



Ruthanne Fuller
Mayor

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Barney Heath
Director

STAFF MEMORANDUM

Meeting Date: **Wednesday, May 12, 2021**
DATE: May 7, 2021
TO: Urban Design Commission
FROM: Shubee Sikka, Urban Designer
SUBJECT: **Additional Review Information**

The purpose of this memorandum is to provide the members of the Urban Design Commission (UDC) and the public with technical information and planning analysis which may be useful in the review and decision-making process of the UDC. The Department of Planning and Development’s intention is to provide a balanced view of the issues with the information it has at the time of the application’s review. Additional information may be presented at the meeting that the UDC can take into consideration when discussing Sign Permit, Fence Appeal applications or Design Reviews.

Dear UDC Members,

The following is a brief discussion of the sign permit applications that you should have received in your meeting packet and staff’s recommendations for these items.

I. Roll Call

II. Regular Agenda

Sign Permits

1. 989-1003 Watertown Street – Starting Strength

PROJECT DESCRIPTION: The property located at 989-1003 Watertown Street is within a Business 1 zoning district. The applicant is proposing to install the following signs:

1. One wall mounted principal sign, internally illuminated, with approximately 42 sq. ft. of sign area on the southern façade facing the parking lot.
2. One wall mounted secondary sign, non-illuminated, with approximately 18 sq. ft. of sign area on the western façade facing the parking lot.

TECHNICAL REVIEW:

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 42 feet, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.
- The proposed secondary sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, two secondary signs are allowed, which the applicant is not exceeding, and on this façade of 42 feet, the maximum size of each sign allowed is 42 sq. ft., which the applicant is also not exceeding.
- This is a landmarked building and Newton Historic Commission (NHC) made an exception for work done on the first floor of this building. Since the proposed signs will be on the first-floor level, NHC approval is not required.

STAFF RECOMMENDATION: Staff recommends approval of both the principal sign and secondary sign as proposed.

2. 55-65 Lincoln Street – No. 57 Lincoln Kitchen

PROJECT DESCRIPTION: The property located at 55-65 Lincoln Street is within a Business 1 zoning district. The applicant is proposing to install the following sign:

1. One awning principal sign, non-illuminated, with approximately 31 sq. ft. of sign area on the southern façade facing Lincoln Street.

TECHNICAL REVIEW:

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 36 feet 6 inches, the maximum size of the sign allowed is 100 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the principal sign as proposed.

3. 1385-1389 Washington Street – Boston Body Pilates

PROJECT DESCRIPTION: The property located at 1385-1389 Washington Street is within a Business 1 zoning district. The applicant is proposing to replace and install the following sign:

1. One canopy principal sign, non-illuminated, with approximately 17.9 sq. ft. of sign area on the southern façade facing Washington Street.

TECHNICAL REVIEW:

- The proposed principal sign appears to be consistent with the dimensional controls specified in §5.2.8. Per the Zoning Ordinance, one principal sign is allowed, which the applicant is not exceeding, and on this façade of 30 feet, the maximum size of the sign allowed is 90 sq. ft., which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of the principal sign as proposed.

4. 55-71 Needham Street – Mass General Brigham Urgent Care

PROJECT DESCRIPTION: The property located at 55-71 Needham Street is within a Mixed Use 1 zoning district and has a comprehensive sign package authorized by a special permit via Board Order # 213-12(1). The applicant is proposing to replace and install the following signs:

1. One wall mounted secondary sign, internally illuminated, with approximately 34 sq. ft. of sign area on the eastern building façade facing Needham Street.
2. One wall mounted secondary sign, internally illuminated, with approximately 37 sq. ft. of sign area on the southern building façade facing the side parking lot.

TECHNICAL REVIEW:

- Both the proposed secondary signs appear to be consistent with the comprehensive sign package (attachment A & B). As per the sign package, the maximum size of both the signs allowed is 50 sq. ft., which the applicant is not exceeding, the maximum width of the sign allowed is the storefront width which the applicant is also not exceeding, and the maximum letter height allowed is 3 feet which the applicant is also not exceeding.

STAFF RECOMMENDATION: Staff recommends approval of both the secondary signs as proposed.

5. 200-220 Boylston Street; Chestnut Hill Square; Athleta

PROJECT DESCRIPTION: The property located at 200-220 Boylston Street is within a Business 4 zoning district and has a comprehensive sign package authorized by a special permit via Board Order # 214-10(2) (attachment C & D). The applicant is proposing to install the following sign:

1. Replacement of logo portion of the secondary wall mounted sign, internally illuminated (LED channel letters), with approximately 5.75 square feet of sign area on the north façade of Retail Building C

TECHNICAL REVIEW:

- The applicant is seeking to replace the existing logo backer. The replacement of logo portion of the secondary sign appears to be consistent with the existing permitted secondary sign.

STAFF RECOMMENDATION: Staff recommends approval of the proposed sign.

6. 2014 Washington Street – Mass General Brigham Newton-Wellesley Hospital

PROJECT DESCRIPTION: The property located at 2014 Washington Street is within a Single Residence 2 zoning district. The applicant is proposing to install the following sign:

1. One wall mounted principal sign, internally illuminated, with approximately 95 sq. ft. of sign area on the western façade facing Washington Street.

TECHNICAL REVIEW:

- The proposed principal sign appears to be not consistent with the dimensional controls specified in §5.2.7. Per the Zoning Ordinance, one principal sign of up to 10 sq. ft. is allowed, which the applicant is exceeding. Per Zoning ordinance §5.2.13 “A. *In particular instances, the City Council may grant a special permit to allow free-standing signs and exceptions to the limitations imposed by this Sec. 5.2 on the number, size, location and height of signs where it is determined that the nature of the use of the premises, the architecture of the building or its location with reference to the street is such that free-standing signs or exceptions should be permitted in the public interest.*
B. *In granting such a permit, the City Council shall specify the size, type and location and shall impose such other terms and restrictions as it may deem to be in the public interest and in accordance with the 780 CMR. All free-standing signs shall not exceed 35 square feet in area, or 10 feet in any linear dimension, or 16 feet in height from the ground, except as further described in Sec. 5.2.7.”*

STAFF RECOMMENDATION: Staff seeks recommendation from UDC regarding the proposed principal sign to the Land Use Committee of the City Council.

Fence Appeal

1. 848 Watertown Street Fence Appeal

PROJECT DESCRIPTION: The property located at 848 Watertown Street is within a Multi-Residence 1 district. The applicant is proposing to replace and add the following fence:

- a) **Side Lot Line** – The applicant is proposing to add 8 feet high fence, set at the side property line with a solid fence, 14 feet in length.

TECHNICAL REVIEW:

The proposed fence along the side property line appears to be not consistent with the fence criteria outlined in §5-30(d)(1) of the Newton Code of Ordinances.

According to §5-30(d)(1), “*Fences bordering side lot lines: No fence or portion of a fence bordering or parallel to a side lot line shall exceed six (6) feet in height except as provided in subsection (6) below, and further, that any portion of a fence bordering a side lot line which is within two (2) feet of a front lot line shall be graded to match the height of any fence bordering the front lot line.*”

As specified under §5-30(c) and (h), the UDC may grant an exception to the provisions of the City's Fence Ordinance. The proposed fence, however, must be found to comply with the *"requirements of this ordinance, or if owing to conditions especially affecting a particular lot, but not affecting the area generally, compliance with the provisions of this ordinance would involve substantial hardship, financial or otherwise."* The UDC must also determine whether the *"desired relief may be granted without substantially nullifying or substantially derogating from the intent and purposes of this ordinance or the public good."*

The applicant is seeking an exception to allow 8 feet tall solid fence at the side property line for a length of 14 feet, where the ordinance would permit such a fence to be 6 feet tall. The applicant's stated reasons for seeking this exception are *"Neighbors air conditioning unit was built above fence line and directly next to fence. Noise is loud in my yard when it is on. Additionally, neighbors smoke cigarettes and pot that blows into yard and into windows at our home"*.

STAFF RECOMMENDATION: Based on the information submitted in the fence appeal application and staff's technical review, staff is not supportive of the requested exception. Staff would encourage the applicant to utilize plantings to provide the additional privacy desired.

Design Review

1. 333 Nahanton Street and 677 Winchester Street – 2 Life Opus Design Review

The applicant is proposing a community "Opus" which will be on the campus of the Leventhal Sidman Jewish Community Center (the JCC) and adjacent to 2Life's subsidized Coleman House community. The applicant is proposing to integrate the proposed community into the existing campus, which will include 174 apartments for older adults, garage and surface parking, walking paths and green spaces. Opus will be joined to Coleman House via a connector building with a new main entrance and vibrant center of community life. The connector will include spaces for dining, classes, fitness, arts and community events. The connector will also have offices for resident services staff and our care coordination team.

In order to develop Opus, 2Life will require a special permit from the City Council to allow the construction of a congregate living facility, as well as to allow relief from certain dimensional requirements for the parking facility. The approximately 6-acre development parcel will be acquired in part from Coleman House and in part from the JCC. The JCC was constructed by special permit in the 1980s, and its permit has been amended several times since then. An amendment of the JCC's special permit will be required to allow for the subdivision of the property to create the 2Life lot. Similarly,

Coleman House was constructed in the 1980s pursuant to a Comprehensive Permit, which will need to be amended to permit the conveyance of land to 2Life.

At the request of the Planning Department, the petitioner has been asked to present the revised project proposal to the UDC for consideration. The Planning Department encourages the UDC to review the project with regards to, but not limited to, the following: the proposed site plan; the building's design; bulk and massing; and relationship to context and the street.

III. Administrative Discussion

1. Approval of Minutes

Staff has provided draft meeting minutes from the April meeting that require ratification (See Attachment F).

****Note:** The sign permit application for 1261-1269 Beacon Street – Stretchmed was reviewed at the March meeting and the Commission requested the applicant to provide additional materials and photographs. The applicant has not yet submitted the additional materials, but staff received a public comment (attachment E) regarding this application.

Attachments

- Attachment A: 55-71 Needham Street – Board Order
- Attachment B: 55-71 Needham Street – Comprehensive Sign Package
- Attachment C: 200-220 Boylston Street - Board Order
- Attachment D: 200-220 Boylston Street – Comprehensive Sign Package
- Attachment E: Public comment for Stretchmed sign application
- Attachment F: Minutes of the April 2021 meeting

Property Address: 55 Needham St., Newton, MA Owner: Needham Street Village Shops LLC Title Ref.: Book 59437, Page 421 and Book 59437, Page 425 in So. Middlesex Registry
Property Address: 71 Needham St., Newton, MA Owner: H&J Newton LLC Title Ref.: Book 28482, Page 189 in So. Middlesex Registry

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Newton City Clerk
2012 NOV -7 AM 11:06
#2
David A. Olson, Clerk
Newton, MA 02459

CITY OF NEWTON
IN BOARD OF ALDERMEN

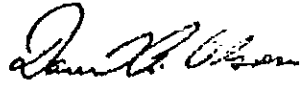
November 5, 2012

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 construct two single-story commercial buildings with an aggregate total gross floor area of 19,200 sq. ft.; to permit retail and/or service uses; to waive up to 6 parking stalls and certain dimensional requirements and associated landscaping, fencing and lighting requirements for parking facilities greater than five stalls; to waive one required loading dock facility; and to allow a freestanding sign and the number of secondary signs and dimensional requirements for signs at 49, 55, 71 NEEDHAM STREET, Ward 5, on land known as Sec 51, Blk 28, Lots 23, 22, 20, containing approximately 11,775 sq. ft., 19,625 sq. ft. and 27,475 sq. ft., respectively, for a total of 58,875 sq. ft., in a district zoned MIXED USED 1. Ref: Sec. 30-24, 30-23, 30-21(b), 30-13(b)(1), (4), (h)(1), 30-19(d), (h)(3)a), (i)(1)a)(ii), (j), (l), (m), 30-20(f)(1), (2), (9) and 30-20(l) of the City of Newton Rev Zoning Ord, 2012, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

- 1) The continuation of a non-conforming retail use at this location is not substantially more detrimental to the neighborhood because the area is already characterized by retail uses.
- 2) A service establishment use at this location is appropriate and will not adversely affect the neighborhood nor present a nuisance or hazard to vehicles or pedestrians because the area is already a commercial corridor with these types of uses.
- 3) A waiver of 6 parking stalls (calculated without regard to the provisions of Section 30-19(c)(2)) is appropriate based on the mixed-use nature of the area, the potential for sharing parking with neighboring properties, the availability of an improved pedestrian environment, the availability of transit and bicycle facilities, including the provision of bike racks and the waiver is smaller than the existing nonconformity.

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- 4) 23-foot wide maneuvering aisles where 24-foot aisles are required will not pose an obstacle to emergency vehicle access and literal compliance with this requirement is impractical due to the limited depth of the lot.
- 5) A waiver allowing a two-foot bumper overhang into the rear landscaped area is appropriate because literal compliance with this requirement is impractical due to the size and depth of the lot. The landscaped area provided, in concert with the existing rear fence on the adjacent property serve to meet the intent of the zoning ordinance.
- 6) A waiver for the required parking facility lighting is appropriate because the provision of the one-foot candle standard would negatively affect adjacent residential uses and the small areas where lighting will be substandard will not present a safety hazard.
- 7) A waiver for the required loading dock facility is appropriate because of the small size of the businesses that will occupy the proposed buildings, which will generally not require large deliveries.
- 8) That permitting a freestanding sign as well as a third secondary sign on the north and south end of each building is appropriate because, based on the use and architecture of the project, and the location of the proposed sign, it would be in the public interest to allow the requested signs.
- 9) The proposal is consistent with the *2007 Newton Comprehensive Plan*, which encourages projects of this kind that provide new commercial space with a high degree of quality in design that reflects concepts of place-making and supports improvements to the pedestrian environment and accommodation of bicycles.
- 10) In light of the above findings and the following conditions imposed by this Order, the Board of Aldermen finds that the public convenience and welfare of the City will be served and that the criteria of §30-23 and §30-24 for granting a special permit/site plan approval will have been satisfied.

PETITION NUMBER: #213-12

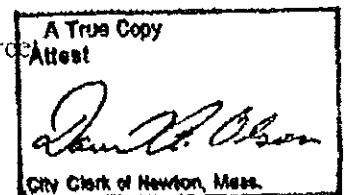
PETITIONER: Needham Street Village Shops, LLC

LOCATION: 49, 55, & 71 Needham Street

OWNERS: Needham Street Village Shops, LLC (49 & 55 Needham Street)
H&J Newton LLC (71 Needham Street)

ADDRESS OF OWNERS: 420 Bedford Street

71 Needham Street



Lexington, MA 02420

Newton, MA 02464

TO BE USED FOR: Retail and service space.

CONSTRUCTION: Two new, single-story, multi-tenant, commercial buildings.

EXPLANATORY NOTES: Special permit sought: (1) for retail store pursuant to Section 30-13(b)(1); (2) for services businesses pursuant to Section 30-13 (b) (4); (3) for site plan approval pursuant to Section 30-13 (b)(1); (4) for waivers under Section 30-19 (m) as to six (6) parking stalls pursuant to Section 30-19(d); aisle width requirements of Section 30-19(h)(3); fence location of Section 30-19(i)(1)a)(ii); the lighting requirements for parking facilities of greater than five stalls pursuant to Section 30-19 (i); one required loading dock facility pursuant to Section 30-19(1); (5) a freestanding sign pursuant to Section 30-20(1); (6) extension of nonconformities under Section 30-21 (b); (7) site plan approval under Section 30-24.

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. "Proposed Retail Development, 49, 55, and 71 Needham Street, Newton, Massachusetts, Special Permit Plans," dated August 6, 2012 with revisions through October 18, 2012, containing the following sheets:

- i. Sheet C-1 Existing Conditions and Demolition Plan
- ii. Sheet C-2 Site Plan
- iii. Sheet C-3 Grading and Drainage Plan
- iv. Sheet C-4 Utilities Plan
- v. Sheet C-4A Sewer Profile
- vi. Sheet C-5 Landscape Plan
- vii. Sheet C-6 Grade Plane Plan
- viii. Sheet C-7 Construction Management Plan
- ix. Sheet C-8 Truck Turning Plan
- x. Sheet C-9 Erosion Control Notes and Details Sheet
- xi. Sheet C-10 Details Sheet
- xii. Sheet C-11 Details Sheet
- xiii. Sheet C-12 Details Sheet
- xiv. Site Lighting Plan

b. "Site Plan, Needham Street, 71 Needham Street, Newton, MA", dated October 19, 2012, containing the following sheets:


- i. Sheet AO-1 Site Plan

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Daniel H. Olson
City Clerk of Newton, Mass.

- ii. Sheet A1-1 Partial Site Plan, Building 1 Floor Plan
 - iii. Sheet A 1-2 Partial Site Plan, Building 2 Floor Plan
 - iv. Sheet A2-1 Elevations and Signage Areas
 - v. Sheet A2-2 Free Standing Sign Dimensions
2. 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.
 3. The petitioner shall reserve the right to change the location of the doorways to the commercial space within the existing glazing in response to tenant demands, with approval by the Director of Planning and Development and the Commissioner of Inspectional Services.
 4. The petitioner shall underground all utilities from the street to the building.
 5. Rooftop mechanical equipment shall be located as close to the wall of the rear parapet as is practical with approval by the Director of Planning and Development and the Commissioner of Inspectional Services.
 6. As necessary, snow shall be removed from the site to avoid a reduction in the number of parking stalls available for use.
 7. The trash enclosures shall be maintained in sanitary condition with the gate remaining closed at all times when not in use.
 8. The petitioner shall submit all proposed signage for review by Planning and Development staff and the Urban Design Commission.
 9. The petitioner shall submit a parking management plan subject to review and approval by the Director of Planning and Development in consultation with the City Traffic Director. Such plan may include obtaining revocable parking licenses or other parking rights from nearby properties to the extent they may be available from time to time.
 10. The petitioner shall submit a transportation demand management plan which shall include actions to be taken to reduce the reliance on single occupant vehicles by employees and patrons of the businesses to be located at this site. The plan shall also identify methods of enhancing the safety of those using the southern egress from the property including agreements with the neighboring property owner on that side to maintain visibility between their respective driveways and signage directing the majority of those using the parking lot to exit via one of the two other egress points. The plan shall be approved by the Director of Planning and Development with the advice of the Transportation Director.
 11. At the written request of the Director of Planning and Development, the petitioner shall submit funds in the amount of \$19,200 (\$1 per square foot of building) to be paid towards undergrounding of utilities 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 undergrounding project for at least the section of Needham Street from Winchester Street to Columbia Street. This obligation shall run with the land for a period of 12 years from the date of this special permit. The petitioner shall not be required to made the contribution called for in this Condition in

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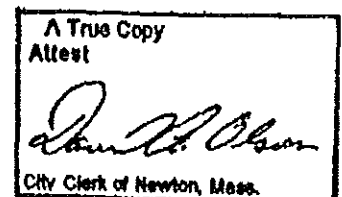
the event that an improvement district is established which undertakes the undergrounding project.

12. No building permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
 - a. consolidated all lots through an Approval Not Required (ANR).
 - b. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - c. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - d. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.

13. No 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 or engineer certifying compliance with Condition #1.
 - b. submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in digital format.
 - c. completed all landscaping in compliance with Condition #1.
 - d. the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building constructed subject to this special permit prior to installation of landscaping required in Condition #1 and #13c, provided 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 improvements to ensure their completion.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Alderman Albright)

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 November 7, 2012. 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 4/7 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

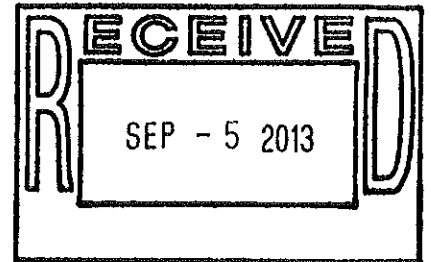
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City Clerk of Newton, Mass.

Middlesex South Registry of Deeds Electronically Recorded Document

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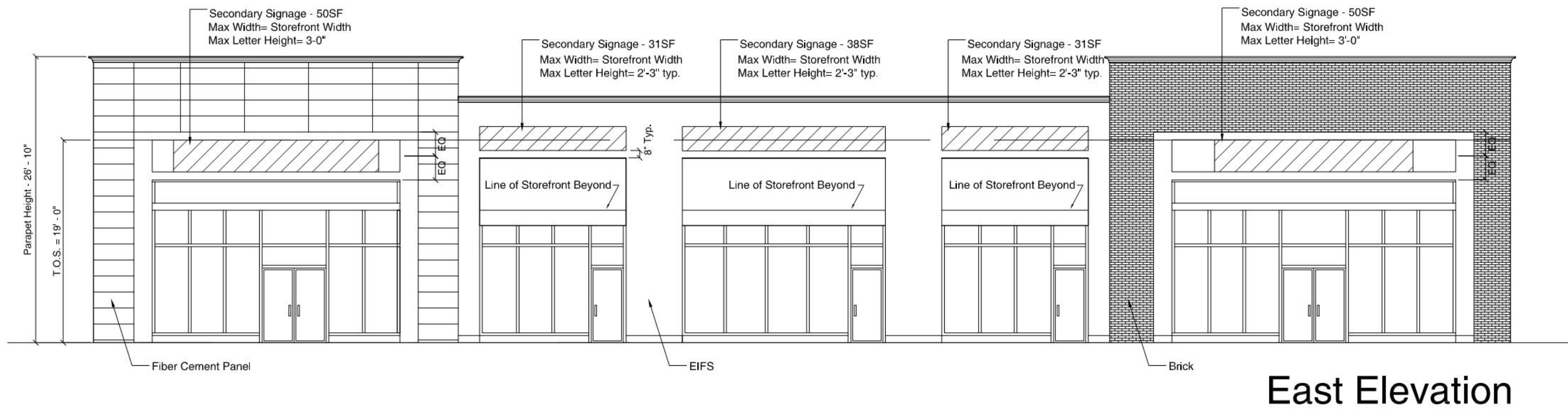
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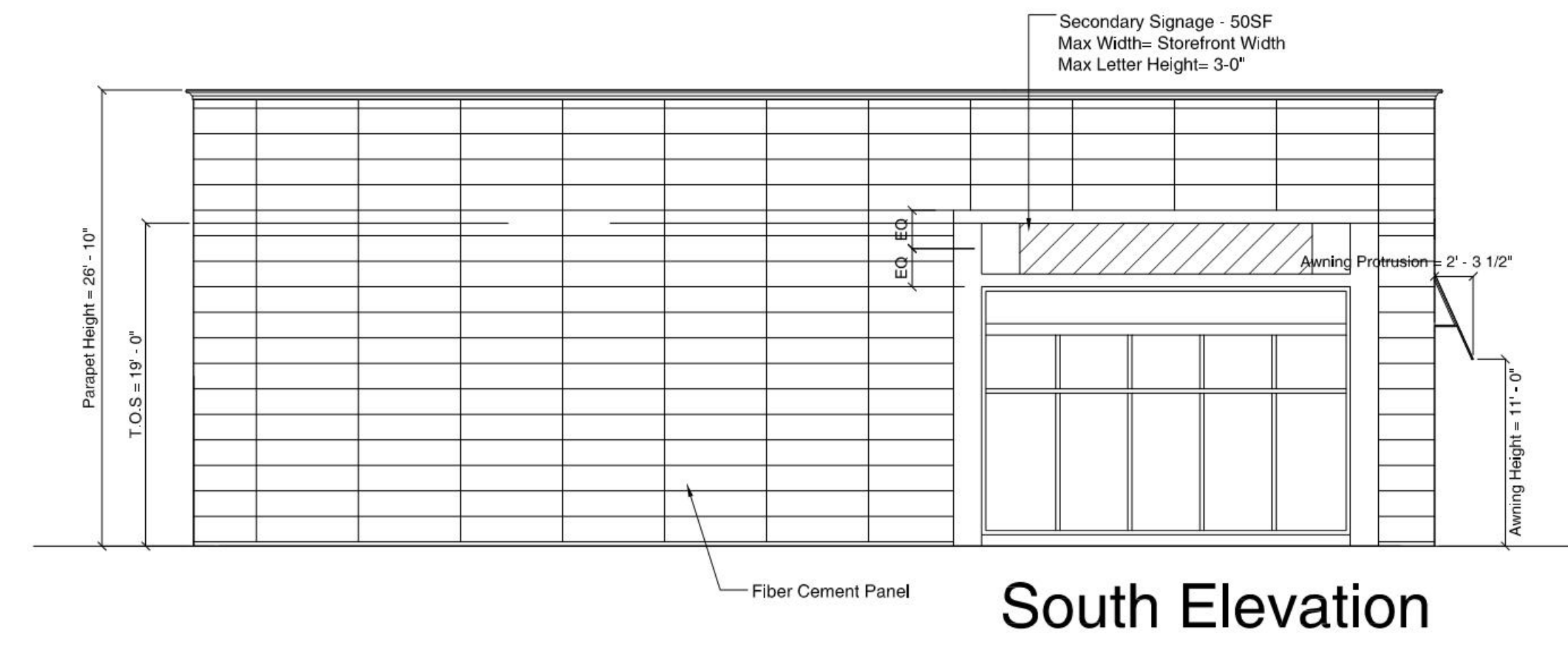


**Middlesex South Registry of Deeds
Eugene C. Brune, Register
208 Cambridge Street
Cambridge, Massachusetts 02141
617/679-6310**

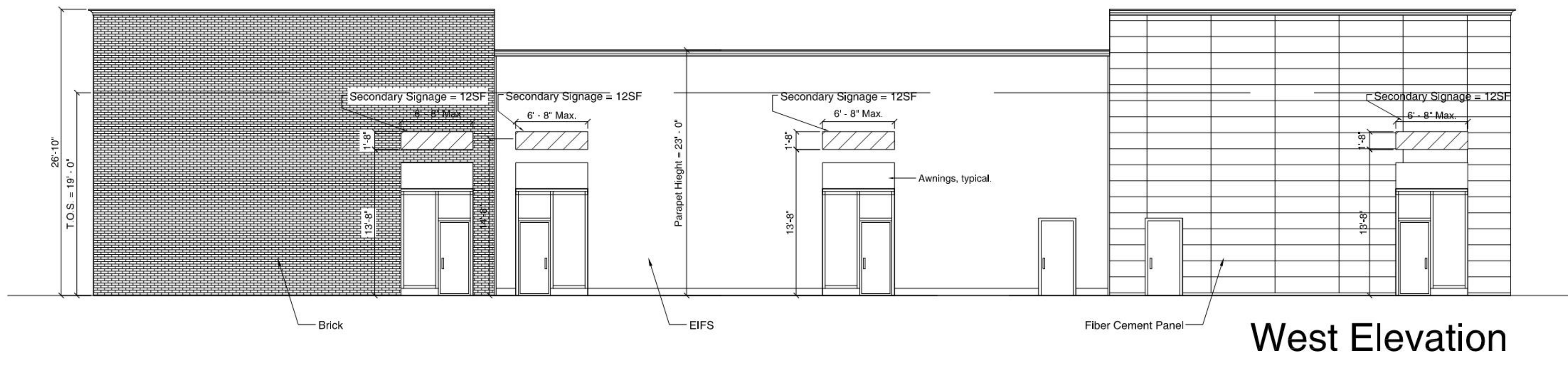
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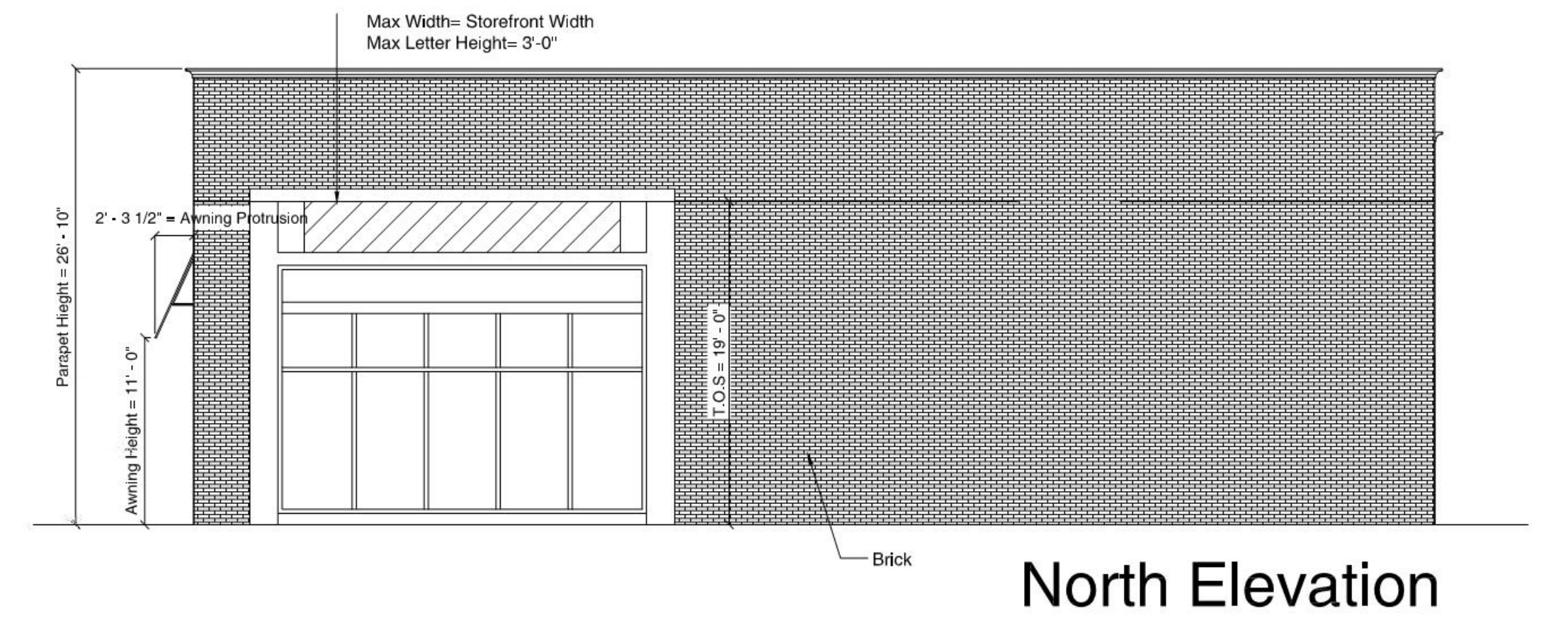
East Elevation



South Elevation

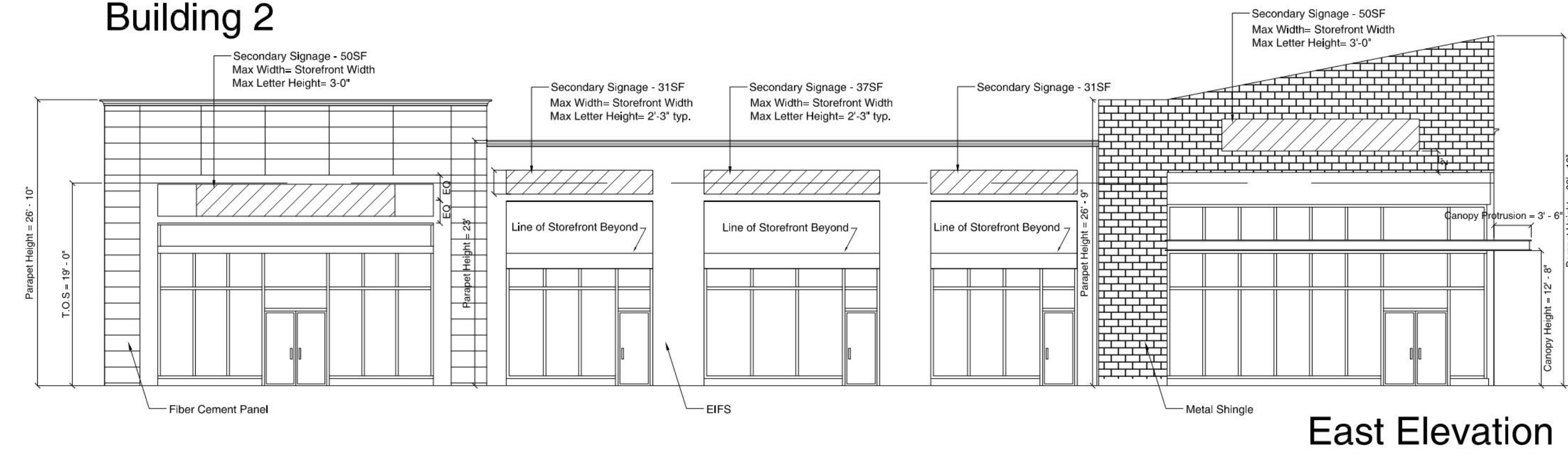


West Elevation

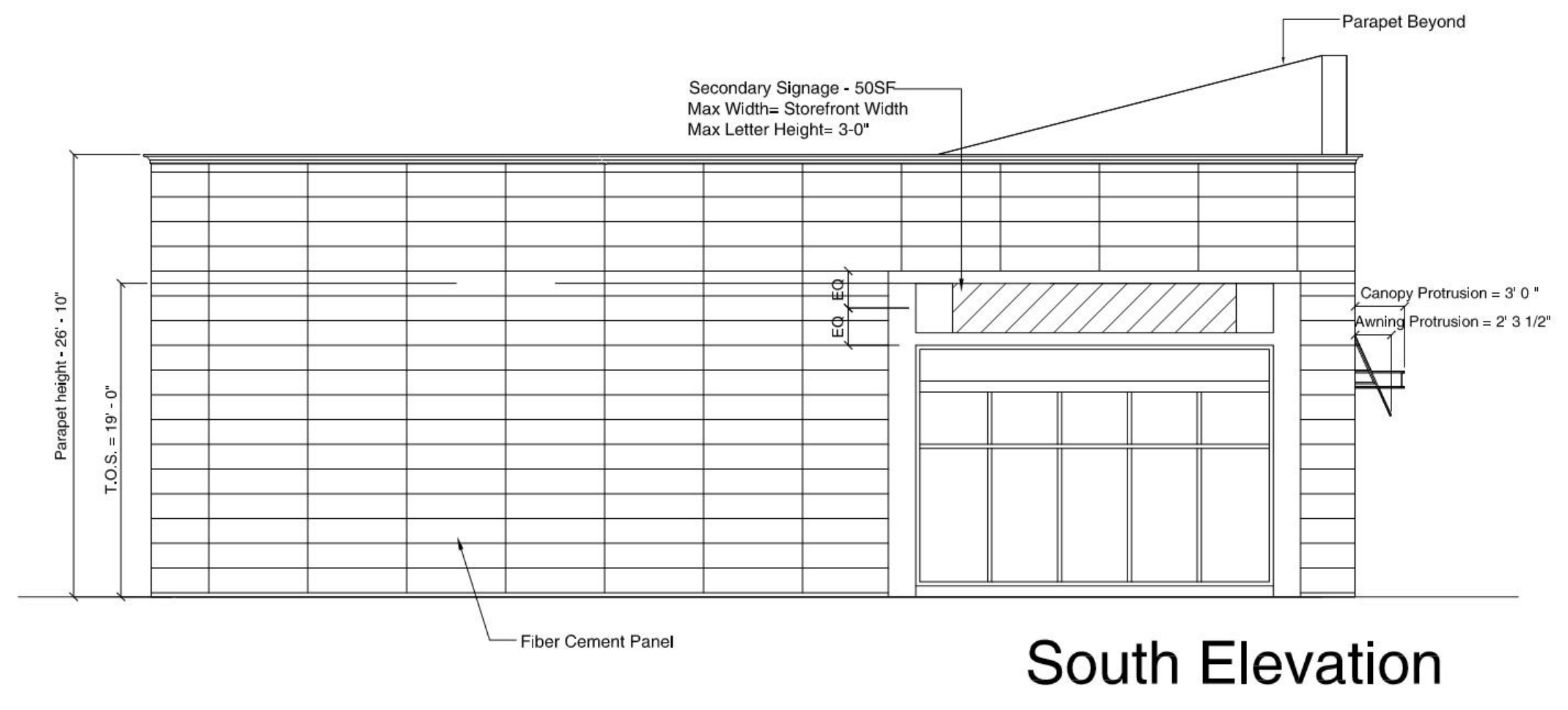


North Elevation

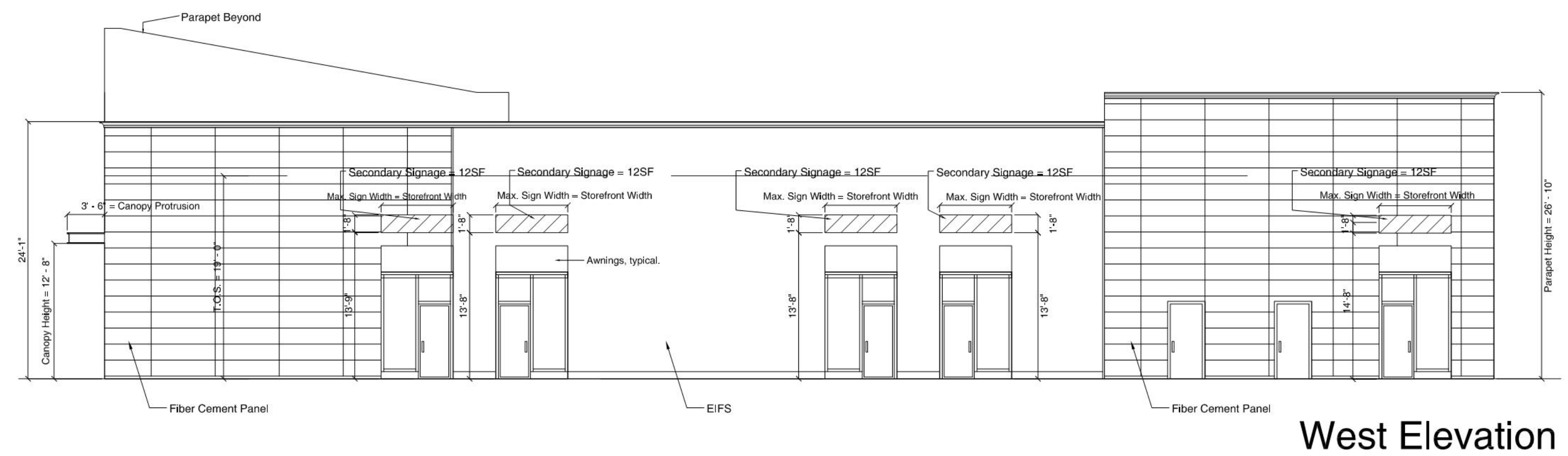
Building 2



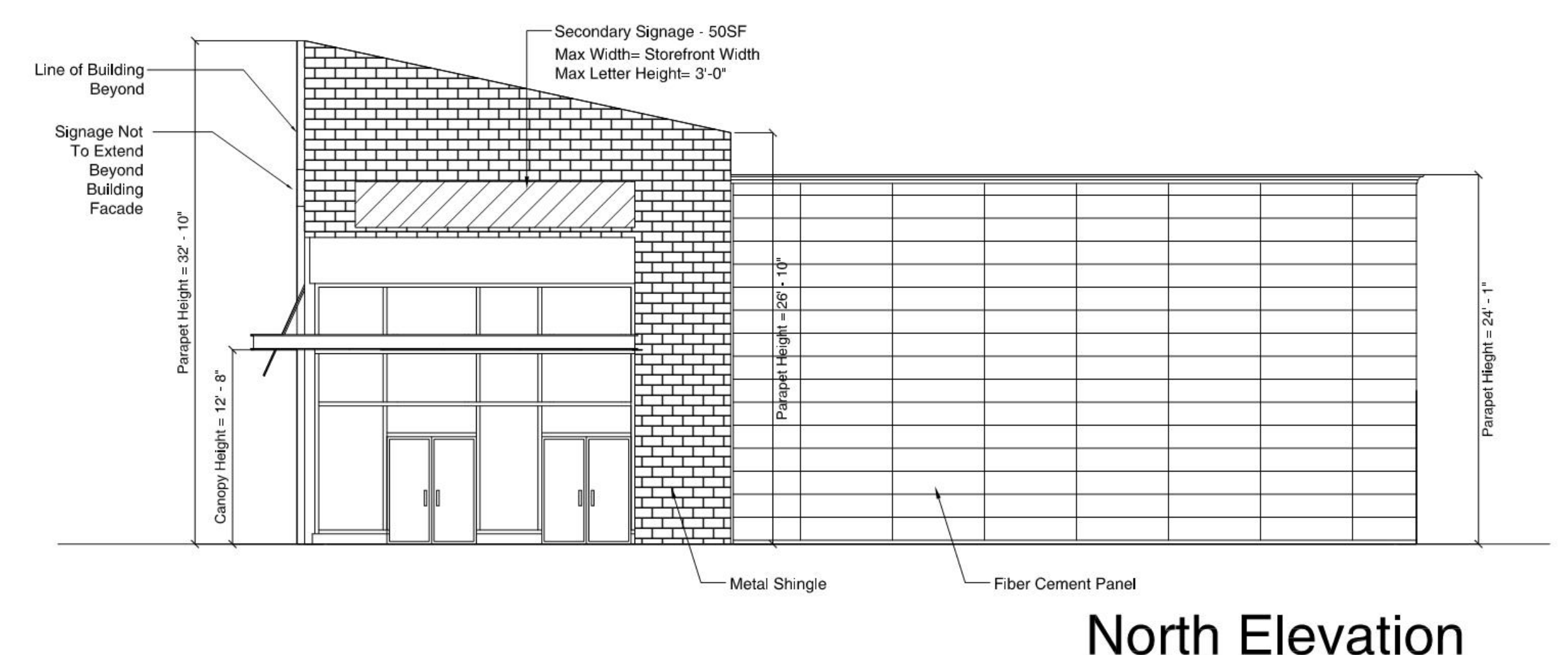
East Elevation



South Elevation



West Elevation



North Elevation

Revisions:

Date: October 19, 2012
Scale: 1/8" = 1'-0"
Drawn by: _____ Checked by: _____
Project: 11069

Title:
ELEVATIONS AND SIGNAGE AREAS

CITY OF NEWTON
IN BOARD OF ALDERMEN

December 6, 2010

10 DEC -9 1 P 3: 08
CITY CLERK
NEWTON, MA. 02159

ORDERED:

That the Board of Aldermen (the "Board"), finding that the public convenience and welfare will be substantially served by its action hereunder, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in Chapter 30 of the Revised Ordinances of the City of Newton, Massachusetts (the "Zoning Ordinance"), that the application meets the criteria established in, §30-19(m), §30-20(l), §30-23(c)(2)(a-h) and §30-24 (d)(1)-(5), 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 in the Business 4 Zoning District (the "BU-4 District") to allow: buildings to exceed dimensional standards for height and number of stories; retaining walls of greater than 4 feet in setbacks; multi-family dwelling; multi-level parking facility; restaurants with greater than 50 seats; open-air businesses; buildings containing individually or in the aggregate 20,000 or more square feet in gross floor area; reduction in parking spaces for compatible uses; waiver of parking spaces for retail, restaurant, office and health club uses constructed and occupied prior to full build-out of the Project; entrance and exit driveways in excess of 25 feet wide; managed and/or valet parking; parking within the required setbacks; a waiver of dimensions for parking stalls, including handicapped parking stalls; two freestanding signs; and signs larger, in quantities, illumination and locations other than allowed by-right in the BU-4 District.

In accordance with the Zoning Ordinance and the applicable rules of the Board, the Petitioner submitted its pre-application for the proposed Project, including the required pre-filing review checklist, to the Chief Zoning Code Official on June 8, 2010. The Chief Zoning Code Official having determined that the Petitioner's submission was complete, issued a Zoning Review Memorandum dated July 29, 2010 itemizing any and all relief required in connection with the proposed project. On August 2, 2010, the Petitioner filed a draft application, addressing all comments noted in the Zoning Review Memorandum, with the Director of Planning and Development, who approved the draft application pursuant to the required Completeness Review. The final application was duly filed with the City Clerk on August 2, 2010.

After due notice of public hearing published in the *Boston Globe* on September 14, 2010, and September 21, 2010, and mailed to all parties in interest all pursuant to and in compliance with the Zoning Ordinance and M.G.L. ch. 40A, the Board held a public hearing at Newton City Hall on September 28, 2010. At the close of the public hearing, the application was duly referred to the Board's Land Use Committee, which held working session meetings on the application on October 19th, November 4th, November 23rd and November 30th, 2010. At the conclusion of the working session meetings, the Land Use Committee voted to (i) recommend approval of the

application to the Board; and (ii) forward a draft written Board Order to the Board for consideration.

Comments from the public and various City boards and departments were received by the Board during the public hearing. In addition, the Board received extensive testimony and written reports from the City's professional consultants, Woodward and Curran, Inc. (civil engineering) and McMahan Associates, Inc. (transportation). During the review process, the Petitioner's professional consultants also provided various supplemental materials in response to requests by the Board, its consultants and various City departments that reviewed the Project (as defined below). The foregoing written reports and supplemental materials prepared by City staff, as well as comments received from the public are included in the record of the Board's proceedings and provide factual and technical background for the Findings and Conditions set forth within the body of this Order.

Finding that all applicable provisions of the Zoning Ordinance and the Board of Aldermen Rules and Orders have been complied with, the Board GRANTS approval of this Special Permit/Site Plan Approval based on the following findings, as recommended by the Land Use Committee of the Board through its Chairman Alderman Ted Hess-Mahan:

1. The Chestnut Hill Square Project will redevelop, in two phases, an existing underutilized site into a mixed-use development of up to 245,000 square feet of commercial space and up to 100 residential units (the "Project"). The Project is anticipated to include approximately 154,000 square feet of retail and restaurant space, 61,000 square feet of medical office space and/or 30,000 square feet of health club space. Phase 1 of the Project will consist of three buildings, for the retail, restaurant, office space, and health club or other by-right uses permitted in the BU-4 District. Phase 2 of the Project will consist of one residential building with commercial space and a parking garage.
2. The entire Project site is located in the BU-4 District, pursuant to that certain Order of the Board # 214-10 which has been adopted by the Board in conjunction with, and immediately prior to, this Order.

With regard to special permits under §§ 30-11(d)(7), (8), (9),(10), and (k), §30-15, Table 3, and the criteria under sec. 30-24(d)(1)-(5):

3. The Project represents a mix of uses, scale and location that advances the City's planning goals, as set forth in the City's Comprehensive Plan and Zoning Ordinance, with respect to smart growth and business development along the Route 9 corridor.
4. The Project site is an appropriate location for the proposed mixed-used development, which is anticipated to include a mix of retail, restaurants including those with over 50 seats, office, health club, residential or other by right uses permitted in the BU-4 District, serving residents and surrounding neighborhoods and attracting visitors because the site is located on Route 9, a state highway and a major transportation and commercial corridor. Furthermore, the Petitioner are required by Mass DOT in accordance with Mass DOT's Section 61 finding to make numerous infrastructure improvements in order to make the Project feasible from a traffic standpoint and to improve travel along this

portion of Route 9 overall. The Project as developed and operated in accordance with the conditions of this Special Permit/Site Plan approval will not adversely affect the surrounding neighborhoods.

5. The design of the Project site and the buildings, including, but not limited to, the building heights, setbacks, open space and pedestrian and vehicular circulation is appropriate for the site and the surrounding area by concentrating the tallest buildings towards the center of the Project, retaining more open space than required in the BU-4 District for commercial projects and creating safe and accessible vehicular and pedestrian circulation routes within the Project.
6. To minimize the Project's impacts on the Florence Street neighborhood, the Project has been designed so that the Florence Street entrance/exit will be not be used for any purpose other than as a secondary construction access point during construction of the Project and for emergency vehicle access during and following construction. In addition, existing vegetation closest to Florence Street will be substantially retained and enhanced with additional trees and plantings to provide a landscaped edge along Florence Street.
7. The Project accommodates vehicular and pedestrian movement through the implementation of numerous on- and off-site measures to support pedestrian, vehicular and bicycle access to the Project, including providing redesigned access to the site in connection with an extensive transportation infrastructure improvement program proposed to improve the Route 9 corridor; newly constructed accessible sidewalks and crosswalks along Rt. 9 and Florence Street and within the Project; landscaped areas within the site to provide safe pedestrian walkways as well as plazas and gathering spaces. As proposed, there will be no nuisance or serious hazard to vehicles or pedestrians.
8. The access to the Project over streets is appropriate for the type(s) and number(s) of vehicles anticipated and the Project will function efficiently within the existing transportation system with the implementation of a proposed transportation infrastructure improvement program. Based on an independent review by McMahan Associates, Inc. the Petitioner has proposed significant roadway improvements to offset the impacts of the proposed Chestnut Hill Square project, many of which originate from and are consistent with "The Route 9 Corridor in Brookline and Newton Report" produced by the Central Transportation Planning Staff for the Massachusetts Highway Department published in February 2002.
9. In addition to those required by current state laws and building code in effect, the Project as proposed incorporates a number of sustainable design measures, which would represent a significant contribution toward the efficient use and conservation of natural resources and energy. These include: redevelopment of an already developed site, open space in excess of that required in the BU-4 District, light-colored reflective roof membranes, solar-ready construction of Building C, construction and operational phase recycling programs, high efficiency exterior lighting systems, a tenant manual requiring tenant water and energy conservation measures and/or participation in Transportation Demand Management measures, tree shaded parking areas, stormwater management

systems (condition 26) and the Petitioner's contributions to the Fats Oils Grease (FOG) program (condition 33). In addition, as required by the Massachusetts Environmental Policy Act (MEPA) and the Department of Energy Resources (DOER), the petitioner will also implement a comprehensive strategy to reduce mobile greenhouse gas emissions.

10. The Petitioner will improve public welfare and safety on the Project site and in the surrounding area through measures such as the installation of an OPTICOM traffic signal preemption system for all modified traffic signals and the implementation of a proposed transportation infrastructure improvement program within the Route 9 corridor to decrease emergency response times within the area.
11. The Petitioner will provide a Construction Management Plan which will include appropriate procedures and protocols to be implemented during construction of the Project to minimize construction related impacts, such as blasting, noise, dust, and construction traffic, and to provide construction parking areas on site to the extent feasible.

With regard to the site plan criteria under §§ 30-23(2)(a)-(h):

12. Based on an independent review by Woodward and Curran, Inc. and comments received from the City's Engineering Department, there is sufficient capacity in the City's water and sewer system to support the Project. The Petitioner has also agreed to: (a) install two 12-inch water lines, which will cross the Project site to connect the water main servicing Route 9 to the water main servicing Florence Street; and (b) make a contribution towards the study of an existing problem related to fats, oils, and grease ("FOG") within the City's sanitary sewer system.
13. The Petitioner will install a stormwater management system, which, based on the independent review by Woodward and Curran, Inc., will result in overall improvement to the flow management and water quality runoff from the Project site.
14. Appropriate landscaping and screening of the parking area(s) and structure(s) will be provided including, but not limited to, buffering from the Florence Street neighborhood by substantially retaining the existing vegetation closest to Florence Street and enhancing the area with additional trees and plantings.
15. The Project is a redevelopment of a site that generally contains only large areas of asphalt and abandoned buildings. To the extent feasible, the Petitioner will minimize removal of viable trees and soil (with nearly all of the existing vegetation immediately along Florence Street intended to be substantially retained and enhanced). The Project will be landscaped in a manner that will enhance the appearance of the site in keeping with the appearance of neighboring, commercially developed areas.
16. The utility services lines along the Project's Route 9 frontage will be located underground subject to necessary permits and approvals. The feasibility of underground location of other utility service lines will be reviewed by the Petitioner in light of other site design considerations, such as the location and configuration of structures, site costs, required earthwork and other similar considerations.

17. No historical resources currently exist on the Project site and demolition of the existing buildings on site requires no further historic review under the City's historic ordinances.

With regard to the reduction in the required number of parking stalls under §30-19(d)(18) and other parking waivers including an additional reduction in parking stalls under § 30-19(m):

18. The Project's use of structured parking, reduction in the number of required parking stalls, and indoor off-street loading facilities creates greater opportunity for open space on the Project site, which allows the Petitioner to increase landscaping and provide for plazas and gathering spaces on site. This design enhances the environmental features of the Project while still providing sufficient parking to accommodate projected demands. The Petitioner's parking space waiver is expressed as a percentage by which the number of spaces that would otherwise be required under the Zoning Ordinance for any given combination of uses in the Project are reduced (the "Parking Reduction").
19. The combination of three (3) or more uses in a single integrated development, as proposed by the Project, allows a reduction of up to 33% of the required number of parking stalls. An additional reduction in the number of parking stalls is justified in view of the anticipated parking demands, and is further justified given that literal compliance is impracticable due to the size and grade of the lot and desired scale, design, and use characteristics for this site. The Petitioner has also submitted a Transportation Demand Management Plan which will help reduce vehicle trips to the site and a Managed Parking Plan which will help manage parking during peak periods.
20. Based on the mix of uses set forth in the application for this Special Permit/Site Plan Approval, at the conclusion of Phase 1, a total of 691 parking stalls will be provided on site, including 22 handicapped spaces; at the conclusion of Phase 2, a total of 908 parking stalls will be provided on site, including 29 handicapped spaces and 392 spaces in the garage; the total number of required parking stalls for the anticipated uses (including 100 dwelling units in the residential building) for both phases is 1375 spaces; the total Parking Reduction for Phase 1 shall not exceed 39% (i.e., a waiver of up to 438 spaces); and the total Parking Reduction at the conclusion of Phase 1 and 2 shall not exceed 34% (i.e., a waiver of up to 467 spaces).

With regard to the criteria for Inclusionary Housing required under section 30-24(f):

21. The Inclusionary Housing Plan filed with the application satisfies all applicable requirements for the issuance of this Special Permit/Site Plan Approval.

With regard to the criteria for waivers for signage under section 30-21(l)

22. The mix of uses within the Project, the complex nature of the building layout (which includes several facades inwardly oriented to encourage pedestrian activity and connectivity) and the unique architecture of the Project, the Board finds that the proposed number, size, location, type and height of the signage program as substantially shown in the Petitioner's Comprehensive Signage Package (see Exhibit A), which include two (2) free standing signs along Rt. 9, are in the best interests of the public as they serve

important wayfinding, building identification and ornamental functions and match the scale of the Project.

With regard to retaining walls in excess of four feet in height under section 30-5(b)(4):

23. The proposed retaining walls greater than four feet in height, which are located within the setbacks as generally shown the Special Permit Plan Set, will not adversely impact immediate abutters because the Petitioner has proposed appropriate materials, designed the walls at an appropriate scale in relation to abutting properties, accommodated stormwater through the proposed stormwater management system so that it is generally detained on-site as required, and will remove any trash and debris that accumulates around and between such retaining walls and abutting properties on at least a semi-annual basis.

In light of the above findings and the following conditions imposed by this Order, the Board of Aldermen finds that the public convenience and welfare of the City will be served and that the criteria of §30-23 and §30-24 for granting a special permit/site plan approval will have been satisfied.

PETITION NUMBER:	#214-10(2)
PETITIONER:	NED Chestnut Hill Square LLC, successor(s), assign(s) and/or designee(s)
LOCATION:	200-230 Boylston Street, Boylston Street, 7 Hammell Place LLC, 114 and 146 Florence Street; Section 82, Block 2, Lots 8, 9, 10, 11, 12, 13, 14, 15, 15A, 15B, 15C, 18, 29, 30, 32. The project area is shown on the Zoning Plan Exhibit A dated 8/2/10 prepared by Harry R. Feldman, Inc. and referenced on Exhibit A-1 attached hereto.
OWNER:	G&K LLC; Key Chestnut LLC; 7 Hammell Place LLC; and NED 220 Boylston LLC
ADDRESS OF OWNER:	200 Boylston Street, Chestnut Hill, MA 02467 One Wells Avenue, Newton, MA 02459
TO BE USED FOR:	A mixed-use development of approximately 245,000 square feet of commercial space and up to 100 residential units, and accessory parking as described in Finding 1 above
CONSTRUCTION:	New construction including masonry and brick veneer buildings with glass storefronts and windows, accented with metal and glass

windows, accented with metal and glass canopies and metal panels, fieldstone and cement block retaining walls, precast concrete garage

EXPLANATORY NOTES:

The following special permits are granted subject to the Findings and Conditions set forth herein: §30-15, Table 3 to allow buildings to exceed dimensional standards, including height and number of stories as generally shown on the Special Permit Plan Set; §30-5(b)(4) to allow retaining walls of greater than 4 feet, which are located within setbacks as generally shown on the Special Permit Plan Set; §30-11(d)(7) to allow a multi-family dwelling containing up to 100 units, §30-11(d)(8) to allow a multi-level parking facility containing approximately 392 spaces; §30-11(d)(9) to allow restaurants with greater than 50 seats; §30-11(d)(10) to allow open-air businesses; §30-11(k) to allow buildings containing individually or in the aggregate 20,000 or more square feet in gross floor area; §30-19(m) for a waiver of parking spaces by the Parking Reduction set forth in the application for any uses constructed and occupied prior to full build-out of the Project (e.g. 438 of the 1,129 required parking spaces are waived to provide 691 spaces prior to full build-out based on the uses anticipated by the application); §30-19(d)(18) to reduce the sum total of parking spaces required for the Project at full build-out by the Parking Reduction set forth in the application based on the combination of three or more uses in a single integrated development (e.g. 467 of the 1,375 required parking spaces are waived to provide 908 spaces for the Project based on the uses anticipated by the application); §30-19(h)(4), §30-19(m) to allow entrance and exit driveways in excess of 25 feet wide as generally shown on the Special Permit Plan Set; §30-19(h)(5)(b) to allow managed and/or valet parking; §30-19(h)(2)(c), §30-19(m) for parking within the required setbacks and a

waiver of dimensions for parking stalls, including handicapped parking stalls as generally shown on the Special Permit Plan Set; §30-20(f)(9) and §30-20(l) to allow one freestanding primary sign for the residential building and two additional freestanding signs; and §30-20(d)(2), §30-20(c)(1), (2) and (9), §30-20(i)(4), §30-20(l) for signs larger, in quantities, illumination and locations other than allowed by-right

ZONING:

Business 4

Approved subject to the following conditions:

1. All buildings, parking and other site features associated with this Special Permit/Site Plan Approval for the Project shall be located and constructed/implemented consistent with the plan set entitled "Special Permit Application Submission for Chestnut Hill Square Boylston Street/Route 9 Newton, MA" (the "Special Permit Plan Set"), which plans are identified in Exhibit A and are hereby incorporated by reference.
2. This Special Permit/Site Plan Approval shall be deemed to have been (i) exercised, for the purposes of utilizing the benefits of the change of zone authorized by Board Order #214-10, upon the submission to the City of an application for a building permit for all or any portion of the Project; and (ii) vested and exercised, with respect to the entire Project, for all purposes, once construction under this Special Permit/Site Plan Approval has begun for any portion of the Project. In no event shall any portion of the Project for which a certificate of occupancy has been issued in accordance with the provisions of this Special Permit/Site Plan Approval be deemed to be in violation of this Special Permit/Site Plan Approval or be deemed to have lapsed due to the fact that any phase of the Project has not been commenced or completed, subject to the 10 year lapse provision contained in condition 3 below.
3. The Project may be constructed in two Phases. Phase 1 of the Project will consist of three buildings for the retail, restaurant, office space, health club or other by-right uses permitted in the BU-4 District. Phase 2 of the Project will consist of one residential/commercial building containing up to 100 residential units and a parking garage. Each of the proposed buildings/site improvements may be constructed and occupied prior to construction of the remaining buildings/site improvements (including the parking structure), provided that adequate parking and landscaping associated with such proposed building, as set forth in the Special Permit Plan Set and application are provided by the Petitioner. The determination as to the adequacy of parking and landscaping shall be subject to the review and approval of the Commissioner of Inspection Services and the Director of Planning and Development and shall be made in accordance with the provisions of condition 16 below. The Petitioner agrees to submit updated construction sequencing plans and landscape sequencing plans to the Director of Planning and Development and the Commissioner of Inspectional Services, together with

a memorandum demonstrating that the current construction and landscaping status and the proposed parking are consistent with the relief granted by this Special Permit/Site Plan Approval in connection with any request for a certificate of occupancy.

Construction of any phase of the Project will not obligate the Petitioner to construct the balance of the Project (or any portion thereof) in a subsequent phase(s), provided that the Petitioner shall be obligated to complete any requirements that are a condition of a certificate of occupancy in accordance with the provisions of condition 16 below. If the Petitioner has not commenced construction of any portion of the Project within ten years of the exercise (as defined in Condition 2(ii) above) of this Special Permit/Site Plan Approval, construction of such portion, even if consistent with the original Special Permit Plan Set, shall require an amendment to this Special Permit/Site Plan Approval.

4. The Petitioner shall comply in all material respects with the final Construction Management Plan to be submitted for review and approval to the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, Fire Department, Public Works Commissioner, City Engineer, and City Traffic Engineer. The Final Construction Management Plan shall be materially consistent with the construction sequencing shown in the Special Permit Plan Set, and include appropriate provisions for dust controls, noise, blasting, construction traffic routing, a requirement that access to the site from Florence Street be restricted to use as a secondary construction access point and be chained or gated during construction, and off-site construction parking that may be required to provide parking for uses in operation on the site during construction activities. The final Construction Management Plan shall also include adequate and appropriate procedures and protocols to be implemented to allow effective operation of the Project site during construction, including, without limitation providing temporary cellular antennas to maintain cellular service in the area of the Project during construction activities.
5. The Comprehensive Signage Package submitted by the Petitioner (see Exhibit A) is hereby approved in concept. The Petitioner shall submit a final Comprehensive Signage Package to the Director of Planning and Development for review and approval prior to implementation of the Project signage program. The Director of Planning and Development shall review the Comprehensive Signage Package, in consultation with the Newton Urban Design Commission, and provide the Petitioner with recommendations but in no event shall any such recommendations require the Petitioner to obtain additional relief under the Zoning Ordinance. The Director of Planning and Development shall review any proposed modifications to the Project signage program to ensure that the same are generally in harmony with the findings, safeguards and conditions set forth in this Special Permit/Site Plan Approval and substantially consistent with the Comprehensive Signage Package submitted by the Petitioner in support of the application for this Special Permit/Site Plan Approval.
6. Subject to the provisions hereof and receipt of all necessary state, federal and local permits and/or approvals, including MassDOT review, revision, approval (the "Approvals"), the Petitioner shall design and construct the Route 9 Corridor Improvements and Local Roadway Improvements, which shall include the installation of

an OPTICOM traffic signal preemption system for all modified traffic signals, as substantially set forth in the Traffic Impact and Access Study submitted in support of the application for this Special Permit/Site Plan Approval (see Exhibit A), as the same may be modified by MassDOT or other applicable authorities (the "Proposed Transportation Improvement Program").

The Board recognizes that certain portions of the Proposed Transportation Improvement Program fall under the jurisdiction of MassDOT or other state agencies and that the Petitioner's obligation to construct the Proposed Transportation Improvement Program may be satisfied through state and/or federal infrastructure work/funding; provided however, that, subject to the provisions of Condition 8 below, the failure of such state and/or federal infrastructure work/funding shall not relieve the Petitioner from this Condition 6. In order to ensure coordination of the Proposed Transportation Improvement Program between state and local jurisdictional areas, the Petitioner, at the request of the Director of Planning and Development, shall provide the City with a summary of the status of MassDOT's review. The Petitioner shall submit to the Director of Planning and Development for review in consultation with the Commissioner of Public Works, City Engineer, the Commissioner of Inspectional Services and the City Traffic Engineer (i) copies of final design plans for the Proposed Transportation Improvement Program upon the final issuance of all of the Approvals for the Proposed Transportation Improvement Program (or any portion thereof); and (ii) a certification from a professional traffic engineer or MassDOT and/or City's Traffic Engineer Peer Reviewer confirming the substantial completion of the Proposed Transportation Improvement Program (or any portion thereof).

Prior to a request for modification of the state highway access permit for the Project, the Petitioner shall meet with the Director of Planning and Development, Commissioner of Public Works, City Engineer, the City Traffic Engineer, and the Commissioner of Inspectional Services to obtain the City's comments and, to the extent feasible, incorporate such comments into the Petitioner's request for modification. Subject to Condition 8 below, the Proposed Transportation Improvement Program shall be substantially completed prior to substantial occupancy of the Project authorized under this Special Permit/Site Plan Approval.

7. Subject to the provisions hereof and receipt of all of the Approvals, the Petitioner shall initially implement the Transportation Demand Management measures, including, without limitation, the shuttle bus service, as generally set forth in the Traffic Impact and Access Study submitted in support of the application for this Special Permit/Site Plan Approval (see Exhibit A), as the same may be modified by MassDOT or other applicable authorities (the "TDM Measures"). The Petitioner will review the TDM Measures with the Director of Planning and Development prior to the opening of the first building in the Project, including operations of the shuttle service. At the request of the Director of Planning and Development or at the Petitioner's election, the Petitioner will annually evaluate the effectiveness of the TDM Measures to determine whether any proposed adjustment to the TDM Measures should be made to optimize the TDM program. Any adjustments to the TDM Measures resulting from such annual review will be submitted to the Director of Planning and Development and City Traffic Engineer and shall be

maintained on file at the Project. Subject to Condition 8 below, the TDM Measures shall be substantially implemented prior to initial occupancy of the Project authorized under this Special Permit/Site Plan Approval, unless otherwise determined by the Director of Planning and Development in consultation with the City Traffic Engineer.

8. A Certificate of Occupancy may be issued for any portion of the Project prior to completion of the Proposed Transportation Improvement Program or implementation of the TDM Measures upon submission by the Petitioner of a parking analysis and traffic report prepared by a professional traffic engineer to the Commissioner of Inspectional Services, Director of Planning and Development, and the City Traffic Engineer evidencing that the parking provided and improvements completed, together with any necessary alternative measures proposed by the Petitioner in the Traffic Impact and Access Study submitted in support of the application for this Special Permit/Site Plan Approval (see Exhibit A), are sufficient to safely and efficiently accommodate the (i) parking required by the Zoning Ordinance (as the same may be adjusted by the Parking Reduction); and (ii) anticipated traffic volumes for the portion of the Project for which the Certificate of Occupancy is sought. The parking analysis and traffic report shall be subject to review and approval by the Commissioner of Inspectional Services, in consultation with the Director of Planning and Development, and the City Traffic Engineer.
9. The City has previously secured partial, but not sufficient, funding from another developer for the installation of a traffic signal at the intersection of the Route 9 eastbound offramp and Hammond Pond Parkway (the "HPP Signal") in the amount of \$250,000 (the "Signal Funding"). Upon the issuance of all necessary Approvals, the Petitioner agrees to install or cause to be installed the HPP Signal in accordance with the Proposed Transportation Improvement Program. Upon substantial completion of the HPP Signal, as certified by a professional traffic engineer, the Director of Planning and Development shall request appropriation of the Signal Funding to the Petitioner, provided that nothing in this condition shall require the Mayor and Board of Aldermen to approve such appropriation request.
10. The Petitioner will provide the City with a good faith estimate of the cost to design and construct a sidewalk built to City standards within the northerly portion of the Florence Street right-of-way from 188 Florence Street to the westerly boundary of the Atrium Mall property. If the good faith estimate exceeds \$300,000, the City may either provide the Petitioner with the additional funds necessary to construct the sidewalk or may elect to construct the sidewalk itself in which event the Petitioner shall pay the \$300,000 to the City prior to construction of the sidewalk. If the good faith estimate is less than \$300,000 or the City provides such additional funds to cover the cost in excess of \$300,000, the Petitioner shall, subject to approvals, design and construct the sidewalk. The completion of this work shall not be a condition to the issuance of a Certificate of Occupancy for any portion of the Project, but the Commissioner of Inspectional Services may include the cost to install the sidewalk in the 135% bond or other security in accordance with the provisions of condition 16.

11. Subject to the provisions hereof and receipt of all of the approvals, the Petitioner shall construct the Route 9 sidewalk/landscaped areas proposed in the Special Permit plan set in front of Building C. The Petitioner agrees to seek approval for effective 15' sidewalk/landscaped area (whether owned by MassDOT or Petitioner) which areas may include a five (5) foot sidewalk along Route 9, a four (4) foot planted buffer area and a six (6) foot internal sidewalk/walkway, all subject to review and approval by MassDOT after consultation with the City Traffic Engineer and Director of Planning and Development, provided, further that the petitioner shall not be required to seek amended and/or additional special permits or variances or other relief in connection with the project.

The Petitioner agrees to contact the owners and tenants of the Capital Grille and David's buildings, so called, to discuss expanding the sidewalks adjacent to such buildings and to the extent such owners and/or tenants consent is obtained, and such expansion does not result in zoning or other violations, to implement improved sidewalk conditions at their frontage.

12. The Petitioner shall comply with the Post Development Traffic Monitoring Program set forth in Exhibit B attached hereto.
13. On-site Project sidewalks, pedestrian ramps and handicapped parking spaces shall be constructed in material compliance with any applicable requirements of the City of Newton General Construction Details, the Americans with Disabilities Act (ADA) and/or the Massachusetts Architectural Access Board (MAAB) requirements (unless otherwise allowed by the grant of a waiver or variance). Where new off-site sidewalks are provided at an intersection that the Petitioner will install or modify a traffic signal system, said improvements will be constructed to include pedestrian push buttons, bicycle detection, traffic signal phasing, wheelchair accessible ramps, and associated sign and pavement markings to the extent appropriate and feasible and subject to receipt of all necessary Approvals. The Petitioner agrees to work with the City's Committee for People with Disabilities regarding its reasonable request for the relocation of the handicap parking stalls to enhance utilization of such stalls; provided that no construction, reconstruction, or reconfiguration of Project improvements shall be required other than pavement restriping. The Petitioner will also enforce handicap parking restrictions and will register with the Newton Police Department to allow police enforcement of handicap parking restrictions as well.
14. Managed and/or valet parking operations are permitted at the Project provided they are conducted in all material respects pursuant to a professionally-prepared Parking Management Plan, which shall be maintained on file at the Project and available for review upon request by the Director of Planning and Development. Valet parking must be kept within the Project site.
15. Petitioner will store snow at the Project, except to the extent removal is deemed by the Petitioner to be operationally necessary during peak parking periods. To the extent snow removal is necessary, such removal will be conducted pursuant to a Snow Removal Plan, which shall be maintained on file at the Project and available for review upon request by

- the Director of Planning and Development. The Petitioner will request permission from MassDOT to clear the sidewalks along the Route 9 Project frontage of snow and ice. If MassDOT approves the Petitioner's request, the Petitioner shall use commercially reasonable efforts to keep the sidewalks along the Route 9 Project frontage of the site clear of snow and ice at all times in order to improve safe pedestrian travel. The Petitioner shall also remove snow along the sidewalk on its Florence Street frontage in accordance with the City's snow removal ordinance.
16. A Certificate of Occupancy may be issued for any portion of the Project prior to installation of all required landscaping and hardscape/open space areas shown in the Special Permit Plan Set or installation of the sidewalk along Florence Street. Prior, however, to issuance of such Certificate of Occupancy, the Commissioner of Inspectional Services in consultation with the Director of Planning and Development may 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 landscaping, hardscape/open space areas, and the sidewalk along Florence Street to secure the installation of these items. The Commissioner of Inspectional Services may include in the value of such bond or other security the costs associated with any portion or all of the required landscaping, hardscape/open space, and/or Florence Street sidewalk as he deems reasonably necessary to ensure that the site amenities, pedestrian and vehicular circulation pathways, and gathering spaces as show on the Special Permit Plan Site will be installed even if the Project's Phase 1 or Phase 2 are not completely built-out. The review under this condition shall be in addition to the review to be conducted under condition 8 above.
 17. Any plant material required by this Special Permit/Site Plan Approval that becomes diseased or dies shall be replaced with similar material on an annual basis.
 18. 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 Special Permit Plan Set. Consistency determinations shall be subject to review and approval by the Commissioner of Inspectional Services but shall not require approval of the Board. When making a request for a consistency determination, the Petitioner shall submit updated construction sequencing plans and a memorandum to the Commissioner of Inspectional Services demonstrating that such change(s): (i) do not require further Massachusetts Environmental Policy Act (MEPA) review under 301 CMR 11.10(8); (ii) constitute a reallocation or reconfiguration of square footage among uses in the Project or otherwise allowed in the BU-4 District such that no increase in the Parking Reduction approved hereunder is required; (iii) do not 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); and (iv) maintain the same percentage of useable open space as shown in the Special Permit Plan Set. 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. The Land Use Committee shall not be required to vote or to approve the consistency request.

19. Nothing in this Special Permit/Site Plan approval shall prevent the Petitioner from submitting a building(s) to a condominium property regime, provided that the land on which such condominium is located shall not be subdivided. In no event shall the submission of the buildings to a condominium property regime relieve the Petitioner of any applicable requirements of this Special Permit/Site Plan Approval. The violation of the conditions of this Special Permit/Site Plan Approval by an owner or occupant of a single condominium unit within the Project shall not be deemed to be a violation by any other owner or occupant within the Project, but shall be deemed to be a violation by the owner or occupant of the condominium unit(s)/premises violating the conditions of this Special Permit/Site Plan Approval. The City may, at the election of the Commissioner of Inspectional Services, look to the applicable condominium association, or in the event of a lease-hold condominium, the applicable lessor, in connection with such violation. Nothing herein shall limit the rights of a condominium association against a violating owner or occupant.
20. The Petitioner shall merge the existing 11 distinct parcels to one new lot either prior to the issuance of the first building permit for the Project, or within thirty (30) days from the issuance of such permit.
21. The Petitioner shall design and construct an at-grade pedestrian crossing of Route 9 at the signalized Project driveway. Said crossing shall be push button-actuated and include a marked crosswalk. The Petitioner shall work with the City and MassDOT to ensure that the pedestrian crossing phase includes an appropriate amount of time for pedestrians to cross Route 9. The Petitioner shall also install a marked crosswalk across Florence Street and Louise Road at the intersection of these two roadways.
22. The Petitioner will work with the MBTA to establish a bus stop and layover areas within the Project to accommodate the bus routes passing by the site.
23. The Petitioner will implement the TDM Measures as set forth in Condition 7 above and the Post Development Traffic Monitoring Program attached hereto as Exhibit B. The goal of the TDM Measures is to reduce single-occupancy vehicle traffic associated with the Project by a minimum of 10 percent during the commuter peak-hours. This goal (10 percent reduction in single-occupancy vehicle traffic) will be monitored by the Petitioner as a part of the Post Development Traffic Monitoring Program for the Project. Should the Post Development Traffic Monitoring Program indicate that a 10 percent reduction in Project-related peak-hour traffic has not been achieved as a result of the TDM Measures, the Petitioner shall work with the City and the Route 128 Business Council to expand and refine the elements of the TDM Measures.
24. The Petitioner will seek MassDOT approval for roadway treatments or other measures such that the vehicles exiting the easternmost Project driveway are directed through signs and channelization onto the Hammond Pond Parkway off-ramp from Boylston Street.
25. The Petitioner shall not allow the Florence Street entrance/exit to be used for any purpose other than as a secondary construction access point during construction of the Project,

and for emergency vehicle access during and following construction. The Petitioner shall chain or gate the Florence Street access during and after construction.

26. The Petitioner has committed to an ongoing stormwater system cleaning and maintenance effort as described in their Stormwater Operations and Maintenance Plan on file with the City. The Petitioner will comply during construction with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site and provide documentation to the City once every four months during construction that the stormwater pollution control measures to be undertaken during construction have been implemented on an ongoing basis. The Petitioner will provide the City with a Stormwater Pollution Prevention Plan prior the issuance of the initial occupancy permit for any portion of the Project.
27. The utility services lines along the Project's Route 9 frontage will be located underground, subject to necessary Approvals. The feasibility of underground location of other utility service lines will be reviewed by the Petitioner in light of other site design considerations, such as the location and configuration of structures, site costs, required earthwork and other similar considerations.
28. The Petitioner has applied to the Public Facilities Committee to relocate the existing City drain easement and grant the City a new easement for access and maintenance of the new drainage culvert and water main pursuant to the Easement Relocation Plan noted on Exhibit A. The Easement Relocation Plan, once approved by the Board, will be recorded at the Middlesex South Registry of Deeds.
29. The Petitioner will remove any trash that may accumulate between the Petitioner's retaining wall and the retaining wall along Florence Court Condominiums at least semi-annually.
30. The Petitioner shall be responsible at its sole cost for trash disposal for the residential units.
31. The Petitioner will comply with applicable state and local laws, regulations and protocols governing blasting, including, the Standard Blasting Conditions for Special Permit/Site Plan Approvals, dated May 31, 2002 on file with the City Clerk.
32. The Petitioner will not contest parking restrictions on the north side of Florence Street.
33. The Petitioner will work with the City Engineer regarding a study of an existing problem related to FOG within the City's sanitary sewer system and will negotiate with the City Engineer regarding a contribution towards such study. Such contribution shall be made prior to the issuance of any Certificate of Occupancy.
34. The Petitioner shall prepare a Functional Design Report in support of planned improvements that will provide a review of design alternatives for both the Parker Street and Centre/Cypress Street intersections for review by the Director of Planning and Development in consultation the City Traffic Engineer.

for review in consultation with the Newton Housing Authority for compliance with the provisions of §30-(f)(8).

36. 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 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. with regard to each building permit, submitted final plans and elevations to the Director of Planning and Development to assure consistency with the applicable plans approved under this Special Permit/Site Plan Approval.
37. The issuance of a Certificate of Occupancy for all or any portion of the Project shall evidence compliance with all Conditions set forth herein except as otherwise expressly set forth herein or properly noted on such Certificate of Occupancy.
38. At the completion of Phase I, the Petitioner will review the as-built condition with the Commissioner of Inspectional Services in consultation with the Director of Planning and Development to determine to what extent, if any, additional pedestrian amenities (i.e. reconfiguration of existing gathering spaces, width of sidewalks, and similar issues) can be reasonably incorporated consistent with the approved site plan. The Petitioner shall not be required to seek amended and/or additional special permits, variances or other relief and shall, further, only be obligated to implement such amenities under the consistency review provision of this Special Permit/Site Plan Approval.

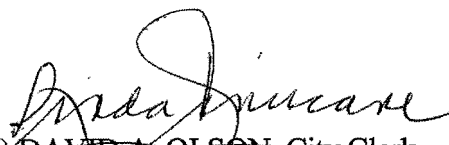
Under Suspension of Rules

Readings Waived and Approved

20 yeas 0 nays 4 absent (Aldermen Freedman, Gentile, Salvucci, and Sangiolo)

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 December 9, 2010. 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
acting 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 _____ and that NO APPEAL to said decision pursuant to M.G. Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:

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

EXHIBIT A¹

Special Permit Application Materials

- **Special Permit Application**
 - Special Permit Narrative
 - Zoning Table
 - Parking Table
 - As-of-Right Diagram
 - Easement Relocation and Discontinuance Plan
 - Inclusionary Housing Plan
 - Traffic Impact and Access Study, including the Traffic Demand Management Program
 - Shared Parking Analysis
 - Stormwater Management Report
 - Shadow Study
 - Comprehensive Signage Package
- **Special Permit Plan Set:**
 - C.00 Cover Sheet
 - C.01 Context Plan / Area Plan (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - C.02 Existing Conditions Site Plan (3/17/09, Stamped and Signed by Robert Applegate, a Professional Land Surveyor)
 - C.03 Layout and Traffic Control Plan (8/2/10, revised 11/30/10 Stamped and Signed by John Stoy, a Professional Engineer)
 - C.04 Erosion Control Plan (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - C.05 Grading and Drainage Plan (4/27/10, Stamped and Signed by John Stoy and Duncan Wood, Professional Engineers)
 - C.06 Utility Plan (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - C.07 Fire Truck Circulation Plan (8/2/10, , revised 11/30/10 Stamped and Signed by John Stoy, a Professional Engineer)
 - C.08 Service Truck Ingress Plan (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - C.09 Service Truck Egress Plan (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - C.10 Pedestrian Circulation Plan (8/2/10, , revised 11/30/10 Stamped and Signed by John Stoy, a Professional Engineer)
 - C.11 General Notes (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - C.12 Erosion Control Details (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - C.13 Drainage Details (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - C.14 Drainage Details (8/2/10, Stamped and Signed by John Stoy and Duncan Wood, Professional Engineers)
 - C.15 Utility Details (8/2/10 Stamped and Signed by John Stoy, a Professional Engineer)
 - C.16 Utility Details (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - C.17 Site Details (8/2/10 Stamped and Signed by John Stoy, a Professional Engineer)
 - C.18 Grade Plane Calculations (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - SL.01 Site Photometric / Lighting Plan (8/2/10, , revised 11/30/10 Prepared by WSP/Flack and Kurtz, Lighting Consultants)
 - SL.02 Lighting Fixture Lot Sheet (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - L.01 Overall Landscape Plan (8/2/10, , revised 11/30/10 Prepared by CBA Landscape Architects)
 - L.02 Enlarged Landscape Plan North (8/2/10, , revised 11/30/10 Prepared by CBA Landscape Architects)
 - L.03 Enlarged Landscape Plan South (8/2/10, , revised 11/30/10 Prepared by CBA Landscape Architects)
 - L.04 Plant List & Detail (8/2/10, Prepared by CBA Landscape Architects)
 - T.01 Tree Inventory and Location Plan and List (8/2/10, Prepared by CBA Landscape Architects)
 - A.01 Grocer Level and Parking Plan (8/2/10, Stamped and Signed by Robert Slattery, a Registered Architect)
 - A.02 Retail Level 1 Plan (8/2/10, Stamped and Signed by Robert Slattery, a Registered Architect)
 - A.03 Health Club Level 2 Plan (8/2/10, Stamped and Signed by Robert Slattery, a Registered Architect)
 - A.04 Office & Typical Residential Upper Level Plan (8/2/10, Stamped and Signed by Robert Slattery, a Registered Architect)
 - A.05 Site Sections (8/2/10, Stamped and Signed by Robert Slattery, a Registered Architect)
 - A.06 Site Elevations East, West and North (8/2/10, Stamped and Signed by Robert Slattery, a Registered Architect)
 - A.07 Site Elevations South & Interior Retail (8/2/10, Stamped and Signed by Robert Slattery, a Registered Architect)
 - CS.01 Construction Sequencing Plan 1 (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - CS.02 Construction Sequencing Plan 2(8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - CS.03 Construction Sequencing Plan 3 (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - CS.04 Construction Sequencing Plan 4 (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - CS.05 Construction Sequencing Plan 5 (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - CS.06 Construction Sequencing Plan 6 (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - CS.07 Construction Sequencing Plan 7 (8/2/10, Stamped and Signed by John Stoy, a Professional Engineer)
 - Consolidation Plan of Land (3/19/09, Prepared by Harry R. Feldman, Inc.)
 - Zoning Plan Exhibit A (8/2/10 Prepared by Harry R. Feldman, Inc.)
 - Easement Relocation Plan (8/2/10, Prepared by Harry R. Feldman, Inc.)
 - RW-1 – Retaining Walls (or systems of walls) greater than four feet in height

¹ In the event of any inconsistency between the plans set forth on this Exhibit A, the final design shall be deemed to conform to the Layout and Traffic Control Plan (C.03).

EXHIBIT B

Post Development Traffic Monitoring Program

The Petitioner shall complete a post development traffic monitoring program for the Project in order to: (i) document the actual traffic characteristics of the Project; (ii) evaluate the success and refine the elements of the TDM Measures; and (iii) assess traffic volumes and operating conditions at the two primary driveways serving the Project and at specific off-site intersections. The monitoring program will consist of the following elements:

1. Collection of 24-hour automatic traffic recorder counts over a continuous 7-day, week-long period on the two primary driveways serving the Project.
2. Collection of weekday morning (7:00 to 9:00 AM), weekday evening (4:00 to 6:00 PM) and Saturday midday (11:00 AM to 2:00 PM) peak period manual turning movement counts at the following intersections hereafter defined as the "traffic monitoring program study area":
 - Route 9 at the signalized Project driveway/The Mall at Chestnut Hill Driveway
 - Route 9 at the east project driveway
 - Route 9 at Langley Road
 - Route 9 at Florence Street
 - Route 9 at Tully Street
 - Route 9 at Hammond Street
 - Hammond Street at Heath Street
 - Hammond Pond Parkway at the Route 9 Ramps (two locations)
 - Hammond Pond Parkway at the Chestnut Hill Shopping Center Driveway
 - Hammond Pond Parkway at Heath Street
 - Parker Street at the Route 9 Ramps (two locations)
3. Documentation of commuting modes of residents and employees of the Project including public transportation and shuttle bus use.

The traffic counts that form the basis of the Post Development Traffic Monitoring Program will be performed under average-month conditions while public schools are in regular session (April-June, September-October). The results of the Post Development Traffic Monitoring Program will be submitted to the City prior to the end of the calendar year in which the study is completed.

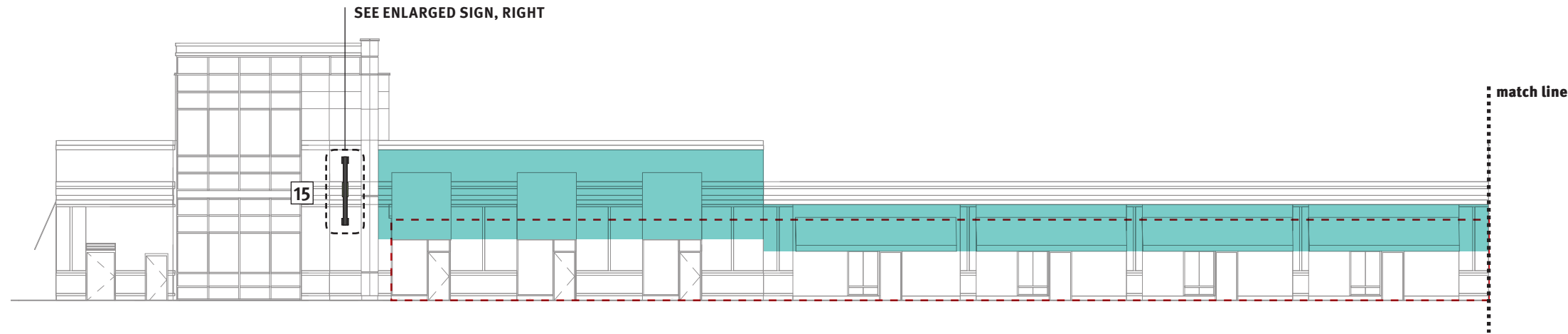
If the results of the Post Development Traffic Monitoring Program indicate: (1) the need to adjust the traffic signal timing for the improved or monitored intersections along Route 9, the Hammond Pond Parkway and/or Parker Street within the traffic monitoring program study area to accommodate traffic volume fluctuations solely related to the Project; (2) the need to install the second traffic control signal at the Parker Street/Route 9 westbound ramp intersection; and/or (3) the actual measured traffic volumes associated with the Project as then constructed and occupied exceed the trip estimates presented in the June 1, 2010 Supplemental Traffic Impact Assessment by more than 10 percent of the projected trip generation for then occupied uses as

measured at the two primary driveways serving the Project; then the Petitioner shall implement the following corrective measures as may be necessary and appropriate, as certified by the professional traffic engineer of record for the Project, and subject to receipt of all necessary rights, permits and approvals:

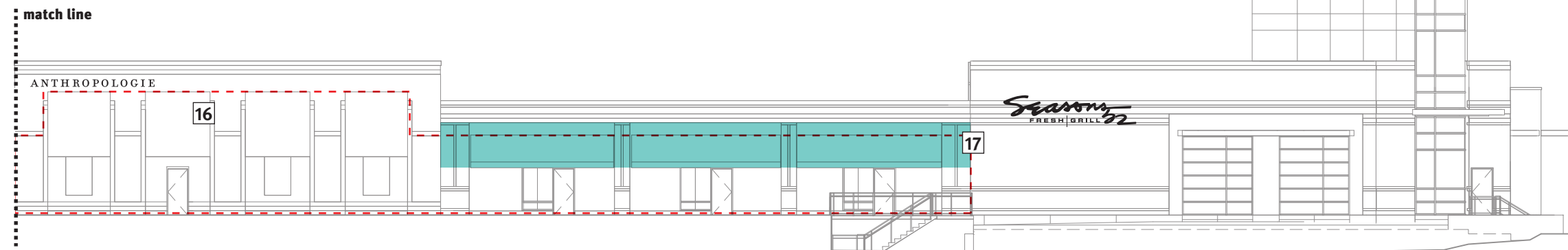
- a. Adjust the traffic signal timing, phasing and coordination for the improved or monitored intersections along Route 9, the Hammond Pond Parkway, Parker Street, Hammond Street and/or Tully Street within the traffic monitoring program study area;
- b. To the extent necessary implement refinements to on-site traffic flow and parking management;
- c. Construct the traffic signal at the Parker Street/Route 9 westbound ramp intersection and interconnect and coordinate said traffic signal with the traffic signal at the Parker Street/Route 9 eastbound ramp intersection;
- d. Expand or modify the elements of the TDM Measures in order to increase use of public transportation, the shuttle service, car/vanpools or other alternatives to automobile travel. These measures may include expansion of the shuttle bus service schedule and/or route (service area), and other incentives that are designed to encourage residents, employees and customers to use public transportation, the shuttle service or to car/vanpool, or other additional TDM Measures subject to review of the Director of Planning and Development in consultation with the City Traffic Engineer.

The Post Development Traffic Monitoring Program will commence upon occupancy of the first commercial building within the Project. The results of the Post Development Traffic Monitoring Program will be submitted annually in the form of a memorandum for review by the Director of Planning and Development in consultation with the City Traffic Engineer. The Post Development Traffic Monitoring Program will continue on an annual basis for not less than five (5) years following substantial completion of both Phases of the Project, provided, however, if the Petitioner elects not to fully complete either Phase of the Project, the Traffic Monitoring Program shall continue for a period not less than five (5) years following the Petitioner's notice to the Commissioner of Inspectional Services and the Director of Planning and Development that it has reached substantial completion of the Project.

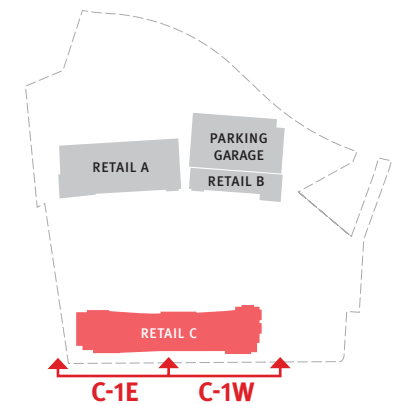
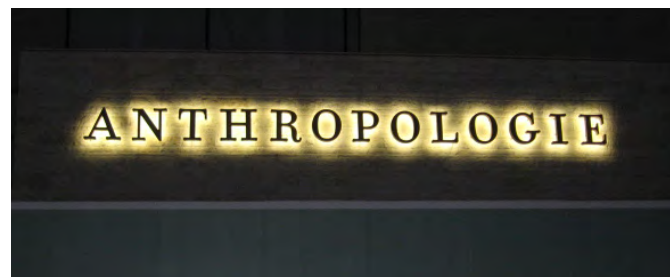
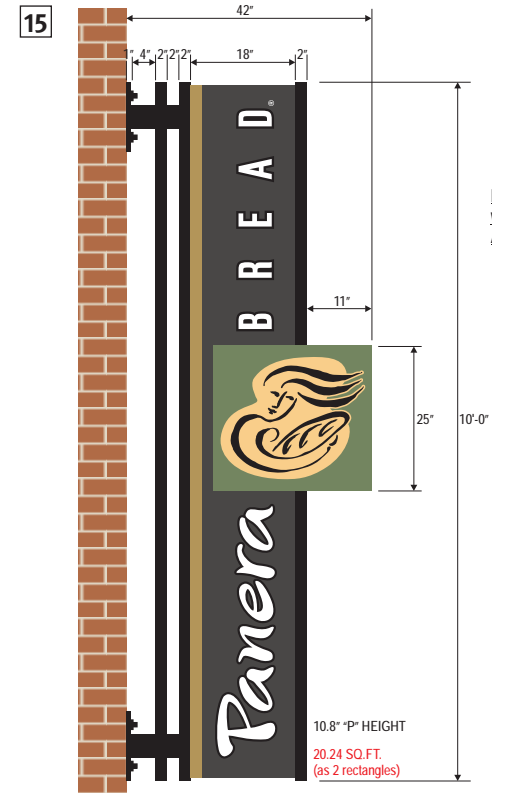
Retail C		SIGN	TENANT	SIGN AREA	NOTES	SIGN DESCRIPTION	COMPLIANCE WITH SPECIAL PERMIT
	15	Panera	21 SF	As-of-Right Secondary Wall Sign (Double Sided)	Internally illuminated blade sign with push through graphics; face colors to be matte black, olive and tan with white letters	✓	
	16	Anthropologie	28 SF	As-of-Right Principal Wall Sign	Internally illuminated white channel letters	✓	
	17	Seasons 52	98.2 SF	As-of-Right Principal Wall Sign	Internally illuminated channel letters	✓	
		Permissible Sign Area		Principal wall sign not to exceed 3sf per linear foot of frontage up to 100 sf per tenant; Secondary wall sign not to exceed 1 sf per linear foot of frontage up to 50 sf per tenant; Windows with lettering/graphics occupying less than 25% of the area of the window through which they are visible and awning signs with lettering/graphics occupying less than 50% of the awning area may be displayed in this area		✓	



C-1E: Retail Building C, Partial North Elevation (View from Route 9)
scale: 1" = 20'-0"



C-1W: Retail Building C, Partial North Elevation (View from Route 9)
scale: 1" = 20'-0"

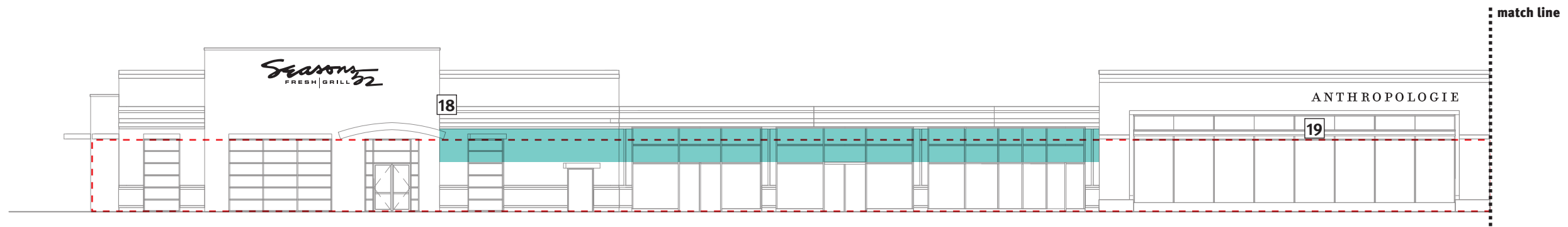


PREPARED BY
ARROW STREET Architecture
Urban Design
Planning
Graphics and Interiors
212 Elm Street
Somerville MA 02144
617.623.5555
www.arrowstreet.com

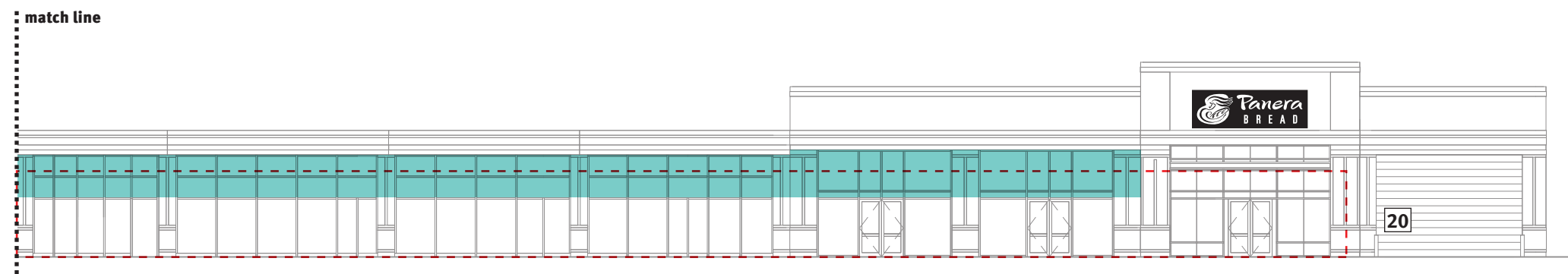
APPLICANT
NewEngland
DEVELOPMENT
phone 617-965-8700 - fax 617-243-7329

PROJECT **Chestnut Hill Square // Comprehensive Sign Plan, Tenant Signage**
LOCATION **NEWTON, MA** SCALE **AS NOTED**
JOB NO. **09057** DATE **20 FEBRUARY 2013** SHEET

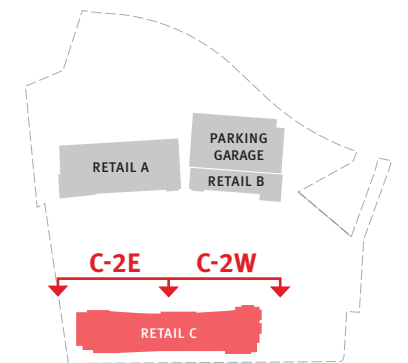
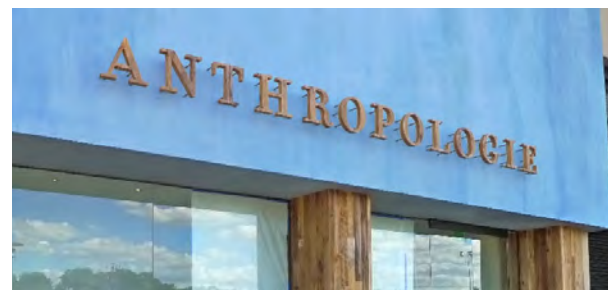
	SIGN	TENANT	SIGN AREA	NOTES	SIGN DESCRIPTION	COMPLIANCE WITH SPECIAL PERMIT
Retail C	18	Seasons 52	98.2 SF	As-of-Right Principal Wall Sign	Internally illuminated channel letters	✓
	19	Anthropologie	35 SF	As-of-Right Principal Wall Sign	Internally illuminated white channel letters	✓
	20	Panera	82 SF	As-of-Right Principal Wall Sign	Internally illuminated channel letters with face colors to be matte black, olive and tan with white letters	✓
		Permissible Sign Area		Principal wall sign not to exceed 3sf per linear foot of frontage up to 100 sf per tenant; Secondary wall sign not to exceed 1 sf per linear foot of frontage up to 50 sf per tenant; Windows with lettering/graphics occupying less than 25% of the area of the window through which they are visible and awning signs with lettering/graphics occupying less than 50% of the awning area may be displayed in this area		✓



C-2W: Retail Building C, Partial South Elevation (View from Upper Parking Lot toward Chestnut Hill Mall)
scale: 1" = 20'-0"



C-2E: Retail Building C, Partial South Elevation (View from Upper Parking Lot toward Chestnut Hill Mall)
scale: 1" = 20'-0"



PREPARED BY
ARROW STREET

Architecture 212 Elm Street
Urban Design Somerville MA 02144
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PROJECT **Chestnut Hill Square // Comprehensive Sign Plan, Tenant Signage**

LOCATION NEWTON, MA

SCALE AS NOTED

JOB NO. 09057

DATE 20 FEBRUARY 2013

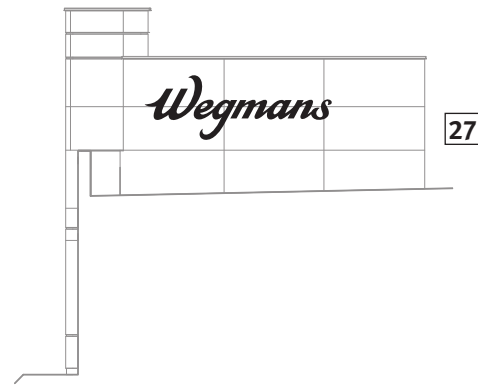
SHEET

Retail C

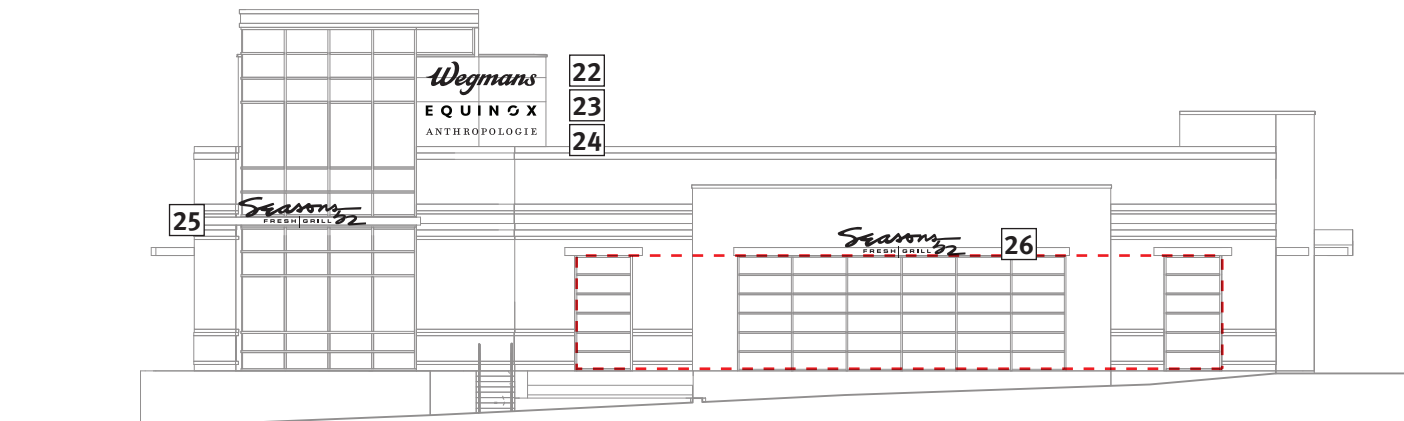
SIGN	TENANT	SIGN AREA	NOTES	SIGN DESCRIPTION	COMPLIANCE WITH SPECIAL PERMIT
21	Wegmans	89.35 SF	Principal Wall Sign	Internally illuminated channel letters with red faces	✓
22	Wegmans	41.48 SF	As-of-Right Principal Wall Sign	Internally illuminated channel letters with red faces	✓
23	Equinox	16 SF	Principal Wall Sign	Halo illuminated channel letters with aluminum faces and white LED's	✓
24	Anthropologie	11 SF	As-of-Right Secondary Wall Sign	Internally illuminated white channel letters	✓
25	Seasons 52	48.5 SF	Principal Wall Sign	Internally illuminated channel letters	✓
26	Seasons 52	48.5 SF	As-of-Right Secondary Wall Sign	Internally illuminated channel letters	✓
27	Wegmans	116.44 SF	As-of-Right Principal Wall Sign between 100 – 200 sf	Internally illuminated channel letters with red faces	✓
	Permissible Sign Area		Principal wall sign not to exceed 3sf per linear foot of frontage up to 100 sf per tenant; Secondary wall sign not to exceed 1 sf per linear foot of frontage up to 50 sf per tenant; Windows with lettering/graphics occupying less than 25% of the area of the window through which they are visible and awning signs with lettering/graphics occupying less than 50% of the awning area may be displayed in this area		✓



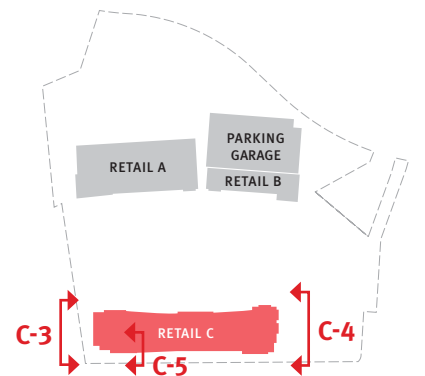
C-3: Retail Building C, East Elevation (View from Miltons)
scale: 1" = 20'-0"



C-5: Retail Building C, Northeast Tower, West Elevation
scale: 1" = 20'-0"



C-4: Retail Building C, West Elevation (View from Capital Grille)
scale: 1" = 20'-0"



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PROJECT **Chestnut Hill Square // Comprehensive Sign Plan, Tenant Signage**

LOCATION NEWTON, MA

SCALE AS NOTED

JOB NO. 09057

DATE 20 FEBRUARY 2013

SHEET

From: [Bernie Lebow](#)
To: [Shubee Sikka](#)
Subject: Liberty Travel facade photos attached and my comments about the signage allowed per code for public record
Date: Friday, April 23, 2021 8:45:07 AM

[DO NOT OPEN links/attachments unless you are sure the content is safe.]

Shubee,

Happened to be driving in Newton Centre this morning and saw the Liberty Travel sign down and thought you would like to see some photos of the lead glass lintel and facade. Quite nice!

Also wanted you to know that I think your interpretation of the zoning during the discussion of this application at the March meeting suggesting that it should only get one large and two smaller signs flanking is correct.

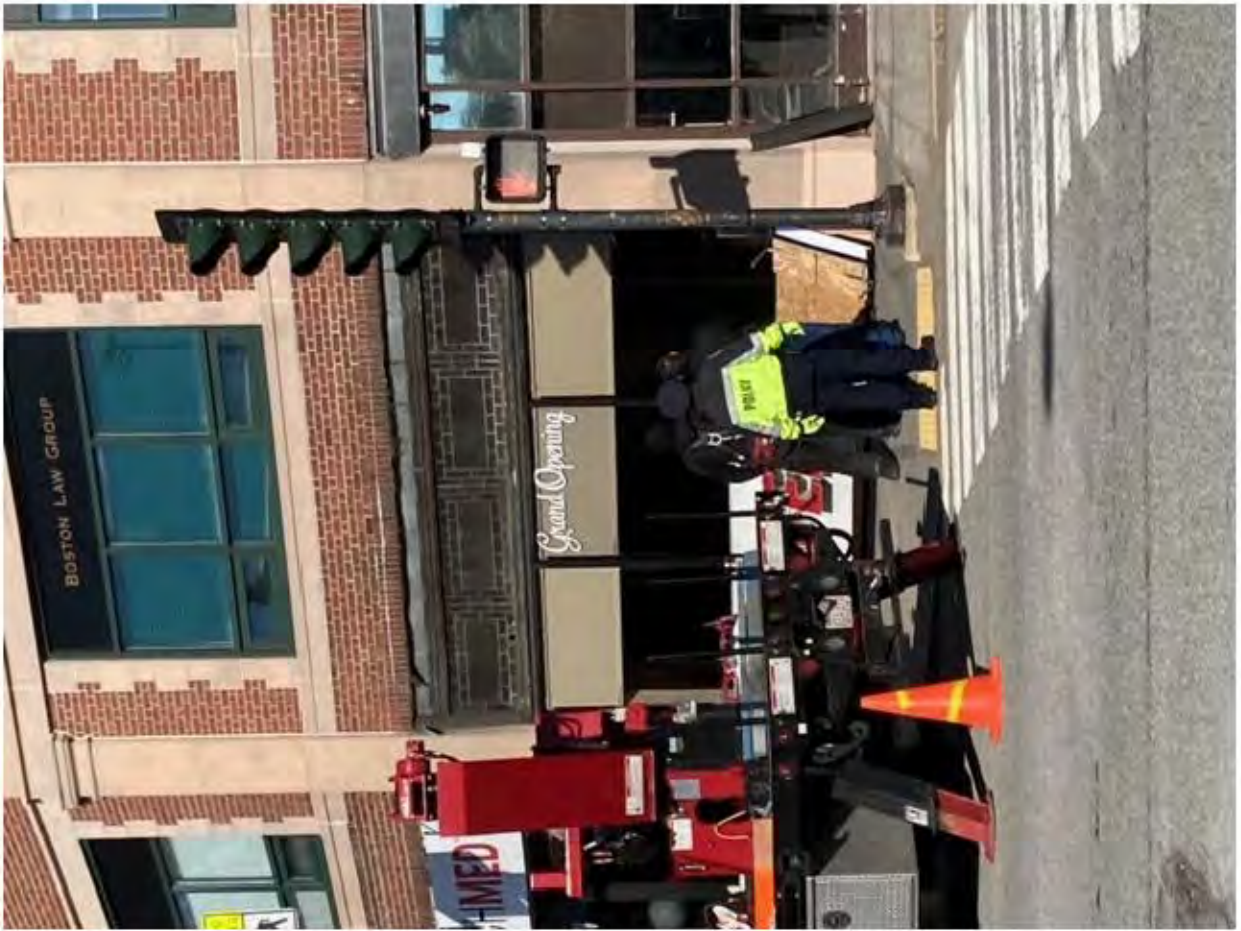
Also wanted you to know that you can see a minimum of two complete signs at all vantage points and mostly see all three signs when looking at the storefront and it should not be treated like a 90 degree facade as suggested by the Chairperson at March's hearing.

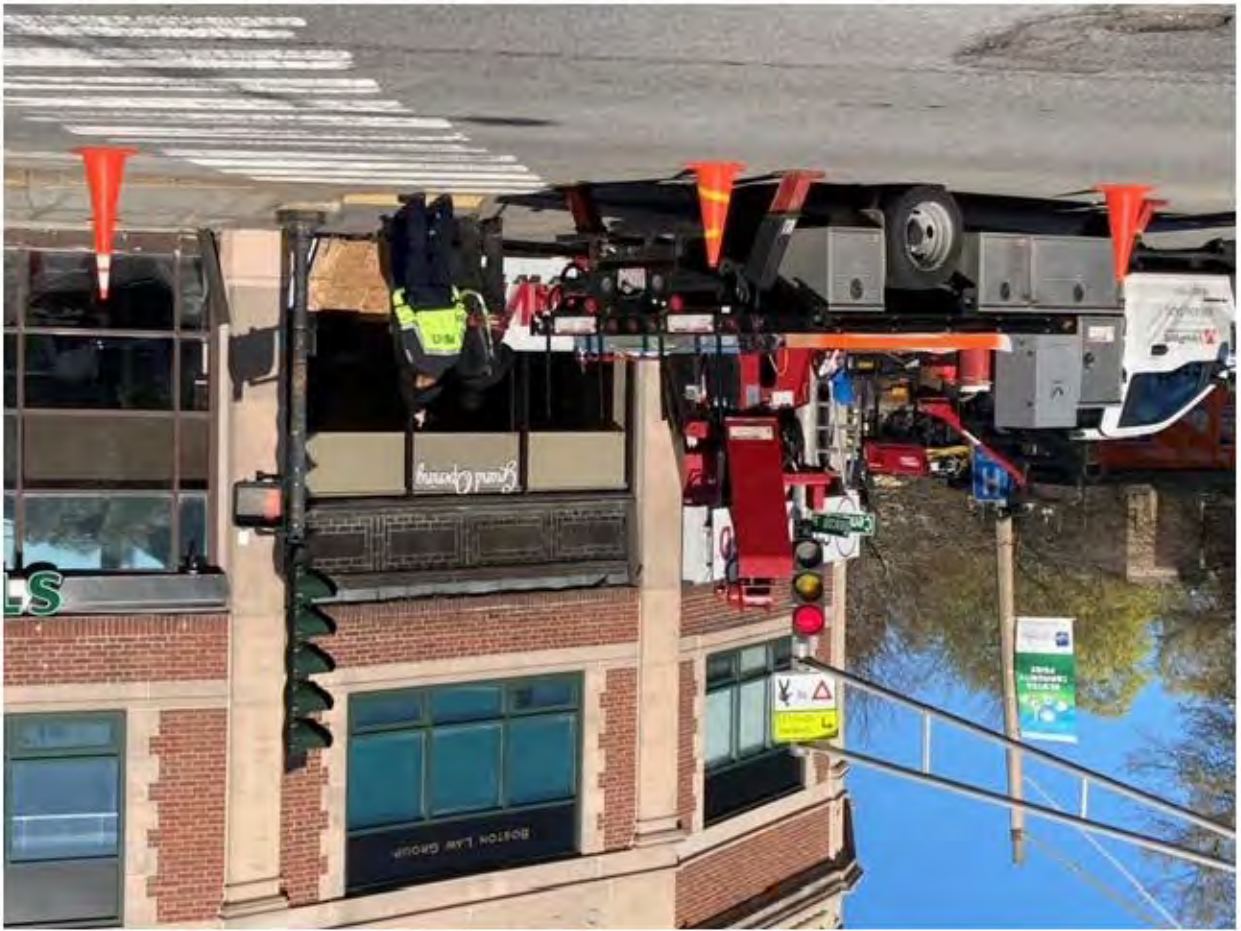
As a Newton lifer and very interested in the built environment and excessive signage I wanted to share my point of view for the record.

Thanks,

Bernard Lebow
40 Algonquin Road
Chestnut Hill, MA

C 617 592-8617









Shubee,
Per your request to provide you the East and West elevations facade frontage.

We can confirm both elevations are 21'-0

On Mar 10, 2021, at 11:15 AM, Shubee Sikka <ssikka@newtonma.gov> wrote:

Good morning,

As I'm reviewing your application, I realize that the sign permit application is missing the façade frontage for the business. Please send me the façade frontage for Apotheco Pharmacy for both west and east elevation by tomorrow at noon.

Please let me know if you have any questions

Thanks,
Shubee

Shubee Sikka
Urban Designer
Planning and Development Department
City of Newton, Massachusetts
ssikka@newtonma.gov

***Please note that I am working remotely with access to email and voicemail.
For updates on Newton's COVID-19 response, please visit:
http://www.newtonma.gov/gov/health_n_human_services/public/covid_19.asp***

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.



CITY OF NEWTON, MASSACHUSETTS

Urban Design Commission

MEETING MINUTES

May 7, 2021

A meeting of the City of Newton Urban Design Commission (UDC) was held virtually on Wednesday, April 14th, 2021 at 7:00 p.m. via Zoom
<https://us02web.zoom.us/j/87236551537>

Ruthanne Fuller,
Mayor

Barney Heath,
Director
Planning & Development

Shubee Sikka,
Urban Designer
Planning & Development

Members
Michael Kaufman, Chair
Jim Doolin
John Downie
Robert Linsky
Carol Todreas
William Winkler
Visda Saeyan

1000 Commonwealth Ave.
Newton, MA 02459
T 617/796-1120
F 617/796-1142

www.newtonma.gov

The Chair, Michael Kaufman, called the meeting to order at 7:01 P.M.

I. Roll Call

Those present were Michael Kaufman (Chair), Jim Doolin, John Downie, Bill Winkler, and Robert Linsky. Visda Saeyan and Carol Todreas joined the meeting at 7:04 pm. Shubee Sikka, Urban Designer, was also present.

II. Regular Agenda

Sign Permits

Mr. Kaufman asked if the Commission felt there were any applications they could approve without discussion.

The Commission agreed to approve the following signs without discussion:

Sign Permits

1. 420 Watertown Street – Newton Community Freedge

Proposed Signs:

- One vinyl decal wall principal sign, non-illuminated, with approximately 36 sq. ft. of sign area on the front of the shed facing Watertown Street.
- Two vinyl decal wall secondary signs, non-illuminated, with approximately 18 sq. ft. of sign area on each side of the shed perpendicular to Watertown Street.

2. 926 Boylston Street – Tire Choice

Proposed Signs:

- Reface of one free-standing principal sign, internally illuminated, with 23.2 sq. ft. of sign area perpendicular to Boylston Street.
- One wall mounted secondary sign, internally illuminated, with approximately 47 sq. ft. of sign area on the northern building façade facing Boylston Street.

3. 740 Beacon Street – The Green Lady Dispensary

Proposed Signs:

- One wall mounted principal sign, internally illuminated, with 50 sq. ft. of sign area on the northern façade facing Union Street.

4. 2 Wells Avenue – Bright Horizons Early Education & Preschool

Proposed Signs:

- One wall mounted principal sign, internally illuminated, with approximately 100 sq. ft. of sign area on the northern façade facing the rear parking lot.
- One wall mounted secondary sign, internally illuminated, with approximately 50 sq. ft. of sign area on the eastern façade facing the side parking lot.

MOTION: Mr. Linsky made a motion to approve the sign at 420 Watertown Street – Newton Community Freedge, 926 Boylston Street – Tire Choice, 740 Beacon Street – The Green Lady Dispensary, and 2 Wells Avenue – Bright Horizons Early Education and Preschool. Mr. Downie seconded the motion, and none opposed. All the members present voted, with a 5-0 vote, Michael Kaufman, John Downie, James Doolin, Robert Linsky, and William Winkler in favor and none opposed. The decision is hereby incorporated as part of these minutes. According to the Newton Zoning Ordinance, staff concurs with the recommendation to approve the signs as proposed.

5. 271-283 Auburn Street – Ward 4

- Business Owner: Walter Devine

- Proposed Signs:

- One wall mounted principal sign, externally illuminated, with approximately 35 sq. ft. of sign area on the eastern building façade facing Auburn Street

- Presentation and Discussion:

- The applicant commented that the additional materials requested by UDC was submitted for this meeting. The applicant also commented that the Commission of ISD has determined that the frontage for the restaurant is the full width of the new façade.
- The UDC asked about the different colors (yellows and greens) shown on some of the drawings. The applicant responded that those colors were to just highlight to show different materials and the only color will be gray with white insert and white border and the front of the building is all blue. The UDC asked if the border has been darkened since it was presented last time at the November 2020 meeting. The applicant responded that it hasn't been darkened.
- The UDC recommended to tone down the outer lights and have emphasis on the center.
- The UDC asked about the door with a window sign "275B and 277B", where do you go? The applicant responded the doors takes you downstairs to the offices in the basement and to the restaurant but the main door to the restaurant is directly from the sidewalk (to the left of this door).
- One of the members asked about the frontage discussion at the November 2020 meeting. The Commission at that meeting recommended to move the "Ward 4" sign to the left so it's above the space that is Ward 4 restaurant, leaving the space above the doors that go to the basement suites open for signage for them. The staff commented that the staff reached out to the Commissioner of Inspectional Services to determine the

frontage for the restaurant. The Commissioner has determined that the frontage should be the entire width of the restaurant because it is a small vestibule for the businesses in the basement. They do have another entrance from the rear of the building. The staff also commented that they talked to a few colleagues as well and in staff's opinion, the entire width of the restaurant should be the façade frontage since the restaurant is completely visible (both sides).

- One member commented that the applicant has not made any changes recommended by UDC at the November meeting. The applicant responded that they didn't make any changes because the applicant thought that the sign looks good as it is and don't want to make any changes.

MOTION: Mr. Kaufman made a motion to approve the sign at 271-283 Auburn Street – Ward 4. Ms. Saeyan seconded the motion, and three opposed. All the members present voted, with a 4-3 vote, Michael Kaufman, James Doolin, Carol Todreas, and Visda Saeyan in favor and John Downie, Robert Linsky, and William Winkler opposed. The Commission recommended the approval on the condition to lower the lighting in no sign area.

6. 1261-1269 Beacon Street – Stretchmed

Staff informed the Commission that the applicant did not have the additional materials requested by UDC hence the applicant will come back to UDC at a future meeting. There was no other discussion about this application.

7. 431 Washington Street - Sunrise

- Applicant/Representative:
 - Steve Buchbinder, Schlesinger and Buchbinder, LLP
 - Franklin Schwarzer, Schlesinger and Buchbinder, LLP
- Proposed Signs:
 - One free-standing principal sign, fence mounted, illuminated, with 29.6 sq. ft. of sign area facing Washington Street.
- Presentation and Discussion:
 - The applicant described the application for the free-standing sign and the reason to apply for fence appeal described below in the fence appeal application. The applicant described that there is a wall on each side of the driveway and the plans showing these walls were filed for the special permit and building permit and they were both approved and then they were built and the applicant also received a final certificate of occupancy. The Commissioner of ISD has now determined that each of these walls is not a wall but rather a fence. The applicant also mentioned that the fence is taller than allowed as per the Fence Ordinance. The applicant also mentioned that the Fence Ordinance allows the fence to be 8 feet tall and design elements are permitted to exceed by an additional 2 feet. Most of the existing fence meets these requirements however, a small portion of the fence does not meet those requirements. The two columns are 11'-9" in height and there is also a portion of the brick wall where the sign is located which measures 8'-10". The applicant is looking for a waiver which the UDC has the ability to grant under the Fence Ordinance for both these portions of the fence. The applicant mentioned that this was a good faith mistake and there's a hardship involved and there is a financial element as well.

- One of the members commented that the wall should be part of the free-standing sign and it should not be a fence. The applicant mentioned that the Commissioner of ISD has determined that this is a fence and not a wall and that the fence is too tall, so the applicant has two choices. First choice is to apply to UDC and seek a waiver or second choice is taking down the portion of the fence that is over 8 feet for the fence and over 10 feet for the design elements. If the UDC grants the waiver, the applicant will need to apply for a special permit for the free-standing sign.
- The staff also mentioned that free-standing sign can be up to 35 sq. ft. and this entire structure is much more than 35 square feet.
- There was discussion about the illumination of the sign. The applicant commented that the oval portion of the sign is HALO backlit and there is a rectangular portion of the sign which is not illuminated.
- One of the members commented that this proposal looks elegant and beautiful.

Mr. Kaufman made a recommendation to the Land Use Committee of the City Council to approve the free-standing sign at 431 Washington Street - Sunrise. Mr. Winkler seconded the motion, and none opposed. All the members present voted, with a 7-0 vote, Michael Kaufman, James Doolin, Carol Todreas, Visda Saeyan, John Downie, Robert Linsky, and William Winkler in favor, and none opposed.

At 7:36 pm, Mr.Kaufman suspended the Urban Design Commission, and enter the Commission in its role as Fence Appeal Board.

Fence Appeal

1. 431 Washington Street – Sunrise Fence Appeal

- **Applicant/Representative:**
 - Steve Buchbinder, Schlesinger and Buchbinder, LLP
 - Franklin Schwarzer, Schlesinger and Buchbinder, LLP
- **Fence Appeal:**

The property located at 431 Washington Street is within a Business 2 district. The applicant has installed the following fence:

 - a) **Front Lot Line** – The applicant has added a fence, set at the front property line, at varying heights (6'-6", 8'-10", 11'-9"), 121.64 feet in length.

Portion of the existing fence along the front property line, for a length of 110.85 feet, appears to be consistent with the fence criteria outlined in §5-30(e) of the Newton Code of Ordinances. The following portion of the existing fence along the front property line, appears to be not consistent with the fence criteria outlined in §5-30(e) of the Newton Code of Ordinances:

- Two columns, 2'-10" in length with a height of 11'-9"
 - Brick wall, 7'-10" in length with a height of 8'-10"
- **Presentation and Discussion:**

At the meeting, the UDC reviewed materials submitted by the petitioner and heard petitioner's argument. The UDC commented that this fence/wall was already approved as part of the building permit and the submitted plans that nobody commented on and allowed the applicant to build it, and after the fence was built, ISD commented that a fence permit is required for this fence. This is clearly a financial hardship and the appeal should be granted. This fence was obvious on the approved plans and wasn't something that would have been difficult to determine. The UDC also commented this is an exemplary project, the way it steps down and transitions into the neighborhood, it is a good example for future reference.

Mr. Kaufman moved the motion to grant the appeal for the fence and posts along Washington Street as shown on the approved plans. Mr. Winkler seconded the motion. All the members present voted, with a 7-0 vote, Michael Kaufman, John Downie, Visda Saeyan, Carol Todreas, James Doolin, Robert Linsky, and William Winkler in favor and none opposed. The motion was granted.

At 7:39 the Commission adjourned the Fence Appeal Board portion of the meeting and reconvened as the Urban Design Commission.

Design Review

1. 1149, 1151, 1157, 1169, 1171-1173, 1179, and 1185 Washington Street, 32 and 34 Dunstan Street, 12, 18, 24, and 25 Kempton Place - Dunstan East Design Review

- **Owner/Applicant:** Robert Korff, Mark Development
- **Representatives:**
 - Steve Buchbinder, Schlesinger and Buchbinder, LLP
 - John Martin, Elkus Manfredi
- **Documents Presented:** Site plan, parking plan, building reconfiguration plan, floor plans, perspectives, and comparison chart.
- **Project Summary:**

The Petitioner is seeking an amendment to the comprehensive permit issued in July 2020 to develop a mixed-use project on Washington Street in West Newton.

The summary of changes is:

1. Safelite parcel is now part of the development site.
2. Overall building area, inclusive of parking, has been increased by 88,490 square feet.
3. Parking in the building has increased by 38 spaces.
4. Parking along Kempton Place has increased by 9 spaces.
5. Unit count has increased by 64 apartments.
6. Units have been added to Level P1 facing the Cheesecake Brook.
7. Building Lobby moved to Washington Street.
8. Residential Amenity moved to Washington Street.
9. Residential Courtyard expanded.

The revised project is comprised of three mixed-use buildings ranging from three to six stories on two blocks. The three buildings offer approximately 302 apartments ranging from studios to three bedrooms. The project provides a total of 5,821 sq. ft. of retail space. Parking

is provided in two subterranean garages that provide a total of 322 spaces, as well as 16 spaces on Kempton Place. The total area of the project, excluding parking, is 364,361 sq. ft.

- **Presentation & Discussion:** The applicant's representative provided a summary of the project (see above). The Urban Design Commission had the following comments and recommendations:

Building Massing, Height and Architecture

- The UDC is concerned about the project, it is very big and bulky.
- The Commission commented that they would like to see a section of Kempton Place with the two buildings. Buildings 2 and 3 are two long buildings facing each other all the way down the street. The UDC asked about the height of the buildings. The applicant responded that the buildings are six stories tall, about 65 feet tall. The UDC raised concerns about the relationship of street width and building height.
- The UDC commented that it is important to see the elevation and how it transitions down to the neighborhood, especially to the east. On the east side, there is Armory then Trader Joes building, then residential portion of the neighborhood. The UDC commented that Trader Joes site will probably not be developed as a 6-story building for a long time. It will be important to see how this transitions down towards the residential neighborhood.
- It will be important to see the relation of the proposed building to the Armory. According to the Armory studies, the building will likely stay in place or at least the front façade of the Armory will stay in place. It will be important to relate the new additional building to the scale of the Armory. It will help to bring the scale down of the additional building next to the Armory. Other parts of the project have some four-story portions, it will be helpful to have a 4-story portion next to the Armory. It will help if the top grey portion of the building steps back. The applicant responded that the Armory is not only smaller, but it is also setback from the street which makes it even more diminutive. The UDC recommended the new additional building to relate more to the historical Armory building which will most likely stay in place for the foreseeable future.
- The Commission observed that according to the Washington Street Vision Plan, this site is in the 3-6 story height range. The Commission commented that they would like to see more variety in building height.
- The UDC asked about the challenge of flipping the open space and turning the building the other way. The new open space is a private space and not shared by the public street. It will be helpful to get some breaks in this long building along the street. It will be helpful if the open space privileged the public street rather than face the Armory. The applicant responded that there are two reasons that they are not able to flip the courtyard, first, the courtyard is on top of the garage. If the courtyard is flipped, there will still be a full 1 story retaining wall by the time it got to the parking garage entry. The second and primary reason is if it is flipped then the wall would be 5 feet from the property line and could not have windows on that side.
- Treatment of Cheesecake Brook is terrific and will be a good addition.
- The UDC recommended to articulate building 3 like building 1 is articulated in the front along Washington Street and building 2 in the back, facing Cheesecake Brook. It will help

to reduce the scale of the building, buildings 1 and 2 have a break in massing vertically and they are also stepped back. It will help to break the massing, so it looks like series of smaller building rather than 1 big mass.

- The UDC commented that Kempton Place is getting like a canyon. There was concern if the units in the middle will receive any natural light. The applicant commented that it is a north-south road so the units will get sunlight.
- The UDC recommended the applicant work with an acoustical engineer because of proximity of buildings 2 and 3, Turnpike noise, and trains nearby to check the noise bouncing that could happen between both the buildings.
- The UDC commented that a 3D visualization walking down Kempton Place will be helpful. The applicant responded that a video model was done for buildings 1 and 2 and they could update the video for building 3 as well.
- The UDC asked if the applicant explored any strategy to make the extremely long corridor in building 3 not feel so long. The applicant responded that it has a turn in it and there are two elevators on either ends so the residents will probably need to walk a maximum of 100 feet to get to their units.
- The UDC asked if there was any strategy to get natural light in the corridors. The applicant responded that they will explore options to create an indentation or a setback in the Kempton Street wall, it can become a common area on each floor that could allow some natural light into the corridor.

Retail

- The UDC asked about retail along Washington Street. The applicant responded there is about 6,000 square feet of retail combined in buildings 1 and 2. There is potential for retail in building 3 but it is not proposed currently. The retail market is very difficult currently. There will be opportunity to convert some of the amenity space if there is demand for retail in the future.
- The UDC recommended to have some retail in building 3 so there is some activity in that area as well.
- The UDC recommended to have smaller retail spaces along front of Washington Street (instead of 1 large store that goes all the way back) so it makes it lively.

Additional materials requested

- Context figure ground plan
- Elevation for building 3 – especially Washington Street elevation extending down towards the residential neighborhood and Kempton Place elevation
- Street sections, especially between buildings 2 and 3

Public Comment

The UDC also heard from the following member of the public:

Schuyler Larrabee: Mr. Larrabee commented that this presentation is incomplete without the elevations. The 2 parallel walls, for full length of Dunstan are over-bearing. The height of the buildings is about 1.5 times the width of the street and that is intensely urban. Mr. Larrabee suggested that the applicant consider to either reverse the C-shaped building and put

courtyard on the street or straighten out the plan of the vertical lane and create a triangular space that opens up to Washington Street, it will help to make it more pleasant, some landscaping will also help. The acoustics of open windows can create a problem when it is only 50 feet to the building across, the echoes may be a problem. Mr. Larrabee also commented that a common area on each floor will help to build a community for the people who live on that floor.

2. 355 and 399 Grove Street - Riverside Design Review

- Owner/Applicant:
 - Robert Korff, Mark Development
 - Stephanie Moresco, Mark Development
- Representatives:
 - Steve Buchbinder, Schlesinger and Buchbinder, LLP
 - John Martin, Elkus Manfredi
 - Jeff Speck, Speck & Associates
- Documents Presented: Site plan, renderings, site and context photos, sections, precedent images, trail network improvement plan, and comparison chart.
- Project Summary:

The petitioners obtained Special Permit #27-20 to construct a ten-building mixed use development incorporating 582 residential units, 246,327 square feet of office space, 39,398 square feet of ground floor commercial space, and a hotel with up to 150 keys (i.e. sleeping rooms) with 2,013 on-site parking stalls within a garage and surface parking, as well as accommodations for bicycles. The petitioners seek to amend the special permit and to amend the text of the MU-3 zone to allow for laboratory, research and development, elderly housing, 550 residential units, and changes to the footprints and heights of several buildings. Additionally, they seek to amend the approved sign package (also on the agenda).

The petitioner is seeking an amendment to the Council Order #27-20 to allow changes to:

- The square footage of all the approved buildings
- The heights of Buildings 1, 2, 3, 4, 7, 8, 9 and 10
- The proposed footprints of buildings shown on the approved site plan
- Open space as shown on the approved site plan
- The comprehensive signage package as to Building 2

The revised plans for the development include changes to the heights, footprints and densities of the approved buildings. These buildings will consist of 362,235 square feet of laboratory and research space, a reduction in office space to 7,500 square feet, a reduction to 550 residential units and a reduction to 21,981 square feet of retail and commercial space.

The applicant presented two different height options for building 1 and 2:

- Option 1 (originally submitted by the applicant):
 - Building 1: 7 stories
 - Building 2: 6 stories
- Option 2 (presented at the UDC meeting):
 - Building 1: 8 stories
 - Building 2: 5 stories

- **Presentation & Discussion:** The applicant's representative provided a summary of the project (see above). The Urban Design Commission had the following comments and recommendations:

Building Massing, Height and Architecture

- The UDC commented that the changes shown at the meeting (5 and 8 stories) are reasonable and it makes a lot of sense. Shortening of building 2 makes a huge difference because it was crowding the residential buildings and was looking uncomfortable. With building 2 at 5 stories, it looks exceedingly comfortable in relationship with neighboring residential buildings.
- The UDC asked about the floor to floor height for the laboratory buildings. The applicant responded that it is about 16-20 feet on the ground floor and the typical lab. floors will be 14'-6". The UDC confirmed that these will be wet labs with the fume hoods, etc.
- The UDC asked about the façade if they will be mostly glass. The applicant responded they will be more brick than glass, it will be about 60% solid and 40% void. One of the façades will have manganese brick and the other will be red clay brick.
- The applicant commented that these two buildings are relatively small research plates, one building is a little above 25,000 sq. ft. and the other is 30,000 sq. ft. Alexandria, codeveloper with Mark Development for building 1 and 2 is looking for a possibility to provide a connection on levels 3 and 4 so they could act as 1 building if needed for companies who will be looking for a contiguous floor space of about 50,000 square feet. The connection could be a monumental arch or a sky bridge or something similar. The applicant is looking to provide a possible connection on two floors. The applicant asked for UDC's recommendation for the bridge. The UDC recommended rather than a formal arch, it will be good if it is more dynamic, maybe with a slope.
- There was also discussion about phasing. The applicant described the phasing and that phase 1 will include buildings 2, 3, 8, and the garage structure.
- There was discussion about a possible future hotel site. The applicant responded that building 7 could possibly be changed to a hotel in the future if market allows and if there is community support for a hotel. The UDC agreed with the applicant that building 7 as a possible future hotel site is a good idea. It might even be a better location than the current hotel site because of its proximity to the station.

Comprehensive Sign Package

- There was some discussion about signage. The applicant indicated that they will come back to UDC for further discussion.

Public Comment

The UDC also heard from the following members of the public:

Michael Wang, Form + Place, City's peer reviewer was also at the meeting. Mr. Wang commented that he was thrilled to see the changes for building 1 and 2. It answered three of his concerns since the first iteration of the lab. concept. Option 1 with similarity in height of buildings 1 and 2 was almost presenting a wall like impact to the highway frontage so the variation in height and materials as shown in option 2 is extremely helpful. In the first option, the distance between the core of building 2 and 3 was very disconcerting and was making the

roof terrace very tortured and the relationship between the roof terrace and Research Square was not good. Mr. Wang commented that he is pleased with this new option. There are still several details to be finessed, particularly with the ground plane along Main Street as well as around Research Square. There is a loading feature that opens on to the square and the design team is being very cognizant of that and how to treat it and maintain it as a pedestrian environment that is enjoyable. The pedestrian bridge is a very nice feature that helps to frame the gateway if done appropriately.

Tim Love, Utile, City's peer reviewer was also at the meeting. Mr. Love commented that he agrees with most of the comments made by Mr. Wang. He also commented that the bridge could be treated like a third architecture, so it doesn't look like building 1 or 2.

Councilor Pamela Wright was also present at the meeting. Councilor Wright asked about a possible location for a hotel in the future. The applicant responded that building 7 could possibly be changed to a hotel in the future if market allows and if there is community support for a hotel.

III. Old/New Business

1. Approval of meeting minutes

The Commission reviewed the minutes of January 13th, February 10th, and March 18th. The Commission acted on all three minutes.

MOTION: Mr. Kaufman made a motion recommending approval of the regular meeting minutes for January, February, and March as submitted. The motion was seconded by Mr. Downie. All the members present voted, with a 5-0 vote (Michael Kaufman, Jim Doolin, Bill Winkler, Carol Todreas, and John Downie) in favor, none opposed. The decision is hereby incorporated as part of these minutes.

2. Commission election

MOTION: Mr. Downie made a motion to retain Mr. Kaufman as the Chair and appoint Mr. Doolin as Vice Chair. The motion was seconded by Ms. Todreas. All the members present voted, with a 5-0 vote (Michael Kaufman, Jim Doolin, Bill Winkler, Carol Todreas, and John Downie) in favor, none opposed.

IV. ADJOURNMENT

Mr. Kaufman made a motion to adjourn the meeting, Mr. Doolin seconded and there was general agreement among the members.

The meeting was adjourned at 9:55 p.m.

Respectfully submitted by Shubee Sikka

Approved on