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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: May 3, 2024
MEETING DATE: May 8, 2024
TO: Zoning Board of Appeals
FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Alyssa Sandoval, Deputy Chief Planner for Current Planning
Cat Kemmett, Senior Planner

COPIED: Mayor Ruthanne Fuller
City Council

In response to questions raised at the Zoning Board of Appeals public hearings on May 24, July 24, September 27, and November 8 in 2023 and January 24, March 13, April 10, and May 1 in 2024 the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis provided at previous public hearings.

PETITION #04-23

528 Boylston Street

At the previous meeting on this item, the public hearing was closed. In preparation for the Zoning Board of Appeal's working session scheduled for May 8, 2024, staff have prepared a draft decision for the Board's consideration, included here as Attachment A.



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ZONING BOARD OF APPEALS

Brenda Belsanti, Board Clerk

DECISION

528 Boylston Street, Newton, Massachusetts Comprehensive Permit

Decision Number: #04-23

Date Application Filed: April 26, 2023

Applicant: Toll Bros., Inc.

Premises Affected: 528 Boylston Street in Newton, Massachusetts Assessor's Map 83030 0009 and 83030 0010

Relief Requested: Comprehensive Permit, G.L. c. 40B, §§ 20-23

Public Notice: May 10, 2023 and May 17, 2024

Public Hearing Dates: May 24, 2023, July 24, 2023, September 27, 2023, November 8, 2023, January 24, 2024, March 13, 2024, April 10, 2024, May 1, 2024

Decision of the Board:

Members Voting: Michael Rossi (Chair), Brooke K. Lipsitt (Vice Chair), Jennifer Pucci, Stuart Snyder, and Elizabeth Sweet

Date of Decision:

PROCEDURAL HISTORY

1. On February 1, 2023, the Massachusetts Housing Finance Agency (“MassHousing”) issued a Project Eligibility Letter (“PEL”) to Toll Bros., Inc (the “Applicant”).
2. On April 26, 2023, the Applicant applied for a Comprehensive Permit pursuant to G.L. c. 40B, §§ 20-23 (the “Act”) to construct a residential development known as “528 Boylston Street” containing 244 residential rental units, including 61 affordable housing units (the “Original Project”) on approximately 5.82 acres of land located at 528 Boylston Street; 0, 502-504, 516 Boylston Street; 0 Hagen Road; and 24-26, 32-34 Hurley Place in Newton, Massachusetts (the “Site”).
3. The Zoning Board of Appeals for the City of Newton (the “Board”) opened a duly noticed hybrid public hearing on May 24, 2023. Additional sessions of the public hearing were held on July 24, 2023, September 27, 2023, November 8, 2023, January 24, 2024, March 13, 2024, April 10, 2024, and May 1, 2024.
4. The Board conducted a duly noticed site visit on July 20, 2023.
5. During the course of the public hearing, based upon feedback from the Board, municipal staff representing various departments, advisory groups, and residents, the project underwent several revisions, ultimately resulting in a project with 184 residential rental units, including 46 affordable housing units (the “Project”). The final plan reflects revisions made through this process including the following: a reduction in the Project’s height and massing, fewer residential units, a smaller building footprint, a revised program for affordable units to include deeper levels of affordability, and more robust stormwater management infrastructure.
6. The Board closed the public hearing on May 1, 2024.
7. The Board deliberated on the application at a public hearing held [REDACTED] and voted to grant a Comprehensive Permit based on the findings and subject to the Conditions listed below.
8. As required by the Act, the Board notified all applicable local boards, commissions, and departments of the filing of the Application by sending a copy thereof to such local boards, commissions, and departments for their recommendations, all of which have been made a part of the record of these proceedings and have been taken into consideration by the Board in rendering its decision.

9. During the course of the public hearing, City staff, boards/commissions, peer reviewers, local residents, and technical experts submitted extensive oral and written testimony with respect to the Project on issues of: site design; open space; landscaping; lighting; sewer and drainage; massing; scale; pedestrian scale; height; streetscapes/public realms; architecture; feasibility of the parking plan; geotechnical studies including but not limited to foundation method, construction means and methods, groundwater impact, soil conditions and testing for hazardous materials; construction management and planning; protection of abutters' properties during construction; emergency access during construction; sustainability; parking adequacy, design, management, and ratios; shadow impacts; traffic impact and access studies; traffic and pedestrian safety; traffic demand management; rubbish and recycling management; site circulation, access/egress; adequacy of transit service; signage; accessibility; water table, flooding, flood plain, and compensatory flood storage; stormwater management; integration and coordination of functions occurring in the ground plane including but not limited to truck deliveries, trash/recycling pickup, and loading zones; snow removal; engineering; infiltration and inflow; design; environmental concerns; greenspace and recreation areas; site control, and the City's Comprehensive Plan and Housing Strategy.

10. The following consultants and independent peer reviewers assisted the Board in its review of the Application:
 - a. Transportation:
Jeff Maxtutis
BETA Group, Inc.

 - b. Site Design, Open Space, Civil Engineering, Stormwater, Flooding:
Janet Bernardo
Horsley Witten Group

 - c. Urban Design:
Alan Mountjoy and Don Girard
NBBJ

11. The following representatives and members of the Applicant's development team presented oral and written testimony to the Board:
 - a. Stephen J. Buchbinder, Esq. and Kathryn K. Winters, Esq., Schlesinger and Buchbinder, LLP

 - b. Will Adams, Toll Bros., Inc.

 - c. Tom Schultz, The Architectural Team

 - d. Stephen Martorano, Timothy Hayes, and Jay Emporer, Bohler Engineering

 - e. Robert Michaud, MDM Transportation Consultants, Inc.

 - f. Paul Eddowes, New Ecology

FINDINGS

1. The Applicant received a PEL determination from MassHousing for the Original Project, and at least 25% of the units will be available to households earning up to 80% of Area Median Income (“AMI”), adjusted for household size, as published by the U.S. Department of Housing and Urban Development. In accordance with 760 CMR 56.04(6), the Board considers the issuance of the PEL to be conclusive evidence that the Project and the Applicant have satisfied the project eligibility requirements to receive a comprehensive permit.
2. The Board finds that the Applicant has complied with all the rules and regulations of the City of Newton as they pertain to the application for a comprehensive permit.
3. The Site is located at 528 Boylston Street, 516 Boylston Street, 502-504 Boylston Street, 0 Boylston Street (SBL 81051 0001C), 0 Hagen Road (SBL 81051 0103), 32-34 Hurley Place, and 24-26 Hurley Place, Newton, Massachusetts, in the Single Residence 1 and Single Residence 2 zoning districts.
4. Existing conditions at the Site consist of seven parcels which will be combined into a single 253,454 square foot (5.82 acre) lot. When the parcels are combined, the resulting site will have street frontage on Boylston Street and Hagen Road. The land is improved with an office building for a landscape supply yard with associated landscape material piles and pens and two separate two-family homes. Outside of these uses, the site is predominantly wooded with some wetland vegetation. The closest abutters are all residential. The Site is located along Boylston Street, a four-lane state highway. The Site is bounded by Single Residence 3 to the north and west, Single Residence 1 to the east, and Single Residence 2 to the south. Paul Brook runs along the western property line, and portions of the site are located within the FEMA Floodplain Zone AE, a 100-foot Inner Riparian Zone, and 100-foot Wetlands Buffer Zone.
5. The Site is located in an area served by MBTA bus Route 52 and is approximately .5 mile from MBTA bus Route 60. The Site is approximately one mile from both the MBTA’s Newton Highland Green Line Station and Newton Centre Green Line Station.
6. The Project is consistent with several goals of Newton’s Comprehensive Plan including:
 - a. Development of an underutilized commercial site which locates additional housing near transit connections and the Route 9 corridor, providing access to amenities and employment opportunities. The Project provides a mix of one-, two-, and three-bedroom units, and will create housing options available to income levels of 80% AMI and below and 50% AMI and below. Development under Comprehensive Permit is specifically called out in the Comprehensive Plan (p. 5-10) to allow site specific relief to authorize additional housing than would otherwise be allowed.

- b. The Project is designed to respect the surrounding neighborhood context through its design, which breaks up the massing of the building through stepped back upper floors and concentrating the footprint of the building away from Paul Brook and the associated wetlands.
 - c. The creation of a path running from Boylston Street to Hagen Road will provide pedestrian links between the Site and Hagen Road and points south of the Site including Newton South High School, Brown Middle School, and Oak Hill Middle School.
 - d. The sidewalk improvements along Boylston Street will provide a safer and more pleasant pedestrian experience along approximately .25 miles of Boylston Street consistent with the Comprehensive Plan's goal of providing pedestrian access to public transit and other nearby destinations.
 - e. The Project will have Passive House construction and certification, infrastructure for electric vehicles, shared electric vehicle car service, and alternative modes of transportation. These features are consistent with the environmental goals stated in the Comprehensive Plan.
 - f. The Project's stormwater management systems, which exceed the requirements of the City's stormwater ordinance and the Commonwealth's stormwater management standards, is consistent with the stormwater management goals of the Comprehensive Plan.
7. The Project is consistent with the principles of the Climate Action Plan including:
 - a. Exceeding the Zoning Ordinance's sustainable development standards.
 - b. Constructing the buildings to Passive House certification and conducting an embodied carbon analysis during final design.
 - c. Transportation goals within the plan such as installation of EV charging, providing a shared EV car service, as well as a Transportation Demand Management plan.
 - d. Providing appropriate "climate friendly" housing near transportation and a major employment center.
8. The Site is an appropriate location for the Project due to its location in a residential area along Route 9, proximity to public transit, and nearby employment centers.
9. The Board finds that the Applicant has successfully developed and managed other projects containing affordable housing in Massachusetts.
10. The Project provides a new path that will be open to the public connecting Boylston Street south to Hagen Road, allowing for convenient and safe travel through the Site for pedestrians.
11. The Project will provide 46 deed-restricted housing units, 37 of which will be affordable to households earning up to 80% of Area Median Income, and 9 of which will be affordable to households earning up to 50% of Area Median Income. The Board finds the latter 9 units

exceed the requirements of G.L. c. 40B. As conditioned by this decision, the proposed development is Consistent with Local Needs, as that term is defined in 760 CMR 56.02, and will provide housing for individuals with an AMI of 80% or less.

12. The Board finds that a development at this location is appropriate because it increases density without having an adverse impact on the neighborhood, the Project is structurally sound, has adequate sewage and water drainage arrangements, and adequate fire protection. The Project has adequate arrangements for dealing with traffic circulation within the Site. The Site is not proximate to activities which may negatively affect the health and safety of the occupants of the proposed housing, and the Project has adequate parking arrangements.
13. In accordance with Chapter 29, §§ 167-174 of the Revised Ordinances of Newton, Massachusetts, 2017 (hereinafter, “Revised Ordinances”), the Board finds that there is good cause, based in part on other mitigation and community benefits offered by the Applicant, to abate 75% of the infiltration/inflow calculation for the Project. Therefore, the infiltration/inflow fee shall be \$582,183.
14. The Board heard from City staff, members of the City Council, boards, commissions, departments, and residents and has taken that testimony into account. The Board finds that the Project, as conditioned below, is Consistent with Local Needs, as that term is defined in 760 CMR 56.02, as required by the Act.
15. The Board finds that the conditions imposed in this decision are necessary in order to address Local Concerns, as that term is defined in 760 CMR 56.02. At no time during the public hearing did the Applicant indicate that any condition may render the Project uneconomic, and therefore the Board finds that the conditions will not render the Project uneconomic. To the extent that such conditions may render the Project uneconomic, the Board finds that the Local Concerns outweigh the potential benefits of the proposed affordable units.
16. The offsite improvements serve as a significant public benefit and will enhance pedestrian safety around the Site and provide critical pedestrian and cycling connectivity. The improvements include but are not limited to:
 - a. Speed feedback signs on Dudley Road to make the driver aware of the speed at which they are travelling and reduce the number of drivers exceeding the speed limit.
 - b. Safe Routes to School (SRTS) Multi-Use Path Extension along Route 9 from Olde Field Road to the Site. This will provide an extension of the safe routes to school program and improve safety for pedestrians along Route 9.
 - c. Extension of the island proximate to Sheldon Road and the Route 9 box widening for acceleration/deceleration lane. This improvement addresses a pre-existing deficiency in the public roadway and will prevent drivers from merging at a high speed of travel until after Sheldon Road. The planned deceleration lane will allow

traffic to slow down to a safer speed to make the right turn to the Project without affecting the main flow of traffic.

- d. Sidewalk improvements along the Boylston Street frontage as shown on the Approved Plans identified in Schedule A consist of a landscape buffer between the sidewalk and Boylston Street traffic and a new five-foot-wide sidewalk.
- e. Sidewalk improvements from Site to Dudley Road replace an existing sidewalk.
- f. Hagen Road sidewalk/crosswalk improvements incorporate sidewalks with new curb ramps and crosswalks.

DECISION

Pursuant to the Act, after convening a public hearing and making findings of fact, the Board grants a Comprehensive Permit to the Applicant for the Project, encompassing the enumerated waivers set forth herein and subject to the following conditions of approval set forth below.

CONDITIONS

GENERAL CONDITIONS

1. All buildings, parking areas, driveways, walkways, landscaping, and other site features associated with this Comprehensive Permit shall be located and constructed consistent with the plans identified in Schedule A, which are incorporated by reference (collectively, the “Approved Plans”).
2. Prior to the issuance of any building permits, the Applicant shall submit a complete final set of architectural plans including elevations, signed and stamped by an architect, and dimensioned site plans, engineering plans, stormwater drainage plans, landscaping plans, and utility plans, signed and stamped by a professional engineer, consistent with the Approved Plans referenced in Condition #1. To the extent that the final plans referenced in this Condition differ from the Approved Plans, the Applicant shall request a consistency ruling from the Commissioner of Inspectional Services.
3. With respect to the Applicant’s request for waivers from local ordinances and regulations, the Board approves only those waivers listed in this Decision. The Project shall comply with all applicable local ordinances, rules, and regulations not expressly waived, including the payment of all applicable permit fees. The Project shall also comply with all applicable state and federal laws, codes, regulations, and standards.
4. The City will not issue a building permit for the Project without final approval from the Subsidizing Agency.
5. Before any site clearing, grading, demolition, or construction may begin on site, the Applicant shall submit a municipal lien certificate that shows all assessments and

betterments have been paid in full and there are no outstanding municipal liens on the property.

6. Prior to the issuance of any building permit for the Project, the Applicant shall provide an Approval Not Required (“ANR”) or “81X” plan combining the two lots into one lot to the City Engineer for review and approval. Once approved, the plan must be recorded at the Middlesex South Registry of Deeds. A certified copy of the recorded plan shall be submitted to the Engineering Division of Public Works and the Commissioner of Inspectional Services.
7. Unless extended by the Newton Zoning Board of Appeals upon a finding of good cause, this Comprehensive Permit Decision shall lapse and become void if construction is not commenced within three years of the date on which it is filed with the City Clerk, not including the time required to pursue or await the determination of an appeal pursuant to G.L c. 40B. For purposes of this paragraph only, commencement of construction is defined as the issuance of a building permit (other than a demolition permit) for all or any portion of the Project.
8. This Comprehensive Permit Decision, and all conditions herein, shall run with the land and be binding on any heirs, successors, or assigns of the Applicant. In the event that this Project, the comprehensive permit, or any of the obligations therein are sold, transferred, or otherwise made the obligation(s) of an entity other than the original Applicant, the successor or assignee shall be bound by all of the terms and conditions of this Comprehensive Permit Decision.

HOUSING CONDITIONS

9. The Project shall include 184 units of rental housing, as listed in the following table:

| Unit Type | Total Number of Units | Number of Affordable Units |
|----------------------|------------------------------|-----------------------------------|
| Studio | 0 | 0 |
| One Bedroom | 36 | 8 |
| Two Bedroom | 90 | 22 |
| Three Bedroom | 58 | 16 |

10. Twenty five percent (25%) of the units in the Project, which is 46 units, shall be affordable housing units, as follows (“the Affordable Units”):
 - a. Thirty-seven (37) of the units in the Project shall be made available to households earning at or below 80% of Area Median Income (AMI), as designated by the U.S. Department of Housing and Urban Development, adjusted for household size for the Boston-Cambridge-Quincy, MA-NH HMFA (“Moderate-Income Units”). The AMI used for establishing rent and income limits for the Moderate-Income Units must not exceed 80% of AMI.

- b. Nine (9) of the units in the Project shall be affordable to households at or below 50% of Area Median Income (AMI), as designated by the U.S. Department of Housing and Urban Development, adjusted for household size for the Boston-Cambridge-Quincy, MA-NH HMFA (“Low-Income Units”). The AMI used for establishing rent and income limits for the Low-Income Units must not exceed 50% of AMI.
11. All 46 Affordable Units shall be and shall remain deed-restricted affordable in perpetuity at the affordability levels set forth herein through the execution of the Regulatory Agreement.
12. All units, including both the Affordable Units and the market rate units, shall be eligible for inclusion on DHCD’s Subsidized Housing Inventory (SHI) in perpetuity in accordance with DHCD Guidelines.
13. Unless otherwise required by the subsidizing agency, the Affordable Units shall be dispersed evenly throughout the Project. The Low-Income Units shall have approximately the same bedroom "ratio" or "mix" as the other units in the Project.
14. The Affirmative Fair Housing Marketing and Resident Selection Plan shall meet the requirements of EOHLIC’s Guidelines for G.L. c. 40B Comprehensive Permit Projects. The Applicant shall provide evidence of the subsidizing agency’s approval of the Affirmative Fair Housing Marketing and Resident Selection Plan prior to commencing any marketing of the units.
15. At no point will the number of Certificates of Occupancy issued for Affordable Units be less than 25% of all Certificates of Occupancy issued.
16. No unit or building shall be constructed to contain or be marketed and/or rented as containing more bedrooms than the number of bedrooms indicated for said unit in the Approved Plans referenced in **Condition #1 and Condition #9**.
17. A second Regulatory Agreement (the “City Regulatory Agreement”), in a form approved by the City Law Department, shall be entered into by the Applicant and the City and shall be executed and recorded prior to the expiration of the initial Regulatory Agreement and shall remain effective for as long as the Project exists. The Applicant shall enter into the City Regulatory Agreement to continue such restrictions and the terms of the City Regulatory Agreement shall be consistent with the terms of this Decision and with the customary terms of the City’s Regulatory Agreements. At a minimum, the City Regulatory Agreement shall require: (i) that the Project shall remain 25% affordable in perpetuity; (ii) that 25% of the units in the Project shall be affordable and rented to low and moderate income households as that term is defined in G.L. c. 40B, §§ 20-23 as set forth in **Conditions #11 and #12**; and (iii) annual monitoring and reporting to ensure compliance. The City Regulatory Agreement shall constitute a restrictive covenant and shall be recorded against the Property and shall be enforceable by the City.

MITIGATION & OFFSITE IMPROVEMENT CONDITIONS

18. The Applicant shall make payments in the aggregate amount of \$582,183.00 to the City for infrastructure improvements for inflow and infiltration (I&I). Payments shall be made as follows:
 - a. \$291,091.50 prior to the issuance of the first building permit for the vertical construction of the Project; and,
 - b. \$291,091.50 prior to the issuance of the first dwelling unit occupancy permit (temporary or final) in the Project.

19. The Petitioner shall make payments in the aggregate amount of \$500,000.00 to the City for off-site improvements in transportation, pedestrian, bicycling, safety, open space, or recreation improvements or mitigation in the vicinity of the Project. The Petitioner's payments shall be made to a municipal account dedicated for such mitigation and improvements as follows:
 - a. \$250,000 prior to the issuance of the first building permit for the vertical construction of the Project; and,
 - b. \$250,000 prior to the issuance of the first unit occupancy permit (temporary or final) in the Project.

20. The Applicant shall design and construct, at no cost to the City, the Route 9 roadway and sidewalk improvements as shown on the "Conceptual Access/Egress Plan," revised through April 18, 2024 and referenced in Schedule A, including the extended island, safe routes to school extension to the western side of Olde Field Road and Boylston Street intersection, acceleration and deceleration lane, and improvements to the site's frontage (hereinafter the "Route 9 Improvements") as follows:
 - a. Prior to the issuance of the first building permit for the vertical construction of the Project, the Applicant shall submit design plans for the Route 9 Improvements to MassDOT for approval through the access permit process.
 - b. The Applicant shall simultaneously submit all MassDOT submissions and plans to the Commissioner of Public Works and Director of Planning and shall provide copies of all comments and responses in a timely manner. The Applicant shall periodically meet with City officials during the MassDOT approval phase to solicit input and feedback on the design.
 - c. Any material modifications to the final design of the Route 9 Improvements by MassDOT will be considered consistent with the conceptually approved plan if, in the opinion of the Commissioner of Public Works and Director of Planning, the modified design achieves the same safety performance objectives as the conceptually approved design.
 - d. Prior to the issuance of a certificate of occupancy (temporary or final) for the final dwelling unit, construction of the Route 9 Improvements shall be substantially complete and operationally approved by MassDOT at the Applicant's sole costs and expense. The Commissioner of Inspectional Services may, in their discretion,

issue a temporary certificate of occupancy prior to final completion of the Route 9 Improvements provided that the Applicant posts a bond or other security in the form satisfactory to the Commissioner of Inspectional Services in an amount not less than 135% of the value of the remaining work to be performed.

The City (through the Commissioner of Public Works) shall inspect and approve all of the foregoing improvements within the City's jurisdiction, and MassDOT shall inspect and approve all improvements within the State Highway Layout.

21. The Applicant shall at its own costs and expense install two (2) speed feedback signs on Dudley Road in consultation with the Commissioner of Public Works. The speed feedback signs shall be installed prior to the issuance of any (temporary or final) certificate of occupancy for the first residential dwelling unit.
22. Prior to the issuance of the first building permit for vertical construction of the Project, the Applicant shall submit design plans for sidewalk and crosswalk improvements at the Hagen Road and Adeline Road intersection as shown on Exhibit 2 "Conceptual Pedestrian Improvements Plan" of the December 20, 2023, MDM Transportation Consultants Memorandum referenced in Schedule A to the Director of Planning and Commissioner of Public Works for review and approval. The design shall include crosswalks and pedestrian curb ramps. Upon the City's approval of the design and location, the Applicant shall, at its sole cost and expense, construct and install all infrastructure of the approved design and have the improvements inspected and approved by the Department of Public Works prior to the issuance of the certificate of occupancy (temporary or final) for the final dwelling unit.

CONSTRUCTION CONDITIONS

23. The Applicant shall pay the reasonable fees for review of the building permit plans or documents described herein or for inspections required during the construction phase.
24. All construction activity shall be limited to 7:00AM-7:00PM Monday through Friday and 8:00AM-7:00PM on Saturdays, excluding holidays, unless waived by the Mayor in accordance with Revised Ordinances, §20-13. Interior work may occur at times outside of the hours specified above, but only after the building is fully enclosed.
25. The Petitioner shall do the following to remediate pest and rodent activity:
 - a. Prior to issuance of any demolition or building permit, the Petitioner, at its sole cost and expense, shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity, and a plan for preventing pest migration off-site during demolition and construction.

- b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Inspectional Services Department for review and approval prior to issuance of any demolition or building permit. A copy of such approval shall be provided to the Department of Planning and Development.
 - c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action the Operator deems necessary to control pest infestation and migration.
 - d. Prior to issuance of the final certificate of occupancy, the Pest Control Operator shall file a final report with the Department of Planning and Development and Inspectional Services Department summarizing the methods used, whether off-site migration occurred, the frequency and dates of service, and a post-construction assessment of the site and the neighborhood.
 - e. In the event any demolition or construction activity causes off-site pest migration, prior to the issuance of any certificates of occupancy (temporary or final), the petitioner shall offer and provide, at its sole cost and expense, rodent abatement services on an as needed basis for all direct abutters and abutters to direct abutters, subject to owner authorization of such properties and a waiver of liability.
26. The Petitioner shall implement the following measures to mitigate and reduce significant vibration impacts caused by construction equipment:
- a. Prior to the issuance of a demolition or building permit for any demolition, site work, or construction activities that require (i) the driving of piles or piers, (ii) the removal or alteration of ledge, or (iii) soil reinforcement or compaction by vibratory roller, other than compaction of soil for decks, patios, landscaping work, sidewalks, driveways, retaining walls, or accessory buildings under 700 square feet, the Petitioner shall submit the following to the Commissioner of Inspectional Services:
 - 1. A vibration control plan signed and stamped by a licensed and insured geotechnical consultant that determines the scope of preconstruction surveys needed; the basis for that determination; and the recommended vibration level limits and monitoring services to be provided for the duration of the construction activity.
 - 2. Proof of notice to all properties within such scope that a preconstruction survey was offered at no cost to the property owner.
 - 3. A list of all properties that were surveyed.
 - 4. Any other plans or specifications as the Commissioner of Inspectional Services may require, including but not limited to revisions to the submitted vibration control plan.
 - b. As an alternative to the required vibration control plan and other required submissions set forth in paragraph (a) above, the Petitioner may submit a signed and stamped letter from a licensed and insured geotechnical consultant stating that a vibration control plan and monitoring are not necessary based on the scope of the work, site conditions, or construction methods. Such letter must detail the basis of

the opinion that no vibration control plan, monitoring, or controls are necessary. No additional submissions will be required unless the Commissioner of Inspectional Services or their designee determines that compliance with Sec. 5-23(a) is necessary due to the nature of the site or the proposed work.

- c. The submitted vibration control plan shall be implemented and adhered to during all relevant construction activity. The Petitioner shall keep a record of all monitoring and shall provide copies to the Commissioner of Inspectional Services upon request.
 - d. Following construction and prior to the issuance of a certificate of occupancy, all properties subject to a preconstruction survey shall, subject to owner approval, be reinspected to determine any damages caused by vibration.
27. Prior to the issuance of any building permit for the Project the Applicant shall submit a Construction Management Plan ("CMP") for review and approval by the Commissioner of Inspectional Services; the Director of Planning and Development; the Commissioner of Public Works; the Commissioner of Parks, Recreation, and Culture; the City Engineer; and the Chief of the Fire Department. The Applicant shall comply in all material respects with the final Construction Management Plan, which shall be consistent with and not in conflict with relevant conditions of this Decision and shall include, but not be limited to, the following provisions:
- a. 24-hour contact information for the general contractor of the Project.
 - b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated milestones and completion dates.
 - c. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging area(s) for construction and delivery vehicles, and location of any security fencing.
 - d. Proposed methods for dust control including, but not limited to, covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; and locating a truck washing station to clean muddy wheels on all trucks and construction vehicles before exiting the site.
 - e. Proposed methods of noise control, in accordance with the Revised Ordinances, §20-13. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise-producing staging activities should be located as far as practicable from noise sensitive locations.
 - f. Tree preservation plan to define the proposed method(s) for protection of any existing trees to remain on site.
 - g. The CMP shall also address the following: safety precautions; anticipated dewatering during construction; site safety and stability; and impacts on abutting properties.

28. The Applicant shall be responsible for securing and paying police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
29. The Applicant shall be responsible for repairing any damage to public ways and public property caused by any construction vehicles traveling to or from the Site. All repair work shall be done prior to the issuance of the final certificate of occupancy for the final dwelling unit in the Project, unless the Commissioner of Public Works determines either: (a) that the damage to the public way is so extensive that it limits the use of the public way; (b) that the damage interferes with traffic flow; or, (c) that the damage poses a threat to public safety. In such cases, the repair work must be initiated within one month of the Commissioner's making such determination, shall be conducted consistent with City Construction Standards, and shall be completed within an appropriate time frame as determined by the Commissioner.
30. All sidewalks and the path located within the Site shall be designed as shown on the Approved Plans referenced in Schedule A and shall be open to the public. All internal roadways shall be designed as shown on the Approved Plans, referenced in Schedule A.
31. All sidewalks and pedestrian ramps located within the Site or along the Site's frontage shall be ADA compliant unless a variance for noncompliance is granted by the Massachusetts Architectural Access Board. Applicant shall submit a letter of compliance prepared by a professional engineer registered in the state of Massachusetts to the Director of Planning and Development prior to the issuance of any certificate of occupancy (temporary or final) for the final dwelling unit.
32. The Applicant shall underground all lateral utility connections from the right of way to the structure(s) as well as utility connections internal to the Site.
33. Prior to the issuance of any building permit for the Project (other than a demolition permit), the Applicant shall prepare and submit a final Site Plan and Site Circulation Plan for review and approval by the Chief of the Fire Department that confirms the Fire Department will have sufficient access to all buildings, confirms that fire access will function safely, and shows all hydrants and fire connections, and other features as may be required for Fire Department approval.
34. Prior to the issuance of the first building permit for vertical construction of the Project, the Applicant shall submit a final photometric plan detailing lighting location and levels to the Department of Planning and Development for review and approval.

SUSTAINABILITY CONDITIONS

35. The Applicant shall design the Project to meet Passive House standards and achieve certification in accordance with Passive House Institute US (PHIUS), the Passive House Institute (PHI), or other recognized Passive House Standards and/or certification organization. The Applicant shall comply with all applicable sustainable design provisions set forth in Section 5.13 of the Revised Ordinances.

36. The Applicant shall complete an embodied carbon analysis to guide materials selection during design and construction. The analysis will include but not be limited to materials for concrete, framing, cladding, and insulation. Such analysis shall be provided to the Director of Planning and Development prior to the issuance of the first building permit for vertical construction of the Project.
37. Twenty percent (20%) of all parking stalls shall be equipped with electric vehicle charging stations and an additional thirty percent (30%) will be EV ready.
38. The Applicant shall utilize sustainable building materials and systems including, but not limited to:
 - a. water efficient domestic plumbing fixtures;
 - b. energy efficient light fixtures;
 - c. programmable thermostats;
 - d. building-level and unit-level electricity and water metering;
 - e. building systems commissioning;
 - f. low VOC building materials and finishes;
 - g. fresh air supply and bathroom and kitchen exhaust provided in every apartment; and
 - h. construction and demolition waste will be recycled and diverted, as possible, by the receiving facility.

TRAFFIC/PARKING CONDITIONS

39. The Project shall include 236 parking stalls.
40. Of the nine (9) visitor parking stalls, at least two (2) shall be ADA accessible.
41. The cost of tenant parking for market-rate units shall be charged separately from residential tenant rents, and the rental period cannot commence prior to, nor extend past the end of, the rental period of the unit.
42. One (1) parking stall shall be available for each Affordable Unit without charge to the tenant of such unit.
43. The Applicant shall provide storage for at least forty (40) bicycles within the building or garage as shown in the approved plans. Outdoor storage for fourteen (14) additional bicycles will be provided on the Site as shown on the approved plans. These plans are referenced in Schedule A.
44. The Applicant shall implement a Transportation Demand Management Plan to reduce reliance on motor vehicle transportation. The Plan shall be submitted to the Director of Planning and Development prior to the issuance of the first building permit for vertical construction of the Project for review and approval and shall include, but not be limited to, the following:
 - a. Commit \$150,000 to an alternative transit reimbursement fund, to be funded over three years beginning with the first certificate of occupancy. This fund will be used

to provide reimbursements for MBTA transit passes, bikeshare programs and similar alternate transportation methods to reduce single-occupancy vehicle trips for all residents and employees. To the extent that funds remain unused five years following the issuance of the final certificate of occupancy, the Applicant will contribute the unused balance to the City for use toward other neighborhood transit projects. The Applicant shall provide reports each year, annually on the anniversary of the issuance of the certificate of occupancy, of the number of transit passes issued and funds expended pursuant to this condition. The Applicant shall ensure that each unit is entitled to equitable access to this fund to ensure each unit has the opportunity to use alternate transit with the goal of reducing vehicle trips.

- b. Onsite Transportation Coordinator.
 - c. Disseminating information on alternate travel modes.
 - d. Distributing transit maps, schedules, and passes.
 - e. Monitoring TDM effectiveness through surveys and other tools and adjusting as necessary.
 - f. Establishing and maintaining a website, or on-site transit information display, providing travel-related information and promoting awareness of alternative travel modes.
 - g. Indoor bike storage and fix-it station for residents, outdoor bike racks, and standard outlets for electrical bicycle charging in the indoor parking area for 10% of all indoor bicycle spaces.
 - h. Dedicated electric vehicle/low emission car parking in parking garage by designating spaces and providing electric vehicle charging stations for 20% of all garage parking spaces.
 - i. “Unbundling” of parking costs from rent/leases except for affordable units.
 - j. The Applicant will buy or lease two EV vehicles as part of an EV car share service available exclusively to participating residents of the building.
 - k. Post Occupancy study of parking on Hagen Road from Olde Field Road to eastern terminus and Adeline Road from Hagen Road to Haynes Road. The study shall be completed between 12-18 months following the issuance of the final certificate of occupancy and shall include monitoring over a weeklong period during a non-winter period when schools are in session. The Applicant will share a summary of the study with the Director of Planning and Development.
45. The Applicant will implement and maintain the Transportation Demand Management Plan contained in **Condition #47** and shall collaborate with the City on traffic management issues.
46. Any wayfinding signage or signage installed along the project’s frontage shall undergo review and approval by the Transportation Division of the Department of Public Works to ensure clear site lines for vehicles entering and exiting the site.

STORMWATER/ENVIRONMENTAL CONDITIONS

47. The Applicant shall comply with the City’s Stormwater Ordinance and the Massachusetts Stormwater Handbook (MSH) Standards.
48. The Applicant shall conduct the additional, currently inaccessible, test pits required for compliance with the MassDEP Stormwater Handbook, as well as the local Conservation Commission and City Engineering Division requirements pursuant to the City Stormwater Ordinance Prior to the issuance of any building permit for the Project (other than a demolition permit), the Applicant shall submit final engineering, utility, and drainage plans, a Long-Term Pollution Prevention Plan (LTPPP), and an Operations and Maintenance Plan for stormwater management (“O&M Plan”) for review and approval by the City Engineer. Once approved, the O&M Plan must be adopted, implemented, and maintained by the Applicant and recorded at the Middlesex South District Registry of Deeds. A copy of the recorded O&M Plan shall be filed with the Engineering Division of Public Works, the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
49. Any portions of the project subject to the jurisdiction of the Conservation Commission must receive an Order of Conditions from the Conservation Commission prior to the issuance of any building permit for work on the project that is subject to such jurisdiction. The submissions to the Conservation Commission shall include but not be limited to:
 1. An Environmental Monitor, paid for by the Applicant, shall be hired by and report to the Commission.
 2. The engineer of record must submit calculations that any additional flow will not compromise the existing drainage system.
 3. Compensatory Flood Storage must be provided in its entirety as per the plans.

There will be additional environmental/stormwater conditions around the stormwater infiltration system and mitigation/enhancement planting area(s) within the Order of Conditions, subject to the review and approval of the Conservation Commission.

50. Prior to the issuance of any building permit for the Project (other than a demolition permit), the Applicant shall confirm to the satisfaction of the Engineering Division the adequacy of the proposed closed pipe sizes in accordance with the City Stormwater Ordinance.
51. The Applicant shall notify the City and provide copies of any filings made in accordance with the Massachusetts Contingency Plan relating to any historical release of hazardous materials or the discovery of any new release.

OTHER/ONGOING CONDITIONS

52. The landscaping shown on the approved plan shall be maintained in good condition. The plantings shall be inspected annually, and any plant material that has become diseased or dies shall be replaced in a timely manner with similar material.

53. The path internal to the Site shall be lit with low level photocell lights scheduled to turn off at 9 PM and turn on no earlier than 6 AM, unless otherwise permitted by the Director of Planning and Development in order to address safety concerns.
54. The Applicant shall be responsible at its sole cost for trash and recycling disposal for the Project.
55. The Applicant shall be responsible for keeping the internal roadways and sidewalks, and all portions of the internal pedestrian path clear of snow to always ensure safe and reliable access to and from all buildings. To the extent snow removal is necessary, such removal shall be conducted pursuant to a Snow Removal Plan, which shall be maintained on file at the Project and be available for review upon request by the Director of Planning and Development.
56. The Applicant shall be responsible in perpetuity for the maintenance of the internal pedestrian path to be constructed by and at the Applicant's sole expense.

CONDITIONS PRECEDENT TO THE ISSUANCE OF BUILDING PERMITS

57. No foundation building permit shall be issued pursuant to this Comprehensive Permit until the Applicant has:
 - a. Recorded a certified copy of this Decision at the Middlesex County (South) Registry of Deeds and filed proof of such recording with the City Clerk, the Clerk of the Zoning Board of Appeals, and the Department of Planning and Development.
 - b. Submitted a site plan showing the layout of the building(s) and extent of the foundation.
 - c. Obtained a written statement from the Director of Planning and Development that confirms that the site and building permit plans are consistent with the Approved Plans.
 - d. Obtained an Order of Conditions from the Conservation Commission.
 - e. Submitted a municipal lien certificate showing all assessments and betterments have been paid in full and that there are no outstanding municipal liens on the Site in accordance with **Condition #6.**
 - f. Submitted a final Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Chief of the Fire Department, the Commissioner of Public Works, and the City Engineer in accordance with **Condition #26.**
 - g. Submitted to the Chief of the Fire Department for review and approval final site circulation plans and building plans which shall include all required information on

proposed sprinkler and alarm systems, access to buildings, and all hydrants and fire connections.

- h. Submitted engineering, utility and drainage plans and an O&M Plan for review and approval by the City Engineer in accordance with **Condition #33**.
 - i. Submitted to the Director of Planning and Development copies of the embodied carbon analysis in accordance with **Condition #39**.
58. No building permit for vertical construction shall be issued pursuant to this Comprehensive Permit until the Applicant has:
- a. Submitted a foundation as built plan, final site and building plans which shall include all required information for building code review and approval and consistency with the Approved Plans in accordance with **Condition #2**.
 - b. Obtained a written statement from the Director of Planning and Development that confirms that the final site and building permit plans are consistent with the Approved Plans.
 - c. Submitted evidence of Final Project Approval by the subsidizing agency.
 - d. Submitted evidence of the subsidizing agency's approval of the Affirmative Fair Housing Marketing and Resident Selection plan.
 - e. Provided a fully executed Regulatory Agreement and proof of recording with the City Clerk, the Clerk of the Zoning Board of Appeals, and the Department of Planning and Development.
 - f. Submitted the portion of the I&I payment required in accordance with **Conditions #18 and 19**.
 - g. Submitted plans to the appropriate City Departments for review and approval regarding the off-site improvements in accordance with **Conditions #20 and 21**.
 - h. Submitted a final photometric plan for review and approval by the Director of Planning and Development in accordance with **Condition #35**.
 - i. Submitted to the Director of Planning and Development information evidencing design compliance with Passive House certification standards in accordance with **Condition #37**.
 - j. Submitted a Transportation Demand Management Plan for review and approval by the Director of Planning and Development in accordance with **Condition #47**.

CONDITIONS PRECEDENT TO THE ISSUANCE OF OCCUPANCY PERMITS

59. No temporary occupancy permit shall be issued pursuant to this Comprehensive Permit until the Applicant has:

- a. Filed with the Board's Clerk, the Department of Inspectional Services and the Department of Planning and Development a statement by a registered architect, professional land surveyor, and registered landscape architect certifying compliance with Condition #1 for the portion of the project for which a temporary occupancy permit is requested.
- b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in digital format for the portion of the project for which a temporary occupancy permit is requested.
- c. Received a statement from the City Engineer certifying that all engineering details have been constructed to standards of the Department of Public Works for the portion for the portion of the project for which a temporary occupancy permit is requested.
- d. Completed all landscaping in compliance with Condition #1 related to or for the portion of the project for which an occupancy permit is requested.
- e. Submitted any required payments under **Conditions #17 and 18.**
- f. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, landscape features, fencing, and parking areas related to or for the portion of the Project for which an occupancy permit is requested.
- g. Filed with the Department of Inspectional Services and the Department of Planning and Development a letter of compliance prepared by a professional engineer certifying that all sidewalks and accessible ramps are ADA compliant.
- h. Submitted to the Director of Planning and Development evidence of completion of off-site improvements in accordance with **Conditions #20 and 21**, which requires the off-site improvements to be complete prior to the issuance of the final dwelling unit's certificate of occupancy.

60. No final certificate of occupancy for the final dwelling unit in the Project shall be issued until the Applicant has:

- a. Filed with the Board's Clerk, the Department of Inspectional Services and the Department of Planning and Development a statement by a registered architect, professional land surveyor, and registered landscape architect certifying compliance with Condition #1 for the portion of the project for which a final occupancy permit is requested.

- b. Received a statement from the City Engineer certifying that all engineering details have been constructed to standards of the Department of Public Works.
 - c. Filed with the Department of Inspectional Services and the Department of Planning and Development evidence that the undergrounding of utilities has been completed in accordance with **Condition #31**.
 - d. Submitted to the Director of Planning and Development information evidencing that the project has been constructed in compliance with Passive House certification standards in accordance with **Condition #37**.
61. Provided that all other requirements in **Condition #59** are satisfied and the project is substantially complete, the Commissioner of Inspectional Services may in their discretion issue one or more certificates of temporary occupancy for all or portions of the building prior to completion of final landscaping (including hardscape improvements).

WAIVERS GRANTED

1. The Board grants waivers from the following sections of the Zoning Ordinance:
 - a. Section 3.4.1 to allow multi-family dwellings in the Single Residence 1 and Single Residence 2 Districts.
 - b. Section 5.4.2 to allow a retaining wall of greater than 4 feet within a setback
 - c. Section 5.11 to waive all inclusionary zoning requirements.
 - d. §7.4, Waive site plan approval procedures
2. The Board grants waivers from the following dimensional requirements of Section 3.1 of the Zoning Ordinance:
 - a. Waive required minimum lot area per unit (§3.1.3)
 - b. Floor Area Ratio (FAR) – allowing a floor area ratio of 1.43 (§3.1.9).
 - c. Number of Stories - Waive maximum number of stories to allow a six-story building (§3.1.3)
 - d. Building Height – allowing building height of 70 feet (§3.1.3)
 - e. Front Setback – Allowing a front setback of 30 feet in the Single Residence 1 District where 40 feet is required.

- f. To exceed the maximum lot coverage (§3.1.3)
 - g. To reduce the minimum open space requirement (§3.1.3)
3. The Board grants waivers from the following parking requirements of Section 5.1 of the Zoning Ordinance:
- a. §5.1.3.B Waive requirement to apply the A-B+C parking formula
 - b. Section 5.1.3.E to allow the assignment of parking spaces to tenants.
 - c. Section 5.1.4.A to allow a reduced parking requirement of 1.28 stalls per unit for multi-family dwellings.
 - d. Section 5.1.5 to waive the application and permit for parking and loading facility.
 - e. Section 5.1.8.A.2 to allow parking stalls to be located within 5 feet from any building containing dwelling units.
 - f. Section 5.1.8.B.1 to allow parking stalls with a width of less than nine feet.
 - g. Section 5.1.8.B.2 and 5.1.8.B.4 to allow parking stalls (including accessible parking stalls) with a depth of less than nineteen feet.
 - h. Section 5.1.8.B.6 to waive the required maneuvering space for end aisles.
 - i. Section 5.1.8.B.7 to waive the requirement of an off-street parking or loading plan for noncommercial vans, buses, or other vehicles exceeding 7 ½ feet by 18 feet.
 - j. Section 5.1.10.A.1 to waive the 1-foot candle lighting requirement for outdoor parking.
 - k. Section 5.1.12.B to waive the requirement to submit a plan for off-street loading facilities.
 - l. Section 5.1.12.C to waive the requirement of an off-street loading facility.
 - m. Section 5.1.12.D to waive the design requirements for off-street loading facilities.
 - n. Section 5.2.4 and Section 5.2.7 to allow freestanding signs and wall or blade signs, consistent with the approved plans, referenced in Schedule A.
4. The Board grants a waiver from the following sections of the Revised Ordinances:
- a. Section 29-169 to abate 75% of the Applicant's infiltration/inflow mitigation fee, resulting in a required payment of \$582,183.

- b. Section 22 to waive review by the Newton Historical Commission and the possible imposition of a demolition delay of historically significant buildings.
- c. §5-30, Article III, Waive Fence Ordinance provisions
- d. §22-4, Waive requirement for review by and submission of an ANR plan to the Planning Board

The Board does not approve any waivers that are not listed in this Decision.

RECORD OF VOTE

AYES:

NAYS: None

Michael Rossi, Chair

Wherefore, a Comprehensive Permit, consistent with the conditions of this Decision, is granted to the Applicant.

Filed with the City Clerk on _____, 2024

The City Clerk certifies that all statutory requirements have been complied with and that 20 days have lapsed since the date of filing of this decision and no appeal pursuant to G.L. c. 40B, § 22 has been filed.

City Clerk

SCHEDULE A

PROJECT MASTER PLANS

1. A set of civil plans entitled “Zoning Board of Appeals/Comprehensive Permit Application for Toll Brothers, Inc.” prepared by Bohler, dated March 1, 2023 revised through April 1, 2024, signed and stamped by Timothy A. Hayes, Registered Professional Engineer, containing the following sheets:

| <u>No.</u> | <u>Drawing Title</u> | <u>Latest Issue</u> |
|------------|---|---------------------|
| C-101 | Cover Sheet | April 1, 2024 |
| C-102 | General Notes Sheet | April 1, 2024 |
| C-301 | Site Layout Plan | April 1, 2024 |
| C-401 | Grading Plan | April 1, 2024 |
| C-402 | Drainage Plan | April 1, 2024 |
| C-501 | Utility Plan | April 1, 2024 |
| C-601 | Soil Erosion & Sediment Control Plan | April 1, 2024 |
| C-602 | Soil Erosion & Sediment Control Notes & Details | April 1, 2024 |
| C-701 | Detail Sheet | April 1, 2024 |
| C-702 | Detail Sheet | April 1, 2024 |
| C-703 | Detail Sheet | April 1, 2024 |
| C-704 | Detail Sheet | April 1, 2024 |
| C-705 | Detail Sheet | April 1, 2024 |

2. A set of architectural plans entitled “528 Boylston Street, Zoning Board of Appeals/Comprehensive Permit Application” prepared by TAT, dated December 15, 2023, signed and stamped by Michael E. Liu, Registered Architect, containing the following sheets:

| <u>No.</u> | <u>Drawing Title</u> | <u>Latest Issue</u> |
|------------|-----------------------|---------------------|
| T100 | Project Cover | December 15, 2023 |
| A100 | Ground Floor Plan | December 15, 2023 |
| A101 | Level 1 Floor Plan | December 15, 2023 |
| A102 | Level 2 Floor Plan | December 15, 2023 |
| A103 | Level 3 Floor Plan | December 15, 2023 |
| A104 | Level 4 Floor Plan | December 15, 2023 |
| A105 | Level 5 Floor Plan | December 15, 2023 |
| A106 | Level 6 Floor Plan | December 15, 2023 |
| A107 | Roof Level Floor Plan | December 15, 2023 |
| A400 | Overall Elevations | December 15, 2023 |
| A401 | Overall Elevations | December 15, 2023 |
| A500 | Building Sections | December 15, 2023 |
| A501 | Building Sections | December 15, 2023 |
| A502 | Building Sections | December 15, 2023 |
| A503 | Building Sections | December 15, 2023 |

3. A set of landscape plans entitled “Zoning Board of Appeals/Comprehensive Permit Application for Toll Brothers, Inc.” prepared by Bohler, dated March 1, 2023 revised

through April 1, 2024, signed and stamped by Matthew J. Mrva, Registered Landscape Architect, containing the following sheets:

| <u>No.</u> | <u>Drawing Title</u> | <u>Latest Issue</u> |
|------------|--------------------------|---------------------|
| L-100 | Landscape Layout Plan | April 1, 2024 |
| L-200 | Materials Plan | April 1, 2024 |
| L-300 | Planting Plan | April 1, 2024 |
| L-400 | Tree Removal Plan | April 1, 2024 |
| L-500 | Lighting Fixture Plan | April 1, 2024 |
| L-501 | Photometric Plan | April 1, 2024 |
| L-600 | Landscape Notes & Detail | April 1, 2024 |
| L-601 | Landscape Details | April 1, 2024 |
| L-602 | Landscape Details | April 1, 2024 |

4. Conceptual Access/Egress Plan prepared by MDM Transportation Consultants, Inc., dated December 20, 2023 revised through April 18, 2024.
5. Conceptual Pedestrian Improvements Plan prepared by MDM Transportation Consultants, Inc., dated December 12, 2023 as shown on Exhibit 2 of the December 20, 2023 Memorandum from MDM Transportation Consultants, Inc. regarding “Response to Comments – BETA Supplemental.”