



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: June 24, 2016
MEETING DATE: June 28, 2016
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Michael Gleba, Senior Planner
CC: Petitioner

In response to questions raised at the May 3 and May 24, 2016 Land Use Committee public hearings, and/or staff technical reviews, the Planning Department is providing the following information for the upcoming public hearing/working session. This information is supplemental to staff analysis previously provided at public hearings.

PETITION #48-16

255-257 Newtonville Avenue

Request for Special Permit/Site Plan Approval to construct a three-story, 1.5 FAR self-storage facility with a waiver of 36 parking stalls and waivers of other parking requirements.

The Land Use Committee (the "Committee") held a public hearing on April 5, 2016 that was held open so that the petitioner could respond to questions/concerns that were raised in the Planning Department's memorandum and at the public hearing by the Committee and the public. A site visit was held by the Committee on April 28, 2016 to further explore the issues raised at the public hearing. Subsequent public hearings were held on May 3 and May 24, 2016. This memo reflects those issues and concerns addressed to the Planning Department at the May 3 and May 24, 2016 public hearings.

Zoning Relief

The petitioner has proposed to raze the existing buildings and construct an 113,187 square foot self-storage facility with 1,025 storage units. Per § 4.4.1 of the NZO, storage facilities are allowed by right in the Manufacturing district. However, to construct the facility as proposed the petitioner is seeking a special permit under the NZO to allow a building that is three stories, with a floor area ratio (FAR) of 1.5, and for a building greater than 20,000 square feet.

The petitioner is also seeking waivers to reduce the number of required parking stalls by 36 stalls; to reduce the number of handicapped accessible parking stalls by one; to allow parking in the side setback; to waive the landscape screening requirements; and to waive lighting requirements.

Plan Modifications

On June 23, 2016, the petitioner submitted revised site and floor plans that reduces the square footage of the building by approximately 756 square feet to 112,431 square feet and provides five additional onsite parking spaces without increasing the size of the parking area by placing portions of five spaces within the first floor of the building envelope (the second and third floors would remain unchanged) and shifting the location of others to the west side of the proposed parking area.

If approved, this modification, by allowing for up to 16 parking spaces (including the two handicapped spaces) and three loading spaces on the site, would reduce the required parking waiver to 31 spaces, and would reduce the likelihood of vehicles being required to queue on a public way.

Concerns Raised at May 3 and May 24, 2016 Public Hearings

The following is a compilation of several issues addressed to the Planning Department at the May 3 and May 24, 2016 public hearings:

1. Landscaping Along Lewis Terrace:

The petitioner submitted a revised landscape plan on May 19, 2016. The new plan shows the addition of 26 evergreen trees with heights of 15 feet at planting. This response to previous comments should further address concerns about the adequateness of the vegetative screening of the proposed facility along Lewis Terrace. The Planning Department believes the revised plan is sufficient to mitigate the mass of the structure.

2. Lighting on Lewis Terrace:

At the May 24, 2016 public hearing the petitioner discussed the inclusion of low-level lighting along the Lewis Terrace side of the building (no lighting was previously proposed for this location). In recognition of the potential tension between possible annoyance for neighbors and the provision of security, the Planning Department has recommended the use of motion-sensor lights so as to limit unnecessary light pollution. While the Planning Department does not oppose the proposed low level lighting, in the event the project is approved and constructed, it would recommend that the issue be subject to assessment and possible modification one year after the facility is functional.

3. Hours of operation:

As stated in the Planning Department's memo prepared for the May 3, 2016 Working Session, this issue was addressed in the Petitioner's April 27, 2016 letter to the Committee, indicating that access to storage units would be available to customers 6:00a – 10:00p daily, with the management office staffed from 9:30a – 6:00p daily. This appears consistent with common practices of similar facilities. However, in recognition of the proposed facility being located adjacent to residential districts, the Planning Department recommends that the hours of operation be set at 7:00 am – 9:00 pm daily and this be made a condition such as the one included in the draft Order.

Concerns were also expressed regarding those times during which customers would have access to the building but the management office would be closed, especially regarding potentially noisy truck visits. Again, in recognition of the proposed facility's location adjacent to residential districts, the Planning Department recommends that a condition be included in an approved Order that prohibits the use of the proposed facility for storage by moving companies.

4. Sound issues:

Some concern has been raised regarding the location of HVAC units on the roof and any possible sound impacts. The units are projected to be approximately seven feet in height and located near the Massachusetts Turnpike, away from residences adjacent to the site. The petitioner submitted a sound report on May 17, 2016 (Attachment C), indicating that while the sound impacts on Lewis Terrace and Newtonville Avenue created by the facility's HVAC units would comply with the Massachusetts Department of Environmental Protection's (MassDEP) Noise Policy (310 CMR 7.10), they would exceed the City's more stringent Noise Control Ordinance (Rev'd Ordinances, §20-13(g)(5)). The petitioner's report suggests that this condition could be addressed through the installation of additional acoustical treatments (i.e., condenser fan panels). The Planning Department recommends that such installation be made a condition, such as the one included in the draft Order.

5. Alternative allowed land uses:

The site's Manufacturing designation allows for various other uses by-right, including fabrication of materials, bottling, contractor's yards, food processing agricultural uses and printing, as well as offices, research facilities, religious institutions and daycare centers. Uses allowed by special permit include other types of manufacturing, educational facilities, and auto repair and sales. It is also conceivable that a change in zone could be requested (which would require approval by a 2/3 vote of the City Council) or that a developer might seek a comprehensive permit for multi-family housing dwelling. The Planning Department notes that a self-storage facility is among the lowest traffic generators of the allowed potential land uses.

6. Building Height:

The petitioner's previous calculation of the height of the proposed building included the height of the decorative 'tower' element of the north, Massachusetts Turnpike-facing façade (the location of the "self storage" sign shown in the elevations). However, as subsequently noted by the petitioner, such an element is not considered a part of the building's height as per § 1.5.4.A.1.d.

Therefore, the height of the building is approximately 28 feet as defined by the NZO, not the 35 feet, 6 inches previously indicated.

7. If the facility was moved eastward toward Lewis Terrace, could it be recast into a by right project?

As any development of 20,000 or more square feet of gross floor area requires a special permit (§4.3.2.B.1), merely moving the building to some other site would not make it "by right." Similarly, any 3-story building would similarly require a special permit. However, it appears there are some modifications to the project, including shifting it toward Lewis Terrace

(necessitating the removal of additional existing trees), that could reduce the zoning relief required for the project.

While emphasizing that it is not an alternate proposal, the petitioner has provided a schematic “test fit” showing a shift of the building eastward toward Lewis Terrace and further “into the hill.” By increasing the grade plane average to 114.5, this could reduce its measured height to approximately 24 feet. The petitioner has suggested that the building could then be considered only two-stories as the lowest floor, by now being as much as two-thirds below the grade plane, could then be considered a ‘basement.’ Citing §1.5.5.B.2 (“Gross floor area shall not include any portion of a basement used for storage, parking, or building mechanicals”), the petitioner has further suggested that such ‘basement’ square footage would not be countable toward the building’s Gross Floor Area (GFA), and therefore reducing its GFA to approximately 76,000 square feet and its FAR to approximately 1.0, thus negating the need for a special permit to allowing three stories with an FAR of 1.5.

The Planning Department is not prepared to state whether such a “basement” would be usable for the proposed commercial self-storage purposes as a reasonable interpretation §1.5.5.B.2 could hold that the “storage” contemplated by the provision would be that which is accessory to a principal use, not the principal use itself.

Nevertheless, shifting the building closer to Lewis Terrace would have a less desirable impact on the amount of landscaping that could be provided, and, again, the petitioner has stated that it is not intending to do this. The Planning Department does not recommend any changes to the proposed location of the building.

8. Building access from Lewis Terrace

A question has been raised as to whether access to the proposed building could be provided from the property’s Lewis Terrace frontage. Such access is made difficult by the significant grade change from Lewis Terrace westward as the grade falls rapidly from approximately 122 feet to 100 feet at the northwestern corner of the property adjacent to the Massachusetts Turnpike.

As such, a vehicular entrance on Lewis Terrace and a corresponding access roadway within the site that would allow vehicles to park adjacent to the building’s ground floor would likely require significant site work/infrastructure and/or modifications to the building design.

It should also be noted that the grade change makes it possible for the building to present the relatively low elevation it has along that street, and further, the placement of a vehicular access point along Lewis Terrace would require an interruption in the vegetative screening proposed for that frontage.

9. Traffic and Parking

The Planning Department requested that the Department of Public Works conduct a peer review of the petitioner’s traffic/parking studies. That review was received June 24, 2016 (**Attachment A**). The review found that the petitioner’s consultant’s data collection efforts “seem reasonable and referenced appropriately” and that the “projections of the additional trip generation to/from the site and its traffic impact to the current conditions does not seem to be at a concerning level as compared to other allowed uses.”

An area of concern raised by the review was the adequateness of the proposed 11 parking spaces. The review suggested that “the design should include additional buffer spaces for unforeseeably busy conditions.” The Planning Department believes that the recently proposed additional parking spaces discussed above would help address neighborhood concerns

Furthermore, a “possible unforeseeably busy condition” noted in the review that could create additional excess demand for parking is the occasional auction of the contents of “abandoned” storage units at the facility. If it is the will of the Committee, the Planning Department suggests that to avoid such a situation an Order could include a condition that prohibits the holding of such auctions at this location.

Another area of concern noted in the review was that a relatively high percentage of vehicles entering the site might be “heavy vehicles” (trucks and vans). However, the Planning Department notes that this is a percentage of the very low number of trips projected to be generated by the facility and that the site plan includes three loading bays for such vehicles. The Planning Department suggests that a condition prohibiting the use of the facility for storage by moving companies could address related concerns.

The Planning Department also notes that the petitioner is proposing to contribute \$10,000 towards traffic mitigation in the immediate neighborhood and recommends that such funds be used for a traffic safety study, including examining the need for stop signs at the intersection of Newtonville Avenue and Lewis Terrace.

10. Crime reports

The Planning Department contacted the Newton Police Department for information about incidents at the existing self-storage facilities at 300 Needham St. (E Z Storage) and 128 Bridge St. (Extra Space Storage) from January 1, 2010 to present. The police department provided the attached information (**Attachment B**) about the seven incidents reported in those parameters.

Waltham Police Department records for the Public Storage facility located at 945 Moody Street on the Newton city line were also examined. From April 1, 2015 to March 31, 2016, two breaking and entering incidents were reported.

11. Fire Department

The Fire Department reviewed and accepted the site plan on February 18, 2016 (**Attachment C**).

12. “Green roof” issues

The Planning Department has recommended that some form of “green roof” be installed on a portion or portions of the proposed facility’s large, flat roof so as to both respond to the concerns about the roof’s appearance from nearby properties and public ways and in furtherance of meeting the special permit criteria provided by §7.3.3.C.5 that structures in excess of 20,000 square feet of gross floor area “contribute significantly to the efficient use and conservation of natural resources and energy.”

(While the petitioner has indicated some interest in installing solar panels which would similarly help achieve the above criteria, this has apparently not been actively pursued in response to neighborhood comments.)

The feasibility of the installation of green roofs is related to several issues. Especially crucial is the structure of the host building. Research by the Planning Department has indicated that a green roof must generally support an additional 25-100 pounds per square foot more than a typical roof (installations on existing roofs often require structural reinforcement), and an irrigation system will need to be installed. As such, for any green roof there must be an assessment of the roof infrastructure (membrane, and structural load capacity) as well as any other upgrades to satisfy applicable building code requirements.

Another factor is cost, which is driven by the type of installation and the size and extent of the area involved. While costs can vary, the least expensive (and lightest) systems are those that merely provide a grassed surface. A Massachusetts green roof installer indicates that such a roof can cost approximately \$10 per square foot, and a heavier system that can accommodate shrubs, trees and vegetables in addition to grass can cost \$20 or more per square foot. The costs of custom-designed "roof-top farms" can escalate significantly from this level and be in the \$25-\$200 per square foot range.

It should be noted that a green roof need not cover the entire roof. A smaller area that is nevertheless visible from abutting homes and public ways could perhaps realize many of the possible benefits. That said, the price per square foot usually decreases as the size increases. Based upon the above assumptions, a 10,000 square foot grassed area could be expected to cost approximately \$100,000 to install, a 20,000 square foot area somewhat less than twice that. It should also be noted that green roofs need to be maintained, often by a contracted maintenance company.

Some of this costs may be offset as a green roof can keep a roof and structure below cooler than a conventional roof, lowering energy consumption. However, a green roof's greatest cost impact is possibly that it may be expected to extend the lifespan of the underlying roof membrane, perhaps by two to three times. As research by the Planning Department indicates a properly installed conventional roof membrane can last 15-30 years, and a "middle of the road" PVC or EPDM roof can last anywhere from 25-50 years, the impact of the addition of a green roof on the lifespan of a building's roof could be significant.

In weighing the cost-benefit of a green roof the Committee should consider the costs associated with the green roof in light of other mitigation costs including the amount of landscaping and tree planting proposed for the site and neighborhood, as well as the fact that at the May 24, 2016 public hearing, the petitioner proposed installing a 20,000 gallon capacity cistern system that would collect rainwater from the roof and direct it for storage and use for on-site landscape irrigation. While certainly of a different nature than a green roof, and lacking the visual benefits of such a roof, the Planning Department believes that such an installation would similarly assist the project in meeting the §7.3.3.C.5 special permit criteria referenced above.

13. Urban Design Commission

The petitioner recently met with the Urban Design Commission (UDC). The discussion indicated that the commission members felt the site plan is rational, the facility's site plan and setting "into the slope" is positive, as are the proposed pergolas and lighting plan, and there was some comment that the extensive plantings "may be more than needed." There was also discussion about the proposed building itself, with the Commission appreciating how the taller facade faces

the non-residential abutters; Commission members also noted that the building's overall style is "appropriate" is "neutral" and could possibly use some additional articulation and color to "break up" the façade. Additionally the Commission was in favor of exploring solar panels on the roof.

ATTACHMENTS:

- Attachment A:** Traffic/parking peer review
- Attachment B:** Police Department reports
- Attachment C:** Fire Department review stamp
- Attachment D:** Draft Order

ATTACHMENT A

MEMORANDUM

Date: June 22, 2016

To: Michael Gleba, Planning Department

From: Gloria Son, P.E., Traffic Engineer, City of Newton

Subject: Peer Review on two reports prepared for the proposed self-storage facility location at 255-257 Newtonville Avenue in Newton (dated 9/21/2015 and 5/16/2016, respectively)

CC: Alexandra Ananth, Planning Department; Shane Mark, Department of Public Works

A peer review on the following two reports were conducted as per request received from Planning Department: 1) A report, dated 9/21/2015, regarding the proposed self-storage facility location at 255-257 Newtonville Avenue in Newton, prepared by Planning Horizons for the Land Use Committee of the City of Newton Board of Aldermen, and 2) A subsequent report, dated 5/16/2016, with additional data and review provided per comments received at the May 3 public hearing.

The data collection efforts as referenced in both reports seem reasonable and referenced appropriately throughout the reports.

The projection of the additional trip generation to/from the site and its traffic impact to the current conditions does not seem to be at a concerning level as compared to other allowed uses.

The proposed parking spaces on the site, however, may be inadequate for the following reasons:

Based on the zoning ordinance, the report identified that 47 stalls are required for the project, but 11 stalls are being proposed (9 passenger car stalls and 2 handicap stalls). The report conducted surveys at two existing storage facilities during the peak times and reported that the average number of trips during the peak was 9 trips per hour and one stall is expected to be utilized by employees. Although 9 trips are expected per peak hour based on the surveys and the design provides 9 non-handicap spaces, the survey was conducted at limited occurrences and the design should include additional buffer spaces for unforeseeably busy conditions. Also, the survey from the report shows that a high number of heavy vehicles (23%) may access this type of facility, which should also be accounted for as part of the parking layout. The proposed site is located at the intersection of Newtonville Avenue and East Side Parkway which are heavily utilized daily by both the commuters and school traffic. Vehicle spillage into a major intersection as a result of inadequate parking could be a concern if not properly addressed in design.

Thank you for the opportunity to review these reports for the proposed development and please contact our group for any further discussions related to this memo.

ATTACHMENT B

As Of 10/29/2015 **Extra Space Storage at 128 Bridge Street.**

Reported her Jeep Patriot that was parked at Extra Space Storage at 128 Bridge St was stolen. Stated that a key was left in the M/V as it was to be towed on 11/01/15.

As Of 11/22/2015 **Extra Space Storage at 128 Bridge Street.**

Narrative

Reports his license plate was stolen Stated that his vehicle was parked at 128 Bridge Street in Newton when the incident occurred.

As Of 05/26/2015 **Extra Space Storage at 128 Bridge Street.**

Narrative

Came into HQ to report a past B&E of a MV. Stated that his truck, was parked and unlocked in the **Extra Space Storage lot at 128 Bridge Street.** He stated that the truck was parked in the parking lot between 05/22/2015 at 16:00 hrs and 05/26/2015 at 07:00 hrs. Missing from the vehicle was approx.. 7 power tools

As Of 08/19/2015

Narrative Extra Space Storage at 128 Bridge Street.

I was dispatched to **128 Bridge Street along with other units, for a report of a Breaking and Entering** in progress. The reporting party who was later identified as stated that a male was breaking into cars in the parking lot...was placed under arrest on the warrant

As Of 12/08/2015

Narrative Extra Space Storage at 128 Bridge Street.

Reported a larceny from **Extra Space Storage at 128 Bridge Street.** Stated the incident occurred while a moving/U-haul company collected items from space ... for transport. The company was hired by her parents so she does not know many details.....Missing items include..

As Of 10/12/2015

Narrative 300 Needham St. EZ Storage

On the above date and time I responded to the above address for a past larceny. States last night a SUV, unknown plates, backed into the rear parking lot, near the enclosed dumpster. RP states that 2 males exited the vehicle and took the companies, self-propelled lawnmower, which was next to the dumpster.

As Of 06/06/2015

Narrative 300 Needham St. EZ Storage

I responded to E Z Storage at 300 Needham St. for a report of an Intoxicated party who was trying to spend the night in a storage unit...was wandering around on the third floor of the business. He had a Warrant. I placed him under arrest.

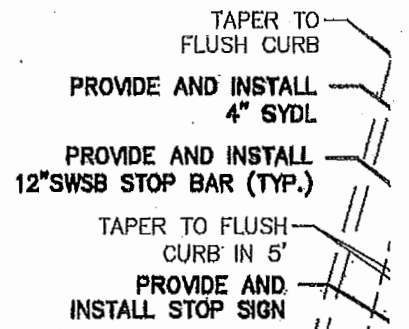
ATTACHMENT C

PROVIDE AND IN
AND EXIT KEYPAD
CONCRETE FOR
25' WIDE SF
EASING
BK. 25' PG. 2

N/F 4" SWL @ 45'
2' C
DBG. PROPERTIES LLC
SBL 22001 0074
PROPOSED SNOW
STORAGE AREA

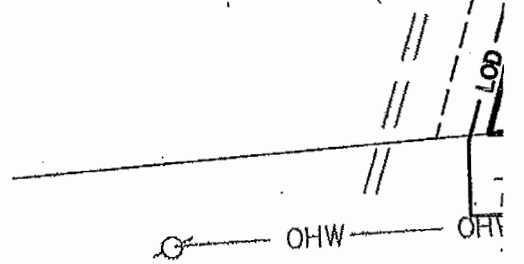
NEWTON FIRE DEPARTMENT
FIRE PREVENTION
DC. M. Castro
SIGNATURE
2/18/16
DATE

PROVIDE AND INSTALL STANDARD
DUTY BITUMINOUS CONCRETE
PAVEMENT STRUCTURE



BEEN REVIEWED AND ACCEPTED AS NOTED BELOW

- FOR BUILDING PERMIT ONLY
- FOR DEMOLITION ONLY
- FOR FIRE ALARM APPROVAL ONLY
- FOR SITE REVIEW ONLY
- FOR SPRINKLER APPROVAL ONLY
- FIRE PROT. TO BE DESIGNED & SUBMITTED BY INSTALLER
- NO FIRE PROTECTION REQUIRED - BASED ON PLANS SUBMITTED



24" RCP
SM: TF=105.02
INV (FLOW)=94.4



ATTACHMENT D

DRAFT - #48-16
255-257 Newtonville Ave.

CITY OF NEWTON

IN CITY COUNCIL

July 11, 2016

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, 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, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL for a three-story, 113,187 square foot self-storage facility, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Marc Laredo:

1. The site is an appropriate location for a building of three stories and 27 feet, 6 inches in height with a floor area ratio (FAR) of 1.5 as its sloping topography allow for a significant portion of the structure's mass and height to be concealed from neighboring properties and streets. (§4.3.3 and §7.3.3.C.1)
2. The site is an appropriate location for a building of greater than 20,000 square feet as the site is zoned Manufacturing and consists of approximately 76,000 square feet of land. Furthermore, its sloping topography allow for much of the structure's mass to be concealed from neighboring properties and streets. (§4.3.2.B.1 and §7.3.3.C.1)
3. Access to the site over streets is appropriate for the types and numbers of vehicles involved as the proposed low intensity, transitional use will have limited impact on the adjacent roadways that also serve the adjacent residential neighborhood. (§7.3.3.C.4)
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. The proposed site plan has been reviewed and approved by the Newton Conservation Commission and the petitioners will be enhancing natural habitat areas with native plantings. (§7.3.3.C.5)
5. The requested exceptions related to the number of parking stalls, the number of handicapped accessible stalls, landscaping and lighting of the parking facility are appropriate because such exceptions would be in the public interest and provide for

the protection of environmental features by reducing the amount of unnecessary paving on site as information pertaining to the parking demand generated by the proposed use at this site indicates that the number of stalls proposed will be sufficient to meet expected demand without spillover onto neighborhood streets. (§5.1.13)

PETITION NUMBER: #48-16

PETITIONER: Storage Development Partners, LLC/Norcross Trust

LOCATION: 255-257 Newtonville Avenue, Ward 2, Newtonville, on land known as Section 12 Block 16 Lot 8, containing approximately 75,634 square feet of land

OWNER: Norcross Trust

ADDRESS OF OWNER: 25 Fisher Avenue, Newton, MA 02461

TO BE USED FOR: Three-story, 113,187 square foot self-storage facility

CONSTRUCTION: Masonry

EXPLANATORY NOTES: §4.3.2.B.1 to allow a building greater than 20,000 square feet; §4.3.2.B.3 and §4.3.3 to allow a building with three stories, 36 feet in height, and an FAR of 1.5; §5.1.4 and §5.1.13 to waive 36 parking stalls; §5.1.8.A.1 and §5.1.13 to allow parking in the side setback; §5.1.8.B.3, §5.1.8.B.4 and §5.1.13 to waive one accessible parking stall; §5.1.9.A.1 and §5.1.13 to waive landscape screening requirements; §5.1.10.A and §5.1.13 to waive lighting requirements.

ZONING: Manufacturing District

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. Land Development Plans prepared by BL Companies, stamped and signed by Timothy B. Bennett, consisting of twenty-five (25) sheets, as follows:
 - i. Title Sheet; dated February 5, 2016, as revised through April 20, 2016;

- ii. "Existing Conditions Survey," dated May 15, 2015;
 - iii. "General Notes," dated February 5, 2016, as revised through April 20, 2016 (GN-1);
 - iv. "Demolition Plan," dated February 5, 2016, as revised through April 20, 2016 (DM-1);
 - v. "Site Plan," dated February 5, 2016, as revised through April 20, 2016 (SP-1);
 - vi. "Grading and Drainage," Plan dated February 5, 2016, as revised through April 20, 2016 (GD-1);
 - vii. "Utility Plan," dated February 5, 2016, as revised through April 20, 2016 (SU-1);
 - viii. "Sedimentation and Erosion Control Plan- Phase 1," dated February 5, 2016, as revised through April 20, 2016 (EC-1A);
 - ix. "Sedimentation and Erosion Control Plan- Phase 2," dated February 5, 2016, as revised through April 20, 2016 (EC-1B);
 - x. "Sedimentation and Erosion Control Notes," dated February 5, 2016, as revised through April 20, 2016 (EC-2);
 - xi. "Landscape Plan," dated February 5, 2016, as revised through May 19, 2016 (LL-1);
 - xii. "Landscape Details," dated February 5, 2016, as revised through April 20, 2016 (LL-2);
 - xiii. "Site Lighting Plan," dated February 5, 2016, as revised through May 19, 2016 (LP-1);
 - xiv. "Details," dated February 5, 2016, as revised through April 20, 2016 (DN-1);
 - xv. "Details," dated February 5, 2016, as revised through April 20, 2016 (DN-2);
 - xvi. "Details," dated February 5, 2016, as revised through April 20, 2016 (DN-3);
 - xvii. "Details," dated February 5, 2016, as revised through April 20, 2016 (DN-4);
 - xviii. "Details," dated February 5, 2016, as revised through April 20, 2016 (DN-5);
 - xix. "Details," dated February 5, 2016, as revised through April 20, 2016 (DN-6);
 - xx. "Details," dated February 5, 2016, as revised through April 20, 2016 (DN-7);
 - xxi. "Massing Model Plan," dated February 5, 2016, as revised through April 20, 2016 (MA-1);
 - xxii. "Main Level Floor Plan," dated April 20, 2016 (A1.01);
 - xxiii. "Second Level Floor Plan," dated April 20, 2016 (A1.02);
 - xxiv. "Third Level Floor Plan," dated April 20, 2016 (A1.03);
 - xxv. "Exterior Elevations," (South and East) dated April 20, 2016 (A5.01);
 - xxvi. "Exterior Elevations," (North and West) dated April 20, 2016 (A5.02).
2. Prior to the submission of an application for any building permit pursuant to this Order, the petitioner shall submit a Final Landscape Plan showing compliance with the Tree Preservation Ordinance and indicating all new trees and other plantings, including any

required to be provided off the property and, for review and approval by the Director of Planning and Development. Petitioner shall ensure that said landscaping shall be maintained in good condition and any trees and plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.

3. Prior to the submission of an application for any building permit pursuant to this Order, the petitioner shall seek all required permission to install any trees and/or other plantings to be located on City-owned property, e.g., at the intersection of Newtonville Avenue and Lewis Terrace and the Newtonville Avenue / East Side Parkway traffic island, as identified in the Final Landscaping Plan.
4. Prior to the submission of an application for any building permit pursuant to this Order, the petitioner shall seek all required action of the City Council authorizing the relocation of the City-owned sewer line that traverses the property as shown in the above-referenced plans.
5. As per the petitioner's offer, prior to the submission of an application for any building permit pursuant to this Order, the petitioner shall contribute \$10,000 to the cost of conducting a traffic study of the area or other neighborhood improvements.
6. As per the petitioner's offer, the petitioner shall not oppose any prohibition of on-street parking within 50 feet of the property.
7. The petitioner shall repair sidewalks located along the perimeter of the property prior to the issuance of an occupancy permit and keep them in good repair.
8. The hours of operation of the facility shall be limited to 7:00 AM – 9:00 PM daily; truck access to the property shall be further limited to 8:00 AM – 8:00 PM daily.
9. The petitioner shall comply with the City Noise Control Ordinance at all times, included but not limited to the installation and maintenance of acoustical treatments of any and all Heating, Ventilation and Air Conditioning (HVAC) units required to comply with the provisions of said ordinance.
10. The petitioner shall install and maintain a 20,000 gallon capacity cistern system that collects rainwater from the facility's roof and utilizes it for on-site landscape irrigation.
11. The property shall not be used for auctions of any kind.
12. The property shall not be used for the rental or sale of any vehicles.
13. The property shall not be used for the rental or sale of propane.
14. All utilities shall be located underground from the property line.
15. Prior to the issuance of any Building Permit, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, incorporated into the deeds, and recorded at the Middlesex Registry of Deeds. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
16. Prior to the issuance of any Building Permit, 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.

17. Prior to the issuance of any Building Permit, 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.
18. No Building Permit shall be issued pursuant 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 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.
 - e. Obtained a written statement from the Engineering Division of Public Works that confirms the receipt of a certified copy of the recorded O&M in accordance with Condition #15.
 - f. Filed a final Landscape Plan to the Director of Planning and Development for review and approval.

19. No Final Inspection and/or Occupancy Permit for the buildings 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 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. 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.
 - e. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features and fencing.
20. Notwithstanding the provisions of Condition #19 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide 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.