


CITY OF NEWTON
LAW DEPARTMENT
INTEROFFICE MEMORANDUM

DATE: July 31, 2015

TO: Ald. Mark Laredo, Chair, Land Use Committee
All Members, Land Use Committee

FROM: Ouida C.M. Young, Associate City Solicitor

RE: 2 Wells Avenue – Special Permit/Site Plan Approval & Amendment to Deed Restriction
Docket Items ##124-15 and 124-15(2)

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The Board of Aldermen referred both these docket items back to the Land Use Committee for consideration of possible traffic mitigation conditions for the special permit/site plan approval, and to make clear that the amendment to the deed restriction board order applied only to the 2 Wells Avenue special permit project and only to the extent necessary to allow that project to go forward. I have revised both Board Orders and am transmitting drafts with this memorandum for consideration at the Land Use Committee's August 4th meeting.

The changes made to the draft Board Order amending the deed restriction, Docket Item #124-15(2), are simple. Hence, I have not provided a red-lined version of that draft Board Order. The changes made to the draft Special Permit Board Order are more extensive and I am sending a red-lined version of that draft Board Order, Docket Item #124-15, to help identify the new conditions being proposed.

Following discussions with the representatives of 2 Wells Avenue, the applicant is willing to make a voluntary contribution of \$67,500.00 towards a Traffic Mitigation Fund. The methodology to calculate the voluntary donation offered by the applicant is the "Cost Allocation Procedure" ("CAP") which bases a fee on the proportion of an impacted intersection's operating capacity. In this instance the applicant's traffic study showed the 2 Wells Avenue expansion using approximately 5% of the Wells Avenue/Nahanton Street intersection capacity and 1-2% of the Winchester Street/Nahanton Street intersection. The cost to improve the Winchester Street/Nahanton Street intersection is funded at \$250,000. Bill Paille provided a very rough cost estimate of \$1,250,000 for the improvements he believes need to be made to the Wells Avenue signal and the geometry of that intersection. The contribution is based on the percentage of capacity taken up at each of these intersections by the project times the cost of the improvements. The mitigation funds would be paid at the time a building permit is issued and the City would have seven (7) years to appropriate the funds. This same approach could be used to calculating contributions from future Wells Avenue office park projects, provided that such contributions are voluntary.

In addition, the applicant has indicated its willingness to keep that portion of its site that might be the location of a second means of vehicular access and egress for the Wells Avenue office park open and unobstructed for a period of 15 years.

Finally, the applicant has also agreed to a Transportation Management Plan which includes assistance in the organization as well as participation in a shuttle service for the Wells Avenue office park.

I have also attached a draft Wells Avenue Mitigation Fund Agreement which would be attached to the Special Permit.

Please let me know if you have any questions regarding these revisions.

Thank you.