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Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: January 14, 2020
Land Use Action Date: March 24, 2020
City Council Action Date: April 6, 2020
90-Day Expiration Date: April 13, 2020

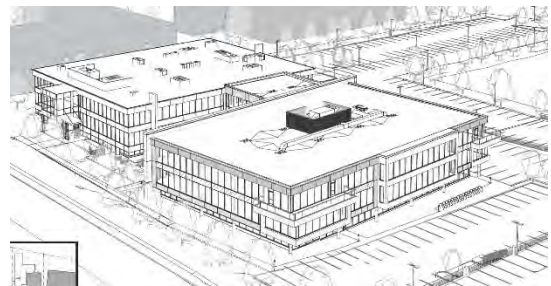
DATE: January 10, 2020

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Neil Cronin, Senior Planner

SUBJECT: **Petition #15-20** for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Orders #148-15(2) and (3) to revise the parking deck, to construct a fourth floor to the previously approved three-story building, to reduce the interior landscaping requirements, to reduce the loading bay dimensions, and to amend the Wells Avenue deed restriction to reduce the Minimum Open Space at **180 Wells Avenue** on land known as Section 84 Block 34A, Lot 03, containing approximately 220,097 square feet of land in a district zoned Limited Manufacturing. Ref: Sec. §5.1.9.B.1, §5.1.12.D.1, §5.1.13, §7.3.3, and §7.4, 4.2.2A.2, 4.2.2.B.1, 4.2.2.B.3, 4.2.2.B.3, 4.2.3, , of the City of Newton Revised Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing that the Land Use Committee of the City Council can consider at a subsequent working session.



180 Wells Avenue

The legal notice for this petition contained incorrect information. The petition will be docketed and advertised for a continued public hearing. The Planning Department submits this memorandum analyzing the correct relief.

EXECUTIVE SUMMARY

The subject property at 180 Wells Avenue consists of a 220,097 square foot lot, improved with a 55,776 square foot, three-story, commercial office building. The property is located within the Limited Manufacturing (the "LM") zone and is part of the Wells Avenue Office Park ("Wells Avenue"). The properties within Wells Avenue are subject to a deed restriction (the "Deed Restriction") that imposes several dimensional and use standards on properties within Wells Avenue and these restrictions are in addition to the City of Newton Zoning Ordinance (the "Ordinance"). In 2015, the petitioner obtained a special permit, Council Order #148-15(2), to construct a three-story, 60,601 square foot addition and an accessory parking deck on site (**Attachment A**). The petitioner is seeking to revise the design of the parking deck to reduce its size and to increase the number of surface parking stalls. Increasing the number of surface parking stalls decreases the minimum open space required by the Deed Restriction and the amount of interior landscaping required by the Ordinance. As such, the petitioner requires special permits to amend the site plan, to amend the Deed Restriction, and to reduce the amount of interior landscaping.

The Planning Department is supportive of the petitioner's investment in Wells Avenue and recognizes the importance of parking supply in attracting tenants. However, staff is concerned with the approach of reducing the amount of open space and interior landscaping to create surface parking. The Planning Department believes that reducing parking can allow for opportunities to improve circulation and allow for increased open space as well as for additional interior landscaping.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Council should consider whether:

- The specific site is an appropriate location for the proposed amendments to Council Order #148-15(2) (§7.3.3.1).
- The use, as developed and operated, due to the proposed amendments to Council Order #148-15(2) will adversely affect the neighborhood (§7.3.3.2).
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3).
- Access to the site is appropriate for the types and numbers of vehicles involved (§7.3.3.4).
- Literal compliance with the parking requirements of parking facilities containing more

than five stalls is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features (§5.1.9.B.1, §5.1.12.D.1, and §5.1.13.)

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Wells Avenue within the LM zone. All properties within Wells Avenue are also located within the LM zone. Outside of Wells Avenue, exist several Single Residence and Multi Residence zones, as well as the Public Use zone (**Attachment B**). The properties within Wells Avenue are predominantly comprised of commercial uses, while the outlying zones are comprised of single and multi-family uses, private educational uses, open space and non-profit organization uses (**ATTACHMENT C**).

B. Site

The site consists of a 220,097 square foot lot and it is improved with a 55,776 square foot, three-story, commercial building and an accessory parking facility containing 215 surface stalls. The site is located within the internal loop of Wells Avenue and it has frontage on the eastern and western portions of the street, making it a through lot; the site has access from both frontages. The topography of the site is mostly level, except for a reduction in grade from the eastern frontage to the structure and a depression at the southwestern corner. The boundaries of the site are improved with mature landscaping.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

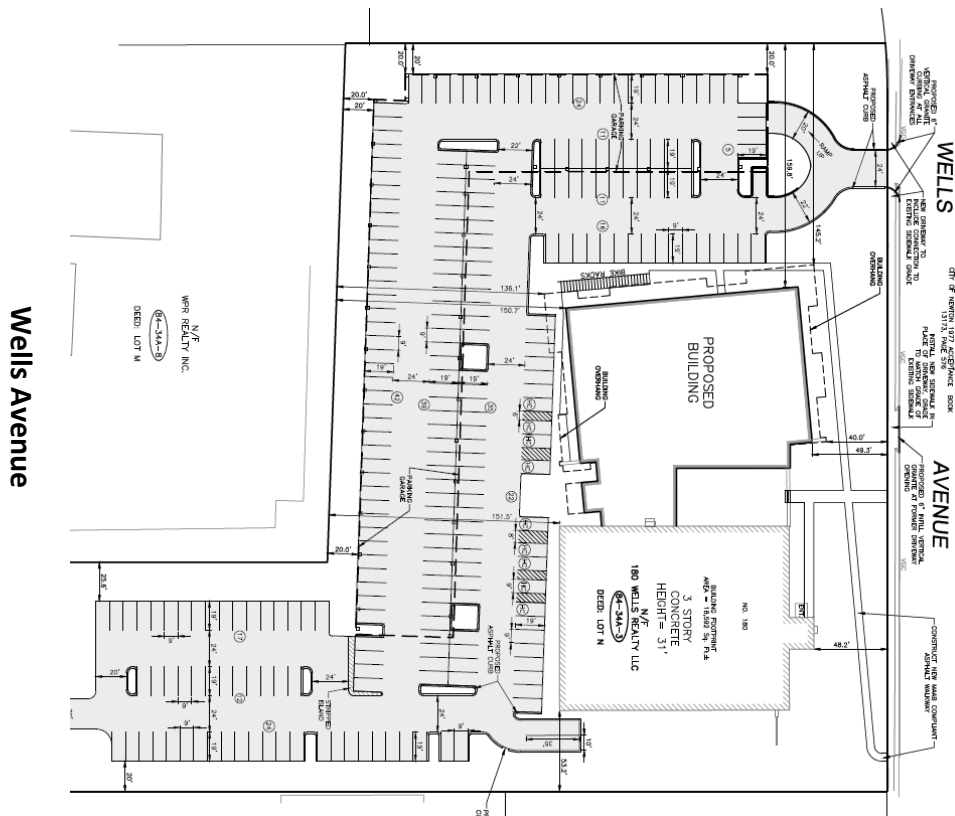
The principal use of the site is and will remain commercial.

B. Site Design

Council Order #148-15(2) allowed the construction of a three-story, 60,601 square foot addition to the northwestern façade of the existing structure and an accessory parking deck atop surface parking stalls. Surface parking stalls were also proposed in the pan handle portion of the lot towards the western frontage. Under the approved design, primary vehicular access was at the eastern frontage where drivers could either proceed into the site to access surface parking or use the ramp to access the parking deck. Vehicular access was also provided at the western frontage, but this access was for surface parking only because there was no access to the parking deck.

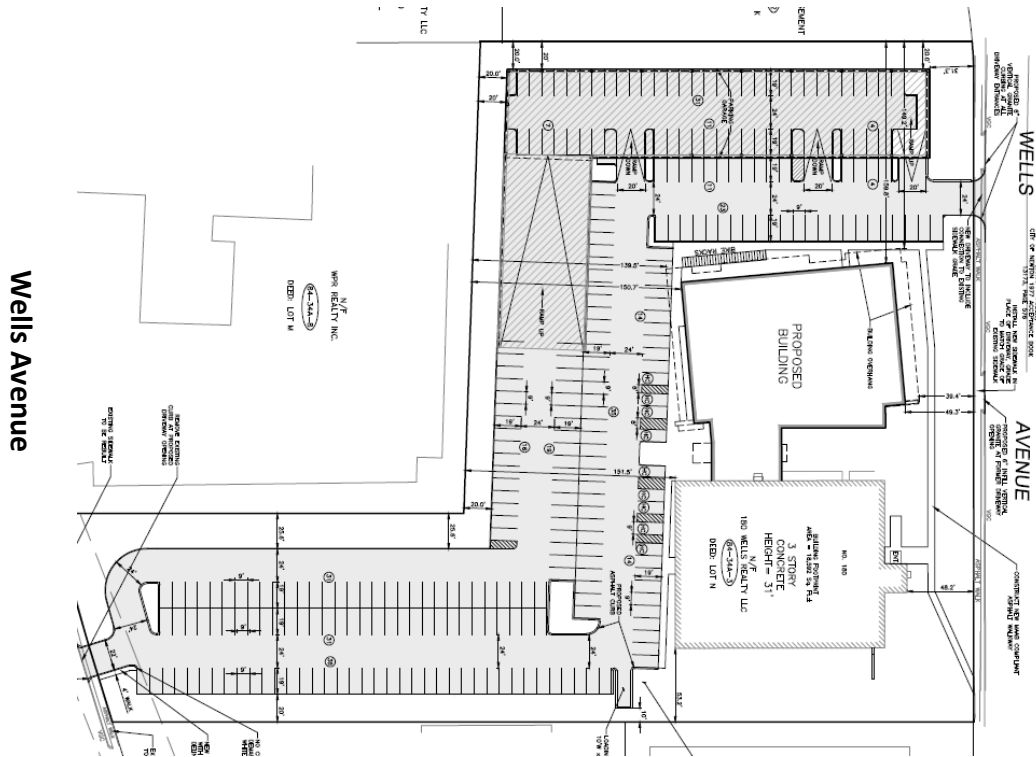
In total the site accommodated 378 parking stalls, where 370 are required per the Ordinance.

Approved Site Plan



The petitioner is proposing to reduce the size of the deck by approximately 31 stalls and to construct additional surface parking stalls in the pan handle closer to the western frontage. As part of the redesign, the western frontage will become the primary entrance to the site, with a view corridor to the new front door to the structure. To maintain the same number of parking stalls, the petitioner is providing more surface parking stalls towards the western frontage in place of what was intended to be vegetation.

Approved Site Plan



C. Building Design

Council Order #148-15(2) allowed a three-story, 60,601 square foot addition to the existing structure. As a result, the building will comprise 116,377 square feet, with a Floor Area Ratio of .53, where .25 is the maximum allowed per the Deed Restriction. The petitioner is not proposing any changes to the approved building design.

D. Parking and Loading

The addition will result in a total of 116,377 square feet of office space, requiring 370 parking stalls. The proposed design maintains the same number of parking stalls as the approved design, 378, resulting in a surplus of eight stalls.

The petitioner is also required to provide one loading space per the Ordinance. Loading bays are required to be 10 feet wide and 35 feet long, while the petitioner is proposing a loading bay of 10 feet wide and 29 feet long. The Planning Department has asked the petitioner for information on the reduced size, including a turning template to demonstrate that such dimensions are acceptable. Staff will update the Committee at the public hearing.

E. Circulation

The petitioner is proposing to maintain a curb cut at the eastern frontage by moving it approximately ten feet to the south. This entrance will provide access to a 24-foot wide drive aisle with one ramp up to the parking deck and two ramps down to the parking stalls below the deck. The revised deck will provide a ramp wide enough to accommodate two-way travel its southern end. This relief ramp is an improvement from the approved design because the approved deck design included a 378-foot long drive aisle that resulted in a dead end. As such, a driver would have to turn around to exit the ramp at the eastern frontage, and then proceed to the surface parking stalls at the southern portion, if no stalls were available on the deck.

At the western frontage, a 22-foot wide curb cut will provide access to the surface parking facility. A driver may turn left to eventually access the ramp to the deck or proceed straight to access surface stalls closer to the structure. These additional stalls result in long drive aisles that may hinder circulation as drivers approach the building without an opportunity to turnaround. The Planning Department suggests that the petitioner consider developing a wayfinding program and/or install pavement markings to guide circulation within the site. The petitioner may also consider removing stalls to break up the aisle to allow for better circulation. Such a break may also allow for interior landscaping.

F. Transportation Demand Management

Council Order #148-15(2) requires the petitioner to implement a Transportation Demand Management Plan (the "TDM Plan") that will be reviewed and approved by the Director of Planning and Development prior to the issuance of a building permit. The goal of the TDM Plan is to reduce the number vehicular trips to the site and will consist of encouraging the use of public transportation, promoting the use of bicycles by provision of lockers and shower facilities for cyclists, promoting ride-sharing, and assisting with the operation and participating in a shuttle service for Wells Avenue. The petitioner is developing this plan and is providing 30 bicycle parking stalls at the northern facade of the building, but staff suggests that the petitioner consider moving these stalls to inside the building or to shelter them from the weather. The Planning Department believes that a strong TDM Plan will help reduce the number of trips to the site as well as also the number of parking stalls required and suggests that the petitioner consider removing excess stalls in favor of a strong TDM Plan.

G. Open Space and Landscaping

The Deed Restriction requires that 40% of Wells Avenue be comprised of open space and requires that 40% of each property be comprised of open space. The approved design complies with the 40% open space requirement, but the Deed Restriction was amended in conjunction with Council Order #148-15(2) to reduce the amount of open

space for Wells Avenue as a whole. The proposed design locates additional parking at the western frontage which was intended to be comprised of vegetation. As such, the petition seeks to reduce the open space to 34% to maintain the same number of parking stalls (378).

Additionally, the Ordinance places certain requirements on parking facilities containing more than five stalls such as lighting, interior and exterior landscaping, and bicycle parking. These parking facilities are required to have 5% of the total parking facility as interior landscape islands. The approved design complied with this requirement, but the proposed design reduces the amount of interior landscaping to 2%. As noted above, the petitioner is creating eight more stalls than is required by the Ordinance and is proposing to implement a TDM Plan to reduce vehicular trips to the site. Moreover, the approved design is compliant with open space requirement imposed by the Deed Restriction and the interior landscaping requirement imposed by the Ordinance. The Planning Department understands that the Deed Restriction has more restrictive dimensional standards than other commercial zones in the City, but staff is concerned with reducing the minimum open space and amending the Deed Restriction to allow for surface parking.

In addition to interior landscaping, Council Order #148-15(2) contained a condition requiring the petitioner to provide a final landscape plan “including more conifer tree plantings and additional plantings along the site perimeter adjacent to the parking deck for review and approval to the Director of Planning and Development.” The Planning Department believes that these boundaries are well planted, but there are some gaps. Staff suggests that the petitioner identify these gaps or areas for improvement and provide a revised landscape plan in advance of the continued public hearing.

The Planning Department is supportive of the petitioner’s investment in Wells Avenue and recognizes the importance of parking in attracting tenants. However, staff is concerned with the approach of reducing the amount of open space and interior landscaping to create surface parking. The Planning Department believes that reducing parking can allow for opportunities to improve circulation and allow for increased open space as well as for additional interior landscaping.

H. Lighting

The Ordinance requires that parking facilities be lighted at 1-foot candle throughout the facility. As part of the approved design, the petitioner obtained a waiver from this requirement. Because the proposed design results in additional surface parking stalls, these stalls must be lighted as well. The Planning Department is supportive of the waiver, but the proposed photometric plan is illegible. The Planning Department has asked the petitioner for a different version, staff will update the Land Use Committee

at the public hearing.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance)

The Zoning Review Memorandum (the “Memorandum”) provides an analysis of the proposal regarding zoning (**Attachment D**). Based on the Memorandum, the petitioner is seeking the following relief:

- Amend Council Order #148-15(2) to amend the site plan.
- §5.1.9.B.1 and §5.1.13 of Section 30, to reduce the interior landscaping requirement.
- §5.1.12.D.1 and §5.1.13 of Section 30, to reduce the loading bay length requirement.
- Amend the Deed Restriction to reduce the minimum open space requirement of both Parcel 1 and the subject property.

B. Engineering Review

Associate City Engineer, John Daghljan, reviewed petition this for conformance with the City of Newton Engineering Standards (**Attachment E**). Mr. Daghljan notes that the driveway at the western frontage traverses over a City of Newton Utility Easement that requires a license agreement. Additionally, Mr. Daghljan asked the petitioner for more information regarding drainage and groundwater. Staff suggests that the petitioner meet with Mr. Daghljan to discuss these concerns prior to the continued public hearing.

C. Newton Conservation Commission

In 2015, the Conservation Commission determined that no jurisdictional wetland resource areas are present on site. As such, the Conservation Commission issued a Negative Determination of Applicability, stating that further review is not required.

D. Newton Historical Commission

This petition does not meet the minimum threshold for review from the Newton Historical Commission.

E. Fire Department Review

The Planning Department has asked the petitioner to meet with the Fire Department in advance of the next public hearing.

V. PETITIONER'S RESPONSIBILITIES

The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings. The Planning Department will prepare an updated memo prior to any future public hearings.

ATTACHMENTS:

- Attachment A:** Council Order #148-15(2)
- Attachment B:** Zoning Map
- Attachment C:** Land Use Map
- Attachment D:** Zoning Review Memorandum, dated November 7, 2019
- Attachment E:** Engineering Review Memorandum, dated January 9, 2020



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City of Newton
Newton, MA 02459

CITY OF NEWTON

IN BOARD OF ALDERMEN

October 19, 2015

#148-15(2)

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ORDERED:

54096/488

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story addition to a three-story building, which will increase the gross floor area in aggregate by more than 20,000 square feet, and to waive certain parking facility design controls as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The specific site is an appropriate location for the expanded office building, because it is located within the Wells Avenue Office Park proximate to other large office buildings. (§30-24(d)(1))
2. The proposed expansion of the office use, as developed and operated, will not adversely affect the neighborhood, as it is a use allowed by right in the Limited Manufacturing district and is consistent with the uses permitted by the Deed Restriction. (§30-24(d)(2))
3. The proposed project will not result in the creation of a nuisance or hazard to vehicles or pedestrians on the site or in the surrounding neighborhood. (§30-24(d)(3))
4. Access to the site is appropriate for the types and number of vehicles involved. The Traffic Impact Assessment report indicates that Wells Avenue has adequate capacity to accommodate the additional vehicle trips generated by the proposed expansion of the office use, and the petitioner has agreed to implement a Transportation Demand Management Plan, which includes participation in the 128 Business Council shuttle bus. In addition, City planned improvements to the signalization at the Wells Avenue/Nahanton Street and Winchester/Nahanton Street intersections are intended to mitigate additional traffic generated by potential future development within the Wells Avenue Office Park. (§30-24(d)(4))
5. The proposed project will contribute to the efficient use and conservation of natural resources and energy. The petitioner has incorporated numerous environmentally responsible and sustainable features into the building design, site design and facility programming, extensive landscaping using primarily native and drought tolerant tree and plant species, and programs to encourage employees to use modes of transit other than single-occupancy vehicles trips. The petitioner will implement an advanced stormwater management system designed to capture and infiltrate runoff generated in a 1% ("100

G. Michael Pearce Esq.
60 Walnut St, 4th Fl.
Wellesley, MA 02481

- year") storm for both the new and existing building as well as for new parking and nearly all of the existing parking areas, substantially relieving the city stormwater system and improving water quality. (§30-24(d)(5))
6. It is within the public interest to allow a reduction in the parking facility lighting level to a level that will still allow the facility to be safely lighted and reduce the off-site release of light on to adjacent properties and streets. (§30-19(J)(1)(a) and §30-19(m))
 7. It is within the public interest to allow the parking of vehicles within five feet of setback lines, as no negative effect upon abutting properties will be created due to the amount of perimeter landscaping proposed. (§30-19(H)(1) and §30-19(m))
 8. The petitioner's voluntary contribution of the construction of concrete sidewalks and pedestrian aprons along the frontage of the property bordering Wells Avenue is a public benefit to the City that will enhance the safety of pedestrians and improve pedestrian movements in the Wells Avenue Office Park.
 9. The petitioner's voluntary contribution to a Traffic Mitigation Fund will help pay for future infrastructure improvements to the Wells Avenue/Nahanton Street and Winchester/Nahanton Street intersections as well as other traffic improvements or studies that the City may undertake to improve traffic circulation into and out of Wells Avenue Office Park and along the Nahanton traffic corridor.

PETITION NUMBER: #148-15

PETITIONER: Intrum Corporation

LOCATION: 180 Wells Avenue, Ward 8, on land known as Section 84, Block 34A, Lot 3, containing approximately 220,097 square feet of land

OWNER: 180 Wells Realty, LLC

ADDRESS OF OWNER: 60 Wells Avenue, Suite 100
Newton, MA 02459

TO BE USED FOR: Office Building Expansion

EXPLANATORY NOTES: §30-13(g)(2), to allow the construction of an addition to a building greater than 20,000 square feet; 30-19(J)(1)(a) and §30-19(m), to waive parking facility dimensional control to allow parking stalls to be located within five feet from side/rear setback lines; and §30-19(H)(1) and §30-19(m), to allow for waiver of requirement of one foot candle lighting level on entire surface of parking facility.

ZONING: Limited Manufacturing district

Approved subject to the following conditions:

- I. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. Architectural and civil plan set titled "Repositioning of 180 Wells Avenue, MA 02459", prepared by various design professionals (noted below), and dated July 21, 2015, or as revised. The plan set consists of the following twenty-four (24) sheets:
 - i. Cover;
 - ii. Building Rendering Views – View from West, prepared by Elkus Manfredi Architects;
 - iii. Building Rendering Views – View from North, prepared by Elkus Manfredi Architects;
 - iv. Building Rendering Views – Courtyard View, prepared by Elkus Manfredi Architects;
 - v. Area Plan, prepared by Site Design Engineering, LLC.;
 - vi. Topographic Survey (Existing), prepared by R.E. Cameron & Associates;
 - vii. Proposed Architectural Site Layout Plan, prepared by Elkus Manfredi Architects;
 - viii. Proposed Landscape Site Plan, unknown preparer;
 - ix. Proposed Landscape Site Plan, unknown preparer;
 - x. Landscape Concept, prepared by Carol R. Johnson Associates Landscape Architects;
 - xi. Landscape Concept, prepared by Carol R. Johnson Associates Landscape Architects;
 - xii. Landscape Concept, prepared by Carol R. Johnson Associates Landscape Architects;
 - xiii. Photometric Plan;
 - xiv. Site Plan, prepared by Site Design Engineering, LLC., revised September 2, 2015;
 - xv. Grading & Utility Plan, prepared by Site Design Engineering, LLC., revised September 2, 2015;
 - xvi. Building Elevations (East and West Elevations), prepared by Elkus Manfredi Architects;
 - xvii. Building Elevations (North and South Elevations), prepared by Elkus Manfredi Architects;
 - xviii. Context Perspective Views, prepared by Elkus Manfredi Architects;
 - xix. Context Perspective Views, prepared by Elkus Manfredi Architects;
 - xx. Context Perspective Views, prepared by Elkus Manfredi Architects;
 - xxi. Context Perspective Views, prepared by Elkus Manfredi Architects;
 - xxii. Plan Diagram First Floor, prepared by Elkus Manfredi Architects;
 - xxiii. Plan Diagram Second Floor, prepared by Elkus Manfredi Architects; and
 - xxiv. Plan Diagram Third Floor, prepared by Elkus Manfredi Architects.

2. The trash collection area shall be maintained in a sanitary condition at all times when not in use. The collection/emptying of such receptacles shall only occur on weekdays between 8:00 a.m. and 5:00 p.m.
3. The petitioner shall not use salt or associated chemicals on roadways and parking areas.
4. All landscaping associated with this Special Permit/Site Plan Approval shall be maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
5. The petitioner shall execute a Traffic Mitigation Fund Agreement and donate \$80,000.00 which it has offered to pay for traffic and roadway improvements, studies/technical assistance, and transportation programs selected by the City that will mitigate potential impacts of the project or improve traffic safety and flow at the intersection of Wells Avenue and Nahanton Street, the intersection of Nahanton Street and Winchester Street, and on Wells Avenue and Nahanton Street. The form of the Traffic Mitigation Fund Agreement is set out in Exhibit A attached to this Board Order. Each project funded, in whole or in part through the Traffic Mitigation Fund shall be undertaken or constructed by the City or a contractor engaged by the City, not by the petitioner. The Commissioner of Public Works, or her/his designee, shall request the Mayor to request an appropriation from the Board of Aldermen for any project to be funded, in whole or in part, by the Traffic Mitigation Fund.
6. The petitioner shall implement a transportation demand management program to be reviewed and approved by the Department of Planning and Development, which program shall encourage the use of public transportation, promote the use of bicycles by provisions of lockers and shower facilities for cyclists, promote ride sharing, and assistance in the organization as well as participation in a shuttle service for the Wells Avenue Office Park.
7. Snow may be stored on-site in designated snow storage areas, or otherwise snow shall be removed from the site. If snow is to be stored on-site, a snow storage plan shall be submitted for review and approval to the Director of Planning and Development and City Engineer.
8. Signage shall conform to the City standards and provisions of the Deed Restriction. The Urban Design Commission and the Director of Planning and Development shall review and approve all by right signs.
9. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall submit final lighting details illustrating light pole heights under 20 feet, bollard light fixtures, and shielded light fixtures that will be installed on the site, for review and approval by the Director of Planning and Development.
10. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a final site plan which includes an uninterrupted walkway linking the building to the southeast frontage of the site on Wells Avenue for review and approval by the Director of Planning and Development and City Engineer.
11. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall have filed a Tree Permit with the Director of Urban Forestry to ensure compliance with the City Tree Preservation Ordinance.
12. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall submit a Construction Management Plan for review and

approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Board Order and shall include, but not be limited to, the following provisions:

- a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services. Except as to construction within the proposed building once it is fully enclosed.
 - c. The proposed schedule of the project, including the general phasing of the construction activities.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for delivery vehicles, and location of any security fencing.
 - e. Proposed truck route(s) that minimize travel on local streets.
 - f. 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; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - g. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. 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 practical from noise sensitive locations.
 - h. A plan and proposed methods for control of any blasting work, in accordance with City and State regulations.
 - i. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - j. A plan for rodent control during construction.
13. Prior to issuance of a certificate of occupancy, the petitioner, at its sole expense, shall complete pedestrian safety improvements consisting of the installation of concrete sidewalks and pedestrian aprons along the frontage of the property bordering Wells Avenue as well as an uninterrupted walkway linking the building to the southeast frontage of the site on Wells Avenue. The petitioner shall submit final details and plans for such improvements to the City Engineer for review and approval as part of the building permit process.
14. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a final landscape plan including more conifer tree plantings and additional plantings along the site perimeter adjacent to the parking deck for review and approval by the Director of Planning and Development.
15. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:

- a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval and an amendment to the Deed Restriction as proposed in Board Order #148-15(2) with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Board Orders with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Executed the Traffic Mitigation Fund Agreement and payed of the traffic mitigation contribution per Condition #5.
 - d. Submitted final lighting details to be reviewed and approved by the Director of Planning and Development per Condition #9.
 - e. Submitted final site plan including an uninterrupted pedestrian walkway linking the building to the southeast frontage of the site on Wells Avenue for review and approval Director of Planning and Development and City Engineer per Condition #10.
 - f. Filed a Tree Permit with the City's Director of Urban Forestry per Condition #11.
 - g. Submitted a construction management plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer per Condition #12.
 - h. Filed plans for pedestrian safety improvements consisting of the installation of concrete sidewalks and pedestrian aprons along the frontages of the property bordering Wells Avenue for review and approval by the City Engineer per Condition #13.
 - i. Filed a final landscape plan for review and approval by the Director of Planning and Development per condition #14.
 - j. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
16. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioners has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development, a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development, a final as-built survey plan in paper and digital format by a licensed surveyor.
 - c. Constructed, at its sole expense, the pedestrian safety improvements referenced in Condition #13, above, and all consistent with the plans to be approved by City Engineer. The petitioner shall submit a final as-built for the foregoing proposed improvements to the City Engineer for review and approval.
 - d. Filed with the Department of Planning and Development, a statement from the City's Tree Warden stating that the petitioner has complied with all requirements of the City's Tree Preservation Ordinance.
 - e. Submitted to the Director of Planning and Development for review and approval a final transportation demand management plan per Condition #6.

- f. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, fencing, signage and parking areas.
17. Notwithstanding the provisions of Condition #16f above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, signage and parking areas provided that the petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site work to secure installation of such landscaping, fencing, signage and parking areas.

Under Suspension of Rules
Readings Waived and Approved
22 yeas 0 nays 2 absent (Aldermen Johnson and Yates)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on October 21, 2015. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



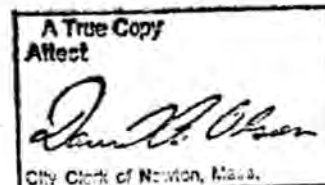
(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 10/21 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen



CITY OF NEWTON

IN BOARD OF ALDERMEN

October 19, 2015

54096/488

ORDERED:

That the Board, finding that the proposed amendment can be made without substantially derogating from the purpose for which the City of Newton was granted certain restriction in a deed from the Trustees of the "Newton at 128 Realty Trust" to the City of Newton dated May 22, 1969 and recorded with the Middlesex South Registry of Deeds in Book 11669, Page 535, the Board hereby agrees to amend the aforesaid restriction as follows:

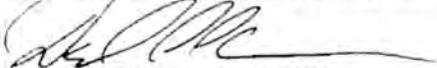
PETITION NUMBER: 148-15(3)
PETITIONER: Intrum Corporation
LOCATION: 180 Wells Avenue; Ward 8, Section 84, Block 34A, Lot 3
OWNER: 180 Wells Realty, LLC
ADDRESS OF OWNER: 60 Wells Avenue
Newton, MA 02459
TO BE USED FOR: Office Building Expansion

That the restriction adopted by the Board Order #276-68(3) as conveyed to the City of Newton by a Deed recorded with Middlesex South District Registry of Deeds in Book 11699, Page 535 as amended by Board Order nos. 570-71(2), 189-72, 734-72, 591-76, 541-89(2), 282-91, 293-93(2), 469-93, 428-01(B), 38-03(2), 324-06(2), 325-06(2), 231-07(2), 56-12, and 257-13(3) and 124-15(2) be further amended as specifically set out in Exhibit A attached hereto for the sole purpose of permitting the construction of a three-story addition to a three-story building which will increase the gross floor area in the aggregate by more than 20,000 square feet and to waive certain parking facility design controls at 180 Wells Avenue as proposed in Special Permit Board Order 148-15(2), to be used for offices and all accessory uses as are proper, usual and customary in connection with such use.

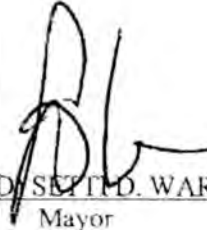
1. The Board finds that granting the specific amendment to the deed restriction to allow for the expanded commercial use proposed for 180 Wells Avenue will not diminish the safeguards for which the restriction was implemented, including floodplain management and watershed protection.
2. The amendment to the deed restriction authorized by this Board Order is limited to the extent necessary to develop the special permit project at 180 Wells Avenue authorized by Special Permit Board Order #148-15(2).

3. The amendment to the deed restriction authorized by this Board Order is subject to the approval and exercise of Special Permit Board Order #148-15(2) in accordance with the terms and conditions of such Board Order.
4. His Honor the Mayor be and hereby is authorized to execute on behalf of the City such recordable documents as may be usual, customary or necessary to give effect to this Order of the Board.

Under Suspension of Rules
Readings Waived and Adopted
22 yeas, 0 nays, 2 absent (Aldermen Johnson and Yates)



(SGD) DAVID A. OLSON
City Clerk



(SGD) SCOTT D. WARREN
Mayor

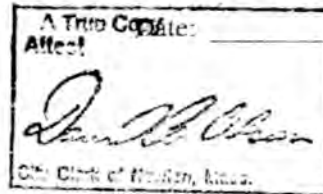


EXHIBIT A

To Board Order #148-15(3)










REQUESTED AMENDMENTS TO THE WELLS AVENUE DEED RESTRICTION FOR THE SOLE PURPOSE OF THE DEVELOPMENT OF 180 WELLS AVENUE AS PROPOSED IN SPECIAL PERMIT BOARD ORDER #148-15(2) AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF SUCH SPECIAL PERMIT BOARD ORDER.

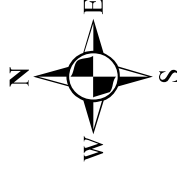
That the restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended to allow the following at 180 Wells Avenue only as proposed in Special Permit Board Order #148-15(2):

- (1) a greater percentage of office space in the entire office park to exceed 600,000 square feet in floor area;
- (2) less open space as to the subject parcel and all other parcels constituting Parcel 1 than the maximum 40% requirement; and
- (3) the property and proposed building thereon to exceed the maximum Floor Area Ratio of 0.25, and to allow the maximum Floor Area Ratio for the entire Wells Office Park to exceed 0.25.

Attachment B Zoning Map Wells Ave., 180 City of Newton, Massachusetts

Legend

-  Single Residence 1
-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 3
-  Limited Manufacturing
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries

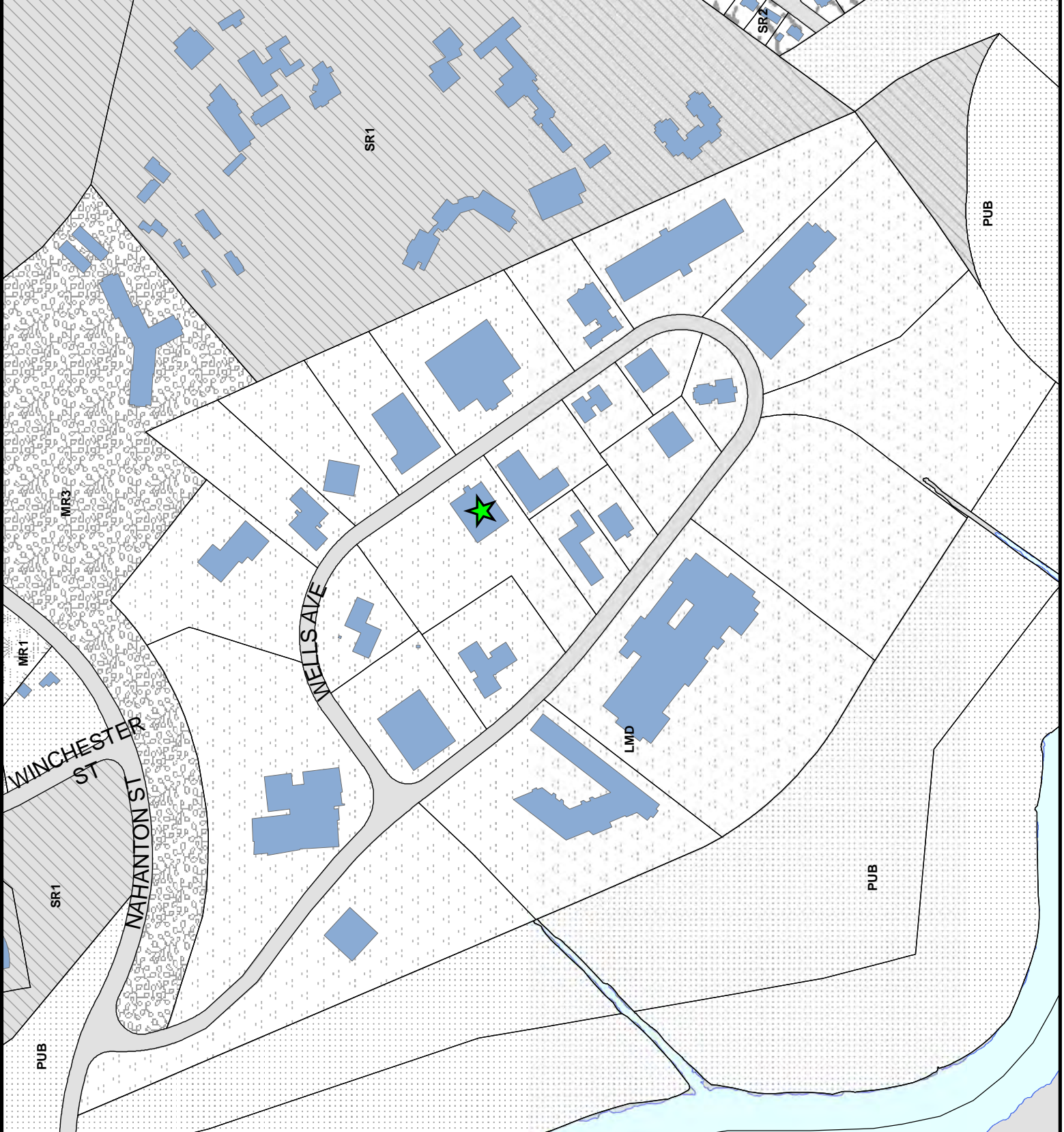


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller



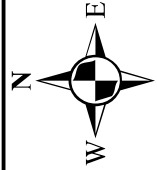


Map Date: January 10, 2020



Attachment C Land Use Map Wells Ave., 180 City of Newton, Massachusetts

Legend

Land Use	
Land Use	
	Single Family Residential
	Multi-Family Residential
	Commercial
	Mixed Use
	Golf Course
	Open Space
	Private Educational
	Nonprofit Organizations
	Building Outlines
	Surface Water
	Property Boundaries

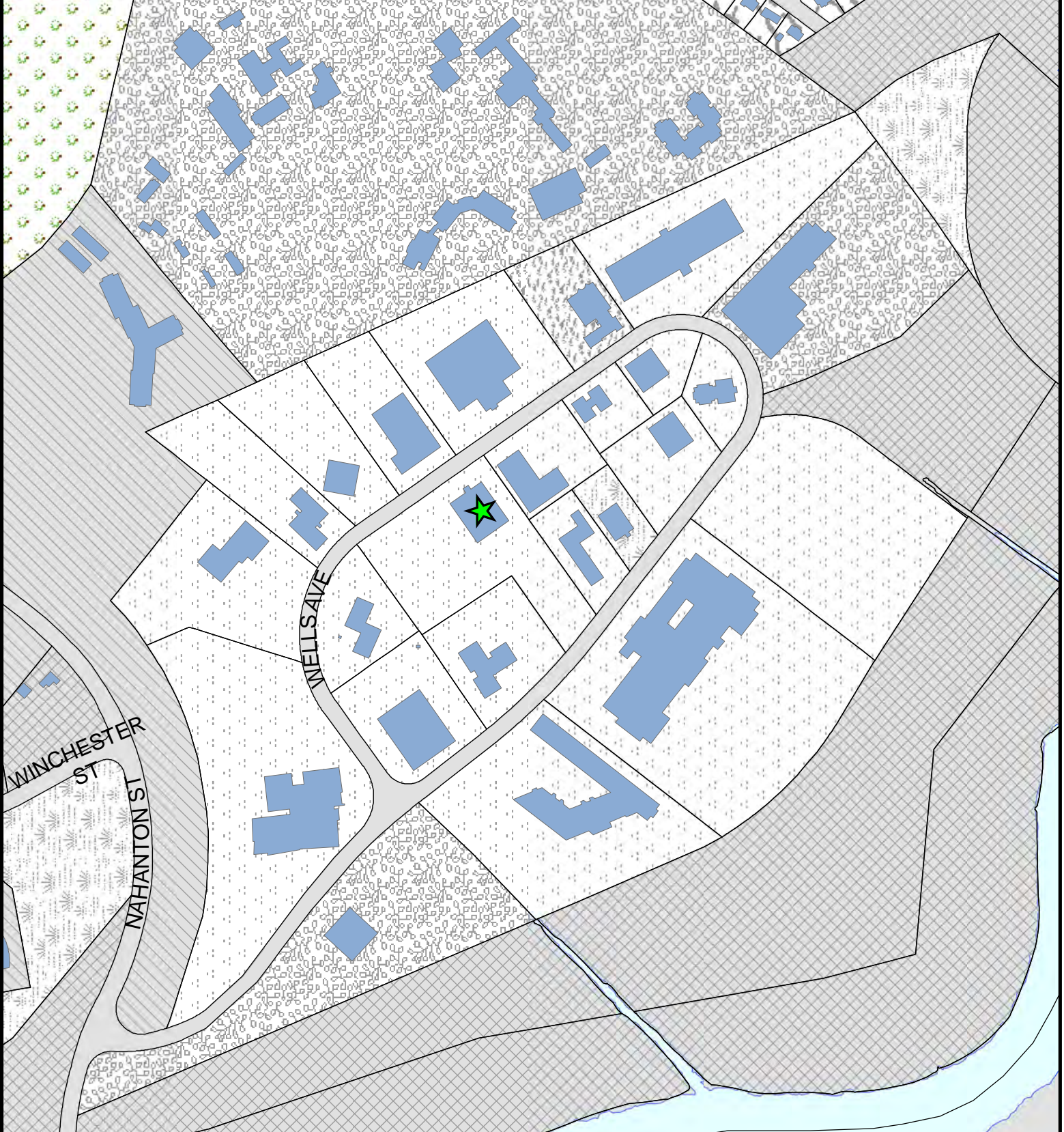




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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller

0 50 100 200 300 400 500 Feet

Map Date: January 10, 2020





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

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(617) 796-1089
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Barney Heath
Director

ZONING REVIEW MEMORANDUM

Date: November 7, 2019

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: G. Michael Pierce, attorney
180 Wells Ave, LLC
Barney Heath, Director of Planning and Development
Jonah Temple, Assistant City Solicitor

RE: Request to amend special permit #148-15(2) and (3) to revise the design of the parking structure and surface parking, to amend/waive the Wells Avenue Deed Restriction

Applicant: 180 Wells Avenue, LLC	
Site: 180 Wells Avenue	SBL: 84034A0003
Zoning: Limited Manufacturing	Lot Area: 219,980 square feet
Current use: Three-story office	Proposed use: Three-story office with parking deck and facility

BACKGROUND:

The property at 180 Wells Avenue is located off Nahanton Street within the Wells Avenue Office Park in the Limited Manufacturing zoning district, and is approximately 219,980 square feet. It is in the interior loop of the office park, and has two frontages on Wells Avenue, making it a through lot. The site currently contains a single, 55,776 square foot three-story building, used as office space. The larger vicinity of Wells Avenue includes a mix of office, educational, recreational and non-profit uses. The petitioner was granted a special permit in 2015 to allow construction of a three-story, 60,565 square foot office building to be connected to the existing office building, as well as a one-story parking deck, as well as surface parking which has not yet been built.

The petitioner now seeks an amendment to the special permit to redesign the parking deck to include a rear relief ramp and revised surface parking.

The properties located on Wells Ave are subject to a Deed Restriction that imposes a number of conditions on the development and use of these properties, in addition to the City's Zoning Ordinance. While the Deed Restriction has been amended several times, the proposed development will require further amendments, or a blanket waiver from the Deed Restriction in its entirety, as well as waivers from the Zoning Ordinance.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, submitted by G. Michael Pierce, attorney, dated 1/22/2019
- Deed Restriction and Amendments
- Special Permit #148-15(3)
- Wells Ave Deed Restriction, dated 6/30/1967
- Renderings, prepared by Elkus Manfredi, Architects, dated 1/16/2019
- Elevations, prepared by Elkus Manfredi Architects, dated 1/16/2019
- Site Plan, prepared by Site Design Engineering, LLC, dated 10/10/2019

ADMINISTRATIVE DETERMINATIONS:

1. The subject property is located in the Limited Manufacturing zoning district. The petitioner was granted Special Permit #148-15 in 2015 to allow construction of a three-story office building with a connection to the existing office building, as well as a single-level parking structure and surface parking. The petitioner seeks an amendment to the existing special permit to allow for a revised design for the parking structure and surface parking.
2. A one-level parking deck was approved in the 2015 special permit. The petitioner proposes a revised design that reduces the size of the deck and includes a rear relief ramp upon which parking will be located, and both levels of the deck have been lowered by 3 feet into the existing grade. The revised deck will now accommodate 89 stalls, reduced from the approved 120. The additional stalls are on the ramp only. The ground level parking is proposed to increase from the approved 258 to 289 stalls, creating a total of 378 parking stalls on site. No waiver of the number of parking stalls is required per section 5.1.4.
3. Section 5.1.9.B.1 requires that an area equivalent to at least 5% of the area of a parking facility with more than 20 stalls be continuously landscaped. The proposed configuration of the surface parking reduces the interior landscaping from the approved 5.1% to 2.0%, requiring a special permit.
4. Section 5.1.12.D.1 requires loading bays be 10 feet in width, 35 feet in length and 12 feet in height. The petitioner is seeking a special permit to reduce the required length from 35 feet to 29 feet.
5. Paragraph 1 of the Deed Restriction places a minimum open space requirement of 40% on each individual parcel, as well as on the office park as a whole. The proposed project will result in an open space of 34% for the parcel. The petitioner requires a waiver from, or an amendment to the Deed Restriction to allow for a reduction in the parcel's open space requirement, and to the extent necessary, for the park overall.

Zone Limited Manufacturing	Required/Allowed	Approved	Proposed
Lot Size	N/A	220,097 square feet	No change
Setbacks			
• Front	25 feet	40 feet	31.3 feet**
• Side	20 feet	20 feet	No change
• Rear	20 feet	136.1 feet	135.9 feet
Building Height	36 feet	35.8 feet	No change
Max number of stories	3	3	No change
Max building lot coverage	25%	18%	No change
Min open space for Parcel 1*	40%*		34%*
Parking stalls	440		378
FAR*	.25*	.53*	No change

* Required dimensional controls fall under the provisions of the Deed Restriction

** Setback for parking deck; the office building remains at 40 feet

6. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
	Amend Special Permit #148-15(2) and (3)	
§5.1.9.B.1 §5.1.13	To reduce interior landscaping requirements	S.P. per §7.3.3
§5.1.12.D.1 §5.1.13	To reduce loading bay length requirement	S.P. per §7.3.3
Deed Restriction, Paragraph 1	Amend/waive Parcel 1 minimum open space requirement	Amend/waive Deed Restriction

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Rick Lipof, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 180 Wells Avenue

Date: January 10, 2020

CC: Barney Heath, Director of Planning
Jennifer Caira, Chief Planner
Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Neil Cronin, Sr. Planner

In reference to the above site, I have the following comments for a plan entitled:

180 Wells Avenue
Prepared by: Site Design Engineering, LLC.
Dated: December 9, 2019

Executive Summary:

In 2015 a Special Permit was Granted for this site for an attached building and expanded parking lot, and a second driveway apron with drainage improvements. Based on a site visit the following improvements were made: such as the driveway apron from the rear portion of the property to the south side of Wells Avenue; and it appears some drainage system was installed, (see following photos).

This submission has the same added building connected to the existing office space and a detached parking garage.



Drainage swale and new driveway apron

This driveway apron transverses a City Utility Easement that needs a License Agreement





Some sort of drainage structure yet uncompleted.

The drainage analysis submitted utilizes appropriate methodology, however the analysis is based on the City's old stand of 6.5 inches over a 24-hour period the current standard is 8.78-inches, the Hydrocad calculations need to be resubmitted to reflect the current storm standard. The stormwater management system Best Management Practices (BMP) is partially expectable, however it does not address sweeping intervals of the parking lot and parking garage, nor the cleaning and removal of debris of gutters.

I have concerns about groundwater mounding within the vicinity of the proposed underground infiltration system, a mounding analysis will be required that demonstrates that localized groundwater mounding will not have a negative affect to the abutting property or to infrastructure within the City Easement. I will require that an impervious barrier be placed along the southerly side of the proposed infiltration system to help prevent horizontal migration of infiltrated water towards the abutter(s).

Although the soils logs locations are provided in the report and shown with a scaled down plan, I will require that they be shown accurately on Sheet C1.4 on the Drainage & Utility Plan.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction materials and equipment, parking for construction workers vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of the general contractor. It shall also address anticipated dewatering during construction, site safety & stability, siltation & dust control and noise impact to abutters.
2. Stabilized driveway construction entrance(s) will be required for the duration of the construction which will provide a truck wash to prevent tracking of mud and silt onto City streets.
3. Catch basins within and downstream of the construction zone in Wells Avenue will be required to have siltation control installed for the duration of the project and must be identified on the site plan.

Drainage:

1. A final Operations and Maintenance (O&M) plan for the long-term maintenance of the proposed stormwater management facilities needs to be drafted and submitted for review. Once approved the O&M must be adopted by the applicant/property owner, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division.
2. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, trench drains, and pipe(s) are the sole responsibility of the property owner(s).
3. When a connection to the City's drainage system is proposed, prior to approval of the Building Permit a Closed-Circuit Television (CCTV) inspection shall be performed and witnessed by the Engineering Division, the applicant shall retain a contractor that specializes in CCTV inspection. The applicant shall contact the Engineering Division 48 hours in advance to schedule an appointment. At the end of the inspection the video or CD shall be given to the inspector. Furthermore, upon completion of the connection to the drainage system a Post – Construction video inspection shall also take place and

witnessed as described above. This is required regardless of the connection point; the intent is to ensure that there are no downstream blockages or damaged pipe so that the contractor of record is not held accountable for preexisting conditions.

Environmental:

1. Has a 21E Investigation and report been performed on the site, if so, copies of the report should be submitted to the Newton Board of Health and Engineering Division.
2. Are there any existing underground oil or fuel tanks? Have they been removed, if they have been, evidence of the proper removal should be submitted to the Newton Fire Department and the Board of Health.
3. A General Construction Permit will be required as the construction activity area is greater than 1 acre of disturbance.

Sanitary Sewer & Domestic Water Service(s):

1. The sizing of the pump, pump performance curves, and hydraulic calculations will be required for the Utility Connection permit.
2. Details of the forced main connection into the sewer manhole are needed.
3. All new sewer service(s) shall be pressure tested in accordance to the City Construction Specifications & Standards and inspected via Closed Circuit Television CCTV inspection after installation is completed. A copy of the video inspection and written report shall be submitted to the City Engineer or his representative. The sewer service will NOT be accepted until the two methods of inspection are completed AND witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until these tests are completed to the satisfaction of the City Engineer.
4. All sanitary sewer manhole(s) shall be vacuum tested in accordance to the City's Construction Standards & Specifications, the sewer service and manhole will NOT be accepted until the manhole(s) pass the testing requirements. All testing MUST be witnessed by a representative of the Engineering Division. A Certificate of Occupancy will not be recommended until this test is completed to the satisfaction of the City Engineer and a written report of the test results is submitted to the City Engineer.

5. With the exception of natural gas service(s), all utility trenches within the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E up to within 18-inches of the asphalt binder level, after which Dense Grade Gravel compacted to 95 % Proctor Testing shall be placed over the CDF. Details of this requirement is the Engineering Division website "Standard Construction Details".
6. Fire Flow testing is required for the proposed fire suppression system. The applicant must coordinate the fire flow test with both the Newton Fire Department and the Utilities Division, representative of each department shall witness the testing. Test results shall be submitted in a written report along with hydraulic calculations that demonstrate the required size of the fire suppression system, these calculations shall be submitted to the Newton Fire Department for approval, and copies give to the Engineering Division.
7. All water services shall be chlorinated, and pressure tested in accordance to the AWWA and the City Construction Standards & Specifications prior to coming online. These tests MUST be witnessed by a representative of the Engineering Division.
8. Approval of the final configurations of the water service(s) shall be determined by the Utilities Division, the engineer of record shall submit a plan to the Director of Utilities for approval.

General:

1. All trench excavation shall comply with Massachusetts General Law Chapter 82A, Trench Excavation Safety Requirements, and OSHA Standards to protect the general public from unauthorized access to unattended trenches or excavations. Trench Excavation Permit is required prior to any construction. This applies to all trenches on public and private property. *This note shall be incorporated onto the final plans.*
2. All tree removal shall comply with the City's Tree Ordinance.
3. The contractor of record is responsible for contacting the Engineering Division and scheduling an appointment 48-hours prior to the date when the utilities will be made available for an inspection of water services, sewer services and drainage system installation. The utility in question shall be fully exposed for the Inspector to view,

backfilling shall only take place when the City Engineer's Inspector has given their approval. *This note shall be incorporated onto the final plans.*

4. The applicant shall apply for a Building Permit with the Inspectional Services Department prior to ANY construction.
5. Before requesting a Certificate of Occupancy, an As Built plan shall be submitted to the Engineering Division in both digital and paper format. The plan shall show all utilities and final grades, any easements and improvements and limits of restoration. The plan shall include profiles of the various new utilities including but not limited to rim & invert elevations (City of Newton Datum), slopes of pipes, pipe materials, and swing ties from permanent building corners. The as built shall be stamped by both a Massachusetts Registered Professional Engineer and Registered Professional Land Surveyor. Once the As built plan is received the Engineering Division shall perform a final site inspection and then make a determination to issue a Certificate of Occupancy. *This note shall be incorporated onto the final plans.*
6. All site work including trench restoration, sidewalk, curb ,apron and loam border (where applicable) shall be completed before a Certificate of Occupancy is issued. *This note shall be incorporated onto the final plans.*
7. The contractor of record shall contact the Newton Police Department 48-hours in advanced and arrange for Police Detail to help residents and commuters navigate around the construction zone.
8. If any changes from the final approved design plan that are required due to unforeseen site conditions, the contractor of record shall contact the design engineer of record and submit revised design and stamped full scale plans for review and approval prior to continuing with construction.

Note: If the plans are updated it is the responsibility of the applicant to provide all City Departments [ISD, Conservation Commission, Planning and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns, please feel free to contact me at 617-796-1023.