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James Freas
Acting Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: June 16, 2015
Land Use Action Date: June 23, 2015
Board of Aldermen Action Date: August 10, 2015
90-Day Expiration Date: September 8, 2015

DATE: June 12, 2015

TO: Board of Aldermen

FROM: James Freas, Acting Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Daniel Sexton, Senior Planner

SUBJECT: **Petition #124-15 and (2)**, WELLS AVENUE, LLC, requests that the restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended to allow: the percentage of office space in the entire Wells Office Park (Park) to exceed 800,000 sf in floor area; less open space on the subject parcel and all other parcels constituting Parcel 1 than the maximum 40% required; the property and proposed building thereon to exceed the maximum FAR of .25 and to allow the maximum FAR for the entire Park to exceed .25; a portion of the existing parking spaces and maneuvering aisles to be within 40 feet of the northeasterly boundary line of Parcel 1 on the plan #1183 of 1960 of which the subject parcel is a part, and which boundary line is designated on said plan as "950" feet; retaining walls of four feet or greater as may be necessary within 80 feet of the northerly boundary line; the proposed building addition to be 36 feet in height although the specified minimum setback for the proposed building from the southerly street line of Nahanton Street is 321 feet, and for a SPECIAL PERMIT to demolish a portion of an existing one-story building and construct a three-story addition adjacent to the remaining portion of the building, which will increase the gross floor area in the aggregate by 20,000 or more from the existing 68,740 sf to 132,598 sf; to construct one or more retaining walls greater than four feet within the setbacks; to allow parking in the rear setback; and to waive the required driveway width at 2 WELLS AVENUE, Ward 8, on land known as SBL 84, 34, 2K, containing approx. 436,175 sf of land in a district zoned LIMITED MANUFACTURING. Ref: 30-24, 30-23, 30-12(g)(2), 30-5(b)(4), 30-19(h) and (m) of the City of Newton Rev. Zoning Ord., 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision-making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.

EXECUTIVE SUMMARY

The property at 2 Wells Avenue consists of a 436,175 square foot lot and is improved with a 68,740 square foot one-story commercial building, used as office space. The subject property is part of the Wells Avenue Office Park (Office Park), which in its entirety is subject to a Deed Restriction that was adopted under Board Order #276-68(3), dated November 18, 1968, and as amended. The Deed Restriction imposes a number of development and use conditions on properties in addition to the City of Newton Zoning Ordinance (NZO). The petitioner is proposing to demolish a portion of the current one-story building and to construct a three-story addition attached to the remaining portion of the building, and to expand the existing at-grade parking lot. The expanded building will have approximately 132,598 square feet of total gross floor area, and represents a net increase of 63,858 square feet of gross floor area from the current building. The parking lot expansion will be accommodated by creating additional parking in a portion of the site occupied by the current building and in an undeveloped portion of the site, and will increase the parking capacity on-site from 282 to 477 stalls. The petitioner is proposing to construct various site improvements as part of the project.



In order to enlarge the building as proposed, the petitioner is seeking a special permit to allow construction of an addition greater than 20,000 square feet and to construct retaining walls in excess of four feet in height within the setbacks. The petitioner is also seeking further amendments/waivers of the Deed Restriction for the Office Park, which is outlined in the 'Technical Review' section of this memorandum.

The petitioner is proposing to construct a building expansion that intends to modernize the functionality and visual appearance of the building, and site improvements that complement the aesthetic 'park-like' feel of the Office Park. The petitioner also indicated that the project will contribute to the efficient use and conservation of natural resources (especially the sensitive ecological features on the site) and energy by utilizing an energy efficient and sustainable building design, construction materials, and best practices in site planning. As designed, the proposed project will comply with the Stretch Energy Code and is LEED certifiable. While a portion of the site contains a wetland resources area and its associated buffer zone, the petitioner is not proposing to do any work within these areas. Additionally, the

petitioner provided a traffic impact assessment that indicates only a nominal increase of approximately one new vehicle trip per minute on average during peak commute hours, no material changes to the operating conditions for studied intersections, and a projected surplus of parking stalls.

The Planning Department believes the proposed project is consistent with the *Newton Comprehensive Plan* (adopted 2007), goals of the N2 Innovation Corridor, and smart growth principles, which supports the redevelopment of obsolete buildings and enhanced access to different transportation modes to retain and attract innovative businesses. The Planning Department is encouraged by the petitioner's willingness to implement a robust TDM program, which includes the contribution of funds to support the creation of a shuttle service to the Office Park. The Planning Department also believes that the development of the proposed 'Class A' commercial building and on-site improvements will contribute to the long-term sustainability and vitality of the entire Office Park. Further, the Planning Department finds that this project will improve the fiscal value of the Office Park to the City.

The Planning Department believes the petitioner should consider the following comments and/or provide supplemental information prior to scheduling a working session: 1) the petitioner should consider reducing the size of the parking lot if a surplus of parking exists; 2) the petitioner should explain how the proposed 'snow storage' areas will function as most of these areas contain significant amounts of landscape plantings; and 3) consider ways to mitigate the requested amendments/waivers of the Deed Restriction through pedestrian or vehicular upgrades in portion of the Office Park near the site, as public benefit.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Board should consider whether:

- The specific site is an appropriate location for the redevelopment of an existing commercial building, which includes an addition of more than 20,000 square feet of gross floor area and expanded at-grade parking facilities. (§30-13(g)(2) and §30-24(d)(1))
- The specific site is an appropriate location for the development of retaining walls of four feet or more within the setbacks. (§30-5(b)(4) and §30-24(d)(1))
- The proposed building and site improvements as developed and operated will not adversely affect the neighborhood. (§30-24(d)(2))
- There will be no nuisance or serious hazard to vehicles or pedestrians. (§30-24(d)(3))
- Access to the site over streets is appropriate for the types and number of vehicles involved. (§30-24(d)(4))
- The site planning, building design, construction, maintenance, or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy. (§30-24(d)(5))

- The further amendment and/or waiver of certain provisions of the Deed Restriction are warranted.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Background

The Office Park was once part of a 180-acre parcel of land owned by Sylvania Electric Products. In 1960 the Board of Aldermen rezoned a 154-acre portion of this land from single-family residential to Limited Manufacturing. The lands surrounding the Office Park remained, even to this day, zoned Single Residence 1 and Open Space. In 1968, the City exercised an option to purchase approximately 30.5 acres of land adjacent to the Charles River and a Deed Restriction on the 154 acres of land was executed by the City. The Deed Restriction is for 99 years and stipulates more restrictive development and use conditions than the NZO. In 1969, the owner of the remaining parcel conveyed various development parcels to private third parties who began to develop the land, and many of the buildings that exist in the Office Park today were built. Over the years, the Deed Restriction has been amended and waivers have been granted to specific parcels to allow for additional uses and for additional build-out of the Office Park.

B. Neighborhood and Zoning

The site is located along Wells Avenue near the entrance to the Office Park and the intersection of the Wells Avenue loop. The subject property and other properties in the Office Park contain commercial uses, but are proximate to surrounding parcels with multi-family residential, open space, and non-profit organization uses (**ATTACHMENT A**). The entire Office Park, including the subject property, is zoned Limited Manufacturing (**ATTACHMENT B**). The zoning in the surrounding area consists of Single Residence 1, Multi-Residence 3, and Public Use districts. Additionally, much of the land within and surrounding the Office Park is constrained by wetlands, flood hazard areas, and a large conservation area.

C. Site

The site consists of a 436,175 square foot (or approximately 10 acres) lot and is improved with a 68,740 square foot one-story commercial building, used as office space, and an at-grade parking lot containing 282 parking stalls. The topography of the site is mostly flat, except for an outcropping of rock in the northwest corner of the site, and a wetland, known as 'Nahanton Street Swamp', in the northeast corner of the site (**ATTACHMENT C**). The remaining portions of the site are landscaped or contain woodland vegetation. Further, much of the property's perimeter is wooded with mature conifer and deciduous trees, which partially screen the site. While it's not part of the site, the abutting property to the north is protected by a conservation restriction, which significantly limits its further development.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner is proposing to expand an existing commercial building, used as office space, which is a use allowed by right in the Limited Manufacturing district per the NZO. The Deed Restriction, as amended, limits the total gross floor area used for offices and banks in the entire Office Park to 50% of 1,200,000 square feet (or 600,000 square feet). According to the *Wells Avenue Market Study* (Market Study), dated March 2015, there is approximately 950,000 gross square feet of office space currently in the Office Park.

The Planning Department does not have any concerns with the proposed building expansion and the resulting additional office space, as the *Newton Comprehensive Plan* and Market Study supports the rehabilitation and expansion of existing buildings in the Office Park to accommodate existing and future uses.

B. Building and Site Design

The petitioner is proposing to demolish a 41,692 square foot portion of the existing 68,740 square foot commercial building, and construct a 105,550 square foot addition on to the remaining portion of the building. The addition as designed is three stories and 36 feet in height, which is allowed by right under the NZO. The expanded building will have approximately 132,598 square feet of total gross floor area, and has a smaller overall footprint than the existing structure. The resulting floor area ratio (FAR) for the building will increase from 0.16 to 0.31, where the maximum allowed FAR per the Deed Restriction for the property and the entire Office Park is 0.25. The placement of the proposed building maintains a 25-foot setback from Wells Avenue, a 137-foot setback from the northern property line, and a 298-foot setback from the rear property line (Nahanton Street Swamp).

The architectural style of the addition is best described as ‘corporate modernism,’ with its metal panels and glazing. The addition’s proposed façade articulation and cladding creates a transparent edge for the building and, combined with the site improvements, provides visual presence for the building, especially around the main entrance. As designed, the addition will be constructed with steel, concrete, and structural glass, and incorporates environmentally responsible and sustainable features. Specifically, these features include, but are not limited to: building materials composed of highly recycled contents, efficient heating and cooling systems, high performance glazing, low-flow plumbing fixtures, and a roofing system with high solar reflectance and thermal emittance. Together, these features help the project to comply with the Stretch Energy Code and will make the building LEED certifiable.



Western Facade



Southern Facade

Per the development plan, the petitioner is proposing to expand and upgrade the existing parking lot and construct other site improvements. The expanded parking lot, which increases the available parking stalls on-site to 477 stalls, is proposed to be constructed where a portions of the current building is being removed and a previously undeveloped portions of the site. Due to the topography of the site and the presence of exposed ledge, the petitioner is anticipating the erection of numerous retaining walls throughout the site. While most of these structures are outside of the setbacks, a significant retaining wall will likely be needed adjacent to the expanded parking lot in the northeast corner of the site. The parking lot layout also includes interior landscaped islands, a robust drainage system, upgraded light fixtures, and new pavement surfacing and markings. In terms of other site improvements, the petitioner is proposing an outdoor patio adjacent to Wells Avenue, a robust landscape planting schedule, improved pedestrian scale light fixtures, and walkways.

The Planning Department is supportive of the petitioner's proposed building design, parking lot expansion, and site improvements. Per the development plans, it appears the petitioner intends to erect roof-top mounted mechanicals. The petitioner should be prepared to explain where these systems will be placed, whether they will be screened, and their acoustical and visual impact. The Planning Department notes that the proposed landscape planting schedule contains a significant amount of deciduous trees and flowering trees, the petitioner should consider incorporating addition conifer trees throughout the site. In terms of the entire proposed landscape planting schedule, the Planning Department encourages the petitioner to plant native species. While the proposed lighting plan does not illustrate a significant amount of light spillage, the Planning Department encourages the petitioner to consider using a shielded light fixture in certain areas to minimize light spillage onto natural areas.

C. Parking and Traffic

The development plan proposes to expand the existing parking lot from 282 to 477 stalls, which will be accommodated by creating new stalls in a portion of the site occupied by the current building and in an undeveloped portion of the site (northwest corner). According to §30-19(d)(11) of the NZO, the parking requirement for the proposed building and its proposed office use is 419 stalls. Based on the number of parking stalls required and proposed, the development plan appears to have a surplus of 58 stalls. Per the petitioner's Transportation Impact Assessment (TIA), developed by MDM Transportation Consultants, Inc., parking generation data from the Institute of Transportation Engineers (ITE) estimated that a development of this size and the type of proposed land will have a parking demand of 408 stalls. This results in a projected parking stall surplus of 69 parking stalls (or 14%). The petitioner has indicated a desire to have the surplus parking stalls to accommodate the daily fluctuations, seasonal variations, and other factors, such as a higher tenant parking requirements.

In terms of site circulation, the petitioner is proposing to utilize the existing driveways off of Wells Avenue with two-way travel patterns. The petitioner is also proposing to construct a new system of walkways and paths to facilitate the movement of pedestrians from the proposed parking lot to the building's entrances. This system also provides connections to the existing sidewalk network along Wells Avenue, and includes accessible driveway and crosswalk aprons upgrades.

The Planning Department does not have any major concerns with the proposed parking lot design or the circulation layout. However, the Planning Department does not believe the creation of a parking lot with excess capacity is necessary, as the petitioner plans to implement a robust TDM program. The Planning Department also believes a parking lot reduced in size would allow for the preservation or creation of natural areas. The Planning Department also recommends implementation of the 'Site Access Improvements' recommended in the TIA. Further, the petitioner is encouraged to consider the Engineering Division's suggestions to upgrade the sidewalks along the the property to current standards, which would be a public benefit.

In terms of traffic impacts, the TIA submitted by the petitioner indicates that the project will result in a nominal increase of approximately one new vehicle trip per minute on average during peak commute hours. Therefore, the project is not expected to materially impact the operating conditions and crash ratings for the studied intersections in the immediate area. As a result, the TIA concludes that no traffic mitigation is needed for the project; however, the petitioner is committed to implementing certain access improvements and a robust transportation demand management (TDM) program. Some highlights from the TDM include establishing a TDM Program Coordinator, distribution of information to tenant employees, creation of a carpool/rideshare program, contributing funds to support the creation of a shuttle service to the Office Park, on-site and operation trip reduction

measures, and on-going monitoring of the TDM program as well as other elements.

In terms of traffic impacts, the Planning Department and Transportation Division believe that the surrounding streets and intersections can handle the additional vehicle trips from the project. For these reasons, the Planning Department does not have any particular concerns regarding the impact on traffic in the surrounding neighborhood. As a second access to the Office Park is frequently discussed, especially as properties within the Office Park are redeveloped, the Planning Department encourages the petitioner to continue to work with the City to evaluate development of a second access, which may include the granting of an easement on the subject property.

D. Lighting

The petitioner is proposing to install new lighting fixtures in the parking lot and along the internal pedestrian walkways and paths. The proposed parking lot light fixtures consist of single and back to back high performance recessed LED downlights on top of 25-foot tall poles. To illuminate the pedestrian walkways and paths, the petitioner is proposing to use a mix of wall mounted and bollard style downlights using high performance LEDs. The submitted lighting plan indicates that lighting will mostly be contained within the site.

The Planning Department believes the proposed LED lighting fixtures are appropriate for the types of proposed uses. The Planning Department does, however, encourage the petitioner to consider lowering the height of the parking lot light poles to 20 feet and installing light shields for those fixtures along the perimeter of the site to minimize light spillage onto adjacent natural areas.

E. Signage

The petitioner did not submit a comprehensive signage package for the project. The petitioner and future tenants of the proposed building should work with the Planning Department and Urban Design Commission to identify appropriate areas for signage on the building and throughout the site. Additionally, Planning Department encourages the petitioner to consider a modest directional and wayfinding signage program for the site to facilitate efficient pedestrian and vehicular circulation patterns.

F. Landscape Screening

The petitioner is proposing to significantly alter the existing landscaping throughout the site, particularly along the streetscape and within the parking lot. The petitioner is proposing to expand the building footprint towards Wells Avenue to create an outdoor patio closer to the street, and create additional pedestrian space throughout the site. As a result, the existing lawn and planting beds along Wells Avenue and the landscaped islands and bed in the current parking lot and around the building will be removed. The entire site will be re-landscaped with a mix of

deciduous, conifer, and flowering trees, shrubs, and other low-lying perennials, ground cover, and ornamental grasses. The petitioner is also proposing to remove approximately 1,378 caliper inches of trees from the site. While it is not indicated on the proposed landscape plans and planting schedule, the petitioner is proposing to replace in-kind all the caliper inches of trees slated to be removed. The petitioner should file plans with the Tree Warden to ensure that they are in compliance with the City's Tree Preservation ordinance.

The Planning Department does not have any significant concerns with the proposed landscape plans, but notes that overall there appears to be a reduction in vegetation on the site. The Planning Department believes the proposed planting schedule will enhance the aesthetic appearance of the site, but recommends the petitioner consider incorporating additional conifer tree plantings into the planting schedule. As noted above, if the petitioner reduces the size of the expanded parking lot, those areas previously proposed to be developed should be strengthened through additional plantings. The petitioner is encouraged to work with the City's Conservation Agent and Tree Warden to identify non-native and invasive species for removal. Additionally, the petitioner should further describe the proposed outdoor patio, and the Planning Department encourages the use of creative street furniture that can serve as an attractive gathering place in good weather.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum (**ATTACHMENT D**) provides an analysis of the proposal with regard to zoning. Based on the Zoning Review Memorandum, the petitioner is seeking the following reliefs from the NZO:

- §30-13(g)(2), to allow the construction of an addition to a building greater than 20,000 square feet; and
- §30-5(b)(4), to allow the construction of retaining walls in excess of four feet in height within setbacks.

Additionally, the petitioner is also seeking relief in the form of amendments and/or waivers from the Deed Restriction for the following provisions:

- Paragraph #1, to allow less open space on the subject parcel and all other parcels in the Office Park than the maximum 40% required;
- Paragraph #2, to allow the FAR of the proposed building and for the entire Office Park to exceed the maximum FAR of 0.25;
- Paragraph #4c, to allow the percentage of office space in the entire Office Park to exceed 800,000 square feet in gross floor area;
- Paragraph #5, to legitimize and allow the existing driveway and parking lot within 40 feet of the northeasterly boundary of Parcel 1 on the plan #1183

of 1960;

- Paragraph #6, to allow retaining walls in excess of four feet in height within 80 feet of the southerly property line of the subject parcel; and
- Paragraph #6, to allow a building height of 36 feet at a setback of 321 feet from the southerly street line of Nahanton Street, where a 360-foot setback is required.

B. Engineering Review

The Associate City Engineer, submitted an Engineering Review Memorandum (**ATTACHMENT E**), providing an analysis of the project proposal with regard to engineering issues. According to the memorandum, the Engineering Division of Public Works has no significant concerns with the project, and believes the project as designed will enhance the quality of water being discharged from the site compared to the existing conditions. The memorandum does identify a number of items that the petitioner will need to address prior to issuance of any building or utility permits.

C. Conservation Commission Review

The petitioner is aware that a portion of the site is within a wetland resource area and its associated buffer zone. Per the proposal, the petitioner's project is outside the jurisdictional limits of these areas, and, as such, the project does not require the review of the City's Conservation Commission. The City's Conservation Agent issued an administrative approval for the project on June 4, 2015 (**ATTACHMENT F**).

V. PETITIONER'S RESPONSIBILITIES

The petitioner is encouraged to consider the Planning Department's recommendations prior to being scheduled for a continued public hearing or working session.

ATTACHMENTS:







- ATTACHMENT A:** Land Use Map
ATTACHMENT B: Zoning Map
ATTACHMENT C: Topography Map
ATTACHMENT D: Zoning Review Memorandum, dated May 12, 2015
ATTACHMENT E: Engineering Review Memorandum, dated May 27, 2015
ATTACHMENT F: Conservation Commission Administrative Approval, dated June 4, 2015

Zoning Map 2 Wells Avenue

*City of Newton,
Massachusetts*

ATTACHMENT B

Legend

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

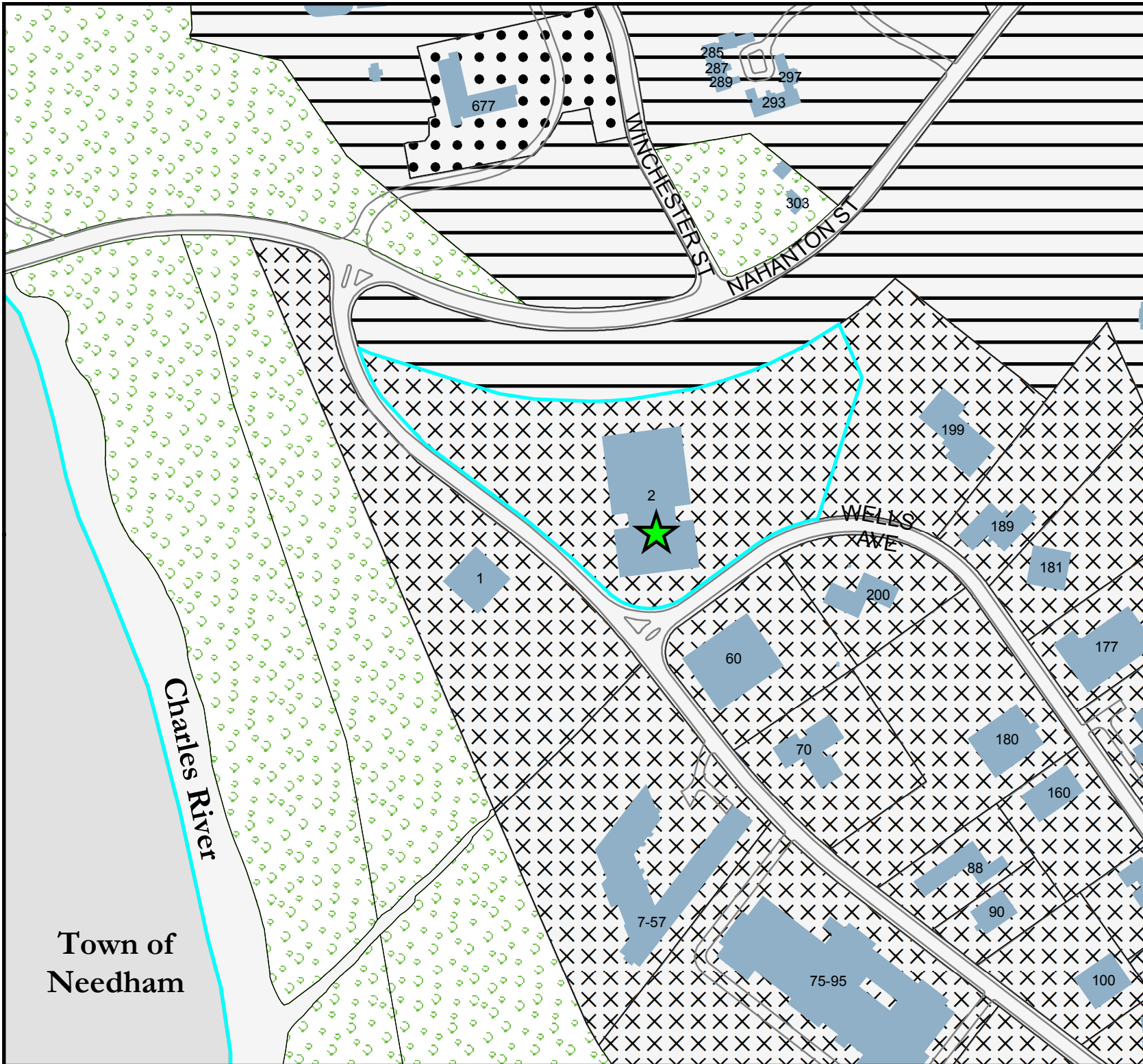


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield

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Map Date: June 12, 2015









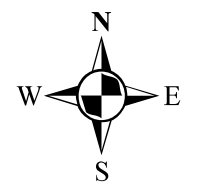
Topography Map 2 Wells Avenue

*City of Newton,
Massachusetts*

ATTACHMENT C

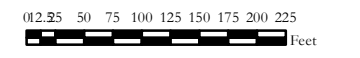
Legend

-  Building Outlines
-  Property Boundaries
- Contour Lines**
 -  Two Foot Contour
 -  Index (10 Foot) Contour
 -  Depression Contour
 -  Depression - Index Contour

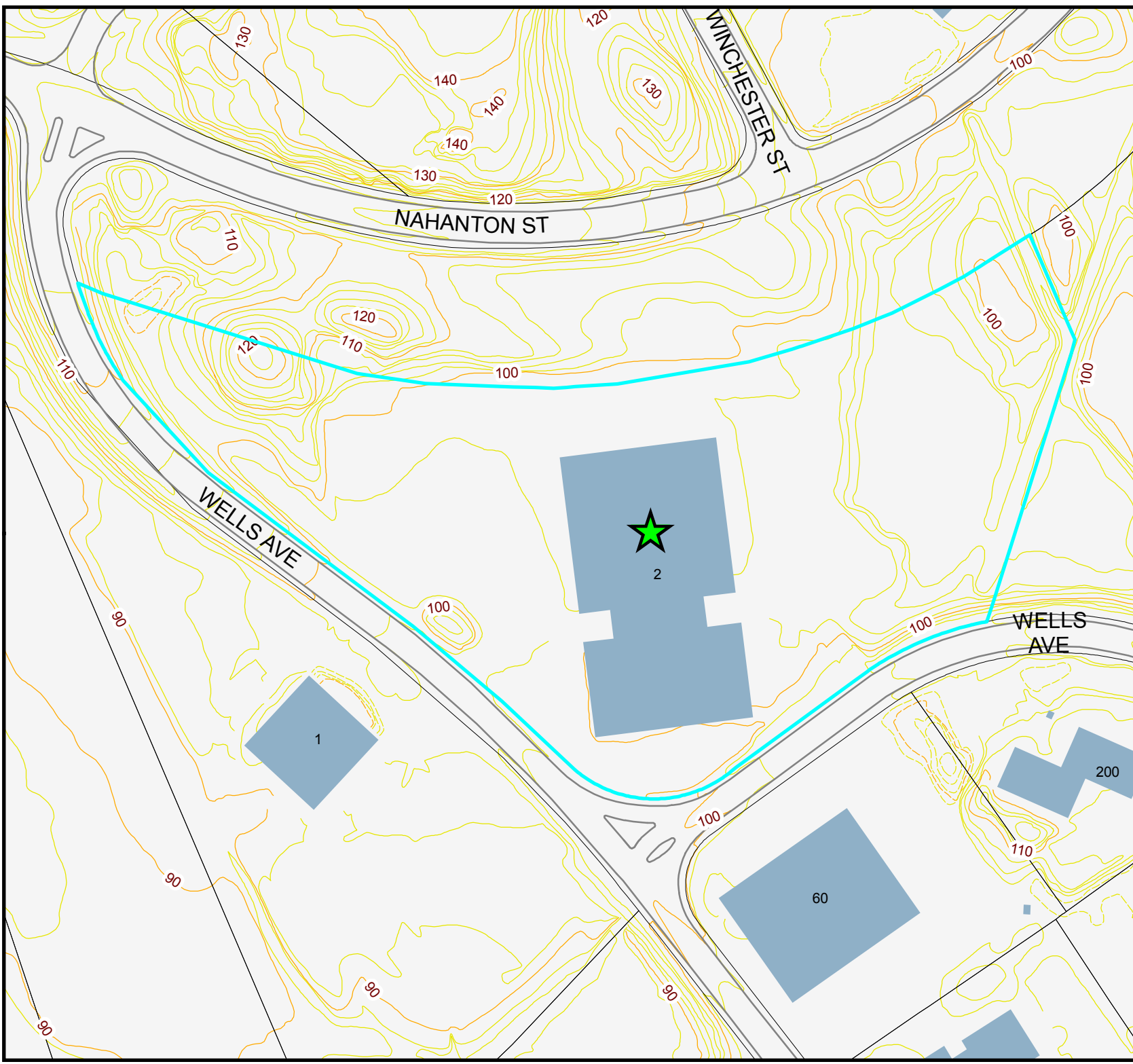


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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: June 05, 2015





Setti D. Warren
Mayor

ATTACHMENT D

City of Newton, Massachusetts Department of Planning and Development

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James Freas
Acting Director

ZONING REVIEW MEMORANDUM

Date: May 12, 2015

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Jason Rosenberg, attorney
Wells Ave, LLC
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to construct a three-story addition to an existing one-story office building, to expand parking, and to amend the Wells Avenue Deed Restriction.

Applicant: Wells Avenue, LLC	
Site: 2 Wells Avenue	SBL: 84034 0002K
Zoning: Limited Manufacturing	Lot Area: 441,600 square feet
Current use: One-story office	Proposed use: Three-story office

BACKGROUND:

The property at 2 Wells Avenue is located off Nahanton Street within the Limited Manufacturing zoning district, and is approximately 441,600 square feet. The site currently contains a single, 68,740 square foot one-story building, used as office space. The larger vicinity of Wells Avenue includes a mix of educational, recreational, non-profit and office uses.

The applicant proposes to partially demolish the existing one-story structure, and construct a three-story addition maintaining a portion of the original one-story building. The resulting building will have 132,598 square feet, but a smaller overall footprint. Parking will also be expanded from 282 spaces to 477.

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 Jason Rosenberg, attorney, dated 4/15/2015
- Deed Restriction and Amendments
- Zoning Narrative, prepared by Spaganolo Gisness & Associates, Inc, dated 4/14/2015
- Dimensional Table and Requested Relief, submitted 4/15/2015
- Zoning Diagram/Site Plan, prepared by Spaganolo Gisness & Associates, Inc, dated 4/15/2015
- Existing Building Overlay/Site Plan, prepared by Spaganolo Gisness & Associates, Inc, dated 4/15/2015
- Perspective View, prepared by Spaganolo Gisness & Associates, Inc, dated 4/15/2015
- East and North Elevation, prepared by Spaganolo Gisness & Associates, Inc, dated 4/15/2015
- West and South Elevation, prepared by Spaganolo Gisness & Associates, Inc, dated 4/15/2015
- Existing Conditions Plan, prepared by Metrowest Engineering, Inc., dated 9/5/2014, revised 10/8/2014
- Site Layout and Materials Plan, prepared by Nitsch Engineering, dated 4/14/2015

ADMINISTRATIVE DETERMINATIONS:

1. The subject property is located in the Limited Manufacturing zoning district. The applicant is proposing a 132,598 square foot structure on a 441,600 square foot lot for an office use. Sections 30-12(d)(1) and 30-11(a)(1) of the Newton Zoning Ordinance allow office uses in the Limited Manufacturing district by right.
2. The applicant proposes an addition of 64,510 square feet, for a total building size of 132,598 square feet. Section 30-12(g)(2) requires that additions greater than 20,000 square feet require a special permit.
3. Section 30-5(b)(4) requires a special permit for a retaining wall in excess of four feet located within a setback. A retaining wall is proposed six feet from the northerly boundary line for Parcel 1. The applicant is unsure at this point what height will be necessary, so a special permit is requested to ensure the wall may be built as needed.
4. Per Section 30-15, Table 3, the maximum lot coverage allowed in the district is 25%. The proposed project reduces the footprint of the building from 68,740 square feet to 65,634 square feet. The reduction of the footprint reduces the lot coverage from 16% to 15%, where 25% is the maximum allowed.
5. There are currently 282 parking stalls on site. The applicant proposes to expand the parking by 195 stalls to 477 stalls in total. Per Section 30-19(d)(11), office uses require one stall per every 250 square feet for the first 20,000 square feet, and one stall per every 333 square feet for the remaining square footage. The number of parking stalls required for a 135,250 square foot building is 427, which the applicant exceeds by 50.
6. 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 42% for the parcel, but to the extent that the overall site is less than 40% open space, the project will require a waiver from the restriction for the park overall.

7. While there is no limitation on floor area ratio (FAR) in the Zoning Ordinance for the Limited Manufacturing district, Paragraph 2 of the Deed Restriction places a limitation on FAR to a maximum of 0.25. The proposed project increases the existing FAR from .16 to .31, which exceeds the maximum allowed by the Deed Restriction. An amendment to the Deed Restriction is required to allow an FAR of .31.
8. Paragraph 4c of the Deed Restriction limits the square footage of office space on Parcel 1 to 50% of 1,200,000 square feet, or 600,000 square feet. There are currently approximately 900,000 known to be used as office space at this time. An amendment to the Deed Restriction is required to allow a greater percentage of square footage to be dedicated to office space.
9. Paragraph 5 of the Deed Restriction restricts parking within 40 feet of the northeasterly boundary of Parcel 1, designated as “950 foot” on the 1960 plan. Portions of the existing driveway, and several existing parking stalls are located within this setback. To legitimize the existing situation, an amendment to, or waiver from, the Deed Restriction is required.
10. Paragraph 6 of the Deed Restriction requires that a building must be set back 100 feet from Nahanton Street for every ten feet in height. The building is proposed at 36 feet, but will have a new setback of only approximately 321 feet, where 360 would be required. To allow a building height of 36 feet with a setback of 321 feet from Nahanton Street, an amendment of, or waiver to, the Deed Restriction is required.

Zone Limited Manufacturing	Required/Allowed	Existing	Proposed
Lot Size	N/A	441,600 square feet	No change
Setbacks			
• Front	25 feet	40 feet	25 feet
• Side	40 feet	81 feet	137 feet
• Rear	40 feet	298 feet	298 feet
Building Height*	32.1 feet	36 feet	36 feet
Max number of stories	3	1	3
Max building lot coverage	25%	16%	15%
Minimum open space*	40%	53%	42%
Min open space for Parcel 1*	40%		<40%
Parking stalls	427	282	477
FAR*	.25	.16	.31

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

11. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§30-13(g)(2)	To allow an addition to an existing building greater than 20,000 square feet	S.P. per §30-24
§30-5(b)(4), Deed Restriction Paragraph 6	To allow a retaining wall in excess of 4 feet in a setback	S.P. per §30-24, Amend/waive Deed Restriction
Deed Restriction, Paragraph 1	Amend/waive Parcel 1 minimum open space requirement	Amend/waive Deed Restriction
Deed Restriction, Paragraph 2	Amend/waive maximum FAR	Amend/waive Deed Restriction
Deed Restriction, Paragraph 4c	Amend/waive to allow more than 600,000 square feet of office space in the park	Amend/waive Deed Restriction
Deed Restriction, Paragraph 5	Legitimize existing driveway and parking within 40 foot setback	Amend/waive Deed Restriction
Deed Restriction, Paragraph 6	Amend/waive to allow a building height of 36 feet at a setback of 321 feet	Amend/waive Deed Restriction

ATTACHMENT E

CITY OF NEWTON Department of Public Works ENGINEERING DIVISION

MEMORANDUM

To: Alderman Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 2 Wells Avenue

Date: May 27, 2015

CC: Lou Taverna, PE City Engineer
Linda Finucane, Associate City Clerk
Alexandria Ananth, Chief Planner
Dan Sexton, Sr. Planner

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

*2 Wells Avenue Expansion
Newton, MA
Prepared by: Nitsch Engineering
Dated: 5-8-'15
&
Stormwater Report Dated: May 8, 2015*

Executive Summary:

This projects involves the partial demolition of a one story building and addition of a 3 story office building; expansion of a parking lot and updating of municipal utilities. The project involves on-site collection and infiltration of storm-water runoff from the parking facilities and impervious surfaces of the building. The enhancements will improve water quality being discharged from the site compared to the existing conditions.

As a public benefit the DPW is requesting that the existing asphalt sidewalks along the frontage of the property be upgraded to current ADA Standards and City of Newton Standards.

Construction Management:

1. A construction management plan is needed for this project. At a minimum, it must address the following: staging site for construction equipment, construction materials, parking of construction worker's vehicles, phasing of the project with anticipated completion dates and milestones, safety precautions, emergency contact personnel of contractor. It shall also address any anticipated dewatering during construction, site safety & stability, and impact to abutting properties.

Drainage:

1. The storm water report and drainage analysis is acceptable for the City of Newton's 100-year storm event of 6-inches over a 24-hour period. The design of the proposed on site drainage system complies with the MassDEP Stormwater Regulations and City Ordinances and DPW policies.
2. 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.
3. The proposed Operations and Maintenance (O&M) plan for Stormwater Management Facilities is acceptable; if the permit is approved the document shall be 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.
4. 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, and pipes are the sole responsibility of the property owner(s).

Environmental:

1. Has a 21E investigation & report been performed on the site, if so copies of the report should be submitted the Newton Board of Health and the Engineering Division.
2. Are there any existing underground oil or fuel tanks, are they to be removed, if they have been evidence should be submitted to the Newton Fire Department, and Newton Board of Health.
3. As the total site disturbance is over an acre, a Phase II General Construction (NPDES) Permit will need to be filed with DEP & EPA. A Stormwater Pollution Prevention Plan (SWPPP) will need to be developed.

Sewer:

1. The project lies within Area A of the City's sewer basin; this basin has Infiltration & Inflow (I &I) issues that affect the carrying capacity of the sewer system. Since the project is an office building it does not trigger an assessment for I & I; however, if in the future the use of the building is converted to residential use, then an assessment will be implemented.
2. The existing water & sewer services to the building shall be cut and capped at the main and be completely removed from the main and the site then properly back filled. The Engineering Division must inspect this work; failure to having this work inspected may result in the delay of issuance of the Utility Connection Permit.
3. Use City of Newton Details in lieu of the details submitted they are in PDF format on the City's website.
4. With the exception of natural gas service(s), all utility trenches with the right of way shall be backfilled with Control Density Fill (CDF) Excavatable Type I-E, detail is available in the city of Newton Construction Standards Detail Book.
5. All new sewer service and/or structures shall be pressure tested or videotaped after final installation is complete. Method of final inspection shall be determined solely by the construction inspector from the City Engineering Division. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. 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 and a written report is received by the City Engineer. ***This note must be added to the final approved plans.***

6. All sewer manholes shall be vacuum tested in accordance to the City's Construction Standards & Specifications. The sewer service will NOT be accepted until one of the two methods stated above is completed. 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 and a written report is received by the City Engineer.

Water:

1. Fire flow testing is required for the proposed fire suppression system. The applicant must coordinate this test with both the Newton Fire Department and the Utilities Division; representatives of each department shall witness the testing, test results shall be submitted in a write report. Hydraulic calculation shall be submitted to the Newton Fire Department for approval.
2. For water quality issues a fire hydrant will be required at the end of the proposed water main. This hydrant will be utilized for flushing out the main as required.
3. All water connections shall be chlorinated & pressure tested in accordance to AWWA and the City of Newton Construction Standards and Specifications prior to opening the connection to existing pipes.
4. Approval of the final configuration of the water service(s) shall be determined by the Utilities Division, the engineer of record should submit a plan to the Director of Utilities for approval

General:

1. Finalized utility connection plan reflecting the above changes that meets the minimal design standards of the City of Newton must be submitted for approval by the contractor of record with appropriate Bonds & Insurance. The Engineering Division makes no representations and assumes no responsibility for the design(s) in terms of suitability for the particular site conditions or of the functionality or performance of any items constructed in accordance with the design(s). The City of Newton assumes no liabilities for design assumption, error or omissions by the Engineer of Record.

2. All trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*
3. All tree removal shall comply with the City's Tree Ordinance.
4. Due to the total square footage of the building, a scale massing model will be needed.
5. The contractor 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 service, and drainage system installation. The utility is question shall be fully exposed for the inspector to view; backfilling shall only take place when the City's Inspector has given their approval. *This note should be incorporated onto the plans*
6. The applicant will have to apply for Street Opening, Sidewalk Crossing, and Utilities Connecting permits with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
7. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
8. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
9. All site work must be completed before a Certificate of Occupancy is requested. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, 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 @ 617-796-1023.

NEWTON CONSERVATION COMMISSION ADMINISTRATIVE APPROVAL

CITY HALL, 1000 COMMONWEALTH AVE., NEWTON, MA 02459 TELEPHONE: 617-796-1134 JSTEEL@NEWTONMA.GOV

This Administrative Approval does not exempt you, your property, or activities on your property from the Wetlands Protection Act and its Regulations (310CMR 10.00). Cutting vegetation, grading, filling, etc. beyond the specific activities cited in this approval, may require a permit from the Conservation Commission.

A. **Project Address:** 2 WELLS AVE **Applicant:** WELLS AVE LLC
Proposed Approved Project: OFFICE PARK EXPANSION
 Sketch Attached **Approved by:** [Signature] **Approved Date:** 6/4/15
 STREET C-31 5/8/15

Jurisdiction

- B. According to our maps, **at least a portion of the property is within wetland or buffer zone** protected by the Mass. Wetlands Protection Act (310CMR 10.00). Specifically, all or a portion of our property is in a:
- Wetland Resource Area (e.g., 200' riverfront area, bordering wetland, pond, stream, or 100-yr flood zone)
 - Buffer Zone of a Wetland Resource Area (all land within 100' of a qualifying wetland).
- C. According to our maps, **there are no wetlands or buffer zone on your property.**
- D. The project will **not alter a wetland Area Subject to Protection** (wetland, river, pond, marsh, etc.). The following conditions apply: ALL WORK + ALL OUTFALL ALTERATIONS ARE OUTSIDE CON COM JURISDICTION

Reason for Administrative Approval

- E. **The work you propose is not within wetland or buffer zone.**
- F. According to our maps, **your proposed project is within wetland or buffer zone, but has been allowed under:**

EXEMPT within Buffer Zone or Riverfront Area [310 CMR 10.02(b)(1)], as long as erosion controls are maintained

- | | |
|--|---|
| <input type="checkbox"/> Converting lawn to uses accessory to residential structures [decks (& porches), sheds, pools, & patios >50' from wetland/ stream] | <input type="checkbox"/> <u>Temporary, negligible activities (planning/monitoring)</u> |
| <input type="checkbox"/> Installation of <u>pervious unpaved pedestrian walkways for private use.</u> | <input type="checkbox"/> <u>Maintaining a stormwater management system installed after 1/2/08 under a valid OOC</u> |
| <input type="checkbox"/> <u>Fencing, stonewalls, or wood (don't bar wildlife)</u> | <input type="checkbox"/> <u>Maintaining parking lots within Riverfront Area ONLY</u> |
| <input type="checkbox"/> <u>Plantings of native trees, shrubs, or groundcover, but excluding turf lawns</u> | <input type="checkbox"/> <u>Maintaining clearings and landscaping w/in RFA ONLY</u> |
| <input type="checkbox"/> <u>Vista pruning</u> | <input type="checkbox"/> <u>Herbicide use under ROW VMP</u> |
| <input type="checkbox"/> <u>Conversion of impervious surfaces to vegetated surfaces such as lawn, shrubs, and trees</u> | <input type="checkbox"/> <u>Utility poles and work in roads, signs, signals, etc.</u> |
| | <input type="checkbox"/> <u>Vegetation cutting for road safety</u> |
| | <input type="checkbox"/> <u>Pavement repair and resurfacing</u> |
| | <input type="checkbox"/> <u>Driveway replacement</u> |

TOWN APPROVAL FOR MAINTENANCE AND SAFETY anywhere within a Resource Area or Buffer Zone

- Maintaining or repairing an existing structure. No filling, grading, or landscaping is allowed under this approval.
- Removal of 1-2 hazard trees if the tree(s) appear(s) to the Agent and Tree Warden to be unsafe (likely to damage a human, house, or structure). No equipment shall enter a wetland.
 - Only the top of the tree may be removed to eliminate danger. ___ feet of trunk must be left as habitat.
 - The tree may be cut flush with the ground.
 - No wood chips shall remain on site. No brush shall be left in or within 25 feet of a wetland.
 - 1-2 saplings (native species) shall be planted on the site for each tree over 18" (dbh) removed.
- De minimis fill in a Floodplain with documentation of fill brought in and/or removed.

Requirements (or full wetland enforcement and/or permitting requirements shall apply)

- G. Sedimentation controls shall be installed as shown on the attached plans. _____
- _____
- _____

- ▶ Civil Engineering
- ▶ Land Surveying
- ▶ Transportation Engineering
- ▶ Sustainable Site Consulting
- ▶ Planning
- ▶ GIS

UTILITY AND GRADING PLAN

2 WELLS AVENUE
 NEWTON, MA 02459

TWO WELLS AVENUE LLC C/O BAL MANAGEMENT LLC
 PREPARED FOR:
 145 ROSEMARY STREET, NEEDHAM, MA 02494



NO.	REVISION	DATE

NITSCH PROJECT # 10444
 FILE: 10444.CUT
 SCALE: 1" = 20'
 DATE: 05/08/2015
 PROJECT MANAGER: SOT
 SURVEYOR: METROWEST
 DRAFTED BY: MLD
 CHECKED BY: DMD

SHEET:
C-3.1

