



Setti D. Warren  
Mayor

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Barney S. Heath  
Director

**PUBLIC HEARING/WORKING SESSION MEMORANDUM**

**DATE:** January 6, 2017  
**MEETING DATE:** January 10, 2017  
**TO:** Land Use Committee of the City Council  
**FROM:** Barney S. Heath, Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Neil Cronin, Senior Planner  
**CC:** Petitioner

In response to issues raised at the City Council public hearing, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

**PETITION #261-16(2)**

**55 Boylston Street**

Request for Special Permit/Site Plan Approval to allow site and building improvements including constructing new buildings to allow for existing and new commercial uses consisting of banking, office, medical office, theatre, health club, retail, restaurant and parking, to allow buildings in excess of 20,000 sq. ft., allow a building 60' in height, site plan review for buildings within 300' of a great pond, allow parking within a setback, extend farmer's market special permit #230-14, update signage special permit #417-12, allow some parking stalls of the site to be reduced in size and in garage to be reduced stall depth, allow reduced parking facility lighting and grant exceptions for parking stall size and interior landscaping requirements

The Land Use Committee (The "Committee") opened a public hearing on this petition on Thursday, September 20, 2016, and the hearing was held open. A site visit was held by the Committee on December 2, 2016 and the hearing was continued to December 6, 2016. In response to questions raised at the Land Use Committee public hearings or by written communication thereafter, and/or staff technical reviews, the Planning Department is providing the following information and analysis for the upcoming continued public hearing. This information is supplemental to staff analysis previously provided at public hearings.

The Planning Department notes that the petitioner has withdrawn a large portion of the initial petition (**Attachment A**). The remaining relief is focused on the infill and addition at the 55 Boylston Street structure. The relief required for the petition per Section 7.3.3 is as follows:

- To allow a building in excess of 20,000 square feet of gross floor area (Sections 4.1.2.B.1 and 7.3.3)
- To allow construction within 300 feet of a Great Pond (Sections 5.6 and 7.4)
- Special permit to alter a nonconforming structure (Sections 5.8.2.C and 7.3.3)

The Planning Department notes that there are two aspects of this project: the two infill locations on the northeastern and western facades totaling 13,100 square feet (the area on the ground floor is currently a drive aisle), and the addition to the second floor for the proposed restaurant use. The enlarged structure will be greater than 20,000 square feet requiring a special permit and triggering the fifth special permit criteria regarding the conservation of energy and natural resources. The petitioner has provided design guidelines which have been used for other structures on site and the staff believes these guidelines satisfy that criteria (**Attachment B**).

The Planning Department notes the project area is within 300' of a great pond defined under M.G.L. Chapter 131, Section and per Section 5.6 of the Newton Zoning Ordinance, "No building, structure or alteration, enlargement or extension located within 300 feet of a great pond defined under M.G.L. Chapter 131, Section 1 shall be permitted other than under the procedure in Section 7.4 with particular concern to the preservation of public view, enjoyment and access to the great pond." The Planning Department believes the infill and addition provide an upgrade to the existing structure while not limiting public views, enjoyment, or access to Hammond Pond.

Staff also notes that a portion of the addition is under the jurisdiction of the Conservation Commission due to its proximity of Hammond Pond. As such, the Planning Department suggests that the petitioner receive approval from the Conservation Commission before obtaining a building permit. The petitioner is expected to receive approval at the February 3, 2016 meeting of the Conservation Commission.

At the December 6, 2016 meeting, the Committee requested more information regarding the size of the proposed addition to the 55 Boylston structure. The petitioner has supplied a proposed floor plan showing the dimensions (**Attachment C**). The addition is 102 feet long and extends approximately 33 feet to the east over the existing parking area below at the side of the structure closest to Hammond Pond (northern edge) and extends 25 feet at its southern edge. The Planning Department notes the roof above this addition has a six foot overhang which results in the structure actually extending 39 feet on the northern edge and 31 feet on the southern edge. The addition is approximately 925 square feet and contains two spaces: the larger space is indoors, while the smaller area closest to Hammond Pond is a proposed outdoor patio. The two spaces are connected by one door, and there is a staircase at the north end of the addition leading from the patio to the at-grade parking below.

The petitioner has stated that this addition will contain an existing restaurant use operating on site. As such, the petitioner will seek an amendment to the current common victualler (CV) license. Currently the restaurant operates Monday through Thursday from 11:00 a.m. to 10:00 p.m., Friday and Saturday from 11:00 a.m. to 11:00 p.m. and Sunday 12:00 p.m. to 10:00 p.m. The petitioner is

seeking an extension to 12:00 a.m. Thursday through Saturday, but will prohibit access to the outdoor patio portion of the addition after 11:00 p.m.

Lastly, the petitioner provided a letter from a traffic consultant regarding the removal of the drive aisle below the 55 Boylston Street structure (**Attachment D**). The Planning Department was unable to review that letter prior to this memo, but will have reviewed it prior to the continued public hearing on Tuesday, January 10, 2016.

**ATTACHMENTS:**

- Attachment A:** Withdrawal Letter Dated December 8, 2016
- Attachment B:** Sustainable Design Guidelines
- Attachment C:** 55 Boylston Street Proposed Building & Deck-Second Floor Dimensions
- Attachment D:** Letter from Ron Muller & Associates Dated January 6, 2017
- Attachment E:** Draft Board Order

# Holland & Knight

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Holland & Knight LLP | www.hklaw.com

Frank G. Stearns  
(617) 854-1406  
frank.stearns@hklaw.com

December 8, 2016

Councilor Marc Laredo  
Chairman, Land Use Committee  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: Special Permit/Site Plan Review Petition # 261-16(2)  
The Street at Chestnut Hill  
1-55 Boylston Street

Petitioner: Chestnut Hill Shopping Center, LLC

Dear Councilor Laredo:

Pursuant to published legal notices and legal notices to abutters, the public hearing on this special permit/site plan review petition # 261-16 was opened on September 20, 2016. That hearing remains open. Following that hearing, some changes were made to the proposed site plan which necessitated a request for additional zoning relief. As a result, a subsequent legal notice (# 261-16 (2)) was published and mailed to legal abutters and the open public hearing continued on December 6, 2016.

The special permit and site plan review relates to different portions of the property as more fully described in the requisite legal notices. The proposed construction requested in the special permit/site plan review application relates to (i) the existing building at 55 Boylston Street and site improvements related to that building; (ii) the construction of a replacement building at 27 Boylston Street and site improvements related to that building; and (iii) two new proposed buildings between 27 Boylston Street and Hammond Pond referred to as the "Pond Buildings" and site improvements related to the Pond Buildings.

As explained to the Land Use Committee at the public hearing on December 6, 2016, the Petitioner desires to continue the public hearing related to the 55 Boylston Street building and its related site improvements under Docket Item # 261-16 (2). Attached to this letter is an Overall Site Plan C-104 by Tighe & Bond with the 55 Boylston Street project site shown in cross-hatch on the Plan.

The Petitioner also desires to remove from the special permit/site plan review application under docket item # 261-16 (2) the 27 Boylston Street replacement building and its related site improvements and the Pond Buildings and their related site improvements. Accordingly, the Petitioner requests that the Land Use Committee vote to recommend to the City Council serving as Special Permit Granting Authority that it approve the withdrawal **without prejudice** from the petition of the 27 Boylston Street replacement building and its related site improvements and the Pond Buildings and their related site improvements. Such request for withdrawal **without prejudice** is made pursuant to GL c. 40A section 16.

The relief being requested to be removed from the petition is as follows:

1. Special permit and site plan approval to construct a new building for 27 Boylston Street and the Pond Buildings. NZO section 4.1.
2. Special permit and site plan approval for development of 20,000 square feet of new gross floor area for 27 Boylston Street and the Pond Buildings. NZO section 4.1.2.B.
3. Special permit and site plan approval to allow a building up to 60 feet in height for 27 Boylston Street. NZO section 4.1.3.
4. Site plan approval for 27 Boylston Street and the Pond Buildings associated with proximity to a Great Pond. NZO section 5.6.
5. Special permit and site plan approval to allow parking within a setback associated with the Pond Buildings. NZO section 5.1.8.
6. Extension of time to exercise special permit/ site plan approval # 230-14 for a Farmers Market. NZO section 7.4.5.D.
7. Extension of time and modification of special permit/site plan approval # 417-12 for a comprehensive signage package for the Site. NZO section 5.2.13.
8. Request for exceptions to the parking stall dimensional requirements for 27 Boylston Street and the Pond Buildings. NZO section 5.1.13.
9. Request for exceptions to the parking lot lighting requirements for the Site. NZO section 5.1.13.

10. Request for exceptions to the parking lot interior landscaping requirements for the Site. NZO section 5.1.13.

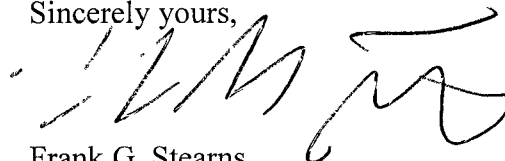
The relief being requested to remain in the petition is as follows:

1. Special permit and site plan approval to add in excess of 10,000 square feet of gross floor area to the 55 Boylston Street building. NZO section 4.1.B.
2. Site plan approval for 55 Boylston Street associated with proximity to a Great Pond. NZO section 5.6.
3. Special Permit to alter and extend a nonconforming structure for the 55 Boylston Street building NZO section 7.8.2.c.

We request that this request to approve a withdrawal **without prejudice** of a portion of this special permit/site plan review application be (i) put on the agenda of the Land Use Committee for consideration next week, and (ii) be acted upon by the City Council at its regularly scheduled meeting on December 19, 2016.

Upon the City Council's approval of the request to withdraw **without prejudice** from the petition the 27 Boylston Street replacement building and its related site improvements and the Pond Buildings and their related site improvements, the Petitioner reserves all of its rights and intends to file new applications for zoning relief for the 27 Boylston Street replacement building and its related site improvements and the Pond Buildings and their related site improvements.

Sincerely yours,

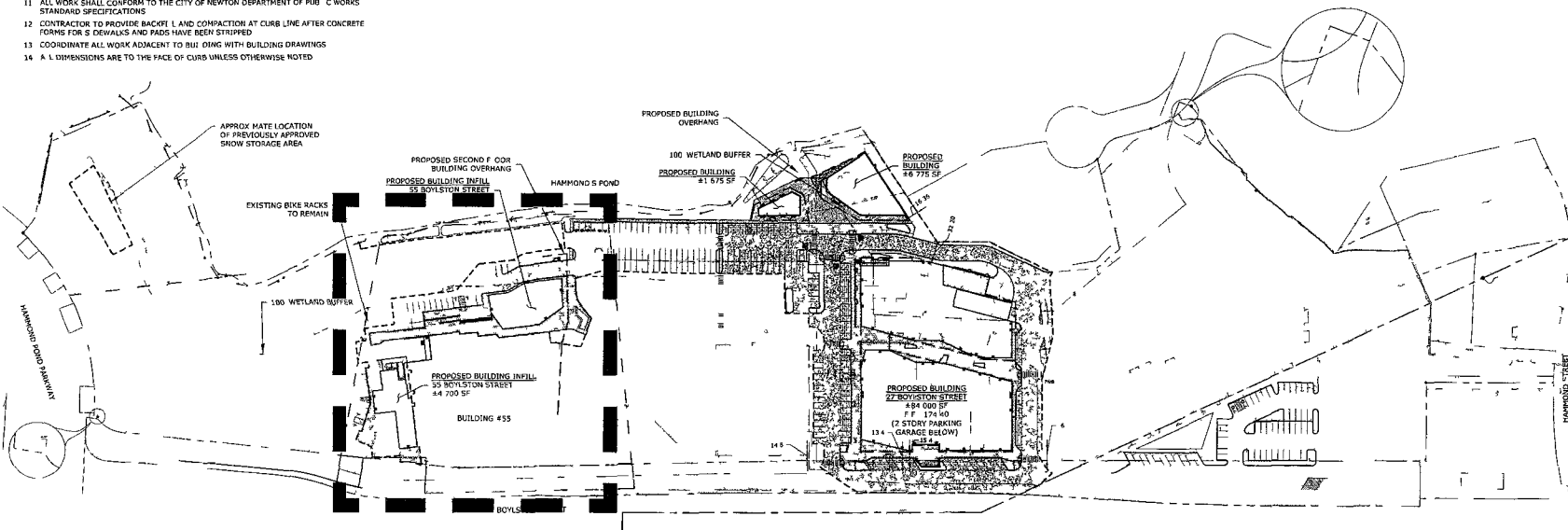


Frank G. Stearns  
Counsel to Chestnut Hill Shopping Center, LLC

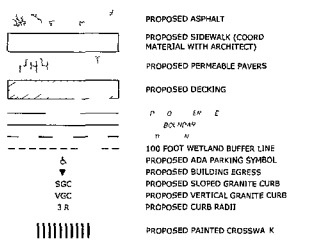
FGS:ham

cc: Nadia Khan, Committee Clerk  
Katie Wetherbee, WS Development  
Howard A Levine, K&L Gates  
Alexandra Ananth, Planning Department  
Neil Cronin, Planning Department  
Robert Waddick, Law Department  
Land Use Committee Members  
Councilor Lisle Baker  
Councilor Ruthanne Fuller

- SITE NOTES:**
- 1 STRIPE PARKING AREAS AS SHOWN INCLUDING PARKING SPACES STOP BARS ADA SYMBOLS PAINTED ISLANDS CROSS WALKS ARROWS LEGENDS AND CENTERLINES (ALL MARKINGS EXCEPT CENTERLINE AND MEDIAN ISLANDS TO BE CONSTRUCTED USING WHITE TRAFFIC PAINT CENTERLINE AND MEDIAN ISLANDS TO BE CONSTRUCTED USING YELLOW TRAFFIC PAINT ALL TRAFFIC PAINT SHALL MEET THE REQUIREMENTS OF ASDOTO 9048 TYPE "1")
  - 2 ALL PAVEMENT MARKINGS AND SIGNS TO CONFORM TO MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS AND THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS LATEST EDITIONS
  - 3 SEE DETAIL S FOR PARKING STALL MARKINGS ADA SYMBOLS SIGNS AND SIGN POSTS
  - 4 CENTERLINES SHALL BE FOUR (4) INCH WIDE YELLOW LINES STOP BARS SHALL BE EIGHTEEN (18) INCHES WIDE
  - 5 PAINTED ISLANDS SHALL BE FOUR (4) INCH WIDE DIAGONAL LINES AT 30° C BORDERED BY FOUR (4) INCH WIDE LINES
  - 6 THE CONTRACTOR SHALL EMPLOY A MASSACHUSETTS LICENSED ENGINEER/SURVEYOR TO DETERMINE ALL LINES AND GRADES
  - 7 CLEAN AND COAT VERTICAL FACE OF EXISTING PAVEMENT AT SAWCUT LINE WITH RS-1 EMISSION IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE
  - 8 ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE FEDERAL STATE AND/OR TOWN CODES & SPECIFICATIONS
  - 9 CONTRACTOR TO SUBMIT AS BUILT PLANS ON REPRODUCIBLE MYLARS AND IN DIGITAL FORMAT (.DWG FILE) ON DISK TO THE OWNER AND ENGINEER UPON COMPLETION OF THE PROJECT AS BUILTS SHALL BE PREPARED AND CERTIFIED BY A MASSACHUSETTS LICENSED LAND SURVEYOR OR PROFESSIONAL ENGINEER
  - 10 SEE ARCHITECTURAL DRAWINGS FOR ALL CONCRETE PADS & SIDEWALKS ADJACENT TO BUILDING
  - 11 ALL WORK SHALL CONFORM TO THE CITY OF NEWTON DEPARTMENT OF PUBLIC WORKS STANDARD SPECIFICATIONS
  - 12 CONTRACTOR TO PROVIDE BACKFILL AND COMPACTION AT CURB LINE AFTER CONCRETE FORMS FOR SIDEWALKS AND PADS HAVE BEEN STRIPPED
  - 13 COORDINATE ALL WORK ADJACENT TO BUILDING WITH BUILDING LINE DRAWINGS
  - 14 ALL DIMENSIONS ARE TO THE FACE OF CURBS UNLESS OTHERWISE NOTED



**LEGEND**



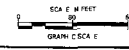
**PERMIT DRAWINGS**  
**The Street Redevelopment**

Chestnut Hill Shopping Center LLC  
 27 & 55 Boylston Street  
 Chestnut Hill, Massachusetts

E	1	30	2015	REV	0	NO AREAS
D				3016	REV	WETLAND F LING
C				25	20	6
B				28	0	6
A				20	23	6
MARK	04	1				
PROJECT NO.	275 SA					
DATE	6/20/2016					
FILE	07 SITE DWG					
DESIGNED BY	GHR					
CHECKED	H					
APPROVED	GHR					

OVERALL SITE PLAN

SCALE AS SHOWN  
 C-104



LARSON, D. J., SURVEYOR, 3, 0, 6, 037948, REG. COPYRIGHT © 2015, TIGHE & BOND ENGINEERS, ARCHITECTS AND PLANNERS, 100 STATE STREET, SUITE 200, NEWTON, MASSACHUSETTS 02459

MEMORANDUM

**Date:** June 15, 2011

**To:** Ms. Candace Havens, *Director of Planning and Development*  
City of Newton  
Newton MA 02459

**From:** Richard Askin, *Director of Planning and Design*  
WS Development Associates LLC  
1330 Boylston Street  
Chestnut Hill (Brookline) MA 02467

**Re:** Special Permit 161-11(2)  
Chestnut Hill Shopping Center; Chestnut Hill, MA  
Renovation of '33 Boylston Street' and the 'Carriageway'

**Topic:** Sustainable Design

Project Description

This memorandum is to describe sustainable design aspects of a proposed renovation project at the Chestnut Hill Shopping Center.

The scope of this project involves: 1) partial renovation of one of the center's five existing buildings, 33 Boylston Street, Newton MA; and 2) improvements to the adjacent "carriageway" alongside Boylston Street.

The renovation of 33 Boylston Street involves demolition of 15,739 sf at the eastern end of the building, then new construction within virtually the same footprint of the demolition area, of a three-story building of approximately 64,374 sf. This results in a net gain of approximately 48,400 sf.

The building's occupancy is expected to be as follows:

1F Retail (note: 'retail' by definition includes any food service e.g., a restaurant)

2F Commercial (e.g., Retail and/ or Office)

3F Office (applicant's home office, to be relocated from Brookline)



The building's immediate site area including pedestrian sidewalks, service area, parking and landscaping will be renovated to include improved grading and sub-surface drainage, hardscape and softscape improvements, and sidewalk amenities such as deciduous street trees, benches, lighting and planter beds with flowers.

### Sustainable Design

This project's sustainable design profile is considered an important aspect of the renovation.

The project's design professionals include architect, MEPFP engineers, structural engineer, site-civil engineer, environmental engineer, and landscape architect. All design firms on the project team include sustainable design certified professionals.

The project will be fully designed to meet or exceed all applicable codes. Sustainable design standards and good practices may be exceeded where such goals are deemed worthy, feasibility allowing.

Following are sustainable design features which can either be achieved, or be studied for incorporation (as noted), into the project's final built improvements.

### Part I. Site

**Construction Activity Pollution Prevention:** As part of the redevelopment of 33 Boylston Street and the improvements to the carriageway, distinct design elements have been incorporated to provide proper erosion and sediment control during and after construction. The use of straw swaddles and silt sacs will prevent runoff of potentially silty waters from entering the existing closed drainage system and Pond. A Stormwater Pollution and Prevention Plan (SWPPP) will also be created for this project as required by the EPA Notice of Intent for Construction Activities.

**Site Selection:** The Chestnut Hill Shopping Center has undergone extensive upgrades and improvements throughout the years. The renovation of the existing building at 33 Boylston will occur within the already disturbed area onsite. In addition it will transform the vast pavement area known as the carriageway (aka, the "frontage road") with new pedestrian accommodations, improved drainage systems and addition of street trees and landscaping. The reuse of the existing site eliminates potential development concerns such as clearing, reduction or pervious surfaces, and greatly reduces potential for increased pollutants.

**Development Density and Community Connectivity:** 33 Boylston, as well as other buildings on property, provide occupancy for seven types of commercial use. As such, the Chestnut Hill Shopping Center is a true mixed-use development (MXD). The benefits of mixed-use include convenience and efficiency for visitors, patrons and employees. As for density, this existing building lies within ½ mile of a residential zone / neighborhood with an average density of 10 units per acre, and within ½ mile of 10 basic services minimum.

**Urban Development Benefits:** The renovation of 33 Boylston is ecologically beneficial as it occurs within the footprint of existing infrastructure rather than disturb previously undeveloped property. The new development will provide additional basic essential services to the surrounding community in a location that is convenient and can be readily accessible by foot, bicycle or public transportation.

**Alternative Transportation:** The property is served by daily urban bus service. A bus stop will be maintained within the carriageway which accommodates the westbound travel direction along Boylston Street (Rte-9). A corresponding bus stop is located on the opposite side of Boylston Street for eastbound travel of buses. The property is also served by a nearby transit stop on the Riverside line of the MBTA fixed rail "trolley". The walking time is approximately 5 minutes to the station.

**Bicycle Accommodations:** Site improvements include bicycle racks placed conveniently throughout at the site perimeter to encourage non-vehicular travel between the site and the local neighborhoods.

**Low Emission or Fuel Efficient Vehicle Accommodations:** The owner is monitoring the potential for future implementation of features for such vehicles, for inclusion in a shopping center, at such time some accommodation may be viable.

**Reduction in Heat Island Effect from Landscape and Site Improvements:** The proposed tree planting at the perimeter of the building and both sides of the carriageway will significantly contribute towards increased shade which helps reduce heat absorbed on the site and on building surfaces. In addition, pedestrian improvements will include a percentage of paving materials with a high solar reflectance index to further reduce heat absorption and transmission from site surfaces.

**Light Pollution Reduction:** For 33 Boylston and the carriageway, site lighting fixtures will be specified in support of the dark sky initiative by directing lighting toward the ground and to utilize cutoff fixtures which limit site lighting trespass beyond intended areas of illumination. For the area immediately around 33 Boylston, LED light source technology is being evaluated because it would contribute to energy reduction. Currently, the area around Star Market has already been converted to LED source. Across the rest of the existing property, fixtures and lamp types will be phased in over time to create a unified appearance, balancing the desire to convey an attractive pedestrian character while creating a secure environment and while achieving a reasonable level of energy reduction.

**Water Efficient Landscaping:** W/S will implement a planting strategy that proposes urban tolerant and adaptable vegetation which is supplemented by a highly efficient, automatically controlled irrigation system with moisture sensors which will be utilized to help establish healthy plant materials (typically during the first three years after initial planting) that will reduce overall maintenance with the objective of reducing water usage after establishment and then only when environmental conditions warrant its use.

**Storm Water Design:** The stormwater design for the project includes the construction of new deep sump catch basins with hoods and the construction of parking spaces from porous paving. The new catch basins with sumps and hoods will serve to reduce oils and larger sediment from entering the drain lines which ultimately discharge to Hammond Pond. In addition to the aesthetic appeal of this paving system, it will reduce stormwater runoff volume, flow rate and temperature. It will increase the groundwater infiltration and recharge by allowing the stormwater to infiltrate. According to the Charles River Watershed Association publication on Permeable (Porous) Pavers, “permeable pavers can be very effective at eliminating many pollutants that are concern in the Charles River watershed”. These pollutants including suspended solids, phosphorus, total nitrogen and heavy metals are also found in Hammond Pond. The proposed drainage system will reduce the stormwater quantity and improve the stormwater quality on site.

**Pervious Paving System:** A pervious paving system, whether it be unit pavers and/ or a monolithic paving system, will provide aesthetic enhancement to the parking areas and provide improvements to the storm water quality onsite. The construction of the porous paving areas will be according to specific details implemented as part of the project design. Detailing the installation will eliminate improper construction techniques and also minimize any potential tripping hazards. The pervious paving system would be ADA compliant.

## **Part II. Building**

Definitions:

*Landlord’s Core and Shell:* 33 Boylston Street is a commercial use building. It is designed as a multi-storey, multi-tenant, ‘shell-and-core’ building, with demised leased premises delivered by landlord to individual tenants ready for fit-up.

*Tenant Fit-Up:* The landlord provides tenants with a Tenant Design Manual requiring that tenant fit-out work of their leased premises be designed to the same efficiency standards as the base building (see attachment, ‘Tenant Design Manual’ excerpt: “Sustainable Design”).

**Energy Performance and Energy Modeling:** The building will be designed to meet or exceed the stretch energy code. The stretch code requires energy systems to be 20% more efficient than the current energy code. This involves high efficiency design in three key areas: HVAC systems; lighting; and building envelope:

- 1) For HVAC systems, this will be accomplished by using high efficiency equipment such as premium efficiency motors, variable frequency drives, and/or an automated building energy management system.
- 2) Lighting will be designed with high efficiency fixtures with daylight and occupancy sensors. One feature of the building are the high third floor windows, designed to allow daylight to penetrate deeper into the building as a means of lighting interior office spaces.

3) The building envelope will be designed with high insulation values for the walls, roof, and foundation. Glazing systems will be designed to balance insulation values, heat gain coefficient, and allowing daylighting and views.

In order to design the building to meet or exceed the stretch code, an “energy model” will be developed to allow testing of different options during the design phase. This will allow optimal determination of the best combination and integration of HVAC efficiency, lighting efficiency and insulation value. The energy model will also facilitate evaluation of how stretch code metrics might be exceeded, where feasible.

**Building Commissioning:** The construction and delivery of 33 Boylston Street will include building commissioning to verify that all systems are designed, installed, and operating as efficiently as expected.

**High-Reflectance, Outdoor Access and Vegetated Roofing:** The roof of the building will be constructed of a material with high solar reflectance in order to reduce the amount of heat absorbed by the building, reducing the cooling load inside the building and reducing the "heat island effect" of the surrounding area.

The building has been designed with roof top patios on the Pond side of the third floor. These will provide outdoor spaces for occupants and are an opportunity to plant vegetation, either in planters or as a partial vegetated roof.

As the building design is further developed, the design team will also consider the possibility of providing access to the upper roof for outdoor uses, including the feasibility of installing a partially vegetated roof which has the added benefits of increasing roof insulation and retaining and filtering storm water. The purpose of such access, access to, and the cost of such a feature will determine feasibility.

**Indoor Air Quality, Daylight, and Views:** Major features of the building are designed to enhance the quality of the environment for the occupants. Sloping roofs and high glazing allow daylight to penetrate deep into the building while external shading devices help to control glare and excess heat gain. Bay windows and corner glazing provide access to views to more occupants. Outdoor patios are oriented to take advantages of views of Hammond Pond.

To ensure air quality, the construction team will create a Construction Indoor Air Quality Management plan. Low and zero VOC paints, coatings, adhesives, and sealants will be used as much as possible. Low emitting flooring and wood products can also be used. The Tenant Design Manual will recommend this to tenants as part of their own fit-up.

**Water Efficiency:** All plumbing fixtures will be low-flow type fixtures, including sensor activated faucets, dual mode flush valves, and low-flow urinals. The Tenant Design Manual requires tenants to install low-flow fixtures.

**Materials, Waste Management, and Recycling:** Sustainable factors will be used to guide decision-making about materials that are chosen for the project. These factors include choosing

materials with a high recycled content and materials that are harvested and manufactured in our region.

The construction team will create a plan for management of demolition and construction waste in order to divert as much material from landfills as possible. There will be a dedicated recycling storage area in the building's common service area to encourage and facilitate recycling of materials by tenants.

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Attachment: 'Tenant Design Manual' excerpt: "Sustainable Design"

## MEMORANDUM - ATTACHMENT

Re: Chestnut Hill Shopping Center; Chestnut Hill, MA

'Tenant Design Manual' excerpt: "Sustainable Design"

### Tenant Fit Up

In addition to the applicants design and construction of the "building shell & core", the applicant as property owner assumes the role of landlord for multiple tenants who occupy buildings. The tenant's typically design & construct their own "fit-up" of their leased premises. In order to optimize the process and result, the landlord's "tenant coordinator" works closely with each tenant's design and construction team to ensure compatibility and quality. A part of the process is that landlord provides tenant with the Tenant Design Manual (TDM) specific to the property. In recent years, WS Development's typical TDM includes a chapter entitled "Sustainable Design". The goal is to guide tenants towards required and elective design choices in the fit up of their leased premises.

For the Chestnut Hill Shopping Center, the chapter is as follows:

*(Please take note: this is a draft text, which can only be finalized after the building's full technical design is completed)*

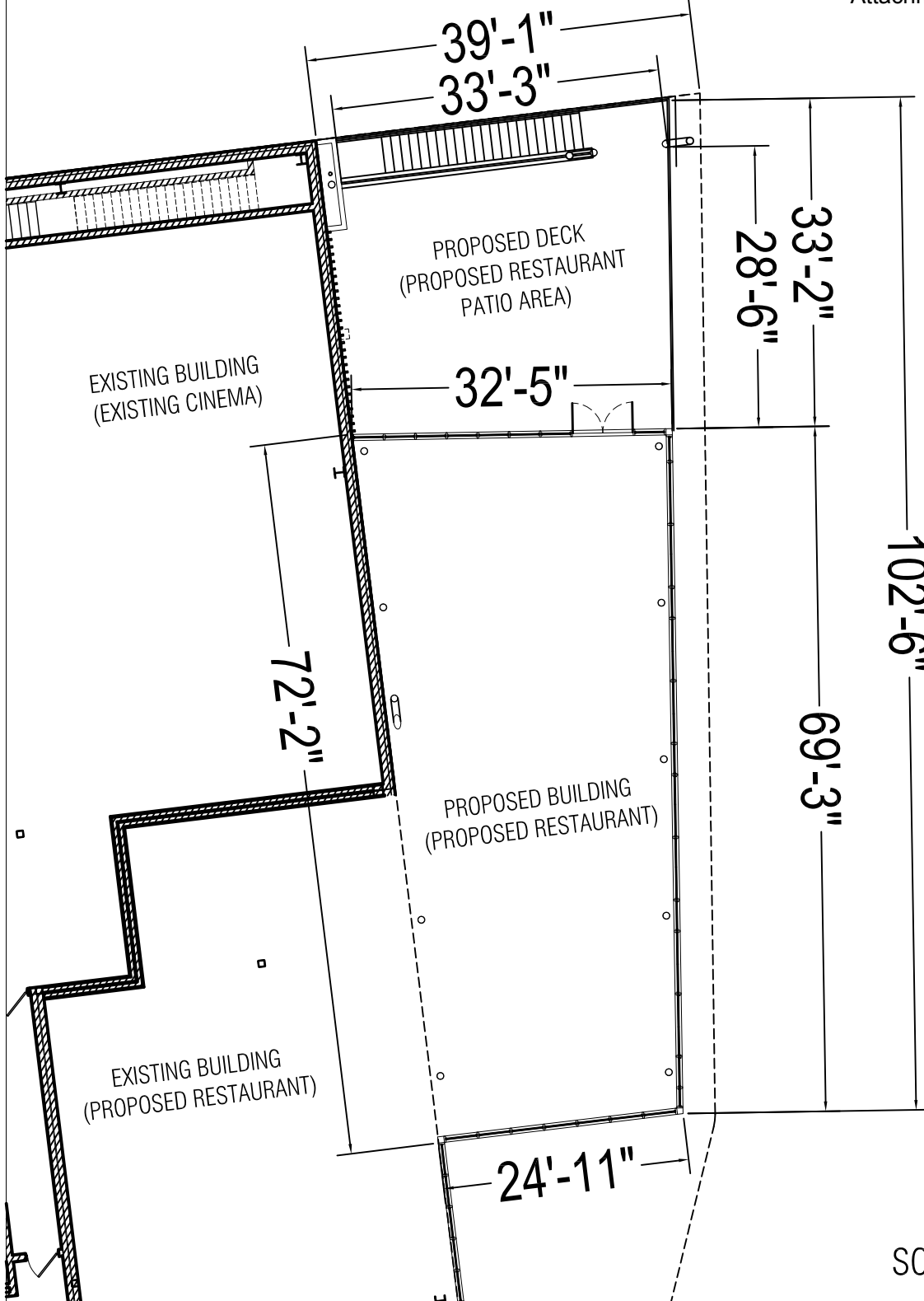
DRAFT TEXT:

W/S is committed to integrating what is best for the environment into our retail centers. We believe that there exists social and business rationale that supports our interest and efforts in building sustainable projects. With the development of each new retail center we strive to balance social issues, environmental resources, and economic objectives. People, Planet and Profit describes this triple bottom line and the goal of sustainability for future generations.

W/S is committed to improving the quality of life today and for future generations. We in-turn encourage our tenants to explore and incorporate green building technologies in their interior fit-outs, to create high performance retail locations. This effort is a partnership between our tenants and W/S. To accomplish this goal, W/S pledges to work with our tenants, by offering advice on available strategies, technologies, and green product options. We encourage and support tenant's elective efforts to pursue recognition and certification of applicable standards.

Required and suggested (as noted) design standards and specifications:

1. Water Conservation / Plumbing Fixtures: Required to specify sensor activated low water usage urinals in all men's restrooms, use dual mode flush-o-meters upon all water closets and use sensor activated sink faucets in all restrooms.
2. Materials and Resources: Suggest use of regional materials, recycled content, salvaged, and rapidly renewable materials (i.e. bamboo) in their fit outs.
3. Lighting Systems: Suggest use of occupancy sensors, dimming wall switches, high efficiency light fixtures, photo sensors and dimming ballasts.
4. Equipment & Appliances: Suggest use of Energy Star equipment and appliances.
5. Low Emitting Materials: Suggest use of low-VOC paints, primers, adhesives and sealants. When using composite woods ensure no added urea formaldehyde resins.
6. Floor Systems and Millwork: Suggest use low-VOC carpet and carpet tiles, FSC certified wood, bamboo, ceramic, glass or porcelain tile.
7. Green Operations: Prohibit smoking, designate a recycling area, and suggest use of non-toxic and environmentally safe products.
8. Construction Activities: Recycle construction materials wherever feasible.
9. Glazing and Daylight: If tenant installs its own storefront glazing system, suggest use of high performance glazing.
10. Energy Measurements & Verification: Tenant to comply with implementation and maintenance of 'shell & core' building commissioning procedures.
11. Renewable Energy: Encourage purchase of 'Green Power', where appropriate and feasible.



SCALE: 1/16" = 1'-0"

55 BOYLSTON STREET  
PROPOSED BUILDING & DECK - SECOND FLOOR  
DIMENSIONS





***Ron Müller & Associates***  
*Traffic Engineering and Consulting Services*

56 Teresa Road  
Hopkinton, MA 01748  
Tel.: (508) 395-1576  
Fax: (508) 435-2481  
www.RonMullerAssociates.com

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Ref.: 15038

January 6, 2017

Ms. Katie Wetherbee  
Chestnut Hill Shopping Center LLC  
33 Boylston Street, Suite 3000  
Chestnut Hill, MA 02467

Reg.: The Street Shopping Center  
55 Boylston Street  
Chestnut Hill, Massachusetts

Dear Katie:

***Ron Müller & Associates*** (RMA) has prepared this letter to document that the proposed infill of the 55 Boylston Street building will not generate additional traffic over the projections made in the 2011 approvals for The Street Shopping Center in Chestnut Hill, Massachusetts. In addition, this letter provides a review of the proposed internal site circulation changes and makes recommendations to enhance pedestrian safety and reduce vehicle speeds.

During the special permit process for the 33 Boylston Street building in 2011, I submitted a traffic generation analysis report associated with that project and the site in a letter to Ms. Candace Havens, Director of Planning and Development, dated May 19, 2011. Since those projections were made, you have (i) implemented the special permit approved project by building the new 33 Boylston Street building and (ii) reconstructed the 55 Boylston Street building for shopping center uses. You reconstructed the 55 Boylston Street building with less gross floor area than it existed when I did my 2011 traffic projections. You now propose to infill the 55 Boylston Street building with 13, 100 square feet. The result of this infill is that the gross square footage of the 55 Boylston Street building will be substantially equivalent to the size of the building as it existed when I did my 2011 study. Overall, the total commercial space across the entire mixed use site will be approximately 5,000 square feet less than was assumed in my 2011 study. The other change is that the proposed 55 Boylston Street infill will result in a loss of 35 existing surface parking stalls.

Because the site as a whole following implementation of the proposed 55 Boylston Street infill will have less square footage of shopping center space than what was allowed by the 2011 special permit and that was the basis for my original traffic generation projections in 2011, there will be no increase in traffic to the site over the original projections associated with this project.

Internal to the site, the infill project will reduce the number of vehicular and pedestrian conflict points by eliminating driveway access to underneath Building 55 from the Frontage Road and eliminating a parking drive aisle to the rear of Building 55. The site plan shows a new crosswalk across the rear drive aisle of the shopping center aligning with the east side of Building 55 and connecting to a new sidewalk to be constructed along that drive aisle. It is recommended that this crosswalk be raised to provide motorists better visibility of the crossing, act as a traffic calming measure, and improve pedestrian safety. In addition, a painted crosswalk currently exists across the Frontage Road and aligning with the west side of Building 55. It is recommended that this crosswalk also be raised for these same reasons. Pedestrian crossing signs in compliance with the latest edition of the Manual on Uniform Traffic Control Devices (MUTCD) should be installed at all proposed crosswalks.

Please don't hesitate to contact me should you have any questions regarding the above conclusions and recommendations.

Sincerely,

***Ron Müller & Associates***



Ronald Müller, P.E.  
Principal

CITY OF NEWTON  
CITY COUNCIL

January 17, 2017

ORDERED:

That the Council, 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, that the application meets the criteria established in the Zoning Ordinance sections 4.1.2.B.1, 5.6 and 7.8.2.C, 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, and finding that all applicable provisions of the Zoning Ordinance and the Board Rules and Orders have been complied with, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to alter and extend a nonconforming structure; to allow a building in the aggregate of 20,000 or more square feet in gross floor area; and to permit development following site plan review within 300 feet of a Great Pond at 55 Boylston Street as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo.

The Project refers to the additions to the building at 55 Boylston Street and site improvements shown on the plans listed below and allowed by this Special Permit/Site Plan Approval (the "Project"). The "Site" refers to the entire property known as The Street at 1-55 Boylston Street (the "Site").

The Council makes the following FINDINGS:

1. That the Project building includes a mix of uses consistent with the city's planning goals in the Comprehensive Plan and the Zoning Ordinance to foster commercial and mixed use development along the Boylston Street corridor.
2. That the Project as developed and operated in accordance with the conditions of this Special Permit/Site Plan Approval will not adversely affect the neighborhood because the increased building area is part of the existing structure and creates activation interior to the Site.
3. That the Project will not create nuisance or serious hazard to vehicles or pedestrians because the design improves pedestrian and vehicular circulation in the Project area and the Site.

4. That the access to the Project over streets is appropriate for the types and numbers of vehicles involved because the Project is served by multiple points of access and the additional development remains well within the allowed “by right” density for the Site.
5. That the Site as improved by the Project provides for the convenience and safety of vehicular and pedestrian movement within the Site; provision for off-street loading is adequate; methods of regulating surface water drainage are improved; non-conforming screening of existing parking is adequate and the location and design of handicapped parking is conforming.
6. The 13,100 square feet addition to the existing non-conforming structure is not significantly more detrimental than the existing nonconforming structure is to the neighborhood because the proposed design utilizes the existing building envelope while adding more square footage to enhance and activate the northeast corner of the building and pedestrian and vehicular circulation is improved in the Project Area (7.8.2.C and §7.3.3).
7. The Project area in an appropriate location for a building in the aggregate of 20,000 square feet or more, as the site is located in the Business 4 (BU-4) zone and the scale is consistent with other structures along the Boylston Street, Route 9 commercial corridor and the Project will not increase the height of the existing structure (§4.1.2.B and §7.3.3).
8. The development within 300 feet of a Great Pond is appropriate because the proposed design enhances the public enjoyment, public access to and public views to the Great Pond. In further support of this finding, the building and alterations do not interfere with or diminish public views, enjoyment and/or access to Hammond Pond. The Project preserves public access, public view and public enjoyment of Hammond Pond as the Project provides additional locations for such public access, view and enjoyment and does not limit any current or future opportunities for public view, enjoyment and access to Hammond Pond. (§5.6 and §7.4)
9. The site planning, building design, construction, maintenance and long term operations of the structure will contribute significantly to the efficient use and conservation of natural resources and energy as the design will utilize high efficiency materials and mechanical systems while meeting the requirements of the stretch code. In further support of this finding the Petitioner follows sustainable design guidelines which evidence an intent for both the core and shell and tenants’ to contribute significantly to the efficient use and conservation of natural resources and energy.(§7.3.3.C.5).

PETITION NUMBER: #261-16(2)

PETITIONER: Chestnut Hill Shopping Center, LLC

LOCATION: 55 Boylston Street on land known as Section 44, Block 23, Lot 16A, and Section 63, Block 37, Lot 26 containing approximately 381,805 square feet of land

OWNER: Chestnut Hill Shopping Center, LLC

ADDRESS OF OWNER: 33 Boylston Street, Suite 3000  
Chestnut Hill, MA 02467

TO BE USED FOR: 8,400 square feet of infill on the ground floor currently used as a drive aisle and parking as well as approximately 4,700 square feet of additional floor area on the second floor at 55 Boylston Street

EXPLANATORY NOTES: Extension and alteration of a nonconforming structure (§7.8.2.C and §7.3.3); allow the extension to a building in the aggregate of more than 20,000 square feet in gross floor area (§4.1.2.B.1 and §7.3.3); and development within 300 feet of a Great Pond (§4.1.2.B.2 and §7.4)

ZONING: Business 4

Business 4

Approved subject to the following conditions:

1. 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. The Street Redevelopment Special Permit Plans, prepared by Tighe & Bond, signed and stamped by Joseph M. Persechino, Professional Engineer, and Gregg M. Mikolaities, Professional Engineer, consisting of eight (8) sheets.

<u>Sheet No.</u>	<u>Sheet Title</u>	<u>Last Revised</u>
	Cover Sheet	12/22/2016
C-101	55 Boylston Street Existing Conditions/Demolition Plan	12/22/2016
C-102	55C Boylston Street Site Plan	12/22/2016
C-103	55 Boylston Street Grading, Drainage & Erosion Control Plan	12/22/2016
C-104	55 Boylston Street Utilities Plan	12/22/2016
L-101	Landscape Site Plan 55 Boylston Street (Mathews Nielsen)	07/28/2016
G-501	Erosion Control Notes & Details Sheet	12/22/2016
G-502	Details Sheet	12/22/2016

- b. The Street 55 Boylston Addition, prepared by LTL Architects, unsigned and unstamped, dated July 28, 2016, consisting of fifteen (15) sheets.
  - c. 55 Boylston Street Proposed Building & Deck-Second Floor Dimensions
  - d. Sustainable Guideline Principles, dated July 15, 2011.
2. All conditions of Board Orders # 401-03, 244-09, 161-11 (2), 161-11 (4), 417-12 and 230-14 shall remain unchanged and in effect except to the extent modified or rendered superfluous by this Special Permit.
  3. The hours of operation for the Project restaurant use shall be 11:00 a.m. to 11:00 p.m. Sunday through Wednesday, 11:00 a.m. to 12:00 a.m. Thursday through Saturday. Patrons of the restaurant shall not be permitted on the patio area after 11:00 p.m.
  4. The petitioner shall comply with the City's Noise Control Ordinance, Sections 20-13 et seq of the Revised Ordinances 2012, at all times, which may require among other measures, the installation and maintenance of acoustical treatments of any and all Heating, Ventilation, and Air Conditioning (HVAC) units to comply with the provisions of said ordinance.
  5. Any speakers installed for the patio area should be facing down or inward, not out to Hammond Pond, so that sound does not project towards Hammond Pond. No speaker installed at the patio seating area shall be used after 10:00 p.m.
  6. The petitioner shall design outdoor lights with shields to prevent spillover from extending beyond the outdoor seating area.
  7. Prior to the issuance of any Building Permit for the Project, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
  8. Prior to the issuance of any Building Permit for the Project, the petitioner shall have completed review and approval for the proposed infill project at 55 Boylston by the City of Newton's Conservation Commission.
  9. Prior to the issuance of any Building Permit for the Project, the petitioner shall adopt the Operations and Maintenance (O & M) plan for stormwater management facilities and record it at the Middlesex Registry of Deeds.
  10. Prior to the issuance of any Building Permit for the Project, the petitioner shall submit a final Construction Management Plan (CMP) to the Commissioner of Inspectional Services, the Director of Urban Forestry, the Engineering Division of Public Works, the Director of the Department of Planning and Development, the Newton Fire Department and Newton Police Department, which plan should shall include at a minimum:
    - 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 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 3:00 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.
  - c. 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.
  - d. A tree preservation plan to define the proposed method for protection of existing trees to remain on the site and on abutting properties during construction.
  - e. A plan for site access and traffic control.
  - f. A plan regulating the delivery of material to the site, including the staging and storage of construction vehicles.
  - g. A plan for rodent control during construction.
  - h. If blasting of on-site ledge is required, the petitioner shall obtain a Blasting Permit from the Newton Fire Department.
  - i. De-watering methodology.
11. No Building Permit for the Project shall be issued to this Special Permit/Site Plan Approval until the petitioner has:
- a. Received final approval from the Director of Planning and Development for the Construction Management Plan.
  - b. Recorded a certified copy of this order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
  - c. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - d. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 and that the petitioner is in compliance with all relevant conditions of this Order.
  - e. Received approval from the Conservation Commission for the proposed infill project at 55 Boylston Street by the City of Newton's Conservation Commission.
  - f. Obtained a written statement from the Engineering Division of Public Works that confirms receipt of a certified copy of the O & M Plan in accordance with Condition #9.
12. No Occupancy Permit for the Project constructed pursuant to this Special Permit/Site Plan Approval shall be issued until the petitioner 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. Filed with the Clerk of the Board, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
  - c. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
  - d. Submitted to the Engineering Division of Public Works, final as-built plans in paper and digital format showing all utilities and final grades, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim and invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners.
  - e. Filed with the Conservation Commission, Department of Inspectional Services, and the Department of Planning and Development a statement by the City Engineer certifying that finished grades and final construction details of driveways, parking areas and drainage systems have been constructed to the standards of the City Engineering Department.
13. Notwithstanding the provisions of Condition #11 above, the Commissioner of Inspectional Services may issue one or more certificates of occupancy for all or portions of the buildings prior to the installation of final landscaping provided that the petitioner shall first have filed 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 landscaping to secure installation of such landscaping.
14. The landscaping on the approved final landscape plan shall be maintained in good condition. The plantings shall be inspected annually and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.