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November 27, 2012

Board of Aldermen
1000 Commonwealth Avenue
Newton, MA 02459

Re: Special Permit/Site Plan Approval Petition #258-12 & 258-12(2):
The Station At Riverside – BH Normandy Riverside, LLC/MBTA

Dear Aldermen:

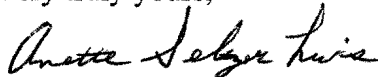
I represent the nine Woodland Grove Condominium residences located at 416 Grove Street across from this proposed mixed-use transit oriented project. The Special Permit for the Station At Riverside Project must contain specific, substantive, and enforceable conditions to assure that the impacts, both during the lengthy construction period and for the life of the project, will be adequately managed and will not adversely affect the daily lives of local residents and the commuting public.

We trust that, in your deliberations, you will consider all aspects of the total project's operations, how each operation affects residents' daily lives, and the comments and testimony that we have given in this proceeding.

I am attaching a draft of suggested conditions for a number of the matters that are of special concern to my clients. We hope that the language will aid you in drafting the special permit for use of this property. Many commitments have been made throughout this process and it is important to memorialize them as enforceable conditions in the Special Permit approval. Going forward, all parties must be able to clearly understand what is required and the City must be in a position to enforce what, up to now, have been just statements and promises that can easily be forgotten in future years.

Thank you for taking our comments and concerns into consideration.

Very truly yours,



Anette Seltzer Lewis

Attachment (Requested Special Permit Conditions)

RECEIVED
Newton City Clerk
2012 NOV 27 PM 11:53
David A. Olson, CMC
Newton, MA 02459

Riverside – Requested Special Permit Conditions

1. Permitting & Construction Schedules (for both on-site and off-site work)

- 1.1 No construction shall commence until all project-related federal, state, and local permits and approvals have been applied for and received.
- 1.2 [Include a clearly defined schedule of the sequence and duration of each effort required to implement all off-site and on-site work and an end date by which the project build-out must be completed.]
- 1.3 The construction entrance to the site via the Collector-Distributor (C-D) Road must be in place and operational before any other project-related on-site or off-site work may commence.
- 1.4 All infrastructure and utilities must be completed and the site entrance from the Collector-Distributor (C-D) Road must be operational and open to the public prior to the issuance of any certificate of occupancy.

2. Occupancy & Parking

- 2.1 This Special Permit approves the following uses: [describe each use and the building location within which it is permitted along with square footage, maximum occupancy, and any other “gating” particulars as specified in the Mixed-Use 3/Transit-Oriented District Zoning].
- 2.2 On-site parking for vehicles shall be provided as follows: Building A Office X spaces [describe location on first floors beneath the building]; Building B Multi-family 290-Unit Housing and Commercial X spaces [describe location on first floors beneath the building and X outdoor stalls and their location]; Building C Commercial and Community X spaces [describe where parking will be accommodated and refer to binding written agreements assuring that X spaces will be reserved at all times for Building C uses]. Parking stalls shall be 9 feet x 19 feet. Maneuvering aisles shall be 24 feet in width for 90-degree parking and end stalls shall have additional maneuvering space of X.
- 2.3 Parking shall not be allowed in areas other than the designated, approved spaces.
- 2.4 No credit is given in reducing the number of vehicles to be accommodated on-site because Permittee has not provided a clear commitment to implement and continuously fund an effective, mandatory Transportation Demand Management (TDM) program.

3. Construction Period Requirements

- 3.1 Work hours (both on-site and off-site) for outdoor project construction are limited to weekdays from 8:00 a.m. to 5:00 p.m., with the exception that work in, on or along Grove Street shall be limited to 10:00 a.m. to 4:00 p.m. No outdoor site work or construction is permitted on Saturdays, Sundays, or holidays.

- 3.2 On days when Red Sox baseball games are being played in Boston, electronic signs shall be placed on Route 128 to instruct MBTA patrons of the availability, or lack thereof, of parking spaces on the site. The electronic signs shall also provide information on alternate parking locations. No outdoor project construction work shall be permitted in, on or along Grove Street at such times.
- 3.3 Staging areas, lay-down areas, administrative offices, etc. shall be located in the interior of the site, and not on its periphery, so as to limit off-site noise and commotion.
- 3.4 All construction traffic and construction deliveries shall access the site only via the Route 128 corridor and the Collector-Distributor (C-D) Road. Construction traffic shall not use local Newton or Weston roads.
- 3.5 [State dust control requirements – water spray, sweeping, barrier around the perimeter of site if necessary, program for washing affected neighboring buildings/windows when necessary]
- 3.6 [State the noise control requirements per the City of Newton Ordinance and/or DEP, whichever is more stringent.]
- 3.7 [Require that Permittee designate a point person to serve as a liaison with the neighborhood and be available to field questions. That person would provide advance warning of when blasting will be taking place, when utility service will be interrupted, etc.]

4. Internal Project Infrastructure and Roadways

- 4.1 The primary access to the site is through the Collector-Distributor (C-D) Road and it must be in place, operational, and open to public use before the MBTA's ICF can commence operations.
- 4.2 Snow removal and maintenance of all roadways and infrastructure located on the project site shall be the sole responsibility of Permittee. None of the roadways and walkways internal to the project shall be subject to acceptance as a public way.
- 4.3 A designated area, as shown on Plan Sheet Drawing Number [identify sheet number, prepared by whom, dated, as revised on date], shall be available for the storage of snow. In addition, in order to keep sidewalks and internal roadways passable during snow events, Permittee shall be required to [describe the snow removal procedures for hauling snow off-site].

5. Traffic Mitigation

- 5.1 [There are still many open questions. Some particular concerns are:
 - a) Construction of the roundabouts -- Are roundabouts and the approaches to them still just painted pavement? Should they be raised? During peak periods in the dark of winter, with new snowfall on the ground, the painted pavement will do nothing to control the flow of traffic in the vicinity of the roundabouts. Moreover, during periods of high traffic volume throughout the year, there

will be nothing to prevent two lanes of traffic from driving across the painted pavement on either side of the roundabout as Massachusetts drivers are accustomed to do.

- b) Pedestrian safety and access to Newton Lower Falls.
- c) The necessity of two westbound lanes of traffic in front of Hotel Indigo.
- d) Maintenance of sight lines along Woodland Grove Condominium frontage during winter snow plowing operations.]

6. Loading/Delivery/Service /Trash Hauling

- 6.1 All loading/deliveries/service/trash handling for the premises, shall be located off of the interior roadways of the project at the location(s) identified as "loading area" and "trash collection" on Plan Sheet Drawing Number [identify sheet number, prepared by whom, dated, as revised on date]. No loading/deliveries/service/trash handling shall be permitted on any roadway interior to the project nor along the exterior perimeter of the project nor on Grove Street.
- 6.2 All loading/delivery/service/trash handling vehicles and equipment, including buses, shall access and leave the site via the Collector-Distributor (C-D) Road access point.
- 6.3 Loading, deliveries, removal of supplies, services and trash hauling shall be only between the hours of 7:00 a.m. and 7:00 p.m. All motorized vehicles, including buses, shall turn off their motors and shall not idle.

[**NOTE:** All plan sheets need to be carefully reviewed to assure that each of the permitted uses has a sufficient area(s) specifically designated for loading/delivery/service and trash handling.]

7. Landscaping & Landscaped Buffer

- 7.1 [Describe/refer to the comprehensive landscaping plan sheet drawing that will govern this project and require that all vegetation be managed and maintained.]
- 7.2 No trees shall be removed along Grove Street until immediately before commencement of construction in that area. And, all landscaping shall be in place prior to the issuance of the first certificate of occupancy.

8. Control of Cooking Odors

- 8.1 A commercial kitchen exhaust cleaning and ventilation system with an air filter shall be installed and maintained to control and eliminate cooking odors from food preparation operations.

9. Wireless Communications Equipment

- 9.1 No wireless communications equipment shall be installed without first applying for and obtaining an amendment to this Special Permit.