

CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM

DATE: November 15, 2019

TO: Gregory Schwartz, Chairman, Land Use Committee
All Members, City Council

FROM: Jonah Temple, Assistant City Solicitor *JMT*
Jennifer Caira, Chief Planner for Current Planning

RE: Special Permit #426-18
Northland Project (156 Oak St., 275-281 Needham St. & 55 Tower Road)

Attached is a clean final draft Order for the special permit/site plan approvals being requested by the developer of the Northland Project. This final Order includes all of the amendments and edits made by the Land Use Committee to the most recent previous draft that was submitted for review on October 25, 2019. The Land Use Committee reviewed and revised that draft at the following meetings: October 29, November 7 and November 12, 2019.

Also attached is a redline version of the same final draft Order, which shows all of the revisions that have been made to the October 25 draft. In order to assist in following and understanding these revisions, included with this memorandum starting on page 2 is a brief summary of all revisions to the conditions.

The Planning Department is submitting an additional memorandum this same day which explains the framework and basis for many of the significant conditions included in the Order.

Finally, the related Northland rezoning Order for docket number #425-18 is submitted separately in your Friday packet.

Thank you.

Summary of Revisions to Conditions

General Conditions

- Condition 1 – added reference to “select design elements” as part of the Project Master Plans.
- Condition 6 – clarified that the 5 year deadline to apply for all building permits does not start to run until after conclusion of any legal appeal.

Design Review

- Condition 9.b – added two categories of changes that require Commissioner of ISD to refer to Land Use Committee as part of consistency ruling: any increase in floor area and any significant changes to design elements.
- Condition 10 – clarified that the Director of Planning must confirm that final building permit plans are consistent with previously submitted and approved preliminary/schematic plans.

Affordability

- Conditions 19.a, 20, 21, 25, 26 and 29 – minor changes for purposes of clarity suggested by City’s Director of Housing & Community Developer as part of final review.

Community Benefits

- Condition 12 – changed trigger for post-occupancy sewer flow measurement to 95% residential occupancy.
- Condition 13 and 14 – moved reference to designated municipal account for Countryside improvements to the correct condition.
- Condition 15 – splash Park; replaced reference to conceptual design plan with requirement that petitioner work collaboratively with city to develop final plan; added requirement that petitioner provide water, sewer, electric connections to splash park area; added provision that Commissioner of Inspectional Services may determine later delivery of splash park based on construction/safety concerns; clarified limits of petitioner’s liability under state law.
- Condition 16 – clarified that the open spaces must be open to the public at no cost to the public or the city; added plan reference for Village Green and Mill Park and requirement that there are electricity connections in the Village Green and Mill Park.

Construction

- Condition 35.d – added hosing to dust control methods.
- Condition 36 – revised to reference stormwater memorandum and require consistency.
- Condition 40 – revised Liaison Committee to include one Ward 5 and one Ward 8 City Councilor appointed by City Council President.
- Condition 48 – revised language on timing and commercially reasonable conditions as confirmed by Director of Planning; added specific reference to undergrounding plan rather than attach as exhibit to order.
- Condition 49 – removed language limiting obligation to daylight based on Conservation Commission conditions imposed.

- Condition 51 – added Director of Planning approval of low hedges behind townhouse units.

Sustainability

- Condition 53 – certain references removed as repetitive of later conditions.
- Condition 57.c – revised to require efficient electric appliances in all residential units.
- Condition 57.c – minor clarification.
- Condition 57.d – revised language requiring building roofs to be solar ready.
- Condition 58.c – minor clarification.
- Condition 58.e – revised to require implementation if determined feasible or facilitate future installation if currently infeasible.

Traffic and Parking

- Condition 59.d – revised condition to reflect Planning Department hiring the consultant to perform trip counts instead of the petitioner.
- Condition 60 – added language requiring proportional adjustment of Maximum Trip Count.
- Condition 61 – revised language to reflect Planning overseeing trip counts instead of the petitioner.
- Condition 61.b.iii – clarified Director of Planning’s discretion to determine additional trip count necessary after obligation ends if significant change in transportation landscape.
- Condition 62 – updated to reflect that petitioner will no longer be submitting monitoring reports to Planning with Planning conducting the trip counts.
- Condition 63.a – revised to reflect Planning Department will be hiring the consultant to conduct the trip counts.
- Condition 63.a.ii – expanded scope of intercept surveys to capture deliveries and added Director of Planning discretion to require additional surveys as necessary.
- Condition 63.f – condition removed as no longer necessary with new Condition 66 requiring total trip counts with each monitoring period.
- Condition 64 – reordered and clarified that public transit incentives must begin with initial occupancy permits. Added reference to the date of the submitted Initial TDM Plan.
- Condition 64.v – added requirement that petitioner must analyze locating shuttle stop along Needham Street.
- Condition 65.a – revised to reflect Planning Department will be conducting counts and petitioner will not be submitting monitoring reports.
- Condition 65.b – revised to clarify that TDM investments will be calculated for a full year, however if monitoring is required every six months the interim reports will reflect pro-rated TDM expenditures.
- Condition 65.d – revised to say that Certificate of Occupancies can be withheld if petitioner fails to achieve Maximum Trip Count by more than 10% for four consecutive periods.
- Condition 66 – added sitewide trip count condition, with revised trip estimate calculations from public hearing; corresponding addition of condition 63.C.iii requiring total trip counts to be taken at each driveway entrance and exit.
- Condition 68 – added language that the rental period for market-rate units and unbundled parking must be same duration.