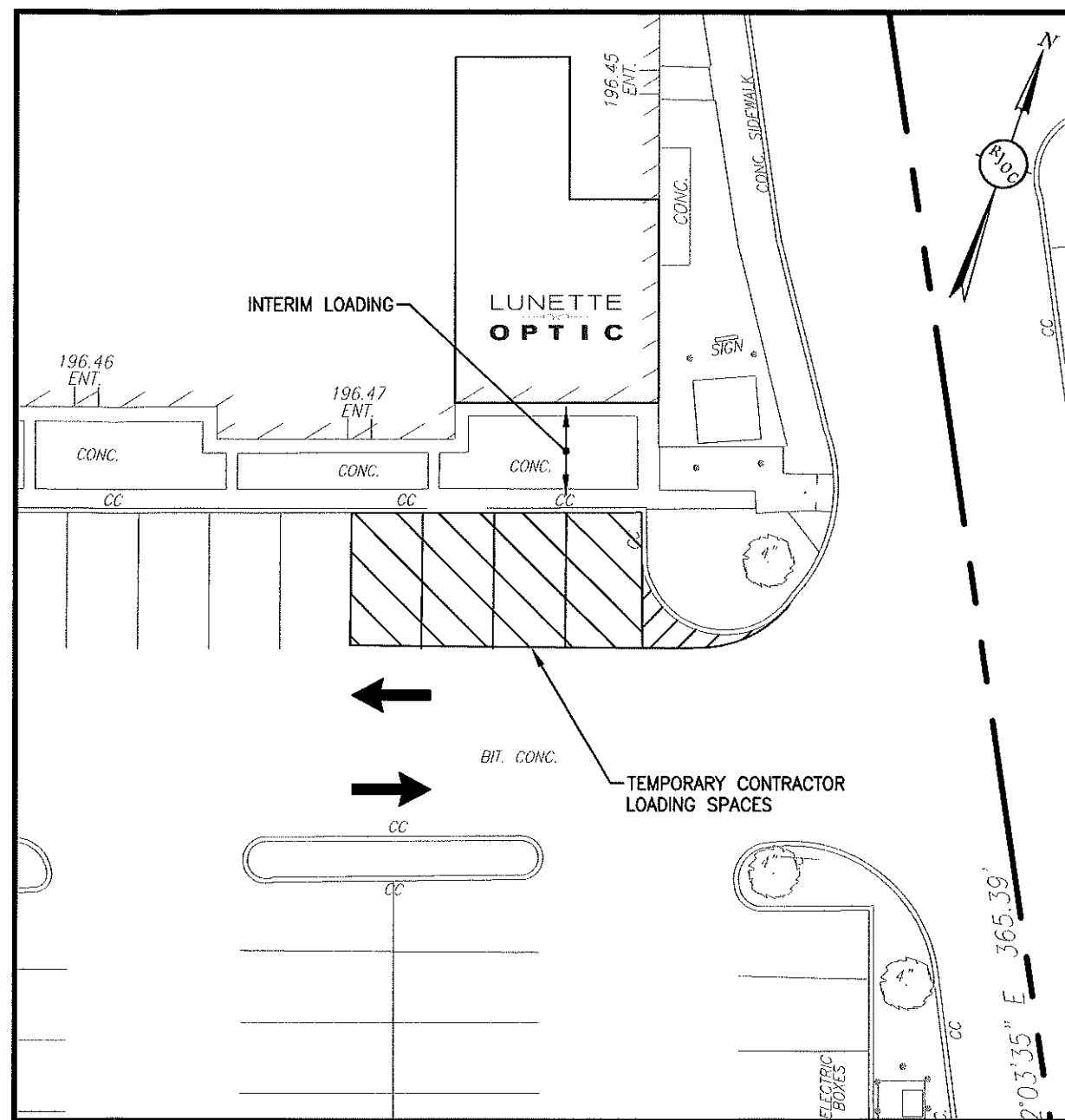
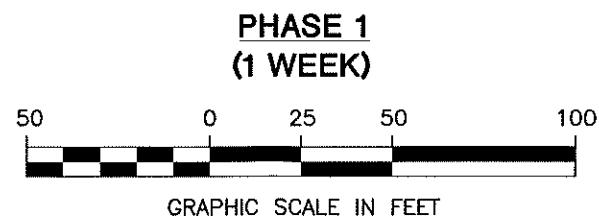
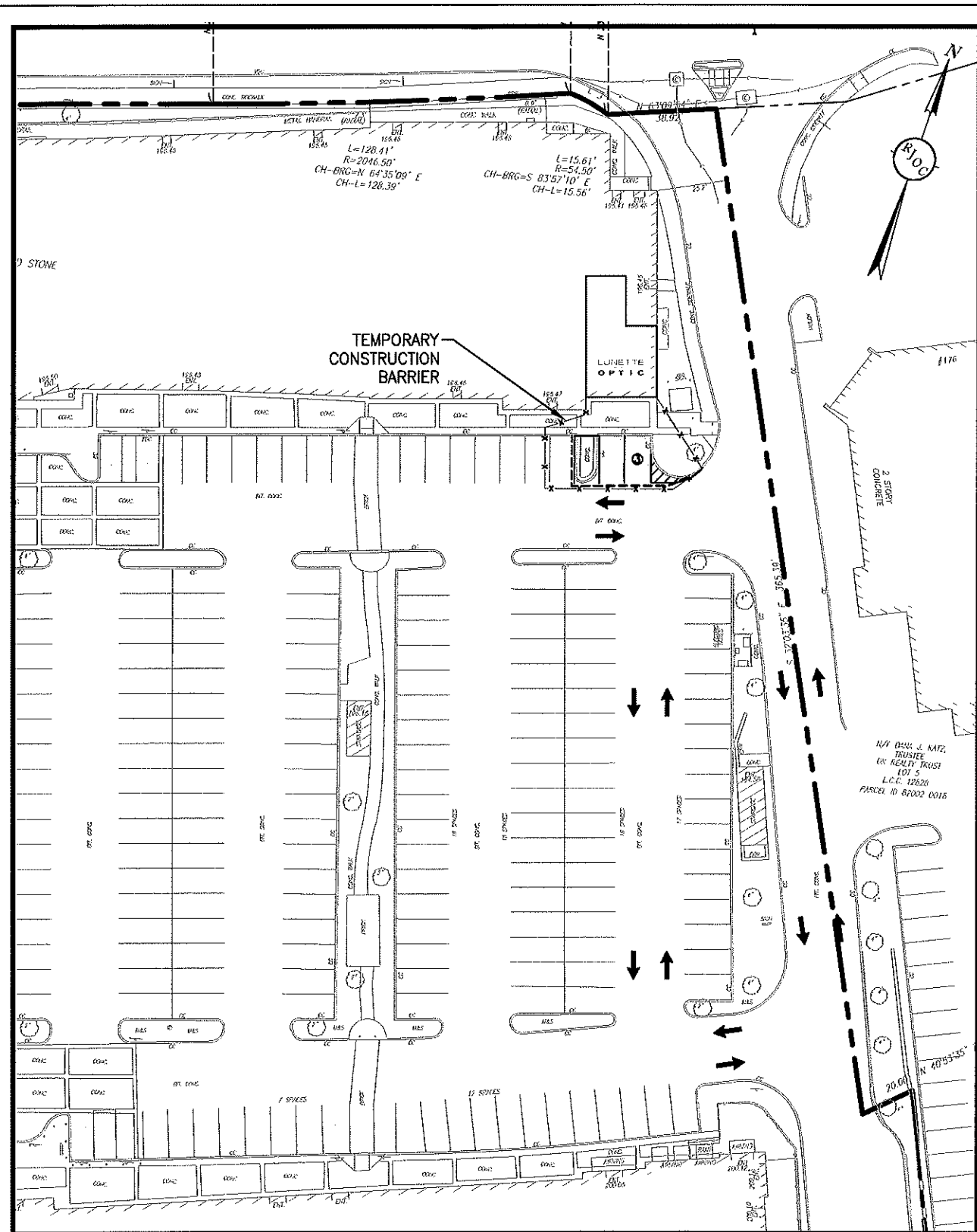
The traffic counts that form the basis of the Post Development Traffic Monitoring Program will be performed under average-month conditions while public schools are in regular session (April-June, September-October). The results of the Post Development Traffic Monitoring Program will be submitted to the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



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

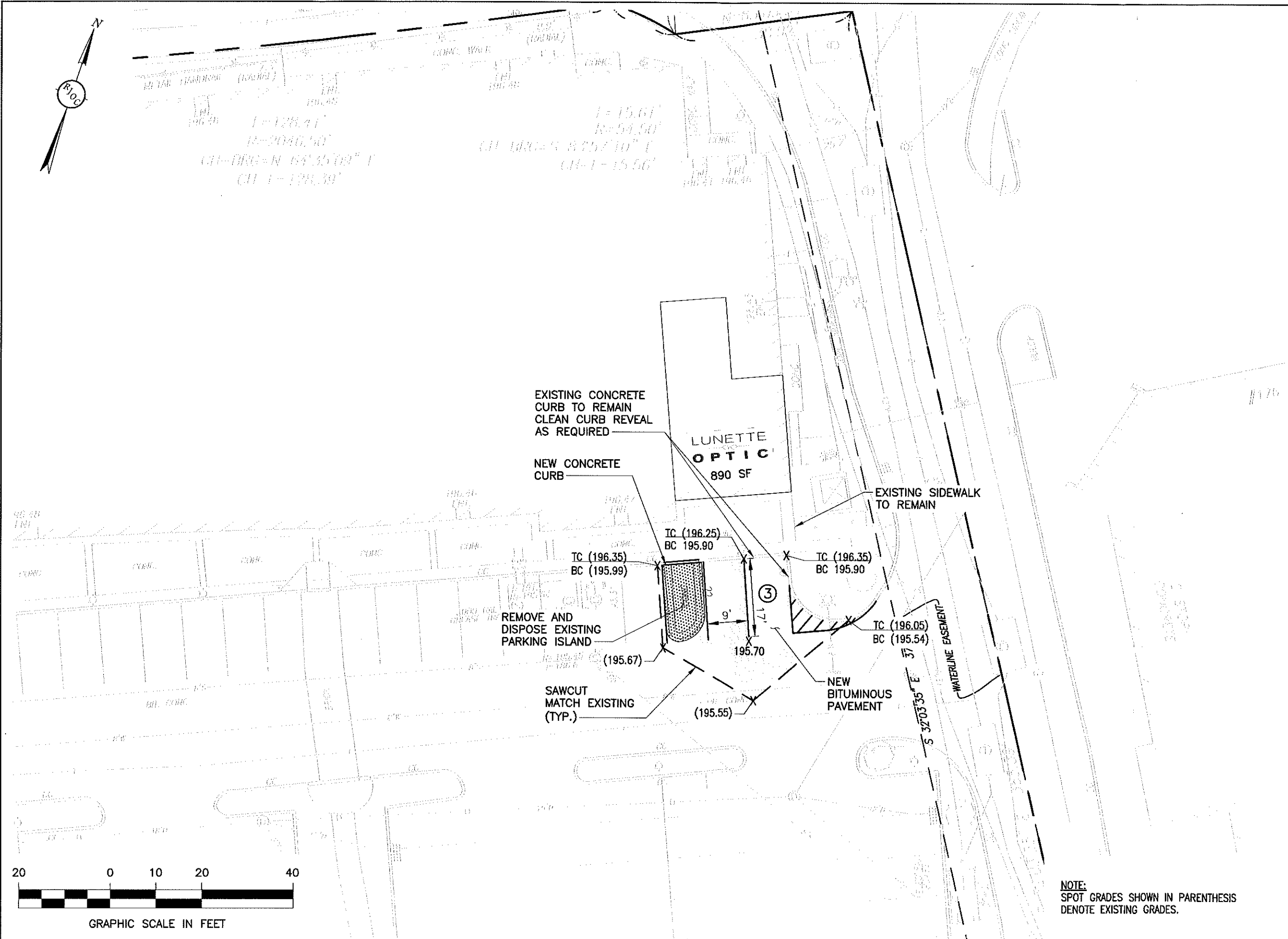
Prepared By:
RJO'CONNELL & ASSOCIATES, INC.
 CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS
 80 MONTAILE AVE
 STORINGHAM, MA 02180
 PHONE: 781 278-0180
 FAX: 781 278-0173

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

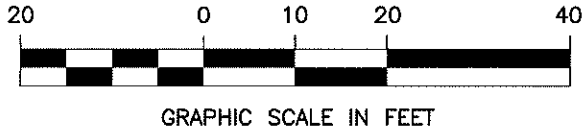
Prepared By:
RJO'CONNELL & ASSOCIATES, INC.
 CIVIL ENGINEERS, SURVEYORS & LAND PLANNERS
 80 MONTVALE AVE
 STORSHAM, MA 02180
 PHONE: (508) 278-0180
 FAX: (508) 278-0112

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.



Drawing name: G:\M\Newton\New England Development\Main\Lunette Optic\Panera SP-1 Site Plan.dwg
 Aug 23, 2017 11:59am

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.

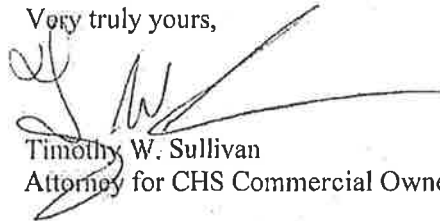
The design, layout, utilities, traffic and related materials in support of the Project were fully reviewed and approved at the time of the issuance of the Special Permit. Accordingly, the materials itemized above and submitted herewith demonstrate that Phase 2 is consistent with previously reviewed and 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

Construction Phase	Parking Supply	Required Spaces¹	Comply
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.

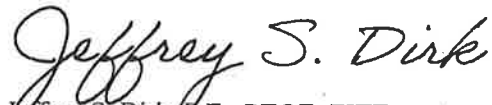
The 2016 Traffic Monitoring Program that was completed for the Project¹ concluded that the transportation system serving the Project site "...continues to function as designed and within accepted standards given current traffic volumes and flow patterns, and affords sufficient capacity to accommodate 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

¹Chestnut 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

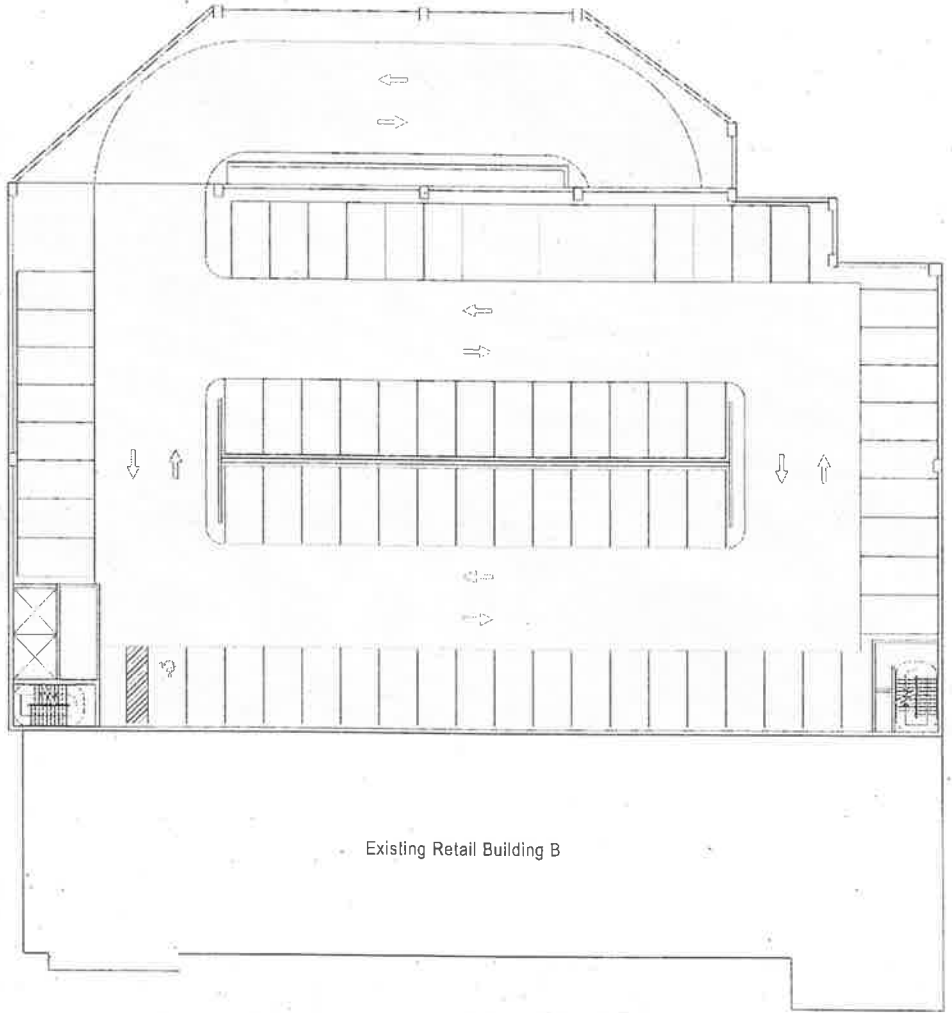
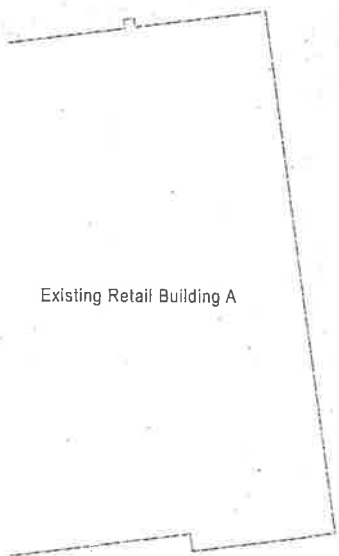
Existing

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.

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



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 RETAIL BUILDING B
Project Location	NEWTON, MA
Project Status	PROGRESS PRINT
Project Manager	
Project Architect	
Project Engineer	
Project Designer	
Project Checker	
Project Approver	
Project Date	10 March 2017
Project Scale	1/8" = 1'-0"
Project Notes	

Existing Parking Structure Addition Plan

Chestnut Hill
 Square
 Newton, MA

Building Summary
107 Total spaces

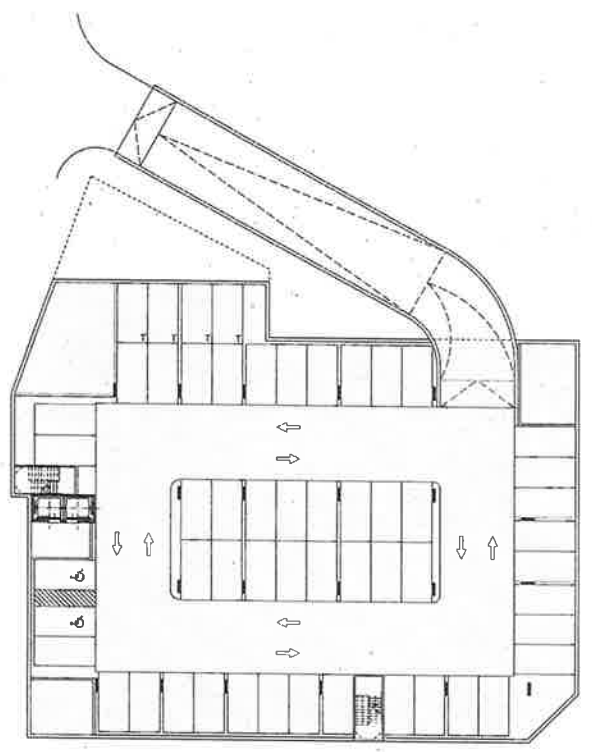
**NEW ENGLAND
 DEVELOPMENT**
 75 PARK PLAZA
 BOSTON, MA 02115
 617.893-6700

Progress Print
 NOT FOR
 CONSTRUCTION

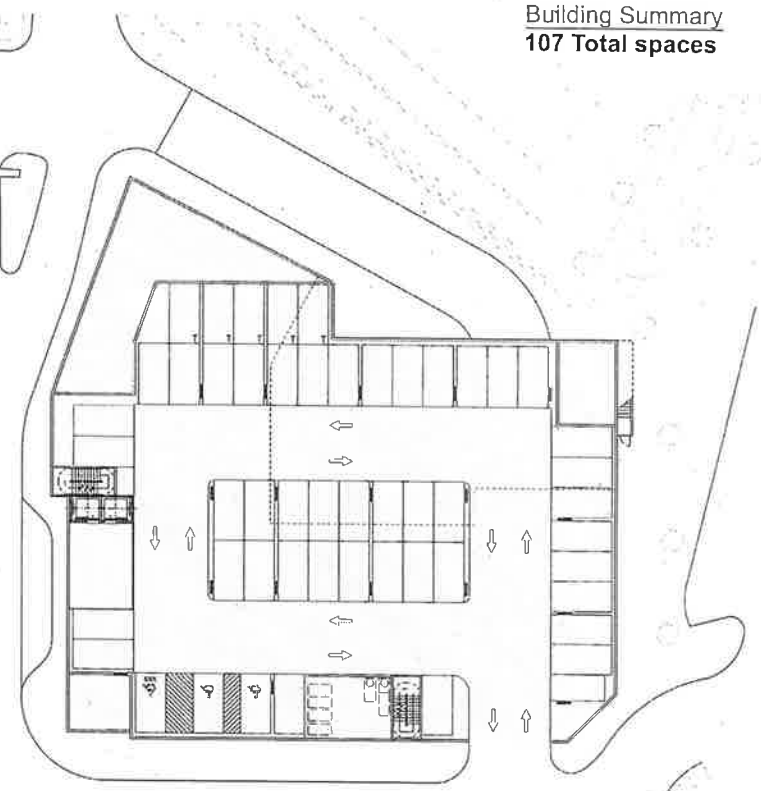
Month	NG
Availability	BOC
Approval	NTS
Approval	10 March 2017
Project No.	11059.01
Rev.	001
Rev.	002
Rev.	003
Rev.	004
Rev.	005
Rev.	006
Rev.	007
Rev.	008
Rev.	009
Rev.	010

Substitute
 Parking
 Structure
 Plans

A-101



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

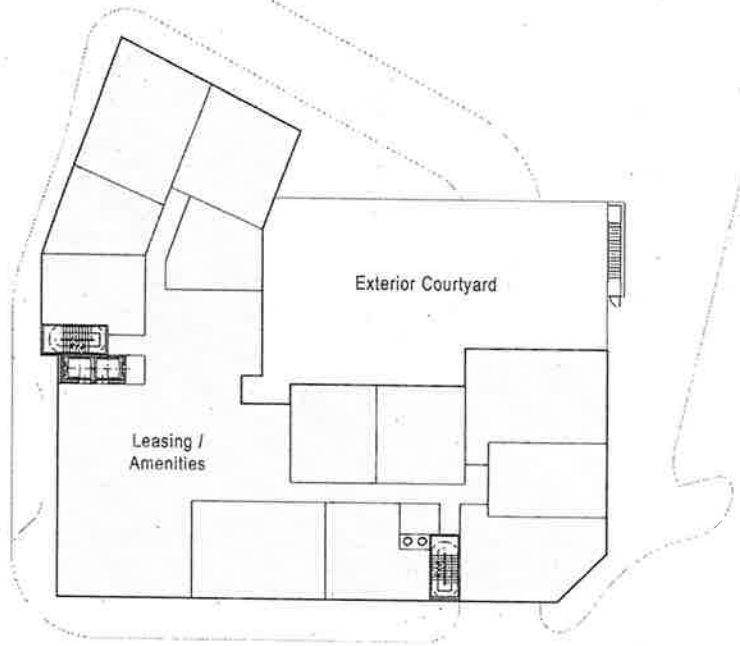
NO
 BDC
 NYS
 16 March 2017

11059.01

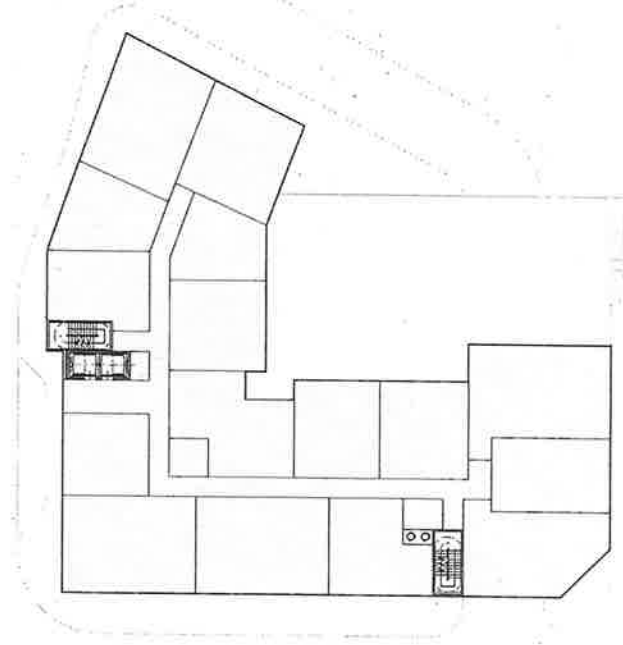
11/13/17

Approved
 Residential
 Structure
 Plans

A-102



First Floor Plan



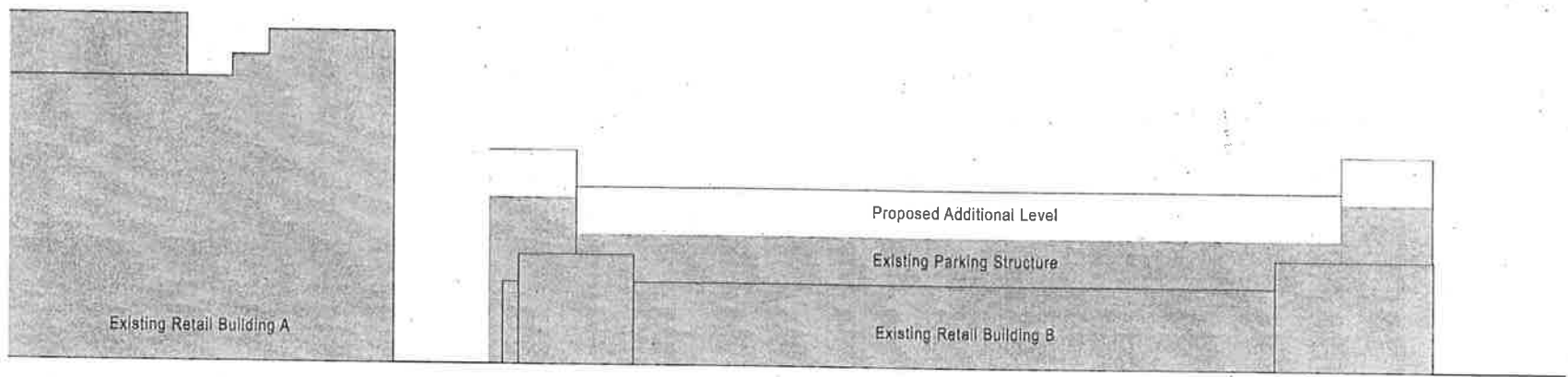
Typical Upper Floor Plan (Levels 2-6)

Chestnut Hill
Square
Newton, MA

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

Progress Print
NOT FOR
CONSTRUCTION

Project No.	NG
Designation	BOC
Revision	NTS
Issue Date	10 March 2017
Project Name	
Sheet No.	11059.01
Scale	AS SHOWN
Author	
Checker	
Approver	



North Elevation

Existing
Parking
Structure
Addition
Elevation

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

Telephone
(617) 796-1060
Fax
(617) 796-1086
Email
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

Telephone
(617) 796-1060
Fax
(617) 796-1086
Email
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



CITY OF NEWTON, MASSACHUSETTS

Urban Design Commission

MEETING MINUTES

A meeting of the City of Newton Urban Design Commission (UDC) was held virtually on Wednesday, April 10, 2024 at 7:00 p.m. via Zoom

<https://newtonma-gov.zoom.us/j/88948776741>

Ruthanne Fuller,
Mayor

Barney Heath,
Director
Planning & Development

Shubee Sikka,
Urban Designer
Planning & Development

Members
Michael Kaufman, Chair
Jim Doolin, Vice Chair
John Downie
William Winkler
Visda Saeyan

1000 Commonwealth Ave.
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The Chair, Michael Kaufman, called the meeting to order at 7:02 P.M.

I. Roll Call

Those present were Michael Kaufman (Chair), Jim Doolin, John Downie, and Bill Winkler. Shubee Sikka, Urban Designer, was also present.

II. Regular Agenda

Sign Permits

Mr. Kaufman asked if the Commission felt there were any applications they could approve without discussion. The Commission agreed to approve the following signs without discussion:

Sign Permits

2. 308-322 Walnut Street - Lorraine

Proposed Sign:

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

3. 130 Needham Street – Fox’s

Proposed Signs:

- One wall mounted principal sign, internally illuminated, with approximately 40 sq. ft. of sign area on the western façade facing Needham Street.
- 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.
- One wall mounted secondary sign, internally illuminated, with approximately 40 sq. ft. of sign area on the northern building façade facing Rockland Street.
- One window sign, non-illuminated, with approximately 9 sq. ft. of sign area on the western window.

MOTION: Mr. Kaufman made a motion to approve the signs at 308-322 Walnut Street – Lorraine, 130 Needham Street – Fox’s. Mr. Doolin seconded the motion,

and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, John Downie, Bill Winkler, and Jim Doolin in favor and none opposed.

1. 344-348 Walnut Street – Otto Pizza

Applicant/Representative:

Stuart Pitchel, SRP Signs
Eric Holstein
Martin Sorger

Proposed Signs:

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

Presentation and Discussion:

- Mr. Winkler commented that this sign design with small LED bulbs and is not appropriate for Newtonville. He believes that the sign has at least 50 individual light bulbs with no covering in front. Additionally, the background of the fixture is white metal. It was suggested by UDC the fixture could be dimmed but the issue is who controls the dimmer switch. Mr. Winkler is not in favor of this fixture and believes the regulations against exposed light bulbs (lamps) are valid and should be upheld.
- The Commission asked where are other locations with this kind of sign for this business? The applicant responded that the closest one is in Brookline, one in Lynnfield, Harvard Square, Arlington, Portland, more in Maine.
- Staff commented that she didn't realize that the bulbs are not covered. Staff looked at the ordinance and shared her screen to show the section of the ordinance that states that exposed illumination is allowed. Staff mentioned she will need to check with her colleagues about this. Staff checked with her colleagues after the meeting and found that the applicant will need to apply for a special permit to allow exposed illumination. Section 5.2.10.C. *"Any lighting of a sign shall be continuous and shall be either interior, non-exposed or exterior illumination. All illumination shall be of reasonable intensity and shielded in such a manner that all direct light falls on the sign or the wall to which it is affixed and does not shine onto any street or nearby property."*
- Mr. Kaufman asked what exposed means in this situation, is it for safety or visual reason? Staff responded she will need to check with her colleagues about what is allowed.
- Mr. Kaufman commented that he has the sign in Brookline and it's not very bright. The Commission could ask the applicant to put dimmers on the light. Mr. Winkler commented that there is always the question who will dim it?
- Mr. Kaufman and Mr. Doolin commented that they are okay with the sign.
- Martin Sorger commented that he is the designer of the signs and they have done others where they are internally illuminated with a constant light so it's not the marquee lights, and they have also done them a low lit. This is sort of the preferred brand version. Mr. Doolin commented that if there's an alternative that the applicant will be willing to do that is consistent with the ordinance, he would fully support that if it's HALO or another

option. Applicant responded HALO will not work in this situation since there's nothing to shine against. Mr. Kaufman commented that maybe there's a way of doing something, with LED or a string of LEDs and asked the applicant if there's a way of doing something so it is consistent with the ordinance?

- Mr. Winkler commented that it might be acceptable if there were a cover on it, because we don't want to see an all-white sign to begin with. If there were a cover that calmed down a little bit and then you would see all the dots of the lamps as little bit of ghosts behind it. So, you'd still get this little bit of a marquee look that you want it would be tamed down a bit. The applicant asked about the objection to the white. Mr. Winkler commented the objection is during the evening/night, it's bright white. Mr. Kaufman commented that typically objection is to white background, not white letters, these are just white letters, and he has no objection to them. Mr. Downie agreed with Mr. Kaufman.
- Applicant commented that these light bulbs come in various Kelvin temperatures, this can be a very warm light, so it's not white but it will be very warm, especially if it's dimmed a little bit. Applicant also commented that these bulbs are plastic and not glass so there shouldn't be any safety issue.

MOTION: Mr. Kaufman made a motion to approve the signs at 344-348 Walnut Street – Otto Pizza. Mr. Downie seconded the motion, and one opposed. All the members present voted, with a 3-1 vote, Michael Kaufman, John Downie, and Jim Doolin in favor and Bill Winkler opposed.

The Commission recommended approval on the **condition:**

- Bulbs are dimmable
- Kelvin temperature is on the warm side of the spectrum
- Contingent that the Commissioner finds it consistent with the ordinance. Staff checked with Chief Zoning Code Official, and she said that the applicant will need to apply for a special permit since the ordinance doesn't allow it. Applicant has indicated that they would like to apply for a special permit.

4. 71 Needham Street – AT&T

Applicant/Representative: Bryan Michener

Proposed Sign:

1. One wall mounted secondary sign, internally illuminated, with approximately 44 sq. ft. of sign area on the eastern building façade facing Needham Street (sign S1).
2. One wall mounted secondary sign, internally illuminated, with approximately 24 sq. ft. of sign area on the western building façade facing the rear parking lot (sign S2).

Presentation and Discussion:

- Staff summarized the review that was sent by email before the meeting:
 - The proposed secondary sign facing Needham Street appears to be not consistent with the comprehensive sign package. As per the sign package, the maximum size of the sign allowed is 37 sq. ft., which the applicant is exceeding, the maximum width of the sign allowed is the storefront width (30'-11") which the applicant is not

exceeding, and the maximum letter height allowed is 2 feet 3 inches which the applicant is not exceeding.

- The proposed secondary sign facing the rear parking lot appears to be not consistent with the comprehensive sign package. As per the sign package, the maximum size of the sign allowed is 12 sq. ft., which the applicant is exceeding, the maximum width of the sign allowed is the storefront width (30') which the applicant is not exceeding.
- The Commission commented that they have reviewed signs for AT&T a few months ago and recommended approval for the signs that were consistent with the comprehensive sign package and recommend the signs be consistent with the comprehensive sign package.

MOTION: Mr. Kaufman made a motion to recommend proposed signs for denial at 71 Needham Street. Mr. Winkler seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, Jim Doolin, John Downie, and William Winkler in favor of the denial and none opposed. The Urban Design Commission recommended denial because it exceeds the size of the signs approved in comprehensive sign package.

5. 131-181 Needham Street – Veterinary Specialists

Applicant/Representative: Christina Moreau

Proposed Signs:

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

MOTION: Mr. Kaufman made a motion to approve the sign at 131-181 Needham Street. Mr. Downie seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, John Downie, Bill Winkler, and Jim Doolin in favor and none opposed.

6. 200-220 Boylston Street - Glowbar

Applicant/Representative: Jess Caamano

Proposed Sign:

- 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.

MOTION: Mr. Kaufman made a motion to approve the sign at 200-220 Boylston Street - Glowbar. Mr. Winkler seconded the motion, and none opposed. All the members present voted, with a 4-0 vote, Michael Kaufman, John Downie, Bill Winkler, and Jim Doolin in favor and none opposed.

IV. ADJOURNMENT

Mr. Kaufman made a motion to adjourn the meeting and there was general agreement among the members.

The meeting was adjourned at 7:47 p.m.

Respectfully submitted by Shubee Sikka

Approved on