



CITY OF NEWTON, MASSACHUSETTS

City Hall

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Ruthanne Fuller
Mayor

ZONING BOARD OF APPEALS

To: Zoning Board of Appeals Members
From: Adrianna Henriquez, Clerk
Date: May 29, 2020
Subject: Materials for **June 3, 2020** Public Hearing

PACKET 2

Hello,

Please see the following materials for the upcoming hearing on June 3, 2020 Public Hearing. The following board members are scheduled to sit: **Brooke Lipsitt (Chair), William McLaughlin, Barbara Huggins Carboni, Michael Rossi, Stuart Snyder, and Treff LaFleche**

1. Supplemental Material from Applicant received May 28, 2020
2. Letter dated May 29, 2020 from Applicant - Please note, you do NOT have paper copies of this document.

Please note, the applicant had the following items delivered directly to board members and staff – if you have not received the following, please contact the Board Clerk:

1. Memorandum from Criterion Development Partners, dated May 28, 2020, responding to the Horsley Witten Group's peer review dated March 25, 2020 and revised to May 22, 2020.
2. Memorandum from Criterion Development Partners, dated May 28, 2020, outlining the mitigation measures which the applicant is offering as part of the pending Comprehensive Permit Application.
3. Revised Waiver List.

Thank you,

Adrianna Henriquez

ahenriquez@newtonma.gov | (617) 796 1133

Documents for Distribution to ZBA

Katherine Adams <kadams@sab-law.com>

Thu 5/28/2020 2:37 PM

To: Adrianna Henriquez <ahenriquez@newtonma.gov>

Cc: Neil Cronin <ncronin@newtonma.gov>; Katie Whewell <kwhewell@newtonma.gov>; Jonah Temple <jtemple@newtonma.gov>; Buchbinder, Stephen <sjbuchbinder@sab-law.com>; Megan Rothwell <mrothwell@sab-law.com>; Jaclyn R. Zawada <jzawada@newtonma.gov>; Barney Heath <bheath@newtonma.gov>; Julie Ross <jross@sab-law.com>

 4 attachments (7 MB)

CDP Memo to the ZBA on Riverdale Mitigation.pdf; Henriquez Letter 5.28.20.pdf; WAIVER LIST RIVERDALE REVISED AS OF 5.28.20.docx; 15 Riverdale Ave HW Response 2 5.28.20.pdf;

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Dear Adrianna,

Please see attached cover letter and documents for distribution to the ZBA. Hard copies to follow via FedEx.

Thank you,

Katherine

SCHLESINGER AND BUCHBINDER, LLP
ATTORNEYS AT LAW

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May 28, 2020

BY ELECTRONIC MAIL AND FEDERAL EXPRESS

Ms. Adrianna Henriquez Olmsted, Clerk
Zoning Board of Appeals
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Comprehensive Permit Application Under M.G.L. Chapter 40B, Sections 20-2
15 Riverdale Avenue/CPC Land Acquisition Company, LLC

Dear Ms. Olmsted,

I enclose the following documents to you for electronic distribution to the Zoning Board of Appeals. In accordance with our previous procedure, hard copies of the following will be delivered to your home, to the homes of the ZBA Members, and to the homes of Planning Department Staff.

1. Memorandum from Criterion Development Partners, dated May 28, 2020, responding to the Horsley Witten Group's peer review dated March 25, 2020 and revised to May 22, 2020.
2. Memorandum from Criterion Development Partners, dated May 28, 2020, outlining the mitigation measures which the applicant is offering as part of the pending Comprehensive Permit Application.
3. Revised Waiver List.

SCHLESINGER AND BUCHBINDER, LLP

Ms. Adrianna Henriquez Olmsted
May 28, 2020

Page Two

Please feel free to contact me if you have any questions with respect to the foregoing.

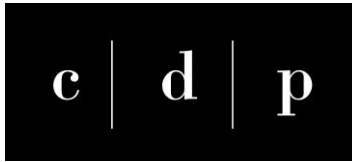
Sincerely,

Katherine Braucher Adams

Katherine Braucher Adams

cc: (By Electronic Mail)

Ms. Brooke Lipsitt
Ms. Barbara Huggins Carboni
Mr. William McLaughlin
Mr. Michael Rossi
Mr. Stuart Snyder
Mr. Treff LaFleche
Mr. Barney Heath
Mr. Neil Cronin
Ms. Katie Whewell
Jonah Temple, Esquire
Jaclyn Zawada, Esquire
Mr. Jack Englert



May 28, 2020

Ms. Brooke K. Lipsitt, Chairman
Zoning Board of Appeals
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: ZBA #01-20
Residences on the Charles
15 Riverdale Avenue
Newton, MA

Dear Chairman Lipsitt:

We are in receipt of the Horsley Witten Group Peer Review dated March 25, 2020; revised May 22, 2020 issued for the proposed Residences on the Charles. The review indicates Horsley Witten Group's satisfaction with much of the information supplied by the Applicant, however, there are still several items where more information is required. On behalf of CPC Land Acquisition Company, LLC ("Applicant"), a wholly owned subsidiary of Criterion Development Partners, we have prepared this letter to respond to these outstanding items. The format of the following sections is as follows: comments excerpted directly from the peer review are included in italic font - with comments from the March review in the first paragraph and comments from the May review in the second paragraph. The Applicant's responses are provided in bold font and are prefaced by "R" and the applicable numerical designation.

18. *The Applicant has proposed three fire hydrants closest to Building 1 and proposes to maintain an existing fire hydrant on Riverdale Avenue. HW recommends that the Applicant confirm that the Fire Department has reviewed the plans and is satisfied with the proposed locations.*

The Applicant stated it will meet with the Fire Department to confirm that the locations of the fire hydrants are acceptable.

R-18 The Applicant spoke with representatives of the Fire Department on May 4, 2020 and reviewed the proposed hydrant locations. Based on input received at that meeting a revised plan was submitted to the Fire Department. The revised hydrant locations are shown on EXH-1 Fire Truck Turning Plan issued for review on May 18, 2020, a copy of which is provided in the Appendix.

27. *HW recommends that the Applicant work with the City and abutters as possible to create sidewalk extensions and clarify bicycle access on Los Angeles Street and Riverdale Avenue to California Street to increase safe pedestrian and bicycle circulation throughout the neighborhood. Handle this as a condition of approval*

C R I T E R I O N D E V E L O P M E N T P A R T N E R S

DALLAS 14160 NORTH DALLAS PARKWAY DALLAS, TEXAS 75254 (O) 214.393.4100 (F) 214.393.4110
BOSTON 1601 TRAPELO ROAD, SUITE 280, WALTHAM, MA 02451 (O) 781.890.5600 (F) 781.209.5553

The Applicant is amenable to these improvements and will work with abutters and others as needed. Additional detail should be provided as part of future review.

R-27 The Applicant will continue to engage with abutters on Los Angeles Street and Riverdale Avenue to implement a roadway and sidewalk plan that best facilitates pedestrian access and bicycle circulation. The Applicant proposes that within 90 days of receipt of a Comprehensive Permit, the Applicant will provide a definitive update to the City Planning Department relative to this initiative. Based on the Applicant's outreach, and level of cooperation from the abutters, the Applicant will submit a final off-site improvement plan to the Planning Department as a condition to receipt of a building permit.

30. *Street cross sections should be provided to evaluate street design for Los Angeles Street and Midland Avenue.*

The Applicant provided the requested street cross-sections in the revised plan set. Proposed travel lane width is 12-feet (Midland Avenue) and 13-feet (Los Angeles Street). HW recommends narrower travel lanes be considered meeting Newton Street Design Guide recommendations (generally 10-foot lanes). This space can be allocated to widen and improve the pedestrian realm.

R-30 The Applicant will submit a final engineered plan of the Midland Avenue and Los Angeles Street cross sections to the Planning Department for review as a condition to receiving a building permit. As some sections of these private roads are outside of the control of the Applicant, there are certain improvements that the Applicant cannot make without cooperation from the abutters.

33. *Raising the pedestrian crosswalk from Los Angeles Street across Midland Avenue flush with the sidewalk elevation as a speed table, or potentially raising the entire intersection as an extension of the courtyard, would increase pedestrian safety and improve placemaking value. A&M to circulate design. We can use ownership and right to unobstructed passage if we don't want to do. Looking into design implications – final design*

The Applicant responded that the area is a low point and if raised, stormwater will be forced into the abutter's property. HW notes that it appears that the proposed drainage system could be modified in this location without significant additional cost to include a raised intersection or crosswalk at a low point. Even better, the raised intersection could be designed to include highly visible green stormwater infrastructure in this location at a low point, greatly improving the streetscape value at this focal point.

R-33 The Applicant will consider HW's suggestion to construct a raised intersection at Los Angeles Street and Midland Avenue in conjunction with preparation of final roadway design plans that will be submitted to the Planning Department for review as a condition to receiving a building permit.

37. *HW recommends that the Applicant clarify who will be responsible for maintenance of the open spaces, including the bioretention system, permeable pavement, and landscaping. HW recommends that the Applicant communicate with the future maintenance entity to ensure that the materials, furnishings, and landscaping choices fall under the umbrella of their capabilities and potential scope of work.*

The Applicant prepared a Landscape Maintenance Manual which covers general landscape maintenance, and an O&M plan for the stormwater practices. The Applicant should confirm that the maintenance of the stormwater management areas and any hardscaping, etc. falls under the purview of the property management team.

R-37 The Applicant can confirm that the property management team will be responsible for maintaining all site improvements constructed as part of the Project, including the items specifically called out by HW.

39. *To create an open space where the public feels welcomed into the outdoor area as well as through the pedestrian concourse, public amenities as well as wayfinding are critical. The various materials show a café but other amenities are not clear. The Applicant should clarify the intended users and programs for the pedestrian concourse and lawn area (i.e. will there be bike and kayak rentals, play spaces and public bathrooms for use). The Applicant should also clarify if there will be wayfinding, such as signage, directing people to the amenities, either on the DCR path or on California Street.*

The Applicant revised the plan set to identify public spaces and tenant areas. Signage will be provided at both ends of the courtyard. Additional detail should be provided for future review.

R-39 A conceptual sign plan package was recently submitted to the Planning Department and is provided in the Appendix. When available, a formal sign plan application will be submitted to the City's Urban Design Commission for review and approval.

42. *There is limited information on landscape materials on the plans. Site furnishings and surface materials will make a big impact on the vehicular, pedestrian and bicyclist safety, circulation and wayfinding and aesthetics of the development. HW recommends that the Applicant submit data sheets for the various site amenities to demonstrate design intent.*

The Applicant provided additional details on the proposed materials; however the information does not include the concrete pedestrian concourse paving, the stamped concrete or the movable bench seating. The Applicant should provide information to the City of Newton for these site elements as well.

R-42 Prior to issuance of a building permit, the Applicant will provide the Planning Department with a final stamped engineering plan set ("Project Plans"), including detailed landscaping plans and inclusive of all construction details. The Applicant proposes that Planning Department's approval of the Project Plans be a condition of the Comprehensive Permit.

45. *Proposed seating is called out for the areas between the pedestrian concourse and lawn area. This creates a barrier that appears to force pedestrians to turn right or left to access the lawn. To create a more welcoming sightline through the concourse and invite users to move through the spaces more freely, HW recommends opening up that area for pedestrian passage. The Applicant should clarify the intention of the seating and update as needed.*

The Applicant revised the plan set which shows some access through the benches. They also stated that seating is intended to be movable. The Applicant should provide details or information on the proposed seating to clarify.

R-45 See R-42 for response.

47. *The trees listed in the replacement plan range in tolerance of conditions. The Applicant should confirm that the soil and moisture conditions are suitable for the specific plants, especially in the bioretention area (sandy soils) that has a high seasonal water table.*

*The Applicant revised the Landscape Plan and plant lists. HW generally agrees with the planting strategy and species chosen. There are a few species that typically grow in wetland conditions such as: *Chamaecyparis thyoides*, *Lindera benzoin*, *Acorus americanus*, *Junus effusus*, and *Scirpus atrovirens*. The Applicant should confirm these species will thrive in the proposed conditions, especially the *Chamaecyparis* that is located as part of a buffer planting with more drought tolerant species.*

R-47 The Applicant confirms that the proposed plants are appropriate for the intended application. We have specifically selected species that can tolerate both occasional standing water and occasional dry conditions. The species that prefer wetter soil conditions will be located at the lower elevations of the basin. *Chamaecyparis* is a suitable choice as it is anticipated that occasional flooding may occur and it will be located at the bottom of a small slope where the soil will be wetter.

48. *The Applicant should ensure adequate soil volumes for the trees to grow to maturity, in particular in the pedestrian concourse and along the streets. HW recommends at least 1 cubic foot of soil for every square foot of crown projection of the mature tree. The Applicant should submit details of the various conditions that explain how this volume will be accommodated.*

The Applicant revised the Landscape Plan to include include minimum soil volume requirements and show where structural soil is required. However, there are no details and the areas for structural soil are not called out on the plans. The Applicant should confirm they can accommodate the referenced soil volumes. In particular, the trees in the pedestrian concourse are called out to require 2,000 sf of soil but it is not clear if the planting beds accommodate that volume and there is no structural soil called out under the concrete paving. The Applicant should confirm as needed and provide details for both the proposed paving and soil conditions.

R-48 The specified soil volumes will be met. In areas where limited open plant beds occur, such as along the sidewalks and within the courtyard, the volumes will be accommodated via supplemental structural soil beds below the pavements. Additional detail will be included in the Project Plans to be submitted to the Planning Department as described in R-42.

50. *To ensure adequate soil volume for the pedestrian concourse and street trees, the Applicant should consider using structural soil and permeable pavers and/or other methods of maximizing and connecting the soil underneath the surface to meet the volume required for the particular tree species. See comment above about soil volume.*

The Applicant revised the Landscape Plan to include minimum soil volume requirements and show where structural soil is required. However, there are no details and the paving material for the pedestrian concourse is not specified. The Applicant should provide details for the surfaces and structural soil underneath as needed.

R-50 See R-42 for response.

53. *Placement of evergreen trees compared to deciduous ones is not indicated on the landscape plan. HW recommends that the Applicant show the trees as deciduous or evergreen to help clarify where screening is intended.*

The Applicant revised the Landscape Plan to include an evergreen symbol for those trees. The symbols is currently about 7-8 feet wide. HW recommends increasing the size of these symbols to reflect the size of the trees specified.

R-53 The planting intent is to create a dense evergreen planting mass and the final placement of trees will be reviewed and adjusted in the field as part of the installation. The change to the graphic symbol will be included in the final Project Plans to be submitted to the Planning Department in accordance with R-42.

54. *There are no species listed for the seed mix for the stormwater/flood management area. Applicant should specify the stormwater/flood management planting seeding species for review.*

The Applicant revised the Landscape Plan to include a specific planting list for stormwater management area. According to the legend, this area will also be seeded. The Applicant should list the typical species in the seed mix.

R-54 Details of the stormwater basin seed mix is provided in the Appendix and was previously submitted to the City Conservation Commission.

55. *It is not clear if the lawn area will be seeded or sodded, or what the species will be. The landscape notes state that the tree and shrub planting areas will be irrigated. HW recommends that the Applicant confirm the lawn species and specify areas that will be irrigated versus not. This information will help convey the aesthetic intention for the lawn and will be relevant to the lawn details to ensure drainage and to establish clear expectations.*

The Applicant has not revised the plans to clarify the design of the lawn area or specify the species in the seed mixes. HW recommends the Applicant add HW recommends the Applicant add landscape details and list the typical species in the seed mixes or specify if the lawn will be sod.

R-55 It is anticipated that the lawn area will be a seeded installation although we allow the contractor to use sod based on construction sequencing and projected completion dates. The lawn seed mix is provided is provided in the Appendix.

56. *There is a large stand of invasive Japanese Knotweed on the development side of the DCR path. The Applicant should include an invasive management plan as part of the plan set and should coordinate with DCR and contractors on long-term management plans to ensure existing or new invasive species are controlled.*

The Applicant responded that it is amendable to working with DCR to address invasive species management. HW recommends the Applicant provide more detail to ensure the planting area within their limit of work is free of invasive species and provide a plan for long-term management to ensure the stormwater management area does not become a

larger stand of Knotweed. Additional detail regarding coordination with DCR should be provided when it is available.

R-56 The potential for Knotweed invasion within the site will be managed in accordance with Penn State’s “Managing Japanese Knotweed” fact sheet, a copy of which is provided in the Appendix. Measures to manage invasive Knotweed on DCR property will be developed in conjunction with DCR. The Applicant will copy the Planning Department on correspondence with DCR regarding these management practices.

57. *The landscape plant schedule includes trees that can form thickets and that could require regular maintenance depending on where they are sited. The plan for landscape maintenance should be coordinated prior to design completion to ensure ongoing maintenance capabilities will be suited to the intention of the landscape design.*

The Applicant commented that its property management team will be responsible for ongoing maintenance of the landscaped areas. If there are particular requirements for certain plant species, those should be included in the Landscape Maintenance specification.

R-57 The requested detail will be included in the final Landscape Maintenance Manual that will be included in the final Project Plans and submitted to the Planning Department in accordance with R-42.

59. *HW recommends that the Applicant consider geese management while the plants establish.*

The Applicant responded that it will use geese management to protect emerging vegetation. There are no landscape details in the plan set. The Applicant should show relevant details or address this in their specification.

R-59 See R-57 for response.

66. *The Applicant should confirm whether a vehicular and/or pedestrian and bicycle connection at the end of Midland Avenue to Gates Street and Forte Park on the other side of the fence has been discussed with the City. If there will not be a vehicular connection between Midland Avenue and Gates Street, the Applicant should consider pedestrian/bicycle path(s) to increase connectivity throughout the neighborhood.*

The Applicant revised the plans and now shows a proposed bike and pedestrian connection between Midland Avenue and Forte Park. The Applicant states that they propose improvements to street crossings at California Street to enhance bicycle and pedestrian safety. These crossings are not shown on the plans. HW recommends clarification of the location of those crosswalks be provided.

R-66 A concept plan showing the proposed intersection improvements at California Street and Los Angeles Street is provided in the Appendix. These improvements were developed with input from the City Traffic Engineer and an engineered plan will be submitted to the City for review and approval.

67. *The existing fence west/Forte Park side of the property is an actual and aesthetic barrier between the development and the park. It also restricts the space for planting between*

the road and the fence. The Applicant should coordinate with the City to discuss the removal of the fence paired with tree removal and plantings. If fence removal is not desired than the Applicant should consider discussing replacing it with a more aesthetically pleasing and welcoming fence. This would allow unhealthy or unwanted trees growing into the existing fence to be removed as needed.

The Applicant addressed this comment by calling out the proposed fence in the Landscape Plan. However, on the Site Prep Plan the existing chain link fence is called out to be maintained. If a new fence is erected adjacent to the existing fence, an area will be created between the two that will be almost impossible to maintain. The Applicant stated that a detailed plan for this area has been presented to the City that includes removal of existing trees and fencing and the installation of a new fence and landscape. The Applicant noted that the plan was in the Appendices of their response narrative, but it appears to be missing. The Applicant should clarify what has been approved in regards to tree and fence removal and protection and update the plans accordingly.

R-67 The Site Prep Plan included in the final Project Plans will indicate that the existing chain link fence is to be removed. The reference to inclusion of the Forte Park Landscape Improvements in the Appendix was an error. The improvements were reflected in the L-100 Landscape Plan included in the Site Development Plan Submission dated April 17, 2020 and reviewed by HW.

68. *Two Norway Maple trees are called out to be protected (trees labeled S and T). The plans state that these trees are partially growing into the existing fence. These are invasive species and, unless they greatly enhance the aesthetics of the area, could be removed and replaced with native species that add diversity to the surrounding plantings. See comment above regarding fence removal.*

The Applicant addressed this comment by stating that these particular trees provide biomass, shade, and habitat benefits as a result of their size and that the trees will be pruned and preserved. HW agrees that there is a benefit to protecting large shade trees. The Applicant should confirm the species and health of the trees prior to finalizing the plans. In photos and Google Street view it appears these are not Norway Maples and the plans list them as growing into the fence.

R-68 We can confirm that these two existing trees will be pruned, the existing fence will be carefully cut away from the trunks and the trees will be preserved.

73. *Design to meet the standards of an authorized green building rating system is required per Zoning Section 5.12. Additional information is required for review. A Sustainability Report has not been provided.*

The Sustainability Report dated April 22, 2020 states Building 1 will be LEED v4 Residential "Certifiable" at Silver level, and three residential floors of Building 2 will be designed to Passive House standards. The Sustainability Report notes a commitment to meet the intent of the City's sustainability goals though a waiver from these provisions has been requested. Expectations for additional study and certification requirements should be clarified.

R-73 The City's Sustainable Development Design Ordinance sets forth the City's goal of incorporating green building elements in the design of new buildings and the Applicant has committed that Building 1 will meet the minimum requirements for LEED Silver certification, with a goal of reaching LEED Gold certification. The

requested waiver is specific to the Ordinance's requirement that buildings greater than 50,000 square feet be designed to be LEED Gold certifiable. As part of the LEED and Passive House analyses, the Applicant will be conducting energy modeling for both buildings.

74. *EV stations are required for 10% of the project parking spaces and provision of an additional 10% of parking spaces to be EV ready. Additional information is required for review.*

The Applicant has stated intent to meet this requirement, but the final locations have yet to be determined. More information should be provided as part of future review.

- R-74 The location of the EV and EV-ready spaces will be included in the final Project Plans to be submitted to the Planning Department for review and approval prior to issuance of a building permit.**

75. *Will buildings have green roofs and/or be solar or solar-ready? Additional information is required for review.*

The Applicant responded that buildings will have green roofs and solar PV panels. Locations will be determined as the design progresses.

- R-75 Details of the green roofs and solar panels will be included in the final Project Plans to be submitted to the Planning Department for review and approval prior to issuance of a building permit.**

76. *Investigation of other opportunities to provide green infrastructure practices within streets consistent with the City's Complete Streets Policy is encouraged.*

The Applicant noted that Los Angeles Street and Midland and Riverdale Avenues are private rights-of-ways and it has limits on what it can propose, but they will endeavor to implement measures. Additional detail is required for clarification of the proposed approach. Also see HW response to comment #33.

- R-76 The Applicant will submit a final engineered plan of Midland Avenue and Los Angeles Street to the Planning Department for review and approval prior to issuance of a building permit. The final design will be influenced by private abutters to the roadways providing consent to the proposed plan.**

APPENDIX

- **EXH-1 Fire Truck Turning Plan**
- **Conceptual Sign Plan**
- **Seed Mixes - Stormwater Basin & Lawn**
- **Knotwood Management**
- **Proposed Improvements – California Street at Los Angeles St and at Riverdale Ave**

EXH-1 Fire Truck Turning Plan

THE
RESIDENCES
ON THE
CHARLES

15 RIVERDALE AVENUE
NEWTON, MA

CPC LAND ACQUISITION
COMPANY, LLC

ARCHITECT

E-ICON
ARCHITECTURE

101 SUMMER ST BOSTON MA 02110

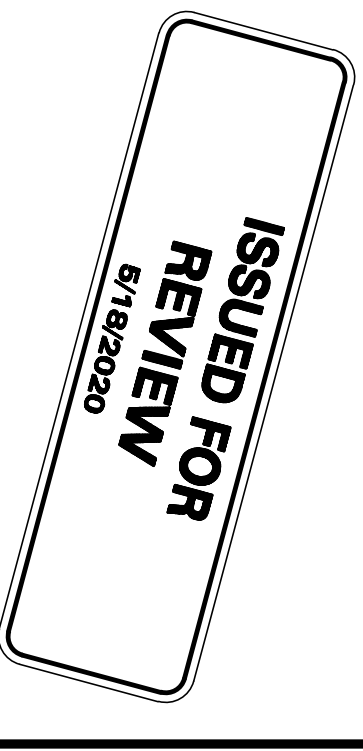
CONSULTANT



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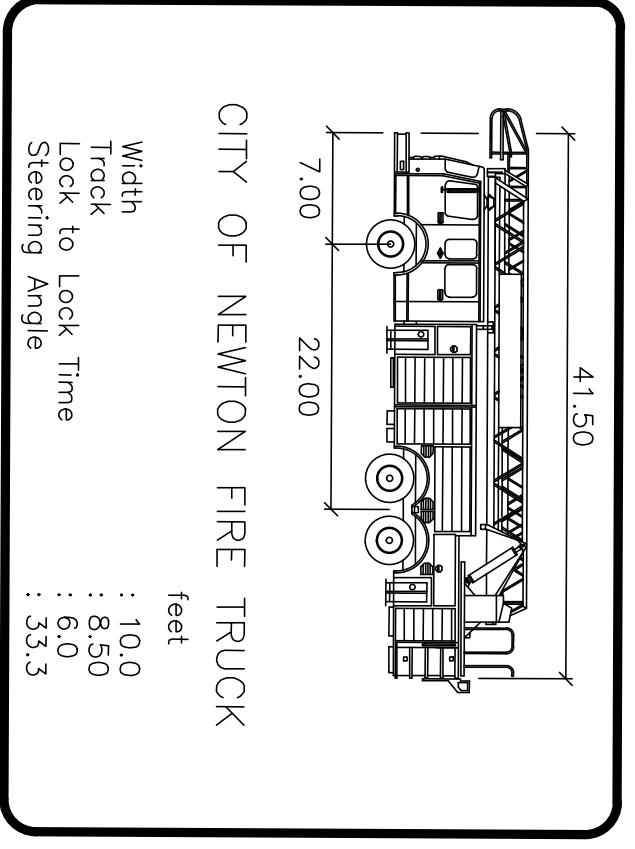
KEY PLAN

PROJECT NUMBER: 1317423
DRAWN BY: AM
CHECKED BY: TJW

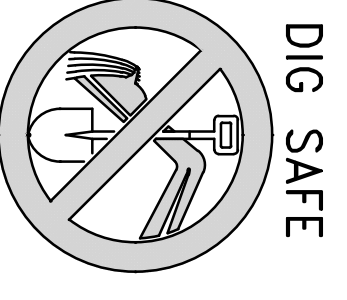
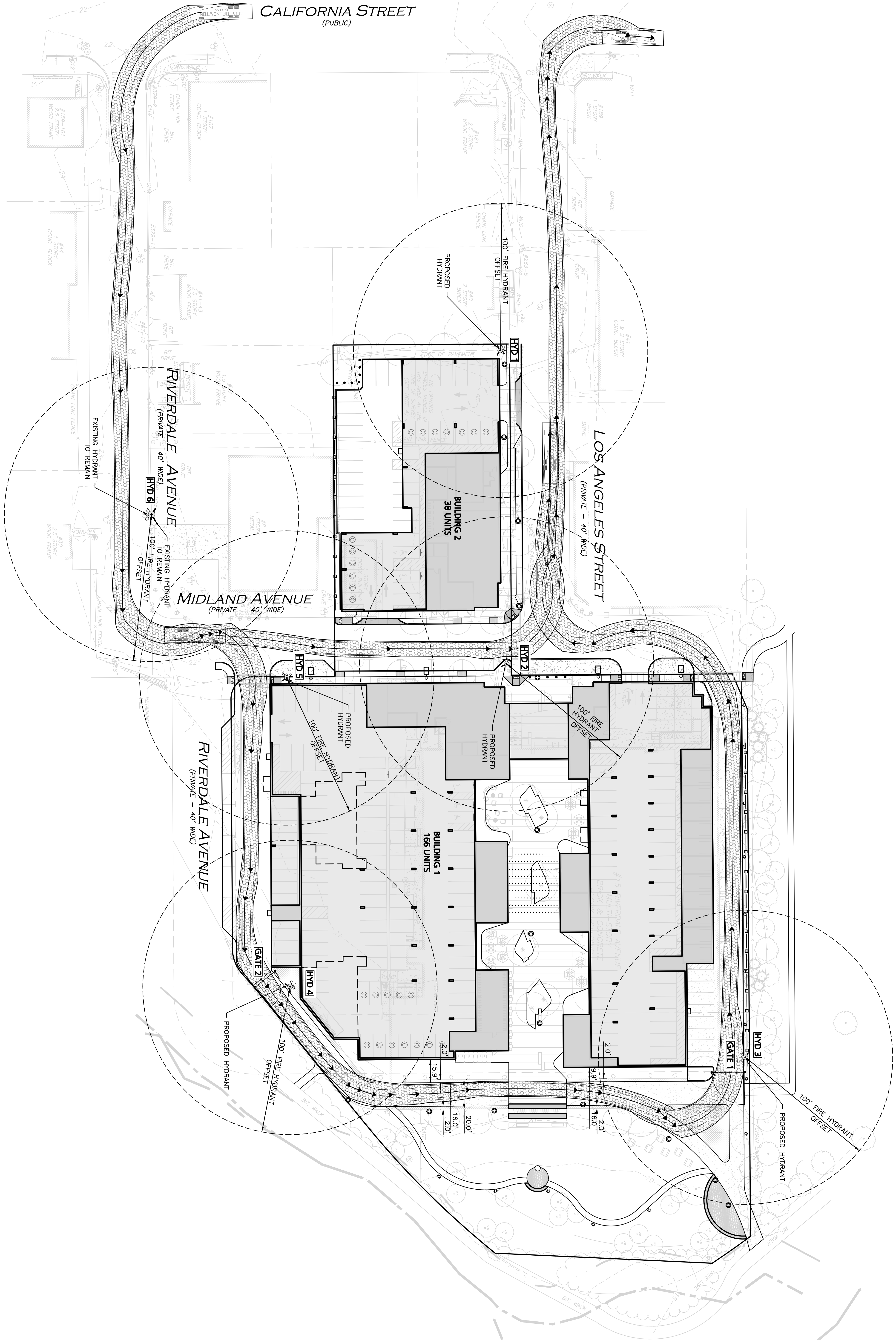
SHEET TITLE

FIRE TRUCK
TURNING PLAN

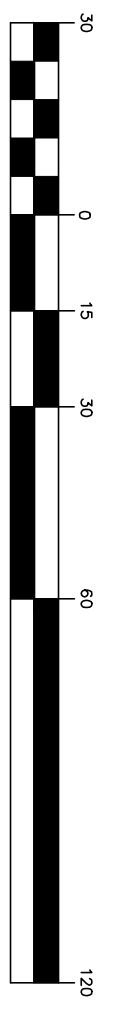
EXH-1



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GRAPHIC SCALE

(IN FEET)
1 inch = 30 ft.

Conceptual Sign Plan

LEGEND

Wall Sign

Parallel Wall Sign

Perpendicular Wall Sign

Free-Standing Sign

Directional Sign

Wayfinding Sign



RESIDENCES ON THE CHARLES
CONCEPTUAL SIGN PROGRAM

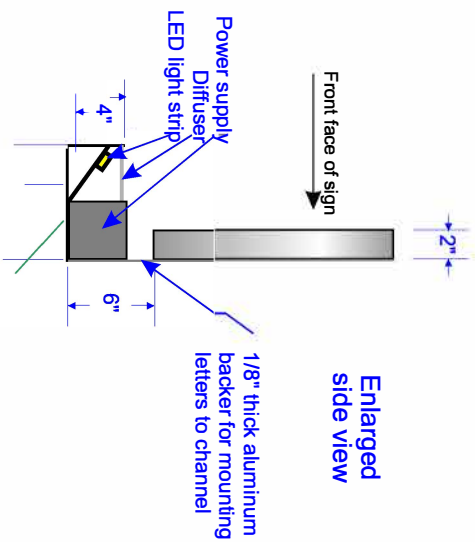
MAY 21, 2020

Front View



MAIN SIGN TO FACE MIDLAND AVE.
SUPPLEMENTAL SIGN TO FACE COURTYARD

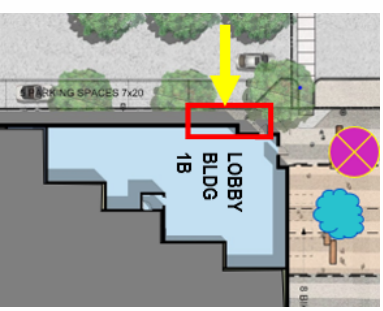
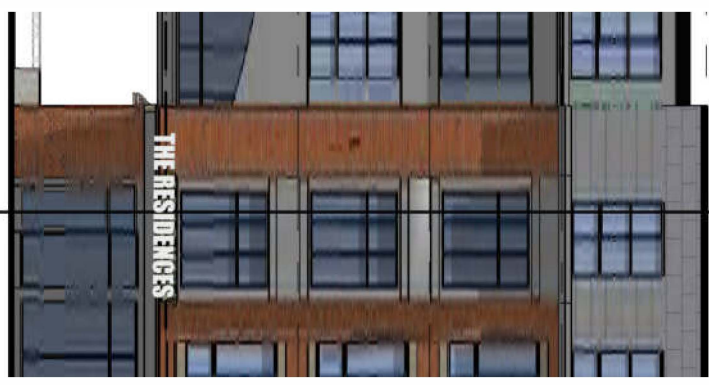
Side Profile



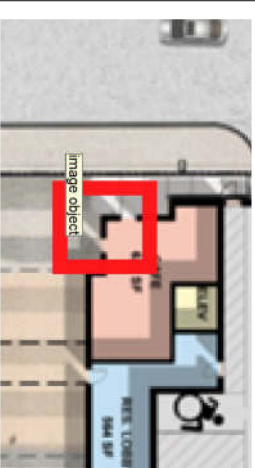
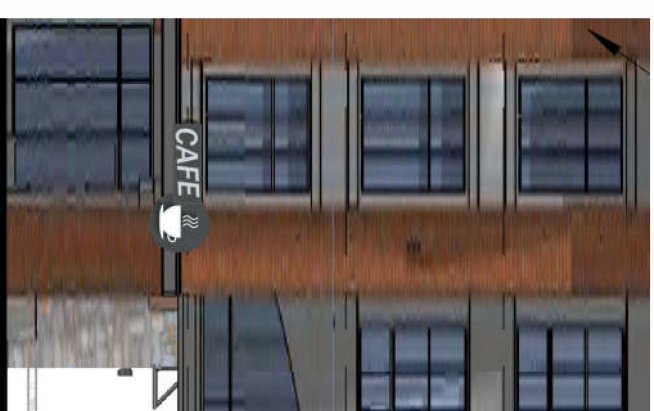
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BUILDING 1B AT RESIDENTIAL LOBBY



Cafe Sign



Front View

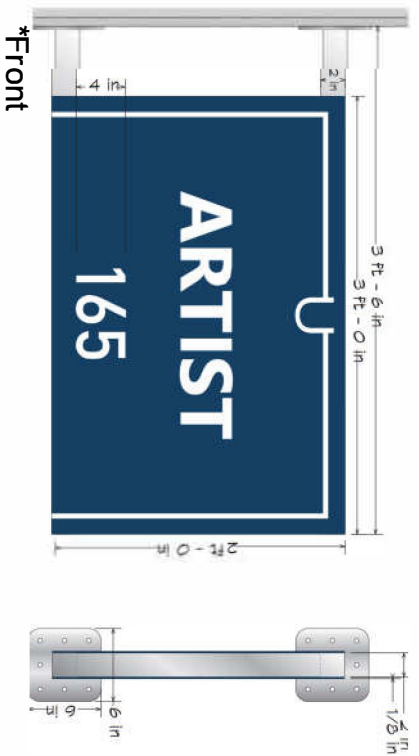


ONE SIGN FACING MIDLAND AVE
ONE SIGN FACING COURTYARD

**Example only. NOT FOR PRODUCTION.

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BUILDING 1A AT CAFE



*Front



Back



BLADE SIGN AT EACH LIVEWORK UNIT

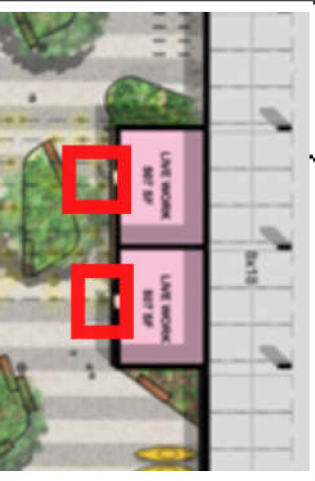
**Example only. NOT FOR PRODUCTION.

Not to Scale.

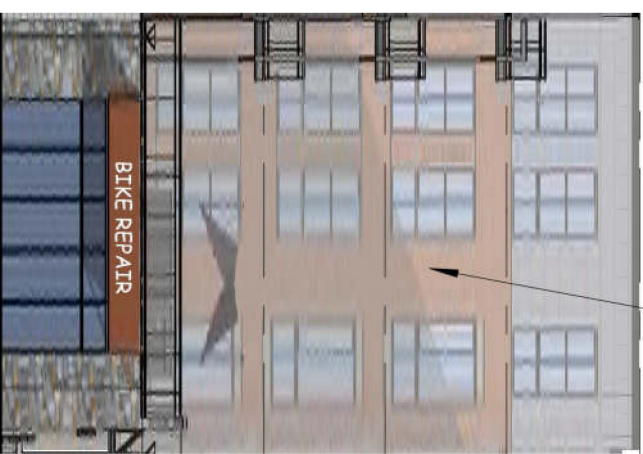
BUILDING 1A LIVEWORK UNITS



LiveWork Unit Wall Sign



Bike Repair Awning



BIKE REPAIR

SIGN TO FACE NORTH TO DCR PATH



**Example only. NOT FOR PRODUCTION.

Not to Scale.

BUILDING 1B AT BIKE REPAIR SPACE

**Bike Repair Awning
Courtyard Entrance**



BIKE REPAIR

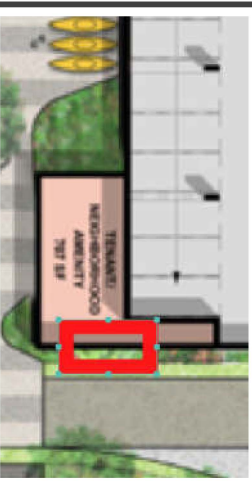
SIGN TO FACE COURTYARD

****Example only. NOT FOR PRODUCTION.**

Not to Scale.

BUILDING 1B AT BIKE REPAIR SPACE

Kayak Rental Awning



KAYAK RENTALS

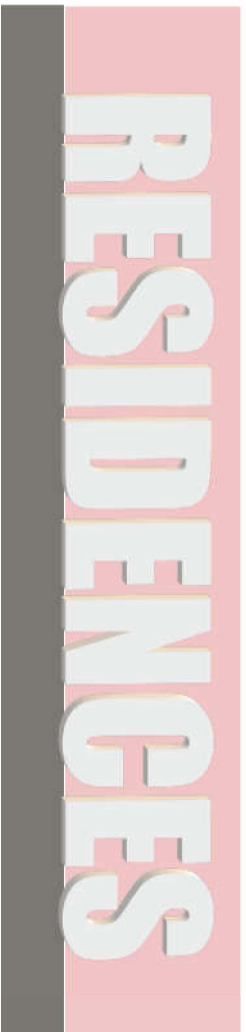
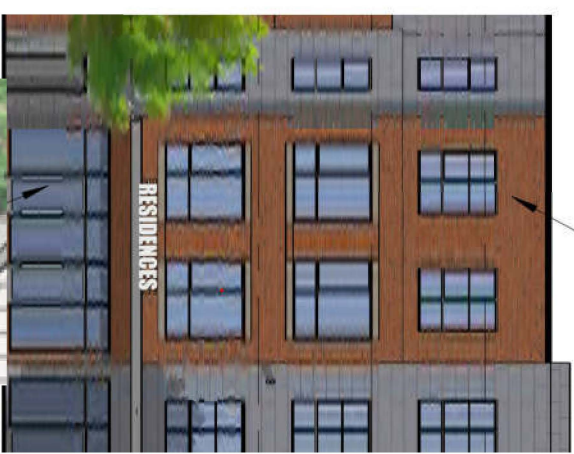
ONE SIGN TO FACE NORTH TO DCR PATH
ONE SIGN TO FACE COURTYARD

**Example only. NOT FOR PRODUCTION.

Not to Scale.

BUILDING 1A AT KAYAK RENTAL SPACE

Residence ID



*Red backing for visual assistance only.

**Letters are standalone, similar dimensions to Main ID concept.

**Example only. NOT FOR PRODUCTION.

Not to Scale. BUILDING 2 AT RESIDENTIAL LOBBY

FACING MIDLAND AVE.

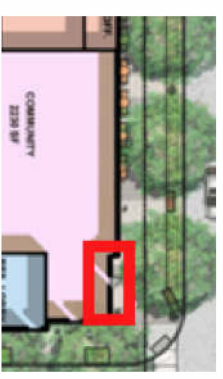
Community Room ID

COMMUNITY ROOM

*Grey backing for visual assistance only.

**Letters are standalone, similar dimensions to Main ID concept.

ALL ENTRANCES TO COMMUNITY ROOM
AT LOS ANGELES ST, MIDLAND AVE AND
PARKING LOT TO HAVE IDENTIFYING
SIGNS

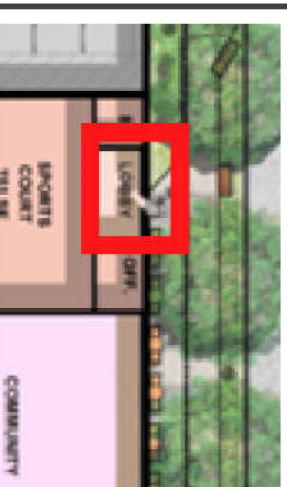


**Example only. NOT FOR PRODUCTION.

Not to Scale.

BUILDING 2 AT ENTRANCE TO
COMMUNITY ROOM

Sports Court ID



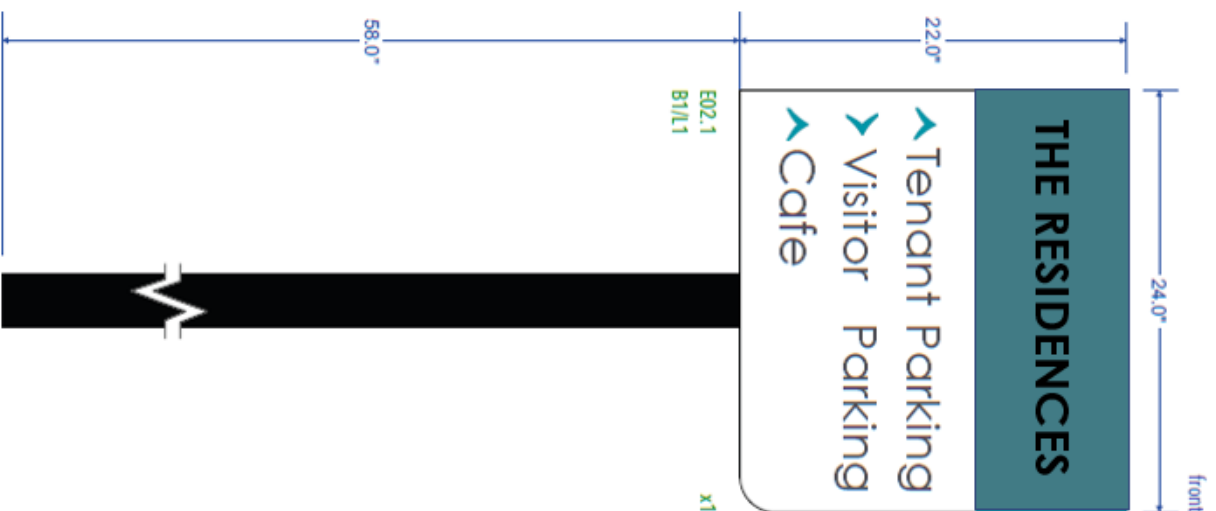
*Red backing for visual assistance only.

**Letters are standalone, similar dimensions to Main ID concept.

**Example only. NOT FOR PRODUCTION.

Not to Scale.

**BUILDING 2 AT SPORTS COURT
FACING LOS ANGELES ST.**



**Example only. NOT FOR PRODUCTION.

Not to Scale.

EXAMPLE OF ONSTREET WAYFINDING SIGN

e | d | p

Seed Mixes - Stormwater Basin & Lawn

NEW ENGLAND WETMIX SPECIES: Fox Sedge (*Carex vulpinoidea*), Lurid Sedge (*Carex lurida*), Blunt Broom Sedge (*Carex scoparia*), Blue Vervain (*Verbena hastata*), Fowl Bluegrass (*Poa palustris*), Hop Sedge (*Carex lupulina*), Green Bulrush (*Scirpus atrovirens*), Creeping Spike Rush (*Eleocharis palustris*), Fringed Sedge (*Carex crinita*), Soft Rush (*Juncus effusus*), Spotted Joe Pye Weed (*Eupatorium maculatum*), Rattlesnake Grass (*Glyceria canadensis*), Swamp aster (*Aster puniceus*), Blueflag (*Iris versicolor*), Swamp Milkweed (*Asclepias incarnata*), Square stemmed Monkey Flower (*Mimulus ringens*).

1.1 SEED MIX FOR LAWN (IRRIGATED)

- A. Grass Seed: Fresh, clean, dry, new-crop seed complying with Association of Official Seed Analysts' "Journal of Seed Technology; Rules for Testing Seeds" for purity and germination tolerances.
- B. Seed Species: Seed of grass species as follows, with not less than 95 percent germination, not less than 85 percent pure seed, and not more than 0.5 percent weed seed:
 - 1. Sun and Partial Shade Seed Mix:
 - a. 40 percent Kentucky bluegrass (*Poa pratensis*).
 - b. 30 percent chewings red fescue (*Festuca rubra* variety).
 - c. 15 percent perennial ryegrass (*Lolium perenne*).
 - d. 15 percent redtop (*Agrostis alba*).

Knotwood Management



Managing Japanese Knotweed

Japanese knotweed (*Polygonum cuspidatum*) is an imposing herbaceous perennial that is commonly called 'bamboo'. It grows in dense patches to heights of 10 feet, on sites ranging from strip mine spoil to shaded streambanks. It is native to Asia, and was originally introduced to the U.S. as an ornamental in the late 1800's. In CREP plantings, knotweed will overrun riparian buffer tree plantings as well as grassland areas. Knotweed offers little habitat value other than cover, and greatly degrades the wildlife habitat value of your plantings.

Unique Among Weeds

There is no mistaking a well-established stand of Japanese knotweed for any other plant in PA except for its close kin, giant knotweed (*Polygonum sachalinense*). Both knotweeds grow in tall, dense stands that shade out other vegetation. Both have large, hand-sized, heart-shaped



Figure 2. Knotweed will grow almost anywhere, but it is an acute problem in riparian settings. Knotweed prevents establishment of native trees and shrubs, reduces access to the water, and its coarse rhizomes do not stabilize the banks as well as the finer roots of trees or grasses.



Figure 1. The root of the problem - the rhizomatous crown of Japanese knotweed. The primary rhizome is shown extending out of the bottom of the crown and is almost 2 inches in diameter. Several new rhizomes that will extend horizontally and form new crowns are visible. Swollen buds that will become this year's stems are emerging from the mat of fine roots at the base of last year's stems (clipped).

leaves, and jointed, hollow stems that look like bamboo. Knotweed is not a true bamboo (a woody, evergreen grass), but is a relative of plants such as buckwheat, smartweed, and the PA Noxious Weed mile-a-minute vine.

Knotweed stems emerge in late-March to mid-April, depending on soil temperatures, and begin a burst of rapid growth. In a warm spring, knotweed can be 6 feet tall before May 1. Flowering usually occurs in July, and the seeds mature in August and September.

As frightening as the above ground growth of knotweed is, it is the rhizome system that is the real problem. A rhizome is an underground stem that gives rise to roots, aerial stems, and more rhizomes (Figure 1). Knotweed rhizomes spread vigorously, expanding the size of the knotweed stand. Rhizomes are also very durable. A very small piece of rhizome that is moved to another site will give rise to a new plant. Knotweed on streambanks spreads downstream as the bank erodes and pieces of rhizome break off and float downstream to take root elsewhere (Figure 2).

Knotweed Control Measures

To control knotweed, you have to control the rhizome system. To bring a knotweed infestation to a manageable level, you need to start with multiple treatments, and it will take at least two years.

The multiple treatment approach relies on depletion of the reserves stored in the rhizomes in the late spring, and

injury through use of systemic herbicides in the late summer.

A late summer application of the herbicide *glyphosate* is one of the most effective treatments available. Late in the growing season is when the knotweed canopy is sending sugars from photosynthesis to the rhizomes for storage. *Glyphosate* moves through the plant into the rhizomes with these sugars. It also has the advantage of having no soil activity. This reduces the risk of injury to non-target plants through root absorption, particularly in riparian forest buffer plantings. If *glyphosate* contacts the foliage of non-target plants, they will be injured or killed.

There are many *glyphosate* products available. When working in riparian settings, a formulation labeled for aquatic applications is the best choice. The best-known example of this type of *glyphosate* product is 'Rodeo'. There are dozens of products equivalent to 'Rodeo'. There are two features that distinguish 'Rodeo' from products labeled only for terrestrial use, such as 'Roundup Pro'. 'Rodeo' has no surfactant, so you must add one; and 'Rodeo' is 1/3 more concentrated than 'Roundup Pro', so you use only 3/4 the product to achieve the same dose of *glyphosate*. To control knotweed, you would apply 128 oz/acre of 'Roundup Pro', or 96 oz/acre of 'Rodeo'.

By using a *glyphosate* product and surfactant labeled for aquatic settings, you reduce the risk of injury to aquatic organisms if you accidentally spray the water. *Glyphosate* is relatively non-toxic to most aquatic organisms, but the surfactant in the 'old' Roundup (now sold as 'Roundup Original') was highly toxic to aquatic organisms.

Using 'Rodeo' does not permit you to treat weeds in the water or allow you to directly spray the water. In

Pennsylvania, an application directed to the water requires a permit from the PA Fish and Boat Commission. Using an aquatic-labeled product *close* to water simply reduces the risk to non-target aquatic organisms.

The late summer *glyphosate* application is much easier if you mow or cut the knotweed around June 1. The regrowth after cutting at this date is much shorter than the original growth - it's 3 to 4 feet tall rather than the 6 to 10 feet of growth that was there at cutting. This shorter canopy is much easier to treat using a backpack sprayer. It's less work, and you can be much more selective in the application if there is desirable vegetation among the knotweed.

If you don't cut the knotweed first, it should be treated with *glyphosate* in late July, and then spot treat any regrowth or missed stems in early September.

Follow-up treatment in the second year is *essential*. You will probably observe 90 to 95 percent reduction in the stand, but if you don't continue to treat it, it will come back and you will need to start over. Wait until July of the second year for the follow-up treatment. If you treat earlier, there is less translocation of the herbicide to the rhizomes.

Knotweed management is more complex if it's growing among planted trees (CP 3A and CP 22 practices). You will need to cut the knotweed earlier and more often to prevent it from canopied over your tree plantings. As with the single mowing approach, allow at least six weeks after the last mowing before you spot treat the knotweed with *glyphosate* in the late summer.

You may never eradicate knotweed from your property, but you can definitely keep it at a manageable level so it does not impact the habitat value of your plantings.

Table 1. Successful control of Japanese knotweed requires multiple applications the first season, and multiple seasons of control. A late summer application of *glyphosate* is the key to maximizing injury to the root system. This application is much easier if you mow or cut the knotweed around June 1 because the regrowth will be much shorter than the 6 to 10 foot canopy you started with.

treatment	product rate (oz/ac)	comments
Rodeo plus added surfactant	96 oz/100 gal	Rodeo is one of many <i>glyphosate</i> products that can be used for terrestrial, wetland, or aquatic applications. This mixture is for spot treating knotweed on a spray-to-wet basis. If you are following a June 1 mowing, wait at least six weeks before applying. If you are not going to cut the knotweed first, then plan on spraying twice. Make the first application between mid-July and early-August, then make a follow-up application by mid-September. Knotweed is frost-sensitive, so it is important to make the second application prior to frost. The advantage of mowing first (see below) is that the regrowth will be much shorter. You can easily treat this with a backpack sprayer. If you are treating uncut knotweed, it will be over your head, and require a spray-to-wet application. We don't recommend other herbicides because <i>glyphosate</i> is effective, has no soil activity, and is inexpensive. There will be some resprouting the following season. Wait until at least July 1, then spot-treat. After the second season plan on at least one annual application to any knotweed sprouts.
mowing/cutting	--	Mowing by itself is not a useful control technique. However, mowing around June 1 will eliminate the top growth, deplete energy reserves in the rhizomes, and result in regrowth that is only 3 to 4 feet tall. This shorter regrowth is much easier to treat with herbicides than full-height knotweed. If knotweed is growing among planted trees, you will have to cut it more often, starting earlier in the season to prevent it from growing over the trees. Spot mowing may be necessary in grassland plantings.

By Art Gover, Jon Johnson, and Jim Sellmer, 2007. The contents of this work reflect the views of the authors who are responsible for the facts and the accuracy of the data presented herein. The contents do not necessarily reflect the official views or policies of the U.S. Department of Agriculture or The Pennsylvania State University at the time of publication.

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Proposed Improvements – California Street at Los Angeles St and at Riverdale Ave

Proposed Improvements by Developer California Street - Los Angeles St & Riverdale Ave

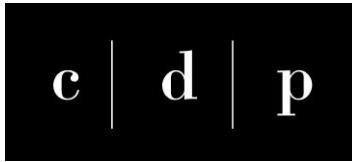


Proposed Sidewalk – in coordination with abutter (private)

Proposed Sidewalk

Proposed Rectangular Rapid Flashing Pedestrian Beacons

Proposed Sidewalk



May 28, 2020

Ms. Brooke K. Lipsitt, Chairman
Newton Zoning Board of Appeals
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Re: ZBA #01-20/Residences on the Charles
15 Riverdale Avenue, Newton, MA

Dear Chairman Lipsitt:

The following memo highlights all of the mitigation CPC Land Acquisition Company, LLC (“Applicant”), is prepared to offer the City as part of its pending 40B Application for the “Residences on the Charles”. We wanted to provide these highlights in a consolidated fashion as we believe the proposed mitigation to be substantial and beyond what is typically offered as part of a 40B process. Attached hereto as “Exhibit 1” please find a summary of the estimated costs of the proposed mitigation.

Mitigation Overview:

Transportation

- Charlie Card Subsidy: Upon the execution of a new lease, each adult occupying a rental unit (up to 2 adults per unit) will be provided a Monthly LinkPass (basic @ \$90; local express @ \$136) for a two-month period.
- Membership in the Watertown TMA: Entitles tenants with access to a host of programs aimed at providing or supporting sustainable transportation options including:
 - Carpool and vanpool ride matching services that connect commuters with other participating members to share rides to/from the workplace;
 - Emergency Ride Home (ERH) services which dispatch Lyft, taxi or rental car services for emergency ride home for members participating in carpool/vanpool or public transportation programs as part of their regular commute; and
 - T for 2: A pilot incentive program that provides free MBTA bus passes for up to two months to incentivize member use of public transportation services in the Watertown vicinity. (The T for 2 benefit would be in addition to the Charlie Card Subsidy provided by the applicant.)
- Bike Fleet: Commitment to provide and maintain/replace 20 bicycles and 10 saddlebags for use by tenants at no cost.

Traffic and Pedestrian Improvements

- Re-paving Los Angeles Street, as well as installing curbing and a new sidewalk on the easterly side.
- Removal of all utility poles along Los Angeles Street
- Improving the overall stormwater management infrastructure along the roadway which is currently non-existent.
- Re-paving Riverdale Avenue.
- Designing and installing a pedestrian crossing including curb bumpouts and flashing beacons at the intersection of Los Angeles Street and California Street
- Designing and installing pedestrian safety improvements at Bridge Street and California Street including sidewalk expansion in the northeast and southeast corners, new pavement markings, and pavement overlay.

Parks & Recreation

- Landscaping enhancements and improvements to municipally owned property abutting the proposed development site (on the edge of Forte Park) including: clearing, installing substantial landscaping, and replacement of fencing in that area. Creation of two pedestrian path connections between the development and Forte Park.
- Funding new lights for Forte Park.

Deeper Affordability

- Commitment to provide a 3BR unit priced for households earning up to 50% of the Area Median Income
- Commitment to provide a 2BR unit priced for households earning up to 65% of the Area Median Income

Sustainability

- Commitment to design to and seek Passive Housing Certification on all three residential levels of Building 2.

DCR Improvements

- Commitment to install two new DCR path-marking monuments.
- Commitment to clean up existing vegetation and landscaping on the “development-side” of the path that abuts the existing walking/biking path.

Community Spaces

- Provide a 2,000SF+/- community space/room for use by community and civic groups on a reservation basis. The community room will include meeting space, a kitchen with warming drawer, as well as movable tables and chairs.

- Commitment to provide a bicycle repair room for use by residents and the general public. The repair room will include pumps and tools for tire repair and other minor adjustments.

Infiltration & Inflow

- Commitment to provide a cash payment equivalent to 25% of the Inflow and Infiltration calculation.

I hope that this description has been helpful to highlight the proposed mitigation and additional benefits we are prepared to contribute to the City as part of the development program. We look forward to answering any questions the Board or the Planning Department might have on any of these areas.

We remain extremely enthusiastic about this proposed development and look forward to concluding the public hearing process in the near future.

Sincerely,

Jack Englert

Jack Englert

**Exhibit 1
Project Mitigation Summary
Residences on the Charles/15 Riverdale Avenue, Newton, Massachusetts**

	Cost	Notes
<u>Transportation Demand Management</u>		
Watertown TMA Membership	\$6,000.00	Per year
MBTA Link Pass	\$75,000.00	Year 1
Two-month subsidy at the signing of a new lease for up to 2 adults per unit; assumes 277 adults in Year 1 and 50% new tenant move-in in each of Years 2 & 3; current cost of monthly Local Express Link Pass is \$136.00	\$75,000.00	Years 2 & 3 (total)
<u>Bike Fleet</u>	\$10,000.00	
Purchase, maintain, and replace 20 bicycles and 10 saddlebags for use by tenants at no cost		
<u>Traffic and Pedestrian Improvements</u>		
Los Angeles Street	\$210,000.00	
Reconstruction of roadway; installation of curbing and sidewalk along easterly edge		
Los Angeles Street at California Street	\$60,000.00	
Installation of crosswalks, sidewalk, flashing beacons, signage, and curb bump outs		
Bridge Street at California Street	\$96,000.00	
Sidewalk expansions in northeast and southeast corners; new pavement markings and pavement overlay		
<u>Parks and Recreation</u>		
Forte Park	\$78,000.00	
Select clearing, landscaping, fencing, and pedestrian path connections		
Forte Park	\$200,000.00	
Contribution to new light fixtures		
<u>Affordable Housing</u>		
Increased Affordability Levels	\$270,000.00	
One 2-bedroom at 65% AMI and one 3-bedroom at 50% AMI		
<u>Sustainability</u>		
Passive Housing Building & Materials Premium	\$410,000.00	
Construction cost per unit = \$270,000.00 4% of \$270,000 = \$10,800 x 38 units		
<u>Water & Sewer</u>		
Inflow & Infiltration Calculation	\$445,640.00	
324 units @ 65 gpd = \$1,782,563 per calculation of City Engineer as of 5.28.20; 25% contribution listed		
<u>Department of Conservation & Recreation (DCR)</u>		
Granite monuments	\$20,000.00	
View Clearing at River, clean up on development side of DCR path	\$20,000.00	
 TOTAL	 \$1,975,640.00	

WAIVERS GRANTED

ZONING ORDINANCE

1. Use

The Applicant seeks a comprehensive permit in lieu of special permits, licenses, variances, and/or approvals to allow the property to be used for the Project, including without limitation:

- (a) Special Permit under Section 4.3.2.B.1 to permit a development of over 20,000 square feet.
- (b) Waiver of the requirements of Section 5.11 to conform the provisions for affordable housing to the terms of the application, if and to the extent necessary.
- (c) Waiver of the procedural requirement of a model as provided in Section 7.3.1.B and for the obligation to provide plans prepared as provided in Section 7.4.3 in connection with the application for a special permit under Section 7.3.1.
- (d) Variance to allow residential, live/work space, retail, personal services, and restaurant uses under Section 4.4.1.
- (e) Waiver of the requirement for a finding of conservation and energy efficiency under Section 7.3.3.C.5 and Section 7.4.5.B.8.
- (f) Special Permit under Section 4.4.1 for ATM, standalone.

2. Density and Dimensional Controls

The Applicant seeks a comprehensive permit in lieu of such special permits, variances, and/or approvals as may be required from or under Section 4.3 for construction of the project in a Manufacturing District, including without limitation the following waivers from the dimensional requirements of Section 4.3.3 as follows:

Zoning Category	Required/Allowed	Existing	Proposed	Waiver (Y/N)
Minimum Lot Area	0.23 acres (10,000 square feet)	3.41 acres (148,563 square feet)	3.48 acres (151,944 square feet)	N
Lot Frontage (Los Angeles Street)	N/A	225.0'	225.0'	N
Lot Coverage	N/A	0.37	.53	N

Front Setback	Greater of 15 feet or ½ building height (28.09')	109.7' (Bldg 1 Riverdale) 29.8' (Bldg 1 Midland) 91.3' (Bldg 2 LA Street) 0.4' (Bldg 2 Midland)	26.5' (Bldg 1 Riverdale) 5' (Bldg 1 Midland) 6.9' (Bldg 2 LA Street) 4.1' (Bldg 2 Midland)	Y
Side Yard Building Setback	Greater of 20 feet or ½ building height (28.09')	19.5' (Bldg 1) 6.9' (Bldg 2)	21.3' (Bldg 1) 5.0' (Bldg 2)	Y
Side Yard Parking Setback	5.0'	230+/-' (Bldg 1) 1.0' (Bldg 2)	24.0' (Bldg 1) 2.0' (Bldg 2)	Y
Rear Yard Building Setback	Greater of 20 feet or ½ building height (28.09')	1.0' (Bldg 1) 3.6' (Bldg 2)	17.8'(Bldg 1) 10.0" (Bldg 2)	Y
Rear Yard Parking Setback	5.0'	1.0'(Bldg 1) 3.6' (Bldg 2)	18.5'(Bldg 1) 10.0' (Bldg 2)	N
Building Height	36'	21.5'	56.2'	Y
Maximum Number of Stories	3 stories	2 stories	5 stories	Y
Floor Area Ratio	1.50	0.37	2.20	Y
Minimum Open Space	N/A	20.5%	29.5%	N
Lot Area Per Unit	N/A	N/A	711 square feet/unit	N

3. Parking Requirements

The Applicant seeks a comprehensive permit in lieu of a special permit pursuant to Section 5.1.13 in order to permit a parking facility in accordance with the submitted plans and to deviate from *inter alia* the following requirements:

- (a) To the extent Section 5.1.3.E prevents assignment of parking spaces to unit owners, a waiver is sought from that provision.
- (b) Requirement that no parking stall be located within 5 feet of a rear or side lot line pursuant to Section 4.3.3.
- (c) Requirement that two parking stalls be provided for each dwelling unit in an apartment house, garden apartment, or attached dwellings under Section 5.1.4.A.
- (d) Parking requirement of 241 stalls pursuant to Section 5.1.4.A.¹
- (e) Application for parking and loading facility permit under Section 5.1.5.

¹ Consistent with Section 5.1.4.C of the Zoning Ordinance, the ZBA could elect to reduce this waiver request to 83 stalls, or reduce the waiver request to 88 stalls in accordance with Section 5.1.4.A of the Zoning Ordinance.

- (f) Requirement that parking stalls may not be located within 5 feet from any building containing dwelling units under Section 5.1.8.A.2.
- (g) Requirement that parking stalls have a minimum stall width of at least nine feet pursuant to Section 5.1.8.B.1 and a minimum stall depth of at least nineteen feet under Section 5.1.8.B.2.
- (h) Requirement that handicapped stalls have a width of at least 12 feet and a minimum stall depth of at least nineteen feet under Section 5.1.8.B.4 pursuant to Section 5.1.13.
- (i) Requirement that end stalls restricted on one side by curbs, walls, fences, or other obstructions shall have maneuvering space at the aisle end of at least five (5) feet in depth and nine (9) feet in width under Section 5.1.8.B.6.
- (j) Requirement under Section 5.1.8.C.1 and C.2 that 90 degree parking stalls in a two way traffic aisle shall have minimum maneuvering width of 24 feet.
- (k) Requirement of minimum and maximum driveway widths under 5.1.8.D.
- (l) Requirement under Section 5.1.8.E.1 that parking facilities be designed so that each motor vehicle may proceed to and from the parking space provided for it without requiring the moving of any other vehicle. The applicant seeks a waiver of this provision, to allow 4 tandem parking spaces within the access-controlled garage spaces, which will accommodate 8 vehicles. It is intended that the spaces will be available for rent to residents of units with more than one vehicle.
- (m) Requirement under Section 5.1.9.A as to parking lot screening and interior landscaping requirements for outdoor parking facilities of 20 stalls or more if necessary.
- (n) Lighting requirements under Section 5.1.10.A.1 and A.2 as appropriate.
- (o) To the extent necessary, a waiver from the off-street loading requirements contained in Section 5.1.12.C.
- (p) Under Section 5.1.12.D.3 a waiver is sought in lieu of any consent of the City Engineer as to drainage of the parking facility.
- (q) Any other relief which may be necessary or appropriate and may be granted by the City Council under Section 5.1.13 in order to conform the waivers sought to the plans submitted.

4. Other

- (a) Under Section 5.12.4, a waiver of the requirement that the facility will be designed under one of the three listed green building rating systems identified in Section 5.12.5. Building 2 will meet this requirement by pursuing Passive House Certification. Building 1 will pursue a LEED Silver certifiable level rather than a Gold level standard.
- (b) A waiver from Section 5.2.8 to allow a free-standing sign at the entrance to the development on Midland Street.

- (c) To the extent necessary, a waiver of the requirement that the building(s) will contribute significantly to the efficient use and conservation of natural resources and energy under Section 7.3.3.C.5.
- (d) The Applicant seeks a waiver of all provisions relating to I and I (but has proposed a payment equal to 25% of the I and I calculation – do in a footnote)
- (e) The Applicant requests a comprehensive permit in lieu of site plan approval required under Section 7.4 in connection with special permits granted under Section 7.3.
- (f) The Applicant seeks a waiver of the requirements for the number, size, location, and types of signs allowed pursuant to Section 5.2, the sign permit procedures under Section 5.2.4, and, insofar as applicable, any hearing or procedure before the Urban Design and Beautification Commission.

NON-ZONING ORDINANCES

1. Demolition Delay (Revised Ordinances Chapter 22)

§22-50 et seq. provides for a review by the Newton Historical Commission and the possible imposition of a demolition delay for demolition of historically significant buildings. To the extent any elements of the property are deemed to fall within the jurisdiction of the Newton Historical Commission under §22-50 and such elements will be demolished, the Applicant seeks a comprehensive permit in lieu of demolition review or a determination that such structures are preferably preserved.

2. Outdoor Lighting (Revised Ordinances Chapter 20)

Revised Ordinances Chapter 20 §§20-23 to 20-28 provide limitations on installation of light sources which do not conform to the criteria stated. §20-26 provides for waivers to be granted by the Planning and Development Board. To the extent that any light source may not conform to the requirements of §20-24, the Applicant seeks a comprehensive permit in lieu of any waiver requested under §20-26.

3. Floodplain, Watershed Protection Ordinance (Revised Ordinances Chapter 22)

A portion of the property is located within the City of Newton Floodplain/Watershed Protection District governed by § 22-22 et seq. To the extent that any relief is necessary for the project from the Conservation Commission under the Floodplain/Watershed Protection Ordinance, the Applicant seeks a comprehensive permit in lieu of such approvals.

4. Consent of the Planning Board

To the extent any consent or review of the Planning Board is required under Planning Board rules, a comprehensive permit in lieu of such approval is sought.

5. Curb Cut Permit (Revised Ordinances Chapter 26)

The applicant requests a comprehensive permit in lieu of any sidewalk crossing permits or consent of the Commissioner of Public Works to the extent necessary to comply with the requirements of Revised Ordinances §26-65.

6. Utility Connection Permits (Revised Ordinances Chapters 23, 26, and 29)

The applicant seeks a comprehensive permit in lieu of such local approvals as are required under Revised Ordinances §§23, 26, and 29 or otherwise to (i) open streets, (ii) make utility connections for water, sewer, stormwater, gas, electric, cable, or other utilities or (iii) cross sidewalks from time to time.

7. Fences (Revised Ordinances Chapter 5)

To the extent needed, the Applicant seeks a comprehensive permit in lieu of obtaining a fence permit from the Commissioner of Inspectional Services under §5-30.

8. Amended Relief

The Applicant seeks a comprehensive permit for such amendments to the relief sought herein as may be required to conform the relief sought to the plans as filed or to any amendments thereof filed in connection with the actions of the Zoning Board of Appeals or the Housing Appeals Committee.

9. Additional Relief

The Applicant seeks a comprehensive permit in lieu of all other permits, licenses, variances, and approvals as may be issued by the City of Newton as necessary to conform the relief sought to the plans filed with this Application, as the same may be amended from time to time. Included within the relief sought are all ancillary, subsidiary, usual, customary, or necessary local permits, licenses, variances, or approvals in lieu of which the Board may grant a comprehensive permit to the extent necessary to conform the relief granted to the plans submitted herewith as amended from time to time.

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May 29, 2020

BY ELECTRONIC MAIL AND FEDERAL EXPRESS

Ms. Adrianna Henriquez Olmsted, Clerk
Zoning Board of Appeals
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Comprehensive Permit Application Under M.G.L. Chapter 40B, Sections 20-23
15 Riverdale Avenue/CPC Land Acquisition Company, LLC

Dear Ms. Olmsted,

Our submission to you on May 28, 2020 included a revised waiver list which included a request for a waiver from Section 5.12.4 rather than from Section 5.13.4. There seems to be confusion within the text of the ordinance, as Section 5.13 makes numerous references to subsections of Section 5.12 which do not in fact exist. These references should likely be to subsections of 5.13.

To be clear, our requested waiver is from Section 5.13.4.

In addition, Section 5.13.6 by its terms is expressly applicable to Special Permit submissions. We didn't request a waiver therefrom because we did not believe that it applies to Comprehensive Permit Application submissions. However, to the extent that the Zoning Board of Appeals believes that it is applicable then we will be asking for a waiver from Section 5.13.6 as well.

Please feel free to contact me if you have any questions with respect to the foregoing.

Sincerely,

Katherine Braucher Adams

Katherine Braucher Adams

SCHLESINGER AND BUCHBINDER, LLP

Ms. Adrianna Henriquez Olmsted
May 29, 2020

Page Two

cc: (By Electronic Mail)

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Ms. Barbara Huggins Carboni
Mr. William McLaughlin
Mr. Michael Rossi
Mr. Stuart Snyder
Mr. Treff LaFleche
Mr. Barney Heath
Mr. Neil Cronin
Ms. Katie Whewell
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