



Ruthanne Fuller
Mayor

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ZONING BOARD OF APPEALS

Brenda Belsanti, Board Clerk

RECEIVED

By Brenda Belsanti, ZBA Clerk at 4:23 pm, Oct 23, 2024

DECISION (*Revised and Reissued on 11/14/2024)

78 Crafts Street, Newton, Massachusetts Comprehensive Permit

Decision Number: #CP-11-23

Date Application Filed: December 12, 2023

RECEIVED

By City Clerk at 4:25 pm, Oct 23, 2024

Applicant: ~~Boylston Properties~~
78 Crafts Street Newton LLC

Premises Affected: 78-84 Crafts Street; 68-70 Crafts Street; 9 Maguire Court; 17-19 Maguire Court; 67 Court Street; 67R Court Street; 63 Court Street; 31R Maguire Court; 31 Maguire Court; 13-15 Maguire Court; Portion of 24 Maguire Court in Newton, Massachusetts Assessor's Map, SBL 23015 0026, 23015 0025, 23015 0024, 23015 0022, 23016 0025, 23016 0029, 23016 0030, 23015 0020, 23015 0021, 23015 0023, and 23016 0001

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

Public Notice: December 27, 2023 and January 3, 2024

Public Hearing Dates: January 10, 2024, February 28, 2024, March 27, 2024, April 24, 2024, June 3, 2024, July 16, 2024, September 18, 2024

Decision of the Board: Approved with Conditions

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

Date of Decision: October 16, 2024

*CHAIR'S NOTE

This Comprehensive Permit Decision has been revised to correct a scrivener's error concerning the name of the Applicant on pages 1 and 2. The Revised Decision has been refiled with the City Clerk and reissued to the Applicant on November 14, 2024. The original filing date of October 23, 2024 remains the operative date for all legal purposes.

Michael Rossi, Chair

PROCEDURAL HISTORY

1. On December 8, 2023, the Massachusetts Housing Finance Agency (“MassHousing”) issued a Project Eligibility Letter (“PEL”) to ~~*Boylston Properties~~ (the “Applicant”).
78 Crafts Street Newton LLC
2. On December 12, 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 “78 Crafts Street” containing 307 rental units, including 62 affordable housing units at 50 percent of area median income (AMI). (the “Original Project”) on approximately 4.76-acre tract of land located at 68-70, 78-84, Crafts Street, 9, 13-15, 17-19, 31,31R and a portion of 24 Maguire Court, 63 and 67 Rear Court Street, 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 January 10, 2023. Additional sessions of the public hearing were held on February 28, 2024, March 27, 2024, April 24, 2024, June 3, 2024, July 16, 2024, and September 18, 2024.
4. The Board conducted a duly noticed site visit on February 27, 2024.
5. During the course of the public hearing, based upon feedback from the Board, municipal staff representing various departments, advisory groups, and community members, the project underwent several revisions, ultimately resulting in a project with 295 residential rental units, including 59 affordable housing units at 50% AMI (the “Project”). The Approved Plans (as defined below) reflect revisions made through this process including the following: a reduction in the Project’s bulk and massing, redesign to provide for a more active streetscape and more pleasant pedestrian experience, fewer residential units, smaller building footprints, increased open space, a new tot lot and other recreation/open space changes, and more robust stormwater management infrastructure.
6. The Board closed the public hearing on September 18, 2024.
7. The Board deliberated on the application at a meeting held on October 16, 2024 and voted to Approve 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, community members, and technical experts submitted extensive oral and written testimony

with respect to the Project on issues of: site design; open space; landscaping; lighting impacts; visual impacts; public utilities impacts; sewer and drainage; massing; scale; pedestrian and bicycle accommodations; height; streetscapes; architecture; feasibility of the parking plan; groundwater impact; soil conditions; tree preservation; sustainability; parking adequacy; visitor parking; shadow impacts; traffic impact and access studies; traffic and pedestrian safety; traffic demand management; site circulation, access/egress; signage; accessibility; flooding; 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; engineering; infiltration and inflow; design; environmental concerns; greenspace and recreation areas; site control, and affordable housing.

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
NBBJ

11. The following representatives and members of the Applicant's development team presented oral and written testimony to the Board:

- a. Michela DeSantis and Andrew Copelotti, Boylston Properties
- b. Paul Momnie, Goulston & Storrs
- c. Michael D. Binette, The Architectural Team
- d. Daniel C. LaCivita, Vanasse & Associates, Inc.
- e. Jesse Johnson, PE, and Michael Yentile, Weston & Sampson
- f. Bill Madden, Gregory Lombardi Design

FINDINGS

1. The Applicant received a PEL determination from MassHousing for the Original Project, and at least 20% of the units will be available to households earning up to 50% of 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 68-70 (SBL 23015 0025), 78-84 Crafts Street (SBL 23015 0026), 9 Maguire Court (SBL 23015 0024), 13-15 Maguire Court (SBL 23015 0023), 17-19 Maguire Court (SBL 23015 0022), 31 Maguire Court (SBL 23015 0021), 31R Maguire Court (SBL 23015 0020), and portions of 24 Maguire Court (SBL 23016 0001), 63 Court Street (23016 0030), 67 Rear Court Street (SBL 23016 0029), and an additional unaddressed parcel on Court Street (SBL23016 0025) in Newton, Massachusetts, in the Manufacturing (MAN) and Multi-Residence 1 (MR-1) zoning districts.
4. Existing conditions at the Site consist of eleven parcels which will be combined into a single 207,228 square foot (4.76 acre) lot. When the parcels are combined, the resulting site will have street frontage on Crafts Street, Maguire Court, and Court Street. The subject site is located in Newtonville along the west side of Crafts Street between Court Street and Washington Street to the south and Watertown Street to the north. The site contains a variety of light industrial uses, such as automotive services, engineering office, as well as one two-family residence. The closest abutters are multi-and single-family homes, the Department of Public Works building and yard, and businesses. To the north, properties are zoned Public Use (PUB) and Multi-Residence 1 (MR-1) and to the south properties are zoned MR-1 and Multi-Residence 2 (MR-2), and one block to the east on Crafts Street is zoned Business Use 1 (BU-1). There are no wetland resources within the site.
5. The Site is located within 0.2 miles of multiple MBTA bus lines that run along Washington Street (MBTA Bus 553, 554, and 556). The site is located approximately 0.7 miles from the MBTA Newtonville Commuter Rail Station on Washington Street.
6. The Project is consistent with several goals of Newton's Comprehensive Plan including:
 - a. The Project supports the goal of a development of a diversity of housing types by providing rental units close to commercial centers and transit. The Project provides a mix of studio, one-, two-, and three-bedroom units, and will create housing options available to income levels of 50% AMI and below. Development under the 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. Development of an underutilized industrial site which locates additional housing near transit connections along the Washington Street corridor and Newtonville Commuter Rail Station, providing access to amenities and employment opportunities.
 - c. The creation of a multi-use path with pedestrian and bicycle access between the Project and Court Street will provide a direct link between the Site and Crafts Street and the Court Street neighborhood and points north of the Site.
 - d. The traffic calming, bicycle, and pedestrian improvements along Crafts Street, Adams Street, Watertown Street, Lewis Terrace, Jackson Road, and Washington Street will provide for safer and more pleasant pedestrian experience on the streets adjacent to the Project 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 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 meet 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. Adding green space and new stormwater management infrastructure as well as meeting 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 charging, providing a shared EV car service, as well as a Transportation Demand Management plan.
 - d. Providing appropriate "climate friendly" housing near transportation and commercial centers.
8. The Site is located in both residential and manufacturing zoning districts and is proximate to several different modes of transportation and is close to nearby amenities and employment centers in Boston, Waltham, and Watertown.
9. The Project will provide 59 deed-restricted housing units, all of which will be affordable to households earning up to 50% of Area Median Income. The Board finds the 59 units meet 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 50% or less.
10. The Project provides much needed housing at deeper levels of affordability that address the greatest need for affordable housing. The lack of units affordable to households at or

below 50% AMI in Newton has created an unsustainable environment for Newton's most vulnerable families, seniors, and individuals. By providing 59 units affordable to very low income households, the Project will positively impact the immediate need for housing in Newton where the need is most acute.

11. The Board finds that a development at this location is appropriate. 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.
12. 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 \$721,638.
13. 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.
14. 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.
15. The offsite improvements serve as a significant public benefit and will enhance pedestrian safety around the Site and provide intersection improvements, traffic calming and critical pedestrian and cycling connectivity. The improvements include:
 - a. Sidewalk, bicycle, pedestrian and accessibility improvements in the area bordered by Watertown, Adams, Walnut, and Washington streets. These improvements will help provide for an enhanced and safer pedestrian experience by replacing sections of broken or missing sidewalks, adding new crosswalks, adding curb ramps and tactile pads and other traffic calming features.
 - b. Traffic signal improvements at the Washington Street and Crafts Street intersection. These improvements will help to ease traffic flow and congestion at this key intersection.

- c. Traffic signal improvements at the Watertown Street and Crafts Street intersection. These traffic signal improvements will help to ease traffic flow and congestion at this key intersection.
- d. Traffic signal & pedestrian improvements at the Adams Street, Lewis Terrace, Jackson Road, Washington Street intersections. These traffic signal improvements will help to ease traffic flow and congestion at these intersections and help to provide for better pedestrian connectivity by replacing gaps in the sidewalk.
- e. Traffic calming & the installation of Rectangular Rapid Flashing Beacons (RRFBs) along the Adams Street and Crafts Street corridors. The installation of RRFBs provides for safer pedestrian crossings with pedestrian activated beacons to alert drivers that people are crossing the street.

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.
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 eleven lots into one lot to the City Engineer for review, approval and/or endorsement. 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 295 units of rental housing, as listed in the following table:

Unit Type	Total Number of Units	Number of Affordable Units
Studio	45	9
One Bedroom	125	25
Two Bedroom	94	19
Three Bedroom	31	6

10. Twenty percent (20%) of the units in the Project, which is 59 units, shall be and shall remain affordable housing units in perpetuity for households earning at or below 50% of 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 (the “Affordable Units”). The AMI used for establishing rent and income limits for the Affordable Units must not exceed 50% of AMI.
11. All 59 Affordable Units shall be and shall remain deed-restricted affordable in perpetuity at the affordability levels set forth herein. A deed restriction shall be executed and recorded in the form of a Regulatory Agreement and Use Restriction as defined in and required by 760

CMR 56.05(13) and subsequently through a regulatory agreement with the City as required by Condition #18.

12. All units, including both the Affordable Units and the market rate units, shall be eligible for inclusion on EOHLC's Subsidized Housing Inventory (SHI) in perpetuity in accordance with EOHLC Guidelines.
13. Unless otherwise required by the subsidizing agency, the Affordable Units shall be dispersed evenly throughout the Project and 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 EOHLC'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 20% 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.
17. The Applicant shall work with the Planning and Development Department to request that 25% of the Affordable Units be awarded to households with local preference during the initial lottery, with at least one of the local preference units being a fully accessible unit.
18. 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 20% affordable in perpetuity; (ii) that 20% of the units in the Project shall be affordable and rented to low income households as that term is defined in G.L. c. 40B, §§ 20-23 as set forth in Condition #10; and (iii) reasonable annual monitoring and reporting to be paid by the Applicant 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

19. The Applicant shall make payments in the aggregate amount of \$721,638.00 to the City for infrastructure improvements for inflow and infiltration (I&I). Payments shall be made as follows:

- a. \$360,819.00 prior to the issuance of the first building permit for the vertical construction of the Project; and,
 - b. \$360,819.00 prior to the issuance of the first dwelling unit occupancy permit (temporary or final) for Building B in the Project.
20. The Applicant shall make payments in the aggregate amount of \$1,158,888.00 to the City for off-site transportation, pedestrian, safety, infrastructure, and accessibility improvements in the area bordered by Watertown, Adams, Walnut, and Washington streets in the vicinity of the Project. Payments shall be made as follows:
 - a. \$579,444.00 prior to the issuance of the first building permit for the vertical construction of the Project; and,
 - b. \$579,444.00 prior to the issuance of the first unit occupancy permit (temporary or final) for Building B in the Project.
21. The Applicant shall design, construct, and install, at its sole cost and expense, improvements to the Washington Street and Crafts Street intersection in close consultation with the Department of Public Works as follows:
 - a. Design and implementation of an optimal traffic signal timing, phasing and coordination plan.
 - b. Installation of traffic signal equipment upgrades to improve traffic operations during peak and off-peak periods. The following equipment/licenses are required as part of this improvement:
 - i. NEMA cabinet / controller
 - ii. NEMA cabinet foundation / modification
 - iii. FMU / Licenses
 - iv. 360-degree detection camera
 - c. Monitoring and adjusting of signal timing and phasing as necessary in coordination with the City.

Prior to the issuance of the first building permit for vertical construction of the Project, the Applicant shall submit design plans to the Commissioner of Public Works and Director of Planning and Development for review and approval. Prior to the issuance of a certificate of occupancy (temporary or final) for the final dwelling unit, the Applicant shall complete this work in accordance with Approved Plans and the improvements inspected and approved by the Commissioner of Public Works. The Applicant shall be responsible for obtaining all necessary permits and approvals to complete the work.

22. The Applicant shall design, construct, and install, at its sole cost and expense, improvements to the Route 16 and Crafts Street intersection in close consultation with the Department of Public Works as follows:

- a. Design and implementation of an optimal traffic signal timing, phasing and coordination plan.
- b. Installation of vehicle detection and pedestrian countdown signal heads. The following equipment/licenses are required as part of this improvement:
 - i. 360-degree cameras
 - ii. Controller upgrades
 - iii. Eight (8) Countdown Pedestrian Signal Heads

Prior to the issuance of the first building permit for vertical construction of the Project, the Applicant shall submit design plans to the Commissioner of Public Works and Director of Planning and Development for review and approval. Prior to the issuance of a certificate of occupancy (temporary or final) for the final dwelling unit, the Applicant shall complete this work in accordance with the Approved Plans and the improvements inspected and approved by the Commissioner of Public Works. The Applicant shall be responsible for obtaining all necessary permits and approvals to complete the work.

23. The Applicant shall design, construct, and install, at its sole cost and expense, improvements to the intersections at Washington Street and Lewis Terrace, Washington Street and Adams Street, and Washington Street and Jackson Road in close consultation with the Department of Public Works as follows:

- a. Design and implementation of an optimal traffic signal timing, phasing and coordination plan.
- b. Installation of vehicle detection and pedestrian countdown signal heads. The following equipment/licenses are required as part of this improvement:
 - i. Lead Pedestrian Interval (LPI) phasing
 - ii. New max channel NEMA signal cabinet, controller and foundation
 - iii. Vehicle detection on Washington Street approaches
 - iv. Install pedestrian countdown signal heads where missing at the Jackson Road and Washington Street east leg
- c. Construct sidewalks to fill the existing gap in the pedestrian network east of Lewis Terrace where there is a well-worn pedestrian path.

Prior to the issuance of the first building permit for vertical construction of the Project, the Applicant shall submit design plans to the Commissioner of Public Works and Director of Planning and Development for review and approval. Prior to the issuance of a certificate of occupancy (temporary or final) for the final dwelling unit, the Applicant shall complete this work in accordance with the Approved Plans and the improvements inspected and approved

by the Commissioner of Public Works. The Applicant shall be responsible for obtaining all necessary permits and approvals to complete the work.

24. The Applicant shall design, construct, and install, at its sole cost and expense, improvements at Adams Street in close consultation with the Department of Public Works as follows:
 - a. Design and construct three raised pedestrian crossings(s).
 - b. Install two Radar speed signs.
 - c. Install one (1) Rectangular Rapid Flashing Beacon (RRFB).

Prior to the issuance of the first building permit for vertical construction of the Project, the Applicant shall submit design plans to the Commissioner of Public Works and Director of Planning and Development for review and approval. Prior to the issuance of a certificate of occupancy (temporary or final) for the final dwelling unit, the Applicant shall complete this work in accordance with the Approved Plans and the improvements inspected and approved by the Commissioner of Public Works. The Applicant shall be responsible for obtaining all necessary permits and approvals to complete the work.

25. The Applicant shall design, construct, and install, at its sole cost and expense, pedestrian bump outs with new crossings and RRFB's at the Crafts/Clinton/Maguire and Crafts/Ashmont intersections in close consultation with the Department of Public Works. Prior to the issuance of the first building permit for vertical construction of the Project, the Applicant shall submit design plans to the Commissioner of Public Works and Director of Planning and Development for review and approval. Prior to the issuance of a certificate of occupancy (temporary or final) for the final dwelling unit, the Applicant shall complete this work in accordance with the Approved Plans and the improvements inspected and approved by the Commissioner of Public Works. The Applicant will also be responsible for restoring the pavement to an acceptable condition in coordination with the City Engineer. The Applicant shall be responsible for obtaining all necessary permits and approvals to complete the work.
26. Prior to the issuance of a certificate of occupancy (temporary or final), the Applicant shall grant a 20-foot-wide permanent easement to the City for access and future maintenance of the water main in a form approved by the City Solicitor. The location of the easement and final water main design and configuration shall be reviewed and approved by the Commissioner of Public Works. The proposed domestic water main for the Project shall be constructed, tested, funded by the Applicant, and installed in accordance with all applicable laws, ordinances, and regulations, including but not limited to the DPW Standards (provided that such laws, ordinances, regulations and standards shall be applied in a manner consistent with all other projects in the City of Newton). Upon completion, all ownership rights, title and interest in the water main shall be conveyed to the City. The Applicant shall prepare and submit to the City's Engineering Division two mylar plans for the Utility Easement, which at a minimum shall show the property limits, the proposed utility easement with compass bearings & distance and the total square footage of the easement. The plans must be stamped by a professional Registered Land Surveyor and suitable for recording at the Registry.

27. The Applicant shall undertake the following concerning the City's culvert:

- a. Prior to issuance of a final certificate of occupancy, the Applicant shall construct and install a reinforced top slab over portions of the existing concrete box culvert within the City easement located under proposed roadways for vehicular traffic. (Reference is made to Figure 2 in the Applicant's August 16, 2024, submittal entitled "Response to Comprehensive Permit Review" for the approximate location of the slab.) The concrete slab shall be designed to withstand H-20-wheel loading. The Applicant shall coordinate with DPW on the design and installation of the slab. The City (through the Commissioner of Public Works) shall inspect and approve the slab design and construction. Upon completion, all ownership rights, title and interest in the completed slab shall be conveyed to the City. To extent deemed necessary by the City Solicitor, the Applicant shall grant a permanent easement to the City for access and future maintenance of the slab, culvert and appurtenant 10-inch drainage line in a form approved by the City Solicitor (which will memorialize the City's current easement rights).
- b. Prior to the issuance of a Building Permit for the Project, the Applicant shall cause its civil engineer to prepare and submit to the City a report detailing necessary repairs to the box culvert or appurtenant 10-inch drainage line currently existing on-site. To the extent such report indicates that repairs are necessary, the Applicant shall perform such repairs, provided, however, that if the cost to the Applicant to design and construct the repairs exceeds \$75,000, the amount contributed to the City pursuant to Condition #20 above shall be offset by the amount expended by the Applicant in excess of \$75,000 (up to the total amount required under Section #20). Notwithstanding the foregoing, if the culvert requires significant repairs or total replacement, the cost of which would exceed the sum of the amount to be contributed hereunder (e.g., \$75,000 plus the amount due pursuant to Condition 20), the Applicant shall be permitted to provide such amount to be contributed hereunder as a payment to the City and the City will perform such work at its sole cost; provided further that if such work results in the new culvert no longer requiring the concrete slab for reinforcement discussed in Section 27(a) above, the Applicant will reimburse an additional amount of \$245,000 (the estimated cost to construct such slab) to the City as a further contribution toward such costs in lieu of performing such work under Condition 27(a).

28. Prior to the issuance of a building permit (temporary or final), the Applicant shall develop a construction feasibility study to be reviewed and approved by the City (through the Commissioner of Public Works). The construction feasibility study shall set forth the means and methods of how the excavation for the foundation of the parking garage will be secured, shored and made safe so as not to cause harm to the culvert. The study must also set forth how the parking garage must be maintained in perpetuity so as not to impact the flow of water nor cause flooding on or off site. This feasibility study shall include a detailed site plan that delineates the actual limits of the existing box culvert alignment and the easement.

CONSTRUCTION CONDITIONS

29. The Applicant shall pay the reasonable fees for the third-party review of the building permit plans or documents described herein or for inspections required during the construction phase if deemed necessary by the Commissioner of Inspectional Services.
30. All construction activity shall be limited to 7:00AM-7:00PM Monday through Friday and 8:00AM-6:00PM 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.
31. The Applicant shall do the following to remediate pest and rodent activity:
 - a. Prior to issuance of any demolition or building permit, the Applicant, 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 the Pest Control Operator determines that demolition or construction activity is causing or has caused off-site pest migration, prior to the issuance of any certificates of occupancy (temporary or final), the Applicant 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.
32. The Applicant 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 by the Commissioner of Inspectional Services for any demolition, site work, or construction activities that requires: (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, accessory buildings with a ground floor area up to 700 square feet, the Applicant shall submit the following to the Commissioner of Inspectional Services:
 - i. A vibration control plan signed and stamped by a licensed and insured professional engineer that determines and identifies the surrounding properties that may be affected by vibration from the proposed construction activities; the basis and standards used for that determination; and the recommended vibration level limits and monitoring services to be provided for the duration of the construction activity for protection of the identified properties.
 - ii. Proof of notice to all identified properties that may be affected that a preconstruction survey was offered at no cost to the property owner. The notice must also include an estimated construction timeline and contact information for the person responsible for the construction activity.
 - iii. A list of all properties that were surveyed. The Applicant shall also provide a copy of the results of the survey to the owner of the property that is surveyed.
 - iv. The vibration control plan shall also identify any properties that may be affected by vibration that are landmarked, located in an historic district established pursuant to G.L. C. 40C, or listed on the national register of historic places, individually or as part of a historic district, and state any specific protective measures or monitoring necessary to protect those properties.
 - v. 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 Condition 32 above, the Applicant may submit a signed and stamped letter from a licensed and insured professional engineer 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 Condition 32 is necessary due to the nature of site or the proposed work.

- c. The submitted vibration control plan shall be implemented and adhered to during all relevant construction activity. The Applicant 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, the applicant shall cause all properties that received a preconstruction survey to be reinspected, subject to the property owner's approval, to determine any damages caused by vibration. The Applicant shall also provide a copy of the results of the survey to the owner of the property that is surveyed.
33. 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.

34. 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.
35. 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.
36. 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.
37. There shall be no turf grass allowed at any location of the site and pea gravel shall be used in the dedicated dog park. The Approved Plans shall be updated in accordance with this condition.
38. As shown on the Approved plans referenced in Schedule A, a portion of the emergency access drive internal to the Site shall be constructed of grass pavers to allow for groundwater recharge and a reduction in stormwater runoff.
39. All sidewalks and pedestrian ramps located within the Site or along the Site's frontage on public ways 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.
40. The Applicant shall underground all lateral utility connections to the structure(s) as well as utility connections internal to the Site.
41. 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.
42. 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. Exterior pole lighting shall include fully shielded fixtures. Garage lighting shall not exceed one (1) foot candle of light at the perimeter of the top story of the garage adjacent to property lines and shall not

exceed three (3) foot candles of light at any location. Garage lighting shall include timing devices to control the hours set for illumination. All exterior lighting shall be reduced to no more than one (1) foot candle of light after 10 pm. No internally illuminated signs shall be allowed at any location on the property.

SUSTAINABILITY CONDITIONS

43. 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.
44. 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.
45. Ten percent (10%) of all parking stalls shall be equipped with electric vehicle charging stations and an additional Ten percent (10%) will be EV ready.
46. All building roofs that are not essential locations for mechanical systems (which the Applicant must make reasonable efforts to consolidate) shall be solar ready. To the extent feasible, the Applicant will utilize such building roofs for actual installation and implementation of sustainable strategies including photovoltaic panels, green roofs and/or reflective roof materials. A final roof mapping plan shall be submitted to the Director of Planning and Development for review and approval prior to the issuance of a building permit for vertical construction.
47. 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

- 48. The Project shall include 278 parking stalls.
- 49. Of the six (6) visitor parking stalls, at least one (1) shall be ADA accessible.
- 50. 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.
- 51. One (1) parking stall shall be available for each Affordable Unit without charge to the tenant of such unit.
- 52. The Applicant shall provide storage for at least one hundred and three (103) bicycles within the Project as shown in the Approved Plans. There will be a total of seventy-one (71) secure interior bike parking spaces and thirty-two (32) exterior spaces.
- 53. The Applicant shall implement a Transportation Demand Management Plan (“TDM Plan”) to reduce reliance on motor vehicle transportation in accordance Conditions #52-55. The TDM 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. Any updates to the TDM Plan should be reviewed and approved by the Director of Planning and Development and Director of Transportation.
- 54. As part of the TDM Plan, the Applicant shall commit \$150,000.00 to a TDM Program Incentive Fund, to be funded over three years beginning with the first certificate of occupancy. TDM Program Incentive Fund will be used to provide reimbursements for MBTA transit passes, bike share programs, car share programs and similar alternate transportation methods to reduce single-occupancy vehicle (SOV) trips for all residents. To the extent that funds remain unused five years following the issuance of the final certificate of occupancy, the Developer will use said funds to improve access to alternative modes of transportation to SOV travel for residents of the Project or toward promotional events for residents that are focused on non-SOV travel.
 - a. As part of the TDM Program Incentive Fund, the Applicant shall:
 - i. Coordinate with a car-share service provider (i.e., Zipcar or similar) to locate up to two (2) car-share vehicles at the Site for use by residents.
 - ii. Offer to new residents who sign a 12-month lease:
 - 1. an unlimited bus/subway pass (Monthly LinkPass, currently \$90 per month); or

2. a 50 percent discount on the cost of a Zone 1 Commuter Rail monthly pass (currently \$214 per month); for the first six (6) months of tenancy limited to two (2) passes per unit, or
 3. an annual BlueBikes or equivalent bike share membership (currently \$129 per year), limited to two (2) memberships per unit, or
 4. an annual ZipCar (or other competing provider) membership (currently \$90/year), limited to two (2) memberships per unit.
- b. 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, for a period of five years.
 - c. 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.

55. The TDM Plan shall also include, but not be limited to the following:

- a. An onsite Transportation Development Management Coordinator (“TDMC”). The TDMC shall be responsible for managing the pass program and bike share membership program.
- b. Provide information on MBTA schedules and fares, and the schedules for the City’s GoGoNewton shared ride service will be provided in a central location, included in resident informational packets, and provided on the website for the Project.
- c. Locate a transit screen or other equivalent display will be provided in the primary building lobby (Building B) to display real-time traffic and bus location information (similar to <https://transitscreen.com/>).
- d. Monitor TDM effectiveness through surveys (as described in more detail in Condition 53 below) and other tools and adjust as necessary. Surveys shall be submitted to the City annually upon completion.
- e. Provide weather protected bicycle parking for up to 71 bicycles and a bicycle repair/fixit station will be available for use by residents.
- f. The cost of parking will be unbundled from resident leases and offered separately at market rates that are consistent with those charged for similar parking in the City.
- g. Provide guidance on the directions to the bicycle parking within the Site and the travel route to the Newtonville Commuter Rail Station and other destinations within the City.

56. As part of the TDM Plan, the Applicant shall conduct post-development traffic and parking monitoring, and a resident survey program in order to evaluate the success and to refine the elements of the TDM program, and to validate the trip projections for the Project. The report will document the number of building occupants and how the occupants of the building are commuting, to the fullest extent possible. The report will document the traffic volumes associated with the building as occupied at the time that the traffic counts are completed, on-site parking, bicycle commuting, and use of public transportation, and any other alternative modes of transportation to SOVs.
- a. The Monitoring Program will commence upon achieving 90 percent occupancy and will continue on an annual basis for a minimum of two years. The duration of the Monitoring Program may be extended for additional one-year increments beyond the initial two-year period if requested by the Director of Planning and Development to the extent that the results of the Monitoring Program indicate an exceedance of Baseline Data Thresholds (defined below).
 - b. The Monitoring Program report shall be provided to the Director of Planning and Development or their designee within 2-months after the completion of the data collection effort and annually thereafter for the duration of the Monitoring Program.
 - c. Corrective measures shall be required if the Monitoring Program indicates any of the following in relation to the baseline data (the “Baseline Data Thresholds”):
 - i. The measured traffic volumes that are associated with the Project exceed the predicted traffic volumes that are documented in the Transportation Impact Assessment and subsequent supporting documents prepared for the Project by more than 10 percent for the level of occupancy of the Project at the time that the traffic counts are performed;
 - ii. The parking occupancy exceeds 95 percent during the monitoring period;
 - iii. There is evidence of increased parking on proximate neighborhood streets that can be attributed to the Project; or
 - iv. Residents of the Project are observed parking along Court Street, Crafts Street, Clinton Street or Lincoln Road.
 - d. If corrective measures are necessary, the Applicant shall identify and undertake corrective measures in conjunction with the appropriate parties including the City by and through the Director of Planning and Development. Additional measures will be developed in consultation with and with input from Director of Planning and Development and tailored to respond to particular concerns. Solutions may include without limitation:

- i. Sign and pavement marking installation;
- ii. Expansion of the TDM program to provide additional measures and incentives to reduce traffic and parking demands;
- iii. Increasing the parking fee;
- iv. Addition of measures to discourage SOV travel and encourage use of bicycles, public transit, carpooling and walking; and
- v. Informing residents of off-site parking regulations.

The identified corrective measures, if any, will be documented in the Monitoring Program report, and will identify the appropriate parties responsible for implementation, required approvals, and the timeline for implementation. The status of implementation of the identified improvement measure will be documented in the subsequent Monitoring Program report.

57. Any wayfinding signage or signage installed along the Project’s frontage, including the freestanding monument sign at the corner of Crafts Street and Maguire Court, shall undergo review and approval by the Transportation Division of the Department of Public Works to ensure clear sight lines for vehicles entering and exiting the site.

STORMWATER/ENVIRONMENTAL CONDITIONS

58. The Applicant shall comply with the City’s Stormwater Ordinance and the Massachusetts Stormwater Handbook (MSH) Standards.
59. 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.
60. The Applicant shall submit annual reporting of the actual operations and maintenance data of the installed stormwater systems to the City Engineer, in a form and manner as determined by the City Engineer.
61. 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.

62. 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.

ONGOING CONDITIONS

63. The landscaping, berm, fencing, screening, and other site features shown on the approved plan shall be maintained in good condition in perpetuity. The plantings shall be inspected annually, and any plant material that has become diseased or dies shall be replaced as soon as feasibly possible with similar material. Existing trees noted for preservation on the landscape plan shall be maintained to the greatest extent possible and replaced with trees of similar species if necessary.
64. The Applicant shall be responsible at its sole cost for trash and recycling disposal for the Project. The hours for trash collection shall be limited to the hours of 7am-4pm on Monday through Friday.
65. The Applicant shall be responsible for keeping all internal roadways, sidewalks and pedestrian paths 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.
66. The Applicant shall be responsible in perpetuity for the maintenance of the tot lot and all bicycle/pedestrian paths located within the Site at the Applicant's sole expense.

CONDITIONS PRECEDENT TO THE ISSUANCE OF BUILDING PERMITS

67. 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. 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 #5.

- e. 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 #33.
 - f. 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.
 - g. Submitted engineering, utility and drainage plans and an O&M Plan for review and approval by the City Engineer in accordance with Condition #59.
 - h. Submitted to the Director of Planning and Development copies of the embodied carbon analysis in accordance with Condition #44.
68. 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 portions of the payments required in accordance with Conditions #19 and 20.
 - g. Submitted plans to the appropriate City Departments for review and approval regarding the off-site improvements in accordance with Conditions #21 through #25.
 - h. Submitted a final photometric plan for review and approval by the Director of Planning and Development in accordance with Condition #41.

- i. Submitted to the Director of Planning and Development information evidencing design compliance with Passive House certification standards in accordance with Condition #42.
- j. Submitted a Transportation Demand Management Plan for review and approval by the Director of Planning and Development in accordance with Condition #52.

CONDITIONS PRECEDENT TO THE ISSUANCE OF OCCUPANCY PERMITS

69. 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 the portions of the payments required in accordance with Conditions #19 and #20 prior to the issuance of the first dwelling unit occupancy permit (temporary or final) for Building B.
- 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.

70. 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. Submitted to the Director of Planning and Development evidence of completion of off-site improvements in accordance with Conditions #21 through 25.
 - d. 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 #40.
 - e. 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 #43.
71. Provided that all other requirements in Condition #68 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 and Section 4.4.1 to allow multi-family dwellings in the Multi Residence 1 and Manufacturing Districts.
 - b. Section 4.4.1 to allow a multi-level accessory parking facility in a Manufacturing District.
 - c. Section 5.11 to waive all inclusionary zoning requirements except as modified in this Decision to maintain one parking space for each affordable unit and to maintain the local preference requirements.
 - d. Section 7.4 to waive site plan approval procedures.

2. The Board grants waivers from the following dimensional requirements of Section 3.2 and Section 4.3 of the Zoning Ordinance as shown on the Approved Plans:
 - a. Section 3.2.2 to allow a lot area per unit of 702 square feet, lot coverage of 49.9%, and 33.4% of usable open space in the Multi Residence 1 District.
 - b. Section 3.2.2 to allow the proposed building heights, stories, floor area ratio, frontage and setbacks, consistent with the Approved Plans, in the Multi Residence 1 District.
 - c. Section 4.3.2.B.1 to allow a development over 20,000 square feet in the Manufacturing District.
 - d. Section 4.3.2.B.3 to allow a five and six-story building in the Manufacturing District.
 - e. Section 4.3.3 to allow an increase in the maximum building heights for Building A of up to 65 feet and for Building B of up to 76 feet in the Manufacturing District, and to allow a maximum number of stories for Building A of up to 5 stories and for Building B of 6 stories.
 - f. Section 4.3.3 to allow a reduction in required front setbacks for Building A in the Manufacturing District to 8.9 feet.
 - g. Section 4.3.3 to allow a reduction in the required side setbacks for Building B of 28.1 feet and Building E of 5.2 feet in the Manufacturing District.
 - h. Section 4.3.3. to allow a reduction in the required rear setbacks for Buildings A and B of 10 feet in the Manufacturing District.
 - i. Section 4.3.3 to allow a reduction in the required side setbacks for Building B and E in the Manufacturing District, as shown on the Approved Plans.
 - j. Section 4.3.3 to allow a floor area ratio of 2.0 at the Site, as shown on the Approved Plans.
3. The Board grants waivers from the following parking requirements of Section 5.1 of the Zoning Ordinance:
 - a. Section 5.1.3.B to 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 to allow a reduced parking requirement of 1.25 stalls per unit for multi-family dwellings, plus a waiver of 91 parking stalls.
 - d. Section 5.1.5 to waive the application and permit for parking and loading facility.

- e. Section 5.1.8.A to allow parking in the front and side setbacks.
 - f. Sections 5.1.8.B.1, 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 and a width of less than nine feet.
 - g. Section 5.1.8.B.6 to waive the required maneuvering space for end aisles.
 - h. Section 5.1.10.A.1 to waive the 1-foot candle lighting requirement for outdoor parking.
 - i. Section 5.1.12.B to waive the requirement to submit a plan for an off-street loading facility.
 - j. Section 5.1.12.C to waive the requirement of an off-street loading facility.
 - k. Section 5.1.12.D to waive the design requirements for an off-street loading facility.
4. The Board grants waivers from the following sign requirements of Section 5.2 of the Zoning Ordinance:
- a. Sections 5.2.7, 5.2.8 and 5.2.13 to allow free-standing signs and directional in the quantity and dimensions shown on the Approved Plans in Schedule A.
5. The Board grants waivers 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 \$721,638.
 - b. Section 22 to waive review by the Newton Historical Commission and the possible imposition of a demolition delay of historically significant buildings.

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

RECORD OF VOTE

AYES: Michael Rossi
 Brooke Lipsitt
 William McLaughlin
 Elizabeth Sweet
 Jennifer Pucci

NAYS: None



Michael Rossi, Chair

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

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 “78 Crafts Street” prepared by Weston & Sampson, dated October 13, 2023 revised through September 6, 2024, signed and stamped by Jesse Johnson, Registered Professional Engineer, containing the following sheets:

<u>No.</u>	<u>Drawing Title</u>	<u>Latest Issue</u>
G-000	Cover Sheet	September 6, 2024
G-001	Abbreviations, Notes, and Legend	September 6, 2024
C-100	Erosion and Sediment Control Plan	September 6, 2024
C-101	Site Plan	September 6, 2024
C-102	Fire Emergency Response Plan	September 6, 2024
C-103	Grading and Drainage Plan	September 6, 2024
C-104	Drainage Schedule	September 6, 2024
C-105	Utility Plan	September 6, 2024
C-106	Lighting Plan	September 6, 2024
C-500	Details	September 6, 2024
C-501	Details	September 6, 2024
C-502	Details	September 6, 2024
C-503	Details	September 6, 2024
C-504	Details	September 6, 2024
C-505	Details	September 6, 2024
C-506	Details	September 6, 2024
C-506	Details	September 6, 2024

2. A set of architectural plans entitled 78 Crafts Street prepared by TAT, dated November 30, 2023, revised August 9, 2024, signed and stamped by Michael D. Binette, Registered Architect, containing the following sheets:

<u>No.</u>	<u>Drawing Title</u>	<u>Latest Issue</u>
T0.01	Project Cover	August 9, 2024
T0.03	Project Information	August 9, 2024
T0.04	Project Information	August 9, 2024
A1.01	Preliminary Overall Floor Plans – Building A	August 9, 2024
A1.02	Preliminary Overall Floor Plans – Building A	August 9, 2024

A1.03	Building A - Colored Plans with SF Calcs	August 9, 2024
A1.04	Building A - Colored Plans with SF Calcs	August 9, 2024
A1.10	Preliminary Overall Floor Plans – Building B	August 9, 2024
A1.11	Preliminary Overall Floor Plans – Building B	August 9, 2024
A1.12	Preliminary Overall Floor Plans – Building B	August 9, 2024
A1.13	Building B-Colored Plan – Level 1	August 9, 2024
A1.14	Building B-Colored Plan – Level 2	August 9, 2024
A1.15	Building B-Colored Plan – Level 3-6	August 9, 2024
A1.20	Preliminary Overall Floor Plans – C & D	August 9, 2024
A1.21	Building C – Colored Plans	August 9, 2024
A1.22	Building D – Colored Plans	August 9, 2024
A1.40	Preliminary Overall Floor Plans – E	August 9, 2024
A1.41	Building E – Colored Plans (SF calcs)	August 9, 2024
A2.00	Enlarged Amenity Plans	August 9, 2024
A2.50	Enlarged Unit Plans	August 9, 2024
A4.03	Preliminary Overall Elevations – Building A	August 9, 2024
A4.04	Preliminary Overall Elevations – Building B	August 9, 2024
A4.05	Preliminary Overall Elevations – Building B	August 9, 2024
A4.06	Preliminary Overall Elevations – Building C&D	August 9, 2024
A4.07	Preliminary Overall Elevations – Building E	August 9, 2024
A5.00	Typical Building Sections & Construction Type	August 9, 2024

3. A set of landscape plans entitled “78 Crafts Street” prepared by Gregory Lombardi Design, dated December 7, 2023 revised through August 9, 2024, signed and stamped by Gregory Lombardi, Registered Landscape Architect, containing the following sheets:

<u>No.</u>	<u>Drawing Title</u>	<u>Latest Issue</u>
L-0.00	Rendered Landscape Plan	August 9, 2024
L-1.00	Landscape Materials Plan	August 9, 2024
L-1.01	Planting Plan	August 9, 2024
L-1.02	Planting Schedule	August 9, 2024
L-1.03	Site Details - Planting	August 9, 2024
L-1.04	Site Details - Planting	August 9, 2024
L-1.05	Site Details – Site Furnishings	August 9, 2024

4. A plan entitled “Signage Diagram” prepared by Gregory Lombardi Design, undated, but submitted to the City electronically on August 15, 2024, by Gregory Lombardi, Registered Landscape Architect, containing the following sheets:

<u>Drawing Title</u>	<u>Latest Issue</u>
Signage Diagram	Undated

