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Barney Heath
Director

M E M O R A N D U M

Public Hearing Date: November 8, 2018
Land Use Action Date: January 29, 2019
City Council Action Date: February 4, 2019
90-Day Expiration Date: February 6, 2019

DATE: November 2, 2018

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Katie Whewell, Planning Associate

SUBJECT: **Petition 496-18** for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #19-15 and to allow a veterinary hospital at **131-181 Needham St**, Ward 5, Newton Highlands on land known as SBL 51028 0015, 51028 0014, 51028 0013, 51028 0012, 51028 0011, 51028 0010 containing approximately 11 acres of land in a district zoned Mixed Use - 1. Ref: Sec. §4.4.1, and §7.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

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



131-181 Needham Street

EXECUTIVE SUMMARY

The property at 131-181 Needham Street consists of approximately 11 acres in the Mixed Use 1 zone (MU-1) and is improved with a newly constructed mixed commercial center and accessory parking facility approved by Council Order #19-15 (**Attachment A**). The petitioner is seeking to establish a veterinary hospital, which is only allowed by special permit therefore, the petitioner requires an amendment to Council Order #19-15 to establish the use.

The Planning Department believes the site is an appropriate location for the proposed veterinary hospital. There are a mix of uses nearby and a veterinary hospital would complement the mix of uses without adversely impacting the area. The emergency veterinary clinic would allow the site to have activity outside of normal business hours, adding vibrancy to the Needham Street Corridor. Due to the service use of a veterinary hospital, the planning department is unconcerned with the veterinary hospital use at this location.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this petition, the City Council shall consider whether:

- The specific site in a Mixed Use 1 zone (MU-1) is an appropriate location for the proposed veterinary hospital use (§7.3.3.C.1);
- The proposed veterinary hospital will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed veterinary hospital will create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3); and
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located on Needham Street in the MU-1 zone. The properties on the western side of Needham Street are zoned Mixed Use 1 and on the eastern side of the street the properties are zoned Mixed Use 2 (**Attachment B**). These zones contain a vast array of uses that comprise the Needham Street Corridor. The surrounding land use of the area is mostly commercial with residential and open space to the northeast of the site, separated by the Upper Falls Greenway (**Attachment C**).

B. Site

The subject property at 131-181 Needham Street consists of seven parcels with a total of 11.06 acres, improved with three buildings, several parking areas, and open space along South Meadow Brook. Special Permit #19-15 allowed the partial demolition of two buildings and construction of additions to the front of each building, and the reconfiguring of the existing parking areas in order to redevelop the site for a mix of office, restaurant, retail and service uses. The petitioner will be occupying a vacant 2,700 square-foot tenant space in the western building fronting Needham Street, in front of the Stop and Shop. The site is served by three curb cuts, however the principle access is in the middle of the site between the southern and northern buildings.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principle use of the site is and will remain commercial.

B. Building and Site Design

The petitioner is not proposing any changes to the site or the building.

C. Proposed Operations

The petitioner plans to operate from 6:00 p.m. to 8:00 a.m. Monday through Thursday and 24 hours from Friday at 6:00 p.m. through Monday at 8:00 a.m. The petitioner will have a minimum of three employees and a maximum of six employees. Staff is not concerned with the hours of operation because it is unlikely to affect any of the adjacent uses.

D. Parking and Circulation

The petitioner is not proposing any changes to the parking and circulation on site. Council Order #19-15 allowed the reduction of required spaces to 441 spaces. The special permit anticipated a mix of commercial uses, including retail, restaurant, personal service and office. The proposed veterinary clinic is considered a personal service use for the purposes of parking and is therefore anticipated by the 2015 parking waiver. No changes to the parking waiver are required. Staff believes the clients of the veterinary hospital will use the southern driveway because it is proximate to the tenant space and carries less traffic than the main driveway in the center of the site. This driveway leads to a parking facility towards the rear of the site and should be able to accommodate the intensity of the use.

E. Landscape Screening

A landscape plan is not required with this petition. The entire site is governed by a landscaped plan per Council Order #19-15.

F. Consistency with the Mixed-Use Zone

Historically, veterinary hospitals were an as of right use only in the Manufacturing zone. In 1996 the Zoning and Planning Committee (ZAP), recommended a change in the Ordinance to allow veterinary hospitals by special permit in the Mixed Use and Business Use 2 zones because veterinary hospitals were found to be compatible uses to the uses allowed in those zones and because of the need for veterinary hospitals due to the high percentage of domestic animals in the City. ZAP determined that when making this change the two factors to consider were traffic and parking. Concerning this location, staff believes the traffic will be minimal because the petitioner will operate outside of peak hours and staff is not concerned with the noise because there are no adjacent residential uses and the animals will be kept inside.

IV. COUNCIL ORDER #19-15

Council Order #19-15 required several post occupancy studies, the following of which have yet to be completed as the development has not yet reached full occupancy:

- A. At its sole expense, the petitioner shall complete a post occupancy traffic study to document the actual traffic characteristics of the Project and to assess traffic volumes and operating conditions at the three access points to the site and at the intersection of Needham Street and Jaconnet Street. The traffic study, with a scope of work to be defined by the Planning and Development Department, shall be conducted by a qualified professional firm selected by the petitioner and approved by the Director of Planning and Development. The petitioner shall coordinate with the Planning and Development Department within three months after the site has reached full occupancy to determine the exact dates for conducting the traffic study. The results of the traffic study shall be provided to the Director of Planning and Development, the Director of the Transportation Division of Public Works and the MassDOT for review.

If the traffic study indicates that the project has created an unsafe environment or hazardous conditions for vehicles or pedestrians within the segment of Needham Street adjacent to the project site, as determined by the City or the MassDOT, and including but not limited to the intersection of Jaconnet Street at Needham Street, the petitioner shall participate in discussions with the City and MassDOT to assess how the petitioner shall modify their site plan or mitigate such conditions within the segment of Needham

Street adjacent to the project site, through modifications such as lane striping, the addition of medians, restrictions on turning movements through signage, or such other measures as the petitioner may agree to which can be made within the street layout. The petitioner shall bear sole responsibility for the cost of such mitigation.

- B. At its sole expense, the petitioner shall conduct a Parking Utilization “After Study” during the first fall/winter peak shopping season after the site has reached full occupancy. The exact dates for the “After Study” shall be subject to approval by the Director of Planning and Development. The Parking Utilization “After Study” shall be conducted by a qualified professional firm selected by the petitioner and approved by the Director of Planning and Development. If the results of any Parking Utilization “After Study” indicate that the peak parking occupancy is less than 75%, the petitioner agrees to participate in discussions with the Director of Planning and Development to assess if the petitioner should modify its site plan with regards to the parking.

V. TECHNICAL REVIEW

A. Technical Considerations

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- Section §4.4.1 of Section 30, to locate a veterinary hospital in the MU-1 zone.

B. Newton Historical Commission

This petition does not meet the minimum threshold for review from the Chief Preservation Planner.

C. Engineering Review

This petition does not meet the minimum threshold for review from the Engineering Division of Public Works.

VI. PETITIONERS’ RESPONSIBILITIES

The petition is currently complete.

ATTACHMENTS:

- Attachment A:** Council Order #19-15
- Attachment B:** Zoning Map
- Attachment C:** Land Use Map
- Attachment D:** Zoning Review Memorandum, dated September 10, 2018
- Attachment E:** Draft Council Order



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#19-15

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CITY OF NEWTON

IN BOARD OF ALDERMEN

April 21, 2015

RECEIVED
NEWTON CITY CLERK
2015 APR 27 PM 5:09
DAVID A. OLSON, CITY CLERK
NEWTON, MA 02459

ORDERED:

That the Board, 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 to partially demolish two buildings and to construct additions to the front of each building, which will bring them closer to the street, to reconfigure the existing parking areas and reduce the parking requirement to 441 parking stalls in order to redevelop the site for a mix of office, restaurant, retail, and service uses, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

131-181 Needham Street, Newton, MA

1. The existing site is nonconforming with regards to both the building setbacks and the parking stalls located in the front and side setback and within five feet of the building. The proposed alterations to the existing buildings and the parking layout will not be substantially more detrimental than the existing nonconforming layout is to the neighborhood because there will be a reduction in size of the buildings and improvements to the parking lot. (§30-21(b))
2. The specific site is an appropriate location for a mixed use development with office, service, retail, and restaurant uses, as it is located in an active commercial corridor with similar uses. The proposed site plan and elevations will enliven and improve the pedestrian environment along Needham Street. (§30-24(d)(1))
3. The proposed use, as developed and operated, will not adversely affect the neighborhood. The site is located in a mixed-use area with active commercial uses, and has adequate on-site parking to meet the projected parking demand for the proposed uses. The proposed site plan includes a new publicly accessible pathway along South Meadow Brook that will allow for a future connection to the Newton Upper Falls Greenway. (§30-24(d)(2))
4. The proposed parking layout and directional signage within the site will allow for safe and efficient vehicle circulation and the curbed and/or painted walkways and traffic calming measures will create a safe environment for pedestrians. For these reasons the project will not result in serious hazards to pedestrians or vehicles. (§30-24(d)(3))
5. Access to the site is appropriate for the types and numbers of vehicles involved, as the site is located on a major commercial corridor with access to highways and public transportation, including the MBTA Green Line and Bus, and the proposed project will not significantly affect the levels of service at surrounding intersections. (§30-24(d)(4))

Return:
Crosspoint Associates, Inc.
300 Third Ave., Suite 2
Waltham, MA 02451

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- 6. The proposed construction will meet or exceed the building code as it relates to energy efficiency, will utilize efficient lighting, and will utilize recycled building materials to the extent practical. The proposed site plan will improve stormwater quality and groundwater recharge as required by the Department of Environmental Protection and the Department of Public Works and will be in conformance with the City's Stormwater policy. The removal of invasive species and planting of native vegetation will improve the riverfront area. For these reasons, the proposed project will contribute significantly to the efficient use and conservation of resources and energy. (§30-24(d)(5))
- 7. The reduction in the number of proposed parking stalls below the amount required by the Newton Zoning Ordinance is appropriate, as the peak operating hours for the proposed mix of uses will complement each other and the site has access to public transportation, such that the use of a shared parking model better reflects the project's parking demand. Limiting the number of parking stalls to meet the actual parking demand is in the public interest, as it preserves a greater amount of open space. (§30-19(m))
- 8. The Board finds that the petitioner's voluntary contribution of funding for improvements within the Newton Upper Falls Greenway rail trail are a public benefit to the City of Newton that will enhance the safety of pedestrian and vehicular movements for residents of the project and the surrounding neighborhood.

PETITION NUMBER: #19-15

PETITIONER: Newton Technology Park, LLC


LOCATION: 131-181 Needham Street, on land known as SBL 51, 28, 9A-15, containing approximately 11.06 acres of land
Deed Reference: Book 13229, Page 645

OWNER: Newton Technology Park, LLC

ADDRESS OF OWNER: 300 3rd Avenue
Waltham, MA 02451

TO BE USED FOR: Redevelopment of site for a mixed-use center including office, retail, service and restaurant uses.

EXPLANATORY NOTES: §30-13(b)(1), to allow retail use in the Mixed Use 1 District; §30-13(b)(4), to allow service use in the Mixed Use 1 District; §30-13(b)(5), to allow restaurant use in the Mixed Use 1 District; §30-13(b)(12), to allow bank, excluding drive-in use in the Mixed Use 1 District; §30-13(b)(16), to allow uses similar or accessory to those authorized by §30-13(b) in the Mixed Use 1 District; §30-19(d)(18) and §30-19(m), to allow for a one-third reduction in the required number of parking stalls; §30-19(h)(1), §30-19(m) and §30-21(b), to allow parking within required front and side setbacks

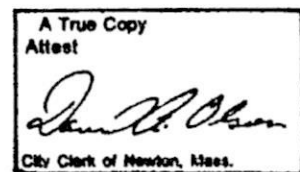
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and to allow parking within 5 feet of a building; §30-19(h)(3)(a), §30-19(m) and §30-21(b), to allow reduced aisle widths to be maintained; §30-19(h)(4)(b), §30-19(m) and §30-21(b), to allow a nonconforming driveway width exceeding allowed maximum; §30-19(i), §30-19(m) and §30-21(b), to allow nonconforming perimeter landscape screening; §30-19(j)(l), (m), to waive requirements for lighting; §30-20(1) comprehensive signage package exception; §30-23 site plan approval; §30-24 special permit.

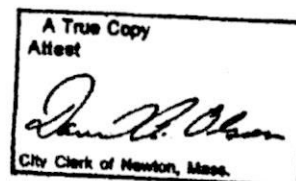
ZONING: Mixed Use 1 district

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. Civil Engineering Plans, prepared by Kelly Engineering, stamped and signed by Steven M. Horsfall or David Kelly, Professional Engineer; dated January 9, 2015 , consisting of the following ten (10) sheets.
 - i. Sheet 1 - Title Sheet, revised April 16, 2015;
 - ii. Sheet 2 – Vicinity Plans, revised March 30, 2015;
 - iii. Sheet 3 – Existing Conditions Plan, revised March 30, 2015;
 - iv. Sheet 4 – Layout and Zoning Plan, revised April 16, 2014;
 - v. Sheet 5 – Grading Plan, revised April 16, 2015;
 - vi. Sheet 6 – Sewage and Drainage Plan, revised April 16, 2015;
 - vii. Sheet 7 – Utility and Abandonment Plan, revised April 16, 2015;
 - viii. Sheet 8 - Detail Sheet, revised March 30, 2015;
 - ix. Sheet9 – Detail Sheet, revised March 30, 2015;
 - x. Sheet 10 – Detail Sheet, revised April 16, 2015.
 - b. Floor Plans and Elevations, prepared, stamped and signed by Louis Allevato, Registered Architect, Allevato Architects, Inc., dated January 9, 2015, consisting of the following nine (9) sheets:
 - i. Sheet A1 – Floor Plans;
 - ii. Sheet A2 – Building N3 Exterior Elevations;
 - iii. Sheet A3 - Building N3 Exterior Elevations (signs);
 - iv. Sheet A4 - Building N2 Exterior Elevations;
 - v. Sheet A5 - Building N2 Exterior Elevations (signs);
 - vi. Sheet A6 - Building N1 Exterior Elevations;




- vii. Sheet A7 - Building N1 Exterior Elevations (signs);
 - viii. Sheet A8 - Site Signage; and
 - ix. Sheet A9 - Model Perspective Views.
- c. Comprehensive Signage Package, prepared by Allevato Architects, Inc., dated February 4, 2015 and revised on February 18, 2015 and February 24, 2015.
 - d. Lighting Plan, prepared by Boston Light Source, dated January 12, 2015
 - e. Snow Storage Plan, prepared by Kelly Engineering Group, Inc., dated March 30, 2015
 - f. Crosswalk Plan, plotted January 21, 2015, consisting of two sheets, preparer not identified on plan.
 - g. Landscape Plan, prepared by Shadley Associates, signed and stamped by James P. Shadley, dated January 9, 2015, consisting of three (3) sheets:
 - i. Sheet L1 - Site
 - ii. Sheet L2 - Courtyard
 - iii. Sheet L3 - Landscape details
 - h. Electrical Site Plan prepared by AVID Engineers, E-001, dated April 08, 2015.
2. Prior to the issuance of any building permit the petitioner shall submit a Construction Management Plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Board Order and shall include, but not be limited to, the following provisions:
- 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 7:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 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. The proposed schedule of the project, including the general phasing of the construction activities.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for delivery vehicles, and location of any security fencing.
 - e. Proposed truck route(s) that minimize travel on local streets.
 - f. 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.
 - g. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.

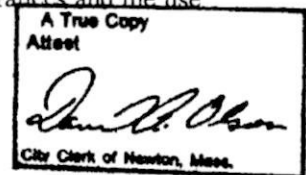


- h. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - i. A plan for rodent control during construction.
3. The petitioner shall maintain all landscaping associated with this Special Permit/Site Plan Approval in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
4. The petitioner may operate a retail use consisting of a grocery store on the site, but such grocery store shall not exceed 25,000 square feet in size unless allowed through an amendment to this Special Permit/Site Plan Approval.
5. The Comprehensive Signage Package submitted by the petitioner is hereby approved. The petitioner or its tenants shall submit sign permit applications to the Director of Planning and Development for a determination of consistency with the approved Comprehensive Sign Package. For modifications determined to be inconsistent with the Comprehensive Sign Package, petitioner shall seek an amendment to this Special Permit/Site Plan Approval.
6. The petitioner shall apply for and use good faith efforts to obtain necessary federal, state and local permits and/or approvals, including but not limited to MassDOT's Access Permit, to construct the two crosswalks across Needham Street and the alterations to the site's access points, as shown in the site plans approved in Condition #1, prior to the issuance of a Certificate of Occupancy for the renovated buildings covered by this Special Permit/Site Plan Approval. The petitioner shall bear the sole cost of such improvements. The Petitioner shall use good faith efforts to consult with the Planning Department prior to any request for modification to the site plan as it relates to these improvements
7. When new off-site sidewalks are provided at the two crosswalks across Needham Street with pedestrian features as approved by MassDOT, said pedestrian safety improvements related to the sidewalk connection to these crosswalks shall be constructed at the petitioner's sole expense to include pedestrian push buttons, wheelchair accessible ramps, and associated sign and pavement markings and subject to receipt of all necessary approvals.
8. At its sole expense, the petitioner shall complete a post occupancy traffic study to document the actual traffic characteristics of the Project and to assess traffic volumes and operating conditions at the three access points to the site and at the intersection of Needham Street and Jaconnet Street. The traffic study, with a scope of work to be defined by the Planning and Development Department, shall be conducted by a qualified professional firm selected by the petitioner and approved by the Director of Planning and Development. The petitioner shall coordinate with the Planning and Development Department within three months after the site has reached full occupancy to determine the exact dates for conducting the traffic study. The results of the traffic study shall be provided to the Director of Planning and Development, the Director of the Transportation Division of Public Works and the MassDOT for review.


If the traffic study indicates that the project has created an unsafe environment or hazardous conditions for vehicles or pedestrians within the segment of Needham Street

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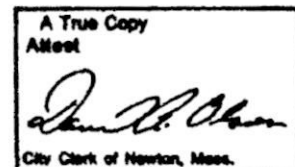
- adjacent to the project site, as determined by the City or the MassDOT, and including but not limited to the intersection of Jaconnet Street at Needham Street, the petitioner shall participate in discussions with the City and MassDOT to assess how the petitioner shall modify their site plan or mitigate such conditions within the segment of Needham Street adjacent to the project site, through modifications such as lane striping, the addition of medians, restrictions on turning movements through signage, or such other measures as the petitioner may agree to which can be made within the street layout. The petitioner shall bear sole responsibility for the cost of such mitigation.
9. At its sole expense, the petitioner shall conduct a Parking Utilization "After Study" during the first fall/winter peak shopping season after the site has reached full occupancy. The exact dates for the "After Study" shall be subject to approval by the Director of Planning and Development. The Parking Utilization "After Study" shall be conducted by a qualified professional firm selected by the petitioner and approved by the Director of Planning and Development. If the results of any Parking Utilization "After Study" indicate that the peak parking occupancy is less than 75%, the petitioner agrees to participate in discussions with the Director of Planning and Development to assess if the petitioner should modify its site plan with regards to the parking.
 10. The petitioner shall store snow at the site only within the locations identified in the snow storage plan, except to the extent snow removal is deemed by the petitioner to be operationally necessary during the peak parking periods.
 11. No changes to the Project shall be permitted, except as otherwise set forth in this Special Permit/Site Plan Approval, unless they are consistent with the approved plans listed in Condition #1. Consistency determinations shall be subject to review and approval by the Commissioner of Inspectional Services. When making a request for a consistency determination, the Petitioner shall submit a memorandum to the Commissioner of Inspectional Services demonstrating that such change(s) do not: (a) require further review by the Conservation Commission; (b) constitute a reallocation or reconfiguration of square footage among uses in the Project or otherwise allowed in the Mixed Use 1 District such that no increase in the parking waiver special permit approved hereunder is required; (c) require a new type of zoning relief (other than the categories of relief granted and/or modified pursuant to this Special Permit/Site Plan Approval); (d) reduce the useable open space as shown in the Special Permit Plan Set; and (e) modify any façade on the buildings covered by this Special Permit/Site Plan Approval in a way that deviates from the vibrancy of the mixed use development as specified in condition 15 below. If the Commissioner of Inspectional Services grants any consistency ruling pursuant to this Condition, he shall provide a copy to the Land Use Committee of the Board of Aldermen.
 12. The trash enclosures shall be maintained in a sanitary condition with the gate remaining closed at all times when not in use. The collection/emptying of such receptacles shall only occur on weekdays between 8:00 a.m. and 5:00 p.m.
 13. The petitioner shall use reasonable efforts to promote an enlivened streetscape along Needham Street, including but not limited to the installation of store entrances and the use



- of glazing, and to use glazing and attractive materials on all facades of the buildings covered by this Special Permit/Site Plan Approval to the extent practicable, and in harmony with the approved elevations and plans listed in Condition #1.
14. The petitioner shall construct and maintain an eight foot wide pathway along the South Meadow Brook over the former railroad bed, as shown on the approved plans listed in Condition #1, and as approved by the Conservation Commission. The pathway shall be constructed prior to the issuance of a Certificate of Occupancy for any of the buildings on the Project's site covered by this special permit.
 15. The petitioner shall enter into a license agreement with the City for the public use of the proposed pathway along the South Meadow Brook. Such license agreement shall be in a form acceptable to the City's Law Department.
 16. At the written request of the Director of Planning and Development, the petitioner shall submit funds in the amount of \$87,545.00 to be paid towards undergrounding of utilities along Needham Street at such time as either the City of Newton or the Commonwealth commences a project of undergrounding the utility lines with sufficient funding in place or committed from governmental or private sources to undertake the project for at least a distance of a quarter mile, inclusive of the section of Needham Street fronting the subject property at 131-181 Needham Street. This obligation shall run with the land for a period of 25 years from the date of this special permit. These funds shall be used by the City or the Commonwealth for the purpose of undergrounding utilities on Needham Street within the 25 year time period identified above. Any funds collected under this condition and not spent in accordance with this condition at the end of this time period shall be returned to the petitioner or its successors or assigns.
 17. The Petitioner shall underground utilities on the site in accordance with the approved plans listed in Condition #1 and shall use good faith efforts to underground any remaining above-ground utilities.
 18. The petitioner shall maintain public access for vehicles through the driveway entrance located along the side property line to the north.
 19. In furtherance of the City's proposed Newton Upper Falls Greenway (NUFG) rail trail behind the Property and as a public benefit to the City, the Petitioner agrees: (a) to participate in conjunction with the City of Newton, abutters and other stakeholders in reasonable efforts to promote development of the NUGF, which may include planning and design initiatives and (b) to provide a voluntary contribution of funding to the City in the amount of \$10,000.00 to be used by the City for the development of the NUGF, and (c) to remove invasive species along the boundary of its site with the NUGF, pursuant to a plan to be reviewed with the Engineering Department. These undertakings shall run with the land for a period of 25 years from the date of this special permit. Any funds collected under this condition and not spent in accordance with this condition at the end of this time period shall be returned to the petitioner or its successors and assigns.
 20. The petitioner shall, at its expense, install wayfinding signage at the beginning (southeast corner of the site) and end (southwest corner of the site) of the foot path indicated on the approved "Layout & Zoning Plan" listed in Condition #1. The petitioner shall work with

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- the City's Planning & Development Department, Public Works Department, and Parks and Recreation Department to review and approve the proposed wayfinding signage.
21. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
- Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - Filed final site plans for review and approval by the City Engineer. A copy of such written approval shall be filed with the Clerk of the Board, Director of the Department of Planning and Development, and the Commissioner of Inspectional Services.
 - Filed an approval from the Tree Warden
 - File a copy of the perimeter plan filed with the City Engineer with the Clerk of the Board and the Director of Planning and Development.
 - Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
 - Filed a copy of the Construction Management Plan required by Condition #2 with the Commissioner of Inspectional Services and the Director of Planning and Development.
22. No Certificate of Occupancy for the buildings and uses covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
- Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or surveyor certifying substantial compliance with Condition #1.
 - Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in digital format by a licensed surveyor.
 - Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
 - Incorporated the approved Operations and Maintenance Plan for Stormwater Management on file with the City Clerk's Office into the Master Deed, which shall be recorded with the Registry of Deeds for the Southern District of Middlesex County in conjunction with the completion of the construction of such special permit, proof of which shall be submitted to the Engineering Division.
 - Filed with the Department of Planning and Development, a statement from the City's Conservation Agent stating that the petitioner has complied with all requirements of the Order of Conditions from the Conservation Commission.
 - Filed with the Department of Planning and Development, a statement from the City's Tree Warden stating that the petitioner has complied with all requirements of the City's Tree Preservation Ordinance.



- g. 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, fencing, signage and parking areas.
 - h. Filed a copy of the license agreement allowing public use of the proposed pathway with the Clerk of the Board and the Director of Planning and Development.
 - i. Constructed a pathway in accordance with Condition #14.
23. Notwithstanding the provisions of Condition #22g above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, signage and parking areas provided that the Petitioner shall first have filed with the Director of Planning and Development 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 site work to secure installation of such landscaping, fencing, signage and parking areas.

Under Suspension of Rules

Readings Waived and Approved

20 yeas 0 nays 4 absent (Aldermen Baker, Gentile, Hess-Mahan, and Laredo)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on April 27, 2015. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:




(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 4/27 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

A True Copy
Attest

City Clerk of Newton, Mass.


ATTACHMENT B

Zoning

131-181 Needham St.

*City of Newton,
Massachusetts*

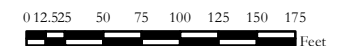
Legend

-  Multi-Residence 1
-  Mixed Use 1
-  Mixed Use 2
-  Public Use

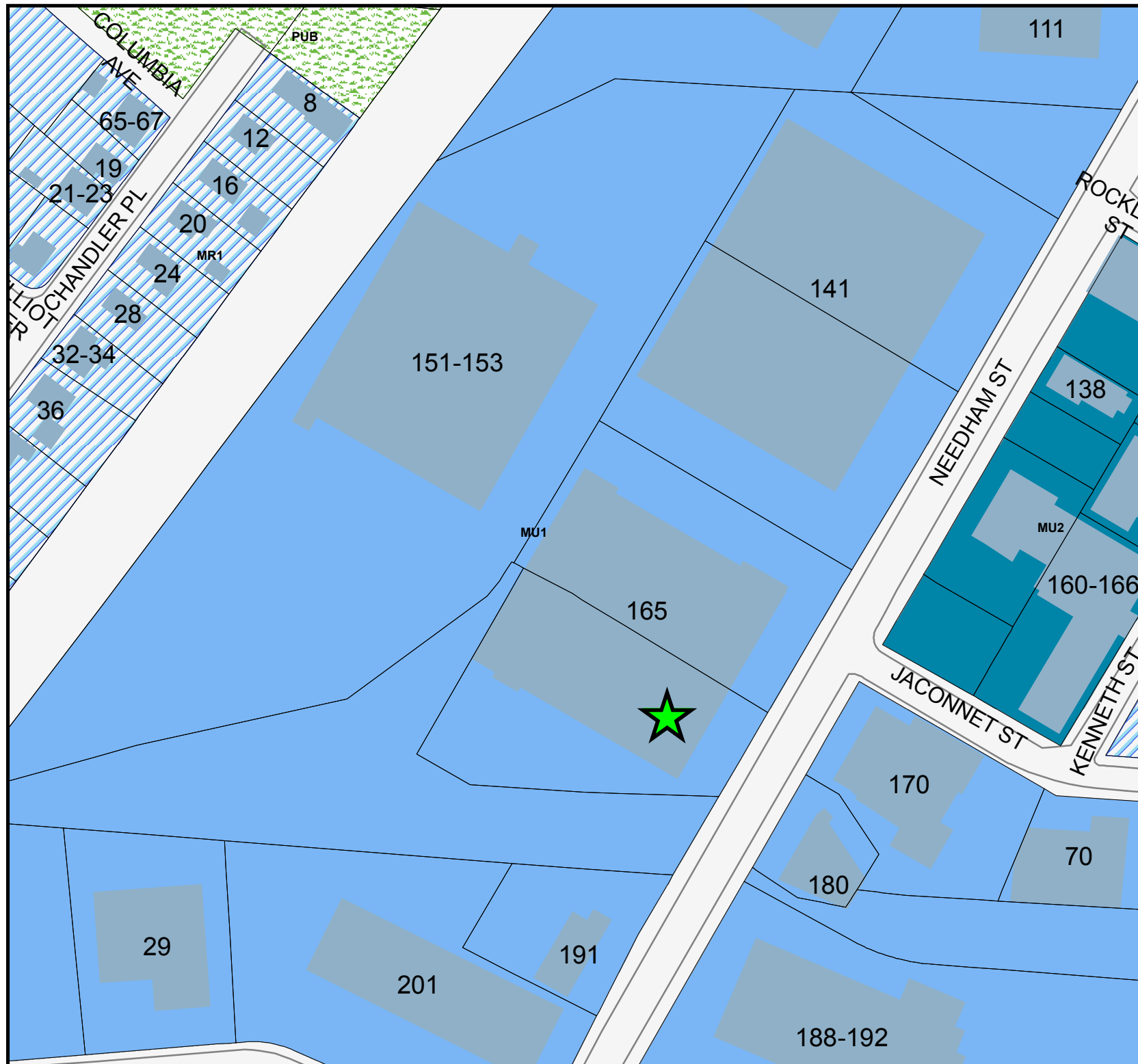


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: October 25, 2018



ATTACHMENT C





Land Use

131-181 Needham St.

*City of Newton,
Massachusetts*

Legend

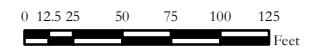
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Nonprofit Organizations



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield



Map Date: November 01, 2018





Ruthanne Fuller
Mayor

City of Newton, Massachusetts
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 10, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Jennifer Caira, Chief Planner for Current Planning

Cc: Frank Stearns, Attorney
Veterinary Emergency Group
Wellford Corp., c/o Crosspoint Assoc, Inc
Barney S. Heath, Director of Planning and Development
Ouida Young, Acting City Solicitor

RE: Request to allow a veterinary hospital and to amend Board Order #19-15

Applicant: Veterinary Emergency Group	
Site: 131-181 Needham Street	SBL: 51028 0015, 51028 0014, 51028 0013, 51028 0012, 51028 0011, 51028 0010
Zoning: MU1	Lot Area: 11 acres
Current use: Mixed use	Proposed use: No change

BACKGROUND:

The property at 131-181 Needham Street consists of approximately 11 acres improved with a newly constructed mixed commercial center and accessory parking allowed by Board Order #19-15. The special permit anticipated a mix of commercial uses, including retail, restaurant, personal service and office. The petitioner is requesting an amendment to the special permit to allow for an emergency veterinary clinic.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Frank Stearns, attorney, dated 8/23/2018
- Board Order #19-15
- Letter from John Lojek, Commissioner, Inspectional Services, dated 8/20/2018
- Letter from Frank Stearns, attorney, dated 6/27/2018

ADMINISTRATIVE DETERMINATIONS:

1. The applicant proposes to introduce a veterinary hospital use (Veterinary Emergency Group) to the site. The practice will focus on providing emergency and urgent care to pets during hours when primary care veterinary offices are closed. Per Section 4.4.1, a special permit is required to allow a veterinary hospital use in the Mixed Use 1 zoning district.
2. The 2015 special permit was granted allowing for a mix of retail, restaurant, office and personal service uses, and a parking waiver allowing for a reduction to 441 parking stalls. The proposed veterinary clinic is considered a personal service use for the purposes of parking and is therefore anticipated by the 2015 parking waiver. No changes to the parking waiver are required.

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Amend Board Order #19-15	
§4.4.1	To allow a veterinary hospital	S.P. per §7.3.3

CITY OF NEWTON
IN CITY COUNCIL

ORDERED:

That the City 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 to amend Council Order #19-15 to allow a veterinary hospital, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the proposed veterinary hospital because the site is located in an area containing a mix of uses and proposed use will increase that mix. (§7.3.3.C.1.)
2. The proposed veterinary hospital will not adversely affect the neighborhood given the mixed use nature of the area. (§7.3.3.C.2.)
3. The proposed veterinary hospital will not create a nuisance or serious hazard to vehicles or pedestrians because the use does not require any alterations to the site. (§7.3.3.C.3.)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4.)

PETITION NUMBER: #469-18

PETITIONER: Veterinary Emergency Group

LOCATION: 131-181 Needham Street, Section 51, Block 28, Lots 10, 11, 12, 13, 14, 15, containing approximately 11 acres

OWNERS: Wellford Corporation/ Crosspoint Associates/Newton Technology Park

ADDRESS OF OWNERS: 300 3rd Avenue
Waltham, MA 02451

TO BE USED FOR: Veterinary hospital

CONSTRUCTION: Interior fit out only

EXPLANATORY NOTES: To amend Council Order #19-15 which authorized the redevelopment of the site for a mix of office, restaurant, retail, and service uses and §4.4.1 and §7.3.3 to allow a veterinary hospital

ZONING: Mixed Use 1 District

The prior special permit for this property is as follows: Council Order #19-15, which authorized the redevelopment of the site for a mix of office, restaurant, retail, and service uses. The conditions set forth in Council Order #19-15 remain in full force and effect.

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. Schematic Floor Plan for Veterinary Emergency Group (VEG) dated July 13, 2018, unsigned and unstamped.
2. The petitioner shall adhere to the following hours of operation: 6:00 p.m. to 8:00 a.m. Monday through Thursday and 24 hours from Friday at 6:00 p.m. through Monday at 8:00 a.m.
3. The petitioner shall not board animals overnight nor provide outdoor space for said animals.
4. All signage shall be reviewed and approved by the Urban Design Commission.
5. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
6. No Certificate of Occupancy/Final Inspection for the buildings and uses covered by 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 surveyor certifying substantial compliance with Condition #1.