

Austin Street Partners LLC
c/o Dinosaur Capital Partners LLC
800 Boylston Street, 27th Floor
Boston, MA 02199

9 November 2017

Mr. John Lojek
Commissioner, Inspectional Services
City of Newton
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459

Dear Commissioner Lojek:

Pursuant to Special Permit # 119-15, we hereby request a consistency ruling relative the following seven modifications we seek to make to the Approved Plans submitted with the above referenced Special Permit:

1. Relocate nine street trees to avoid conflict with National Grid gas pipe. Nine street trees that were to be planted along the south side of Austin Street in front of the building will be planted on the north (Star Market) side of Austin Street. This change is due to the discovery of the existence of a National Grid natural gas pipe which would interfere with planting. The number of trees as well as their size and specie will remain unchanged from the Approved Plans. Only the location will be changed. In addition, low plantings along the south side of Austin Street in lieu of trees will be substituted in front of the new building. *See Figure 1.*
2. Make roof solar ready rather install solar panels as solar may be economically infeasible due to changes in state subsidy. Rooftop solar panels that were shown on the Approved Plans may not be included since the state's SREC subsidy program has ended possibly making solar panels economically infeasible. While we are still exploring alternatives and hopeful of finding an economic installation method, we seek the flexibility to design and construct the building and roof ready to accept solar panels should they become economically feasible in the future but not install them initially. *See Figure 2.*
3. Build a rectangular underground parking garage rather than an "L" shaped garage shown on Approved Plans. Building a rectangular parking garage improves constructability and reduces construction time and disruption to municipal parking. There is no change to the required 90 parking spaces provided. *See Figure 3.*
4. Some trees in the public plaza may be relocated as the proposed rectangular garage extends under the plaza. Planting trees on top of the concrete roof of the garage may prove problematic and require planter boxes or mounded beds. Alternatively, some trees may be relocated within the plaza area to allow them to be planted adjacent to rather than above the concrete garage roof to ensure their health and ability to thrive.

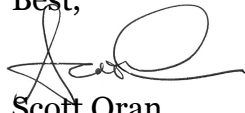
The number of trees as well as their size and specie will remain unchanged from the Approved Plans. Only the location will be changed. *See Figure 4.*

5. Three 6' arborvitae or comparable evergreen trees will be planted at the southern boundary as screening of the "12' Passageway" shown on the Approved Plans. Austin Street Partners agreed to add three 6' arborvitae or comparable evergreen trees selected by the City of Newton Director of Urban Forestry as part of the settlement of litigation concerning issuance of the Special Permit. This will result in three additional trees on the site. *See Figure 5.*
6. The height of the building may exceed 48' by as much as 6". Due to the need to accommodate a 12' tall fire truck under the building while maintaining adequate ceiling heights within the proposed apartments, the building may exceed the permitted height of 48' by up to 6" depending on structural system employed. *See Figure 6.*
7. The electrical transformer must be relocated from the northwest corner of the site to the southeast corner of the site pursuant to new requirements from Eversource, the electric utility. Eversource has decided that they prefer and require the new transformer to be moved from the previously proposed location under the building in the northeast corner of the site to an open location in the southeast corner of the parking lot. The transformer will be screened with plantings and there will be no change in the number of parking spaces. *See Figure 7.*

Please let us know if we can provide additional information. We await your determination.

Thank you for your thoughtful consideration.

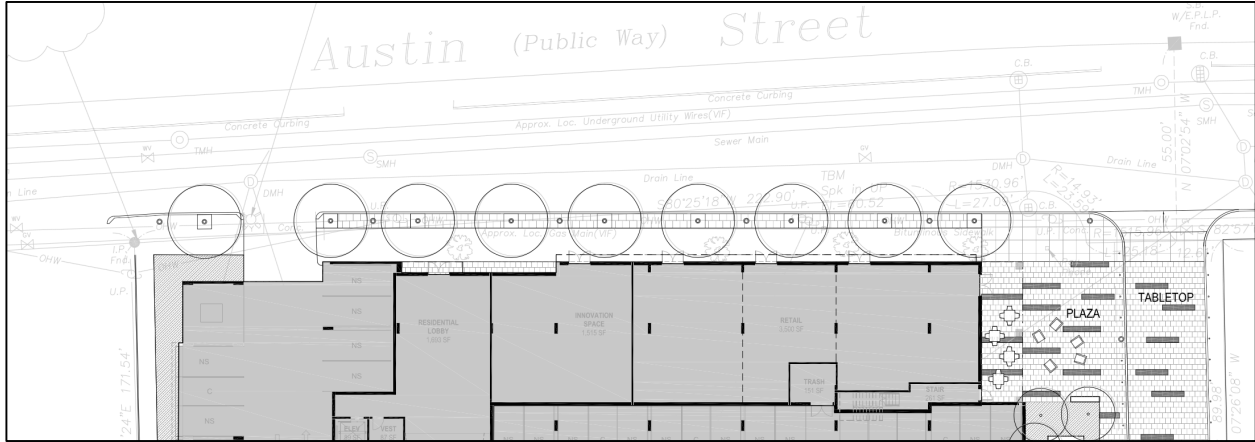
Best,



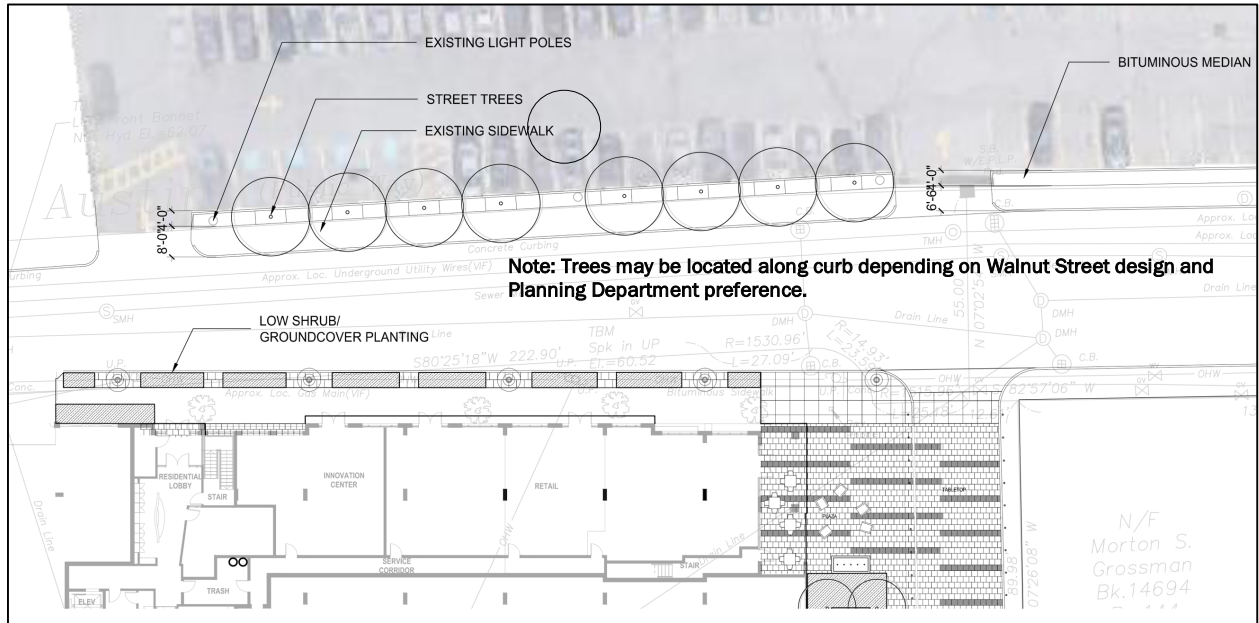
Scott Oran
Manager

Cc: Councilor Jake Auchincloss, Austin Street Liaison Committee
Ouida Young, Associate City Solicitor, City of Newton
Barney Heath, Director, Planning, City of Newton
Rachel Blatt, Long Range Planner, City of Newton
Gwendolen Noyes, Austin Street Partners
Art Klipfel, Austin Street Partners
Mark Dufton, Austin Street Partners
Alan Schlesinger, Schlesinger and Buchbinder

Figure 1.

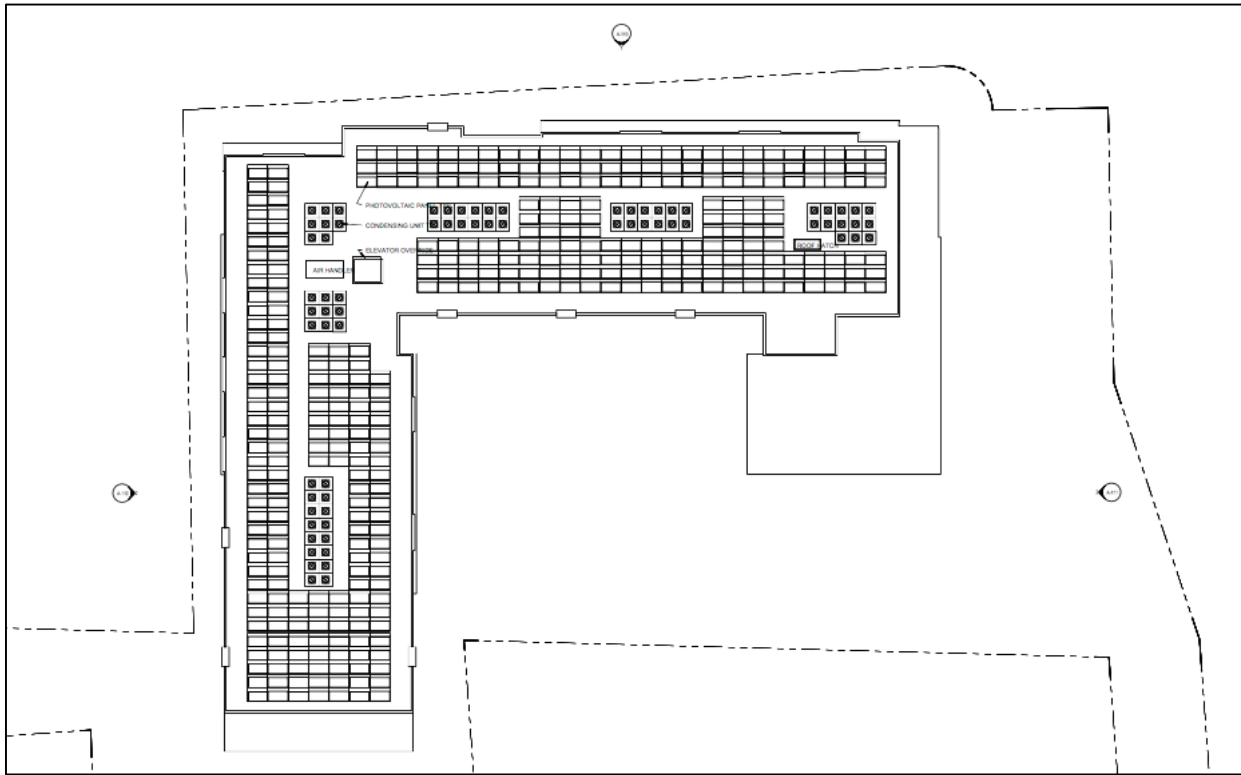


Per Approved Plans.



Per Proposed Construction.

Figure 2.



Per Approved Plans.

Per Proposed Construction.

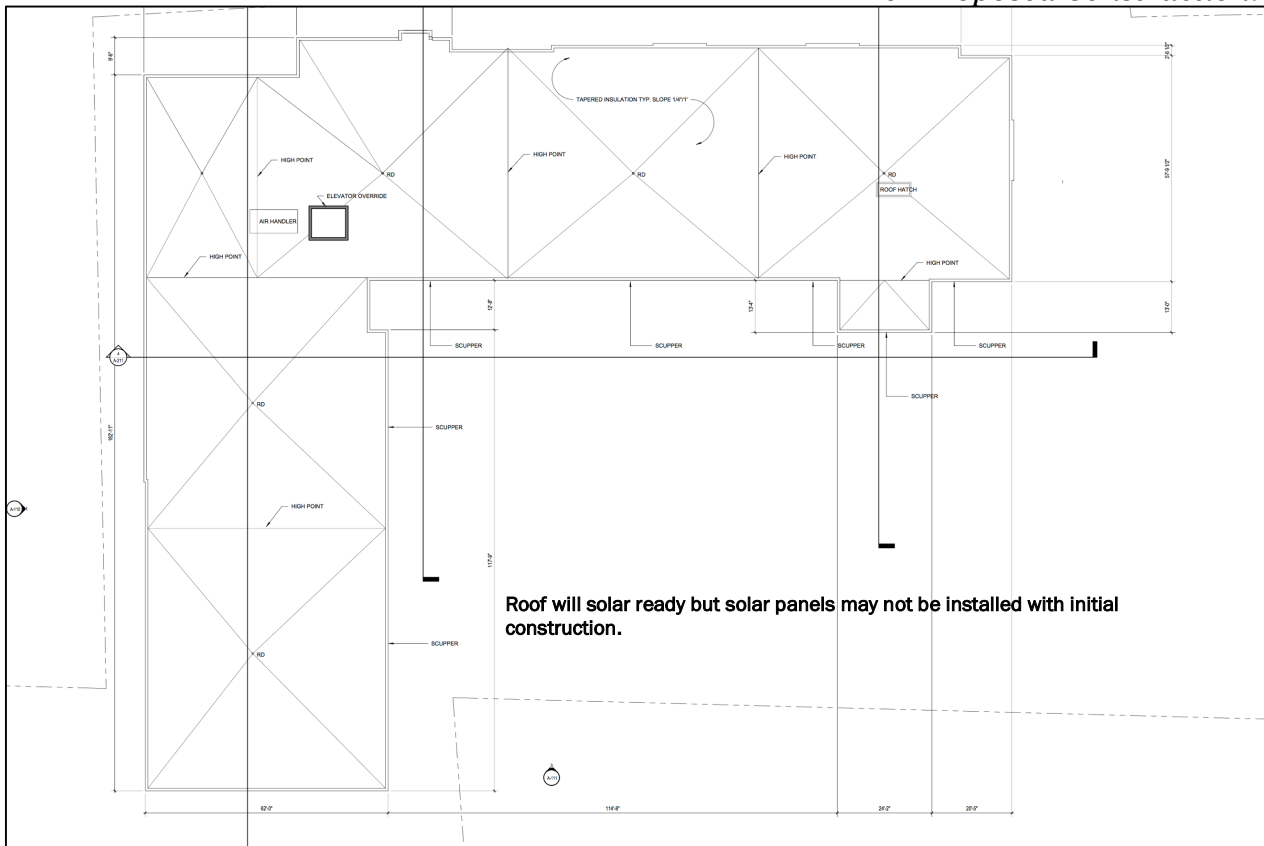
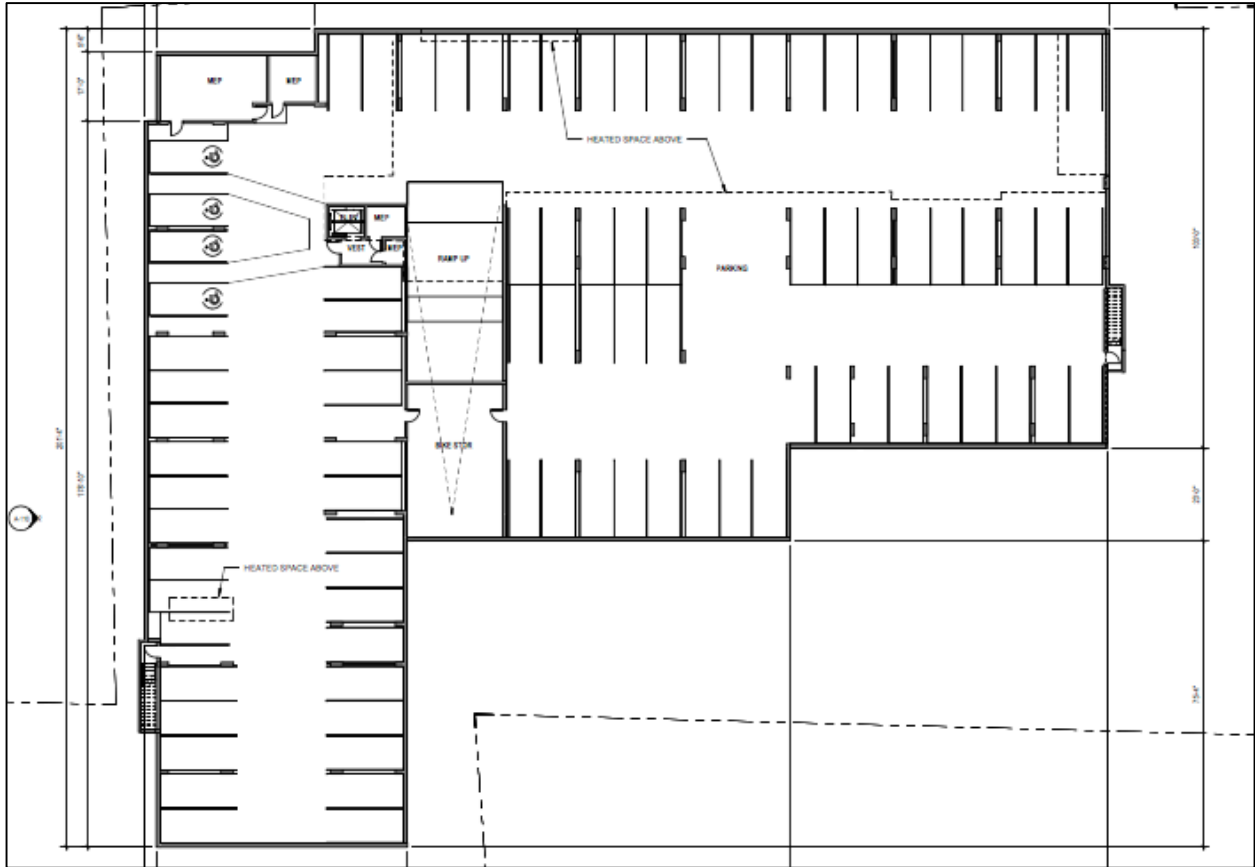


Figure 3.



Per Approved Plans.

Per Proposed Construction.

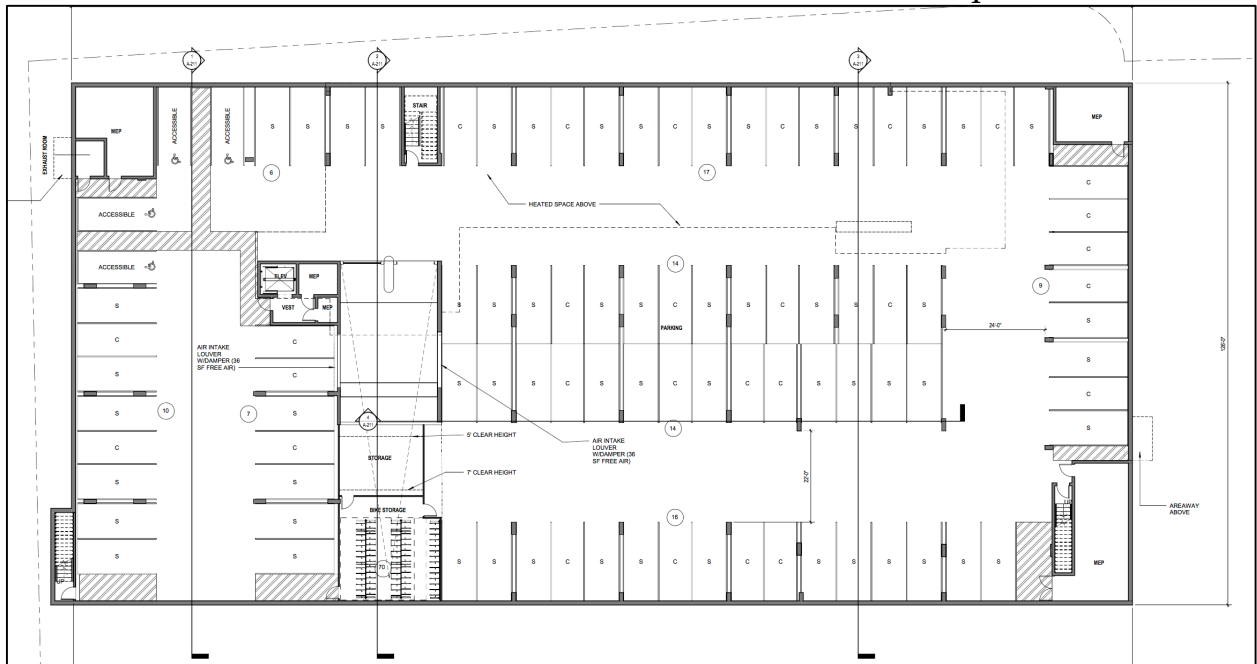
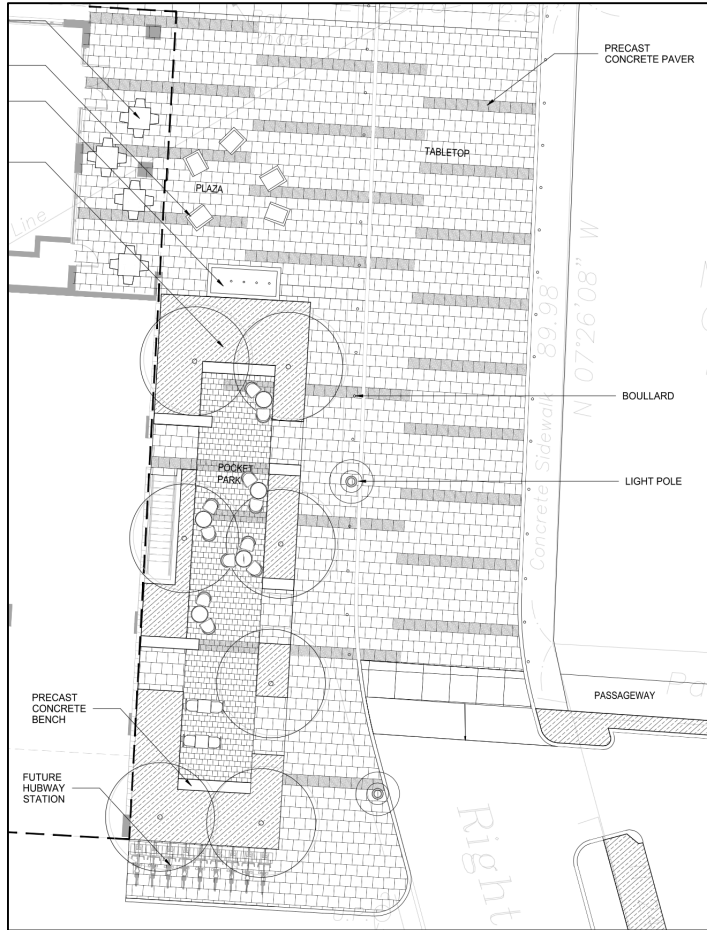
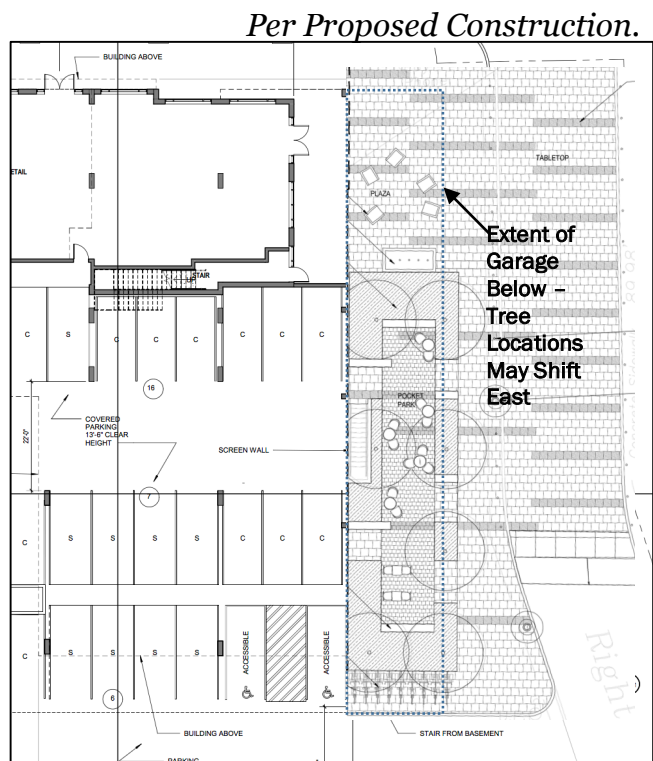


Figure 4.

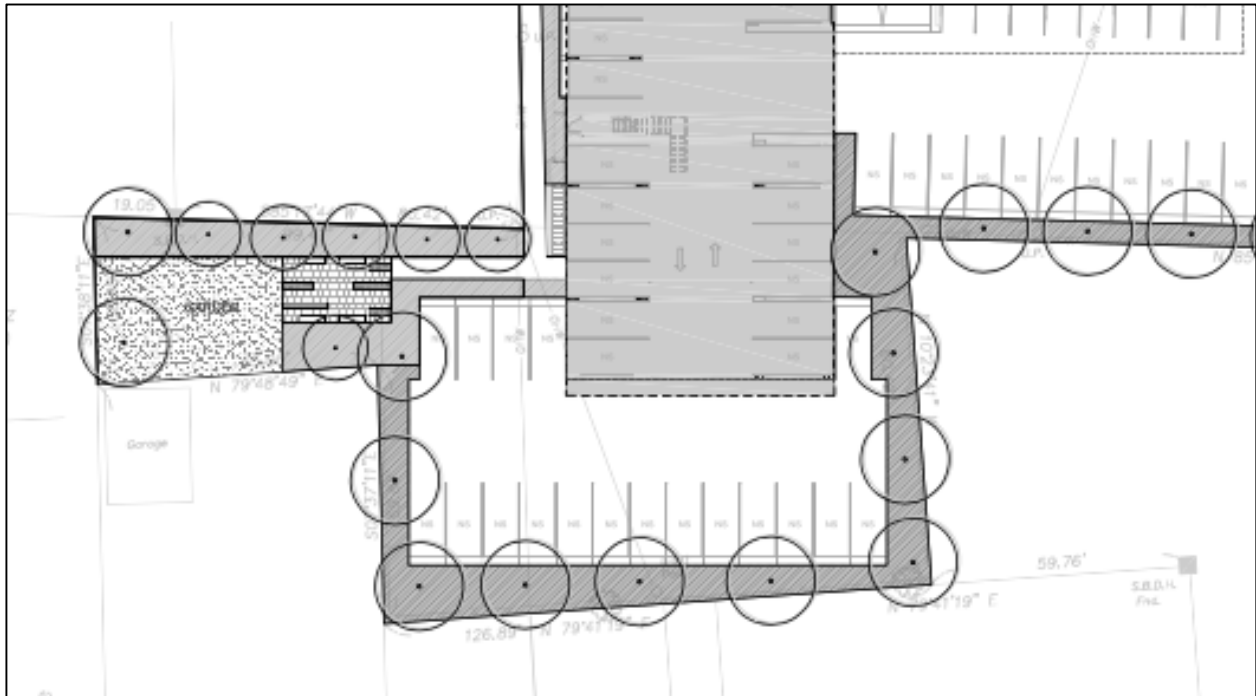


Per Approved Plans.

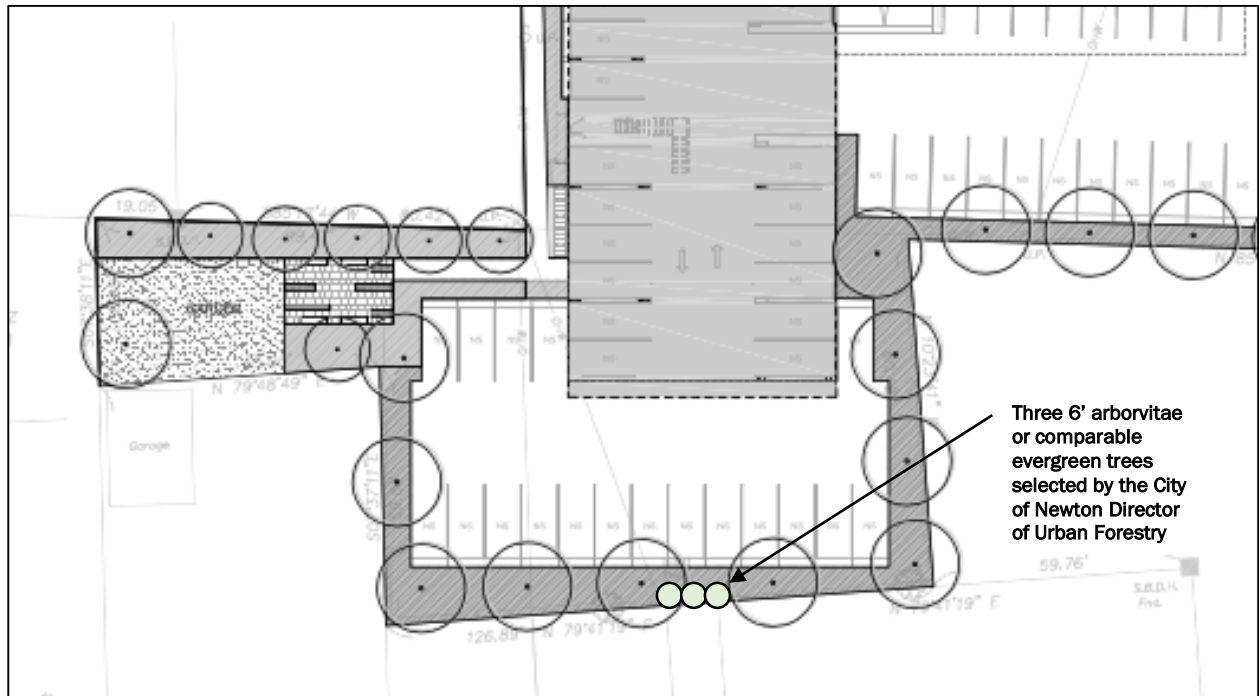


Per Proposed Construction.

Figure 5.

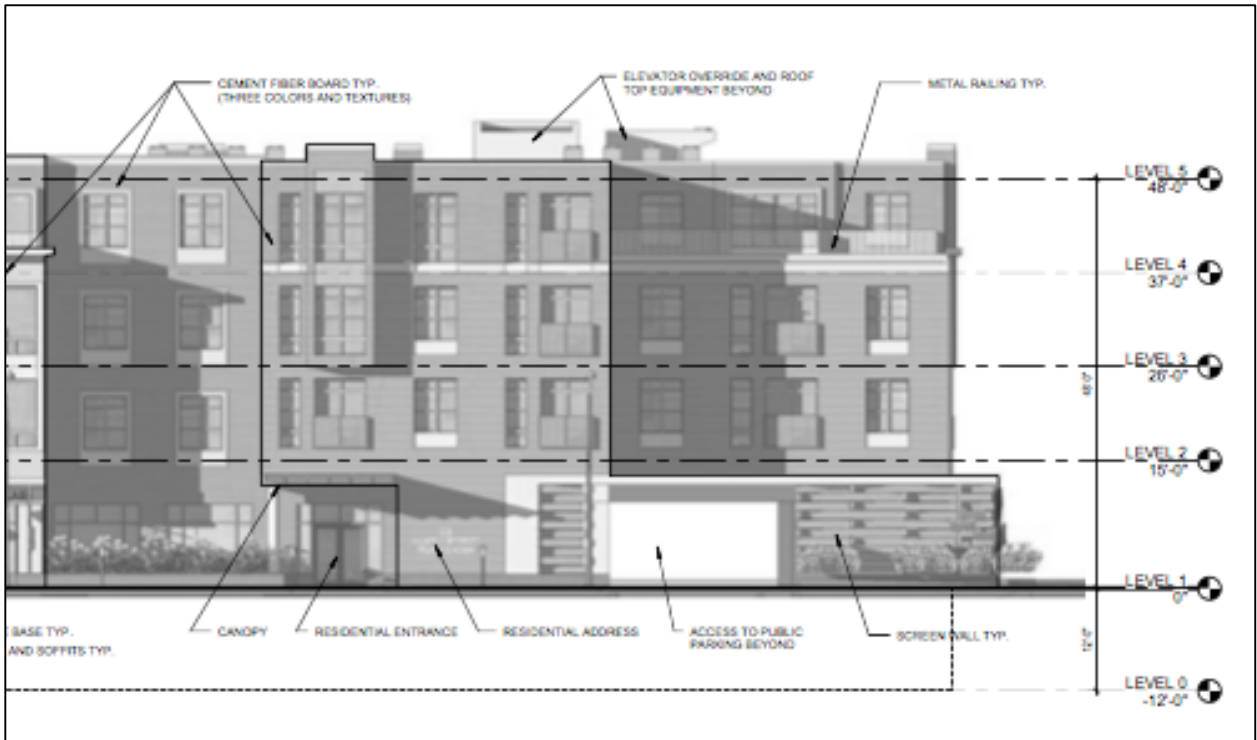


Per Approved Plans.



Per Proposed Construction.

Figure 6.

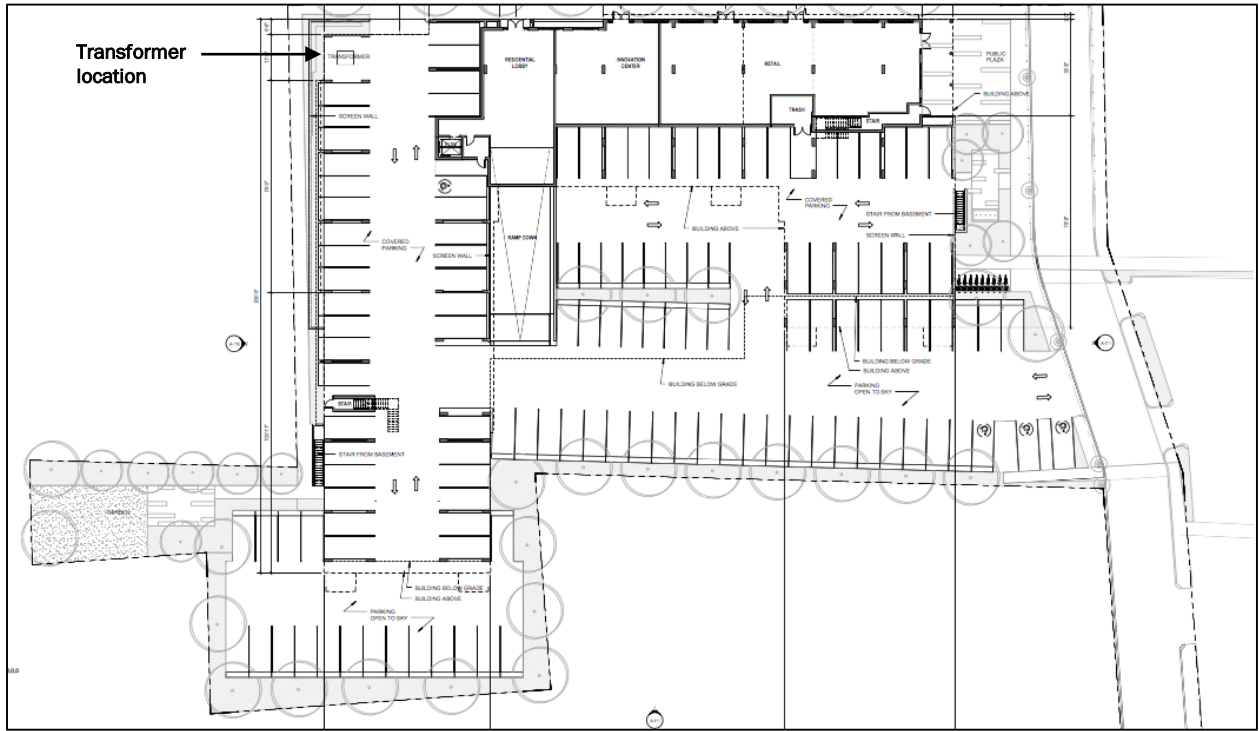


Per Approved Plans.

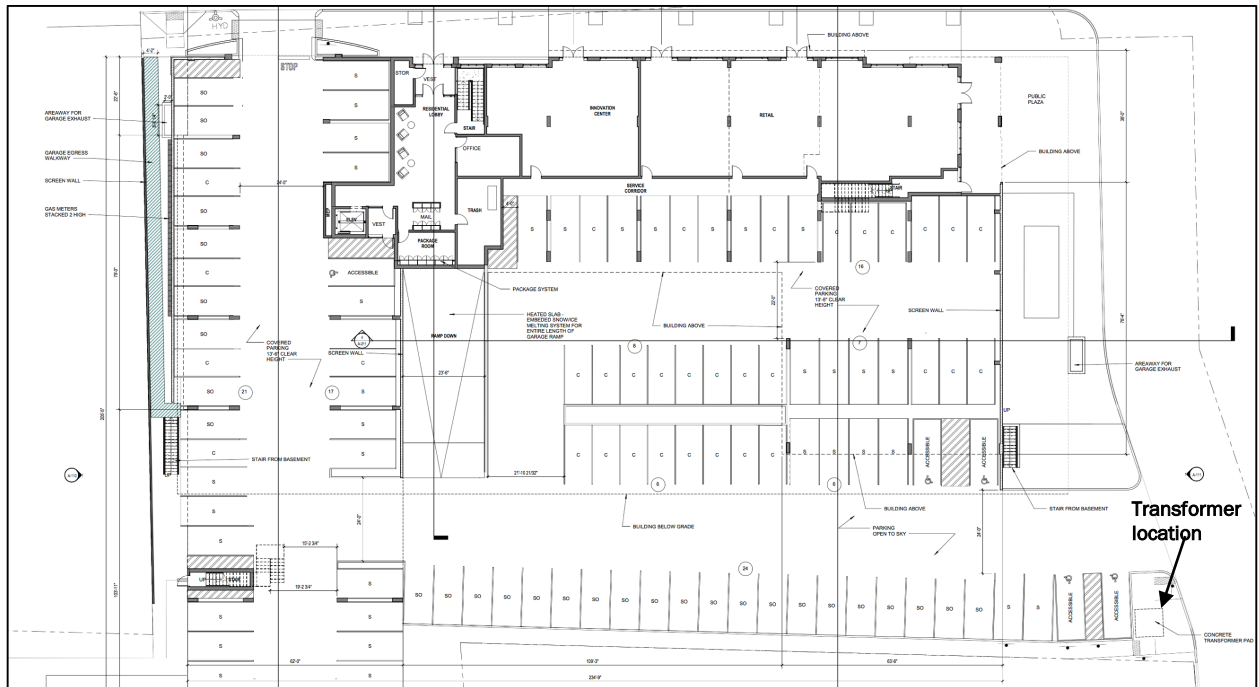


Per Proposed Construction.

Figure 7.



Per Approved Plans.



Per Proposed Construction.