

Nadia Khan

From: Christopher J. Markiewicz
Sent: Friday, July 24, 2020 3:37 PM
To: Nadia Khan
Cc: Buchbinder, Stephen
Subject: Alternate Version of Riverside Condition 12
Attachments: Condition 12 CM final.docx

Ms. Khan,,

Would you please add this to the Friday Packet for Land Use Committee?

Honorable Colleagues:

The attached via Ms. Khan is a redlined version of Condition 12 for your consideration. Councilor Krintzman and I have also shared a redrafted version of Condition 13 which I expect should be available in the latest update of the Conditions.

Have a great weekend and remember if it's Tuesday, this must be Land Use!

Chris

12. The Petitioner shall design and construct, at no cost to the City, the Route 128/Interstate-95 Interchange improvements as shown on sheets of the Conceptual Plans dated and entitled Massachusetts Department of Transportation Highway Division Plan of Rt 128/I-95 Grove Street (Bridge No. N-12-056 in the City of Newton Middlesex County (the “Interchange Improvements Plan”), which include modifications to both the Rt. 128/I-95 northbound interchange with Grove Street and the Rt, 128/I-95 southbound interchange with Grove Street ~~on the conceptually approved plan (Figure 19) contained in the Transportation Impact and Access Study, dated December 2019 and as further described in the TIA Study in more detail~~ (hereinafter, the “Interchange Improvements”).

a. Prior to the issuance of any Building Permits for any of the buildings, except for the non-residential and non-commercial portions of Buildings 9 and 10 (the parking garage), the following must occur in connection with the Interchange Improvements:

i. The Massachusetts Department of Transportation (MassDOT) must issue a Section 61 Finding (Mitigation Commitment Document required as part of the Massachusetts Environmental Policy Act (MEPA) process), the mitigation provisions of which shall be incorporated herein by reference as conditions.

ii. Petitioner shall have obtained all required final approvals and all required permits for the construction of the Interchange Improvements from the Federal Highway Administration and the Massachusetts Department of Transportation. The Petitioner must complete the 25% Design Submission phase of the application process for receiving a Highway Access Permit from MassDOT and receive MassDOT’s comments in response to the submission.

iii. Petitioner shall have posted a bond in an amount sufficient to cover the cost of constructing the Interchange Improvements, which amount shall be determined by the City Department of Public Works with the assistance of a consultant, if deemed necessary, to be paid for by the Petitioner. The mitigation obligations in the Section 61 Finding and the MassDOT, comments on the 25% Design review must support approval of the Interchange Improvements.

b. The Petitioner shall submit all state and federal submissions in connection with the Interchange Improvements, including engineered plans, to the Commissioner of Public Works for review simultaneous with submission to MassDOT and/or FHWA, with copies to the Liaison Committee. The Petitioner shall also provide copies of all comments and responses it receives from any federal or state entity to the Director of Planning and Development and the Commissioner of Public Works in a timely manner, with copies to the Liaison Committee.

c. Any material modifications to the final design of the Interchange Improvements by either MassDOT or FHWA will be considered consistent with the conceptually

approved plan if, in the opinion of the Commissioner of Public Works, the modified design achieves the same performance objectives as the conceptually approved design.

- d. Prior to the issuance of a Certificate of Occupancy for any of the buildings, except for a partial, temporary and permanent Certificate of Occupancy for the non-residential and non-commercial portions of Buildings 9 and 10 (the parking garage), construction of the Interchange Improvements must be substantially complete (i.e. a final inspection has been completed by MassDOT), but final punch list items, including but not limited to landscaping, may be scheduled for completion after the issuance of temporary Certificate of Occupancy provided the Petitioner posts a bond or other security as determined by the Commissioner of Inspectional Services (after consultation with the Director of Planning and Development and the Commissioner of Public Works) to be sufficient to complete such outstanding work.