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Barney Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: November 24, 2017
MEETING DATE: November 28, 2017
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Neil Cronin, Senior Planner
CC: Petitioner

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

PETITION #285-17

392-396, 400, and 402-404 Langley Road

Request for a change of zone and Special Permit/Site Plan Approval to allow a twenty-unit, 21,899 square foot multi-family structure of three stories and 34 feet in height, to legalize a nonconforming side setback per MGL 40A §7, to reduce the parking requirement from 2 stalls to 1.25 stalls per unit, to allow parking within a side setback, and allow waivers to the requirements of parking facilities containing more than five stalls.

The Land Use Committee (The "Committee") held public hearings on this petition on Tuesday, October 24, 2017, and Tuesday November 14th, both of which were held open so that the petitioner could respond to questions and concerns raised in the Planning Department's Memoranda and at the public hearing by the Committee as well as by members of the public. This memo reflects those issues and concerns, as well as materials submitted by the petitioners to date.

Plan Modifications

The petitioner has revised the site plan to reduce the depth of the surface parking stalls at the rear of the parking facility from nineteen feet to eighteen feet which will allow the drive aisle to increase from 17.7 feet to 19.7 feet. This will allow greater maneuverability for two-way travel in the drive aisle. Additionally, the petitioner submitted a turning template for the two stalls closest to the

dumpster which indicates vehicles will be able to exit these stalls without obstruction. Lastly, an Americans with Disabilities Act (ADA) van compliant stall which was initially located in the existing below grade garage at 402-404 Langley Road has been relocated to the below grade garage in the proposed structure. Staff notes the petitioner is providing five ADA stalls throughout the site where four are required per Code.

Lighting Plan

The Newton Zoning Ordinance (NZO) requires parking facilities containing more than five stalls “to maintain a minimum lighting intensity of 1-foot candle on the entire surface of the parking facility”. Additionally, the NZO requires that light associated with these facilities not trespass onto abutting properties. Given the surface parking facility at the rear of the site was developed before this requirement, the facility was likely nonconforming with respect to lighting. The petitioner has submitted a lighting plan which indicates the facility will not maintain the 1-foot candle level intensity throughout, but the plan also indicates light will not trespass onto abutting properties. The Planning Department believes the proposed level of light is appropriate based on sources reviewed by staff which show the range of light is consistent with common standards and the proximity of abutting residential structures.

Transportation

As stated in the initial Working Session Memorandum, the Planning Department met with staff from other City Departments to review the transportation aspect of this petition. As a result of that discussion, the petitioner is willing to commit funds as well as a stop at their property towards a potential shuttle running between Newton Centre and the shopping centers along Route 9. This shuttle has been a goal of the City’s for some time and has been included in special permit approvals along the Route 9 Corridor as well as in the recently adopted *Transportation Strategy*. This shuttle is still in its early phases and therefore is not funded. As a result, the Committee asked staff to follow-up with the Mayor-Elect regarding the feasibility of this shuttle which will take place on Tuesday November 28th. Staff will provide the Committee with an update at the continued public hearing on Tuesday, November 28th.

Another recommendation borne out of the meeting with other City Departments was the suggestion to participate in the Safe Routes to School Program (SRTS) due to the site’s proximity to the Bowen Elementary School. The petitioner agreed, but wanted to clarify what that commitment entailed. The Planning Department has since spoken with a representative from SRTS and learned that the organization’s focus is to promote walking and bicycling to school. As such, staff believes the best approach, at this time, is for the petitioner to meet with SRTS representatives and learn what the challenges and opportunities are for growing the program for the Bowen School.

Conservation of Energy & Natural Resources

In regards to the fifth special permit criteria, the petitioner has submitted an outline detailing how the project will take a two-pronged approach towards satisfying this requirement. First, the design of

the building envelope will exceed the requirements of the State Building Code by utilizing high resistance value walls and ceilings, insulated units with double studded walls and separated HVAC systems, and drought tolerant landscaping. Secondly, the petitioner will explore the feasibility and return on investment of other sustainable initiatives including, but not limited to alternative roof treatments, water retention systems, and all electric utilities (**Attachment A**). Lastly, achieving LEED Silver will also be explored. If the petition is approved, the petitioner will submit final design and construction plans, along with a narrative summarizing the findings of the petitioner's analysis of the other initiatives to the Director of Planning and Development and Co-Director of Sustainability for review and approval prior to the issuance of a building permit.

ATTACHMENTS:

- Attachment A:** Perkins Eastman Memorandum, dated November 14, 2017
Attachment B: Draft Council Order
Attachment C: Draft Rezoning Order

November 14, 2017

Nino Micozzi
Micozzi Management, Inc.
159 Cambridge Street
Allston, MA 02134

Re:

Project Name: Langley Terrace
Subject: Sustainable Strategies

Dear Nino:

After consideration of numerous options, the design team proposes, and you have agreed to the following sustainable strategies for the Langley Terrace project in Newton, MA.

Perkins Eastman
Architects DPC

A. Committed Sustainable Strategies (above code minimum):

- Early involvement of LSP
- Engage MEP engineer with experience in sustainable projects
- High performance building envelope (R25 walls; R40 roofs; Low-E insulated windows) with continuous exterior insulation
- Energy/Envelope modelling
- Landscaped green-roof above exposed garage
- Drought tolerant landscape
- Separation of individual units including double stud insulated walls
- Air seal at all apartment demising walls
- Air/Vapor/Water barrier inspections & testing
- Separate systems and controls for each unit, sized to meet heating and cooling loads and to ensure comfort
- Fundamental commissioning
- Low flow fixtures
- Recycled and recyclable materials
- Low VOC/No added urea formaldehyde materials
- Low maintenance materials (brick and zinc cladding)
- Low albedo roof
- Pervious paving
- Compact footprint
- Fitness stair reduces elevator traffic (energy savings and occupant health & well-being)
- EV charging stations (2/16 = 12.5%)
- Shaded Courtyard & Roof terrace provides enhanced outdoor spaces (occupant health & well-being)

PERKINSEASTMAN.COM

Boston
 Charlotte
 Chicago
 Dallas
 Dubai
 Guayaquil
 Los Angeles
 Mumbai
 New York
 Pittsburgh
 San Francisco
 Shanghai
 Stamford
 Toronto
 Washington DC

B. Commitment to analyze – Feasibility & ROI:

- All electric systems vs gas
- Storm-water capture & retention for entire new building footprint rather than required delta new vs existing
- Bio-swales and rain-gardens vs underground retention tanks
- Blue roof system vs green roof system vs solar
- Solar for common areas vs solar ready for entire building for PPA
- Enhanced commissioning
- LEED Silver Certification
- Solar shading on windows in common areas/stair
- LED lighting

Sincerely,

A handwritten signature in black ink, appearing to read "John Pears", with a long horizontal flourish extending to the right.

John R.A. Pears, RIBA
Managing Principal & Board Director

cc: File

Distribution: S. Buchbinder, Esq.

CITY OF NEWTON

IN CITY COUNCIL

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 a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 21,899 square foot, 20-unit multi-family structure of three stories and 34.41 feet in height, reduce the parking requirement from two to 1.25 stalls per unit, allow parking within the side setback, allow waivers to the requirements of parking facilities containing more than five stalls, and the extension of a nonconforming side setback, 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 the building as designed, given the neighborhood's mix of residential and commercial land uses and structures of varying scales and heights, as a transitional use along Langley Road from Route 9 as well as the commercial uses to the south and the residential uses to the north (§4.3.2.B.1; §4.3.3 and §7.3.3.C.1).
- 2) The proposed project as designed, developed, and operated will not adversely affect the neighborhood as the petitioner submitted studies indicating the project will not affect vehicular traffic in the area and the petitioner has agreed to implement measures to encourage alternative modes of transportation not only for residents of the site but throughout the corridor too (§7.3.3.C.2).
- 3) There will be no nuisance or serious hazard to vehicles or pedestrians as the main entrance to the development will not increase the number of access points to the site and the sidewalks along the frontage of the property will be widened, thereby improving the pedestrian experience (§7.3.3.C.3).
- 4) Access to the site over streets is appropriate for the types and numbers of vehicles involved due to the site's proximity to Route 9 and Newton Centre (§7.3.3.C.4).
- 5) 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 petitioner has committed to designing a building envelope in excess of the State Building Code requirements, complemented with drought tolerant

species. In addition, the petitioner has committed to studying the feasibility and return on investment of a number of other sustainability initiatives which will be provided to the Director of Planning and Development and Co-Director of Sustainability prior to the issuance of a building permit. (§7.3.3.C.5).

- 6) Exceptions to the parking requirements, including reducing the number of stalls from two per unit to 1.25 per unit, to locate parking within a setback, to waive the screening, interior landscaping, and lighting as well as surfacing requirements, and the dimensional and design controls for parking facilities containing more than five stalls are in the public interest or in the interest of safety, or protection of environmental features for the following reasons:
- a. The unit mix of studio, one-bedroom, and two-bedroom apartments along with the approximately 772 square foot average size of the units will likely attract tenants who have only one automobile per unit and or use alternative methods of transportation, making a parking waiver appropriate at this site. Covered bicycle parking will also be provided to encourage bike use.
 - b. The location of parking within property boundary setbacks makes for the most efficient layout of the parking lot and helps to maximize the number of stalls that will be available.
 - c. Existing fencing will be replaced and complemented with landscaping to screen the surface parking facility from abutting properties. Additionally, lighting will be minimized to not trespass onto neighboring properties while still lighting the facility to ensure safety.
 - d. Literal compliance with the dimensional parking requirements is impracticable due to the existing conditions and the development patterns on the subject property.

PETITION NUMBER: #285-17

PETITIONER: Langley Montrose, LLC and Langley Farlow, LLC

ADDRESS OF PETITIONER: 159 Cambridge Street
Allston, MA 02134

LOCATION: 392-396, 400, and 402-404 Langley Road

OWNER: Langley Montrose, LLC and Langley Farlow, LLC

ADDRESS OF OWNER: 159 Cambridge Street
Allston, MA 02134

TO BE USED FOR: Multi-Family Development

EXPLANATORY NOTES: Special permits per §7.3.3: To allow a 20-unit multi-family structure (§3.4.1); To allow a development in excess of 20,000 square feet of gross floor area (§4.1.2.B.1); To legalize a nonconforming side setback per MGL 40A § 7 (§3.4.1 and §7.8.2.C.2); To reduce the parking requirement to 1.25 stalls per unit (§5.1.4 and §5.1.13); To allow parking in the side setback (§5.1.8.A and §5.1.13); To waive the parking stall dimensional requirements (§5.1.8.B.1, §5.1.8.B.2 and §5.1.13); To waive the requirement for end parking stalls (§5.1.8.B.6 and §5.1.13); To waive the minimum aisle width (§5.1.8.C.2 and §5.1.13); To waive the perimeter screening requirements of parking facilities containing more than five stalls (§5.1.9.A and §5.1.13); To waive the interior landscaping requirements of parking facilities containing more than five stalls (§5.1.9.B and §5.1.13); To waive the lighting and surfacing requirements of parking facilities containing more than five stalls (§5.1.10 and §5.1.13);

ZONING: Multi Residence 3

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. Site/Civil plans, prepared by VTP Associates, , signed and stamped by Joseph R. Porter, Professional Land Surveyor, consisting of the following six (6) sheets:
 - Topographic Site Plan, dated October 19, 2017, revised November 1, 2017 and November 13, 2017
 - Parking Plan, dated September 22, 2017, revised October 5, 2017, October 19, 2017, November 1, 2017, and November 13, 2017
 - Vehicle Path Plan, dated November 1, 2017, revised November 13, 2017
 - Grading, Drainage, and Utility Plan, dated September 21, 2017, revised October 5, 2017, October 19, 2017, November 1, 2017, and November 13, 2017
 - Detail-1, dated September 22, 2017, revised November 1, 2017
 - Detail-2, dated September 22, 2017

- b. Architectural Plans entitled, "Langley Terrace 392-404 Langley Road Newton Massachusetts, prepared by Perkins Eastman, consisting of the following four (4) sheets:
 - I. A-15 402-404 Garage Plan
 - II. A-101 Garage and First Level Floor Plan. This plan shall be revised to show two Electric Vehicle (EV) charging stations.
 - III. A-102 Second and Third Level Plan
 - IV. A-103 Roof Plan
 - c. Landscape Plans entitles, "Langley Terrace 392-404 Langley Road Newton, Massachusetts, signed and stamped by Elizabeth Giersbach, Registered Landscape Architect, consisting of three (3) sheets:
 - i. L-000 Tree Removal Plan, dated October 30, 2017
 - ii. L-100 Landscape Plan, dated September 8, 2017 revised October 30, 2017
 - iii. L-101 Planting Plan, dated September 8, 2017 revised October 30, 2017
2. In accordance with the City's Inclusionary Zoning Ordinance (§5.11.4), four (4) of the residential units in the proposed multi-family structure shall be made available to households earning up to 80% of Area Median Income (AMI), as designated by the U.S. Department of Housing and Urban Development, adjusted for household size. As proposed in the Preliminary Inclusionary Housing Plan , two (2) of these units shall be made available to households earning up to 80% AMI, and two (2) of these units shall be made available to households earning up to 50% AMI. Monthly housing costs (inclusive of heat, hot water, electricity, water and sewer, and one parking space) shall not exceed 30% of the applicable monthly income limit for that unit. 70% of the Inclusionary Units shall be designated as Local Preference units, as permitted and defined by the Massachusetts Department of Housing and Community Development (DHCD).
 3. To the extent permitted by applicable regulations of DHCD, the Inclusionary Units shall be eligible for inclusion on the State's Subsidized Housing Inventory (SHI) as Local Action Units through DHCD's Local Initiative Program. Prior to the issuance of any building permits for the construction of the Project, the Petitioner, City, and DHCD will enter into a Regulatory Agreement and Declaration of Restrictive Covenants, in a form approved by the Law Department, which will establish the affordability restriction for the Inclusionary Units in perpetuity.
 4. Prior to the issuance of any building permits for the construction of the Project, the Petitioner shall provide a final Inclusionary Housing Plan and Affirmative Marketing and Resident Selection Plan for review and approval by the Director of Planning and Development. The Inclusionary Housing Plan and Affirmative Marketing and Resident Selection Plan must meet the requirements of DHCD's guidelines for Affirmative Fair Housing Marketing and Resident Selection and be consistent with §5.11.9. of the Newton Zoning Ordinance. The Inclusionary Housing Plan and Affirmative Marketing and Resident selection plan should treat the units the same with respect to Affirmative Marketing and

advancing Fair Housing in Newton. In accordance with DHCD's current guidelines, the units will be affirmatively marketed and leased through a lottery.

5. The petitioner shall comply with the City's Tree Preservation Ordinance.
6. The petitioner shall meet with local as well as State representatives regarding efforts to to participate in the "Safe Routes to School Program" for the Bowen Elementary School. .
7. Prior to the issuance of a Building Permit, the petitioner shall provide a final plan signed and stamped by an professional land surveyor or professional engineer detailing the width of the sidewalks along the Project's frontage after consultation with the Director of Planning and Development and Commissioner of Public Works. If necessary, the petitioner shall enter into an agreement with the City, under the purview of the Law Department, regarding the future maintenance of said sidewalks.
8. Prior to the issuance of a building permit, the petitioner shall commit to providing \$5,000 a year for a period of not more than ten years for the initiation and ongoing operations of a shuttle serving the project site. Said payments shall be made on or before February 1st of each year, commencing February 1, 2018, but may be prepaid in whole or in part by the petitioner at any time. In the event a shuttle is infeasible, the funds may be used by the City for any transportation measures in the area which are deemed to affect the Project.
9. Prior to the issuance of any building permit, the petitioner shall pay the sum of \$12,000 for the cost and installation by the City of two speed feedback display signs on Langley Road. The petitioner shall have no obligation regarding the ongoing maintenance or repair of said speed feedback display signs.
10. Prior to the issuance of any building permit, the petitioner shall pay for not more than three public bicycle racks, at a cost of \$600 each, which bicycle racks shall be installed and maintained by the City. One of the bicycle racks shall be located on the Langley Road frontage of the project at a location acceptable to the petitioner and the Director of Transportation.
11. Prior to the issuance of any Building Permit, the petitioner shall provide a final plan showing the combination of the three lots to the Engineering Division of Public Works for review and approval. Once approved, the Plan must be recorded at the Middlesex Registry of Deeds. A certified copy of the Plan shall be submitted to the Engineering Division of Public Works.
12. Prior to the issuance of any building permit, the petitioner shall submit final design and construction documents and a memorandum outlining how the Project will contribute significantly to the efficient use and conservation of energy and natural resources for review and approval to the Director of Planning and Development and Co-Director of Sustainability.
13. All new residential units will conform to the Massachusetts Architectural Access Board (MAAB) requirements for "Group 1" units. In addition, per MAAB guidelines, 5% of the new units shall be designed as "Group 2A" units, which are designed spatially for immediate wheelchair use. The design and construction of the site and proposed

structure shall comply with Massachusetts Architectural Access Board regulations and the Fair Housing Act.

14. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking.
15. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
16. All construction activity shall be limited to 7AM-6PM Monday through Friday and 8AM-5PM on Saturdays excluding holidays, unless extended or restricted by the Commissioner of Inspectional Services or the Commissioner of Public Works.
17. At the Petitioner's sole expense, the Petitioner shall use best efforts to locate all utility service lines on site underground, including any utility service lines along the Project's frontage on Langley Road if such lines are present, subject to necessary approvals from utility companies. In the event undergrounding utilities is infeasible, the petitioner shall consult with the Director of Planning and Development, Director of Transportation, and City Solicitor to determine the level of funding for any streetscape improvements in the area from which the Project may benefit but which in no event shall exceed \$25,000. Said funds may also be eligible for an improvement associated with the Safe Routes to School Program for the Bowen Elementary School.
18. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, 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 and recorded at the Middlesex South District Registry of Deeds herewith. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
19. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, 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.
20. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval the petitioner shall submit a Construction Management Plan (CMP) 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 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 6:00 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. The petitioner shall consider local traffic and pedestrian activity relating to the nearby public school in determining hours and routes for construction vehicles.
- c. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - 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 construction and delivery vehicles, and location of any security fencing.
 - e. 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.
 - f. 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.
 - g. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - h. A plan for rodent control during construction.
 - i. The CMP shall also address the following:
 - safety precautions;
 - anticipated dewatering during construction;
 - site safety and stability;
 - impacts on abutting properties.
21. The Petitioner shall be responsible for securing and paying for any and all police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
22. No building permit for the construction of the Project shall be issued pursuant to this Special Permit/Site Plan approval until the Petitioner has:
- a. Recorded a certified copy of this Council order with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Council 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 the final building permit plans and façade elevations are consistent with plans approved in Condition #1.
 - d. Submitted a final Inclusionary Housing Plan for review and approval by the Director of Planning and Development that is certified as compliant by the Director

- of Planning and Development with the information required to be included in such Plan pursuant to §5.11.9. of the Zoning Ordinance.
- e. Submitted final engineering, utility, and drainage plans, and an Operations and Maintenance plan for Stormwater Management, for review and approval by the City Engineer. A statement certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
 - f. Submitted a final plan of land, recorded at the Middlesex Registry of Deeds, to the Engineering Division of Public Works in accordance with Condition #6.
 - g. Submitted a final Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, the City Engineer, and the Director of Transportation.
 - h. Entered into a Regulatory Agreement and Declaration of Restrictive Covenants for each of the Inclusionary Units with the City of Newton and the Department of Housing and Community Development, in a form approved by the Law Department, which will establish the affordability restriction for the Inclusionary Units in perpetuity. Make the payments to the city required under Conditions #8 and #9.
 - i. Submitted the final design and construction documents and memorandum outlining how the Project will contribute significantly to the efficient use and conservation of energy and natural resources to the Director of Planning and Development and Co-Director of Sustainability as required by Condition #11.
23. The Petitioner shall be responsible for repairing any and all damage to public ways and property caused by any construction vehicles. All repair work shall be done prior to the issuance of a final Certificate of Occupancy, unless the Commissioner of Public Works determines that the damage to the public way is so extensive that it limits the use of the public way. In such case the repair work must be initiated within one month of the Commissioner making such determination and shall be conducted consistent with City Construction Standards, and shall be completed within an appropriate time frame, as determined by the Commissioner.
24. No final occupancy permit for the use 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 and civil engineer certifying compliance with Condition 1.
 - b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.

- c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.
- d. Filed with 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, and parking areas.
- e. Provided evidence satisfactory to the Law Department that the Regulatory Agreement and Declaration of Restrictive Covenants for all Deed Restricted Units have been recorded at the Southern Middlesex District Registry of Deeds and/or Southern Middlesex Land Court, as appropriate.
- f. Deed Restricted Units shall be constructed and available for occupancy coincident with market rate units such that no more than three market rate units may receive occupancy permits until the corresponding affordable unit has received its occupancy permit.
- g. The Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for portions of the buildings, prior to installation of required on-site landscaping/ exterior hardscape improvements required per the approved plans. Prior, however, to issuance of any temporary certificate of occupancy pursuant to this condition, the Commissioner of Inspectional Services shall require that the Petitioner first file a bond, letter of credit, cash or other security in the form satisfactory to the Law Department in an amount not less than 135% of the value of the aforementioned remaining improvements.

CITY OF NEWTON

IN CITY COUNCIL

BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF NEWTON AS FOLLOWS:

Section 30 of the Revised Ordinances of Newton, as amended, be and is hereby amended by amending sheets of plans entitled "City of Newton, Massachusetts, Amendments to Zoning Plans, adopted July 21, 1951, as amended from time to time", by changing certain boundaries from present zoning district as described below:

Change the following described real estate: for land located at 392-396 Langley Road (presently zoned Multi-Residence 2), 400 Langley Road (presently zoned Multi-Residence 2), and 402-404 Langley Road (presently zoned Business 1), also identified as Section 65, Block 010, Lots 001, 008, 030, to Multi-Residence 3, further described as follows:

Beginning at a point on the easterly sideline of Langley Road a distance of seventy nine and 00/100 (79.00) feet from the point of curvature at John Street thence;

South 15° 54' 04" East one hundred sixty two and 07/100 (162.07) feet by the easterly sideline of Langley Road thence;

South 08° 09' 58" East sixty one and 72/100 (61.72) feet by the easterly sideline of Langley Road thence;

North 75° 24' 20" East two hundred two and 52/100 (202.52) feet, thence;

North 13° 32' 43" East ninety five and 52/100 (95.52) feet, thence;

North 72° 15' 17" East seventy two and 81/100 (72.81) feet, thence;

North 71° 47' 12" East ninety eight and 19/100 (98.19) feet, thence;

North 72° 22' 20" East one hundred two and 30/100 (102.30) feet, thence;

North 72° 22' 20" East twenty one and 29/100 (21.29) feet by the northerly end of John Street, thence;

North 46° 53' 24" West thirty seven and 99/100 (37.99) feet, thence;

North 39° 41' 12" West thirty four and 32/100 (34.32) feet, thence;

South 73° 57' 20" West one hundred fifty three and 62/100 (153.62) feet, thence;

North 16° 02' 40" West seventy three and 00/100 (73.00) feet, thence;

South 73° 57' 26" West one hundred one and 81/100 (101.81) feet, thence;

South 73° 42' 18" West two hundred forty six and 53/100 (246.53) feet to the point of beginning.

Containing 79,876± square feet of land.

Being shown on a plan by VTP Associates, Inc. entitled "Plan of Land, Newton, Massachusetts Showing Proposed Lot at #392-396, #400, #402-404 Langley Road" dated September 7, 2017.

This change of zone accompanies Special Permit/Site Plan Approval #285-17 and includes the findings recited therein to the extent applicable and is conditional upon the exercise of Special Permit #285-17 as defined in the aforementioned Special Permit.

To the extent any provision of this change of zone Order shall be deemed invalid or unenforceable, all remaining provisions shall remain in full force and effect regardless of such invalidity or unenforceability.