

DEPARTMENT OF PLANNING AND DEVELOPMENT
CITY OF NEWTON
Massachusetts

INTER-OFFICE CORRESPONDENCE

DATE: September 17, 2021

TO: City Council, All Members

FROM: Barney S. Heath, Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning

SUBJECT: #179-21 333 Nahanton Street
Changes to Council Order

Attached are three documents:

- Final redlined version of the order discussed at the Land Use Committee on Monday, September 9th.
- Clean version of the order
- Council Order #201-21, the companion order which amends previous special permits to create the lot for the new structure.

Below is a brief explanation of the changes made in the redlined document. Please contact Planning or Law if you have any questions.

Waivers granted:

- The petitioner is not seeking waivers to the accessible stall standards and the three-year exercise is a condition, rather than a waiver.

Revisions to findings:

- Sustainable Provisions (Finding #5): the last portion of this finding was deleted because it is redundant. Compliance with the sustainable design provisions requires LEED Gold Certifiability and electric vehicle charging stations.
- (Condition #7): revised to delete the reference to the Housing Strategy and language was added from the Comprehensive Plan.
- Infiltration and Inflow (Condition #10): Language was added to state the petitioner's status as a nonprofit corporation as justification for the waiver.

Revisions to conditions:

- Plan Reference List (Condition #1): omissions were corrected.
- Parking Cost (Condition #16): revised to use language consistent with other council orders.

- Required Sustainability Initiatives (Condition #25): deleted subsections regarding LEED Gold certifiability and electric vehicle charging stations. Language was revised to be more directive.
- Additional Sustainability Initiatives (Condition #25): revised to include more directive language and included the low impact development initiatives referenced in Condition #27.
- Infiltration and Inflow (Condition #25): revised to include language consistent with other council orders.
- Infiltration and Inflow (Condition #26): revised to include language consistent with other council orders and the fee was reduced in accordance with the waiver.
- Additional Sustainability Initiatives (Condition #27): deleted per condition #25
- Hours of Construction (Condition #29): removed from CMP to be consistent with other council orders
- Construction Management Plan (Condition #30): revised to be consistent with other council orders.
- Building Permit and Certificate of Occupancy Checklist (Conditions #32 and 33): revised to capture all milestones.

cc: Planning Department Files
City Clerk Files

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL to:

- allow a congregate living facility (§3.4.1)
- determine the density and dimensional controls (§3.1.2.A.3)
- allow assigned parking (§5.1.3.E)
- allow parking within the side setback (§5.1.8.A.1)
- allow parking within five feet of a building containing dwelling units (5.1.8.A.2)
- allow reduced parking stall width (§5.1.8.B.1)
- allow reduced parking stall depth (§5.1.8.B.2)
- ~~allow reduced accessible stalls (§5.1.B4)~~
- allow a reduced aisle width (§5.1.8.C.1)
- waive perimeter landscaping requirements (§5.1.9.A.1.i)
- waive lighting requirements for outdoor parking (§5.1.10.A.1)
- ~~allow three years to exercise this order (§7.3.2.E)~~

as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The specific site in a Single Residence 1 (SR1) district is an appropriate location for the proposed one hundred seventy-four-unit congregate living facility as designed as the specific site of the proposal is consistent with the existing mix of uses at the Jewish Community Campus including the uses of the Jewish Community Center and the Coleman House independent living facility. The proposed congregate living facility will complement and enhance the other uses at the Campus. (§7.3.3.C.1)

2. The proposed 174-unit congregate living facility will not adversely affect the neighborhood as it is located on a large campus adjacent to complementary uses and is sufficiently buffered from the surrounding neighborhood. (§7.3.3.C.2)
3. There will not be a nuisance or serious hazard to vehicles or pedestrians as the City's peer reviewers ~~have~~ has reviewed site circulation, parking, and projected traffic impacts and have found that the site is well designed to accommodate the proposed project. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved as the City's peer reviewer has reviewed the proposal and the traffic study and has found that the incremental traffic from the proposed use will be minimal, particularly during peak hours. (§7.3.3.C.3)
5. The site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy as it has been reviewed by the City's peer reviewer and will comply with Newton's Sustainability Ordinance ~~by meeting or exceeding the requirements of LEED certifiability at the Gold level, and will have 10% of its garage parking spaces designated for electric vehicles (EV) and an additional 10% of its garage parking spaces will be EV ready.~~ (§7.3.3.C.5)
6. Literal compliance with the parking requirements of the Newton Zoning Ordinance (NZO) is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13)
7. The Council finds the proposal is consistent with the Housing Goals of the Comprehensive Plan by creating housing, including inclusionary zoning units, specifically for seniors. ~~City of Newton has through plans over several years including the Comprehensive Plan (2007) and the Newton Leads 2040 Housing Strategy (2017) documented a significant and continuing need for additional housing resources, particularly for seniors. The proposal is consistent with advancing the housing goals of the City as established in these plans.~~
8. The proposed congregate living facility model is expected and intended to provide both shelter and the availability of pooled services to create an innovative model of housing for seniors who may not qualify for traditional inclusionary housing. In addition, the proposed project will be the first implementation of Ordinance § 5.11.11 Elder Housing with Services under which 9 of the units will be inclusionary for lower income households under Ordinance §5.11.11.
9. The Zoning Ordinance does not provide specific dimensional requirements for a congregate living facility, and therefore the Council may adopt such dimensional provisions for the project as are appropriate under the circumstances. The Council finds that the height, number of stories, setbacks, lot area per unit, lot coverage, open space and floor area ratio of the project are appropriate in view of the unique location

of the project in the City, relative to the other facilities of the Campus and the adjoining properties and uses. (§7.3.3 C 1)

9.—In accordance with Chapter 29, §167-174 of the Revised Ordinances, the Council finds there is good cause to waive 75 percent of the infiltration/inflow fee because the Project is sponsored by, and will be controlled and operated by 2Life Communities, Inc., a nonprofit 501(c)3 charitable corporation, and due to their payment for other municipal improvements. Therefore, the infiltration/inflow fee shall be \$387,478.

PETITION NUMBER: #179-21

PETITIONER: 2Life Holdings, LLC

ADDRESS OF PETITIONER: 30 Wallingford Road
Brighton, MA 02135

LOCATION: A portion of 677 Winchester Street together with a portion of 333 Nahanton Street, on a new lot to be created containing 255,538 sq. ft being portions of land known as Section 83 Block 35 Lots 0004 and 00004B,.

OWNER: 2Life Coleman Limited Partnership

ADDRESS OF OWNER: 30 Wallingford Road
Brighton, MA 02135

TO BE USED FOR: A 174-unit congregate living facility with associated common facilities, amenities and parking.

EXPLANATORY NOTES: Special permits per §7.3.3:

- allow a congregate living facility (3.4.1)
- allow a building with more than 20,000 square feet
- determine the density and dimensional controls (3.1.2.A.3)
- allow reduced parking stall width (§5.1.8.B.1)
- allow reduced parking stall depth (§5.1.8.B.2)
- ~~allow reduced accessible stalls (§5.1.B4)~~
- allow a reduced aisle width (5.1.8.C.1)
- waive perimeter landscaping requirements (5.1.9.A.1.i)
- waive lighting requirements for outdoor parking (5.1.10.A.1)
- ~~allow three years to exercise this order (7.3.2.E)~~

ZONING: Single Residence 1 (SR1)

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. A consolidated set of engineering and architectural plans entitled "2Life Opus Communities, 677 Winchester Street and 333 Nahanton Street," prepared by Stantec Consulting and Perkins Eastman, dated May 5, 2021, ~~and revised through September 9, 2021~~, 2021 consisting of the following sheets:

- i. Cover Sheet
- ii. Existing Conditions Plan
- ~~iii.~~ iii. [Sheet LU – L000 Abutter Parcel Information](#)
- ~~iii.~~ iv. Sheet LU - L101 JCC Campus Site Plan (333 Nahanton Street)
- ~~iv.~~ v. Sheet LU - L102 JCC Remaining Lot Plan
- ~~v.~~ vi. Sheet LU – L2301 Opus Site Plan
- ~~v.~~ vii. [Sheet LU – L301 Coleman House Site Plan](#)
- ~~vi.~~ viii. Sheet LU – L401 Grading Plan/Average Grade Plane Calculation
- ~~vii.~~ ix. Sheet LU – L 501 Planting Plan
- ~~viii.~~ x. Sheet LU – L601 Site Details
- ~~ix.~~ xi. Sheet LU – L701 Photometric Plan
- ~~x.~~ xii. [Sheet LU – L801 Site Preparation Plan](#)
- ~~x.~~ xiii. Sheet LU – C100 Utility Plan
- ~~xi.~~ xiv. Sheet LU – C101 Drainage Plan
- ~~xii.~~ xv. Sheet LU – C200 Utility Details
- ~~xiii.~~ xvi. Sheet LU – C201 Utility Details
- ~~xiv.~~ xvii. Sheet LU – 100-1 Level ~~B~~8 Floor Plan
- ~~xv.~~ xviii. Sheet LU – 100-2 Level A Floor Plan
- ~~xvi.~~ xix. Sheet LU – 101 First Floor Plan
- ~~xvii.~~ xx. Sheet LU – 102 Second Floor Plan
- ~~xviii.~~ xxi. Sheet LU – 103 Third Floor Plan
- ~~xix.~~ xxii. Sheet LU – 104 Fourth Floor Plan
- ~~xx.~~ xxiii. Sheet LU – 105 Fifth Floor Plan
- ~~xxi.~~ xxiv. Sheet LU – 106 Sixth Floor Plan
- ~~xxii.~~ xxv. Sheet LU – 201 Exterior Elevations

xxvi. Sheet LU – 202 Exterior Elevations

~~xxiii~~-xxvii. Overview of the Entry Court, dated July 9, 2021

2. In accordance with the City’s Inclusionary Zoning Ordinance, §5.11.11, the Project shall include nine (9) affordable housing units (the “Inclusionary Units”), as follows:
 - a. Nine (9) of the residential units in the Project shall be made available to households earning up to 80% of Area Median Income (AMI), as designated by the U.S. Department of Housing and Urban Development.

3. Pursuant to Section 7.3.2.E and Section 7.4.5.D of the City of Newton Zoning Ordinance in effect at the time this Special Permit/Site Plan Approval was approved, the time for exercise of this Special Permit/Site Plan Approval is extended to a period of three years from the issuance of this Special Permit/Site Plan Approval, which shall not include such time required to pursue or await the determination of an appeal pursuant M.G.L. c. 40A, § 17 or an appeal of any other local permits or approvals necessary to complete the project, without the necessity of a further public hearing. This Special Permit/Site Plan Approval shall be deemed to have been exercised upon the commencement of construction pursuant to a building permit (other than a demolition permit) for all or any portion of the Project.

~~3.4.~~ The Petitioner, the Project, and the Inclusionary Units shall comply with all applicable provisions of the City’s Inclusionary Zoning Ordinance, §5.11, in effect as of the date of this Special Permit/Site Plan Approval, regardless of whether such requirements are set forth herein.

4.5. The bedroom mix of the Inclusionary Units shall be equal to the bedroom mix of the market-rate units in the Project. The proposed mix of the Inclusionary Units is:

	1BR no den 1.5 bath	1BR + den 1.5 bath	2BR no den 1.5 bath	2BR no den 2 bath	2 BR + den 2 bath
Inclusionary Units	1	2	2	2	2

The final bedroom mix shall be reviewed and approved by the Director of Planning and Development prior to the issuance of a building permit for the Project.

~~5.6.~~ Monthly housing costs (inclusive of entrance fees, rent, utility costs for heat, water, hot water and electricity and access to all amenities and services offered to residents in the building as included within their base rent), must not exceed 15% of the applicable household income limit for that Inclusionary Unit and shall otherwise be consistent with Inclusionary Zoning Ordinance, § 5.11.11.D.

~~6.7.~~ Prior to commencing any pre-sale or pre-marketing activities, the Petitioner must submit

an Affirmative Fair Housing Marketing & Resident Selection Plan (AFHMP) for review and approval by the Director of Planning and Development. The Affirmative Fair Housing Marketing and Resident Selection Plan must meet the requirements of DHCD's guidelines for Affirmative Fair Housing Marketing and Resident Selection and be consistent with §5.11.8. of the Inclusionary Zoning Ordinance. The units will be affirmatively marketed and leased through a lottery. The nature and extent of the local preference scheme included in any final AFHMP submitted to DHCD for its review and approval shall be in accordance with the applicable provisions of the City's Revised Ordinances and/or Zoning Ordinance governing the percentage of local preferences for Inclusionary Units in a project in effect at the time of such submission to DHCD.

- ~~7-8.~~ Prior to the issuance of any building permits for the vertical construction of the Project, the Petitioner shall provide an updated Inclusionary Housing Plan for review and approval by the Director of Planning and Development in accordance with §5.11.8 of the Inclusionary Zoning Ordinance.
- ~~8-9.~~ Prior to the issuance of any temporary or final occupancy certificates for the Project, the Petitioner, the City, and if applicable DHCD will enter into a Regulatory Agreement and Declaration of Restrictive Covenants, in a form approved by the City of Newton Law Department, which will establish the affordability restriction for the Inclusionary Units in perpetuity.
- ~~9-10.~~ To the extent permitted by applicable regulations of DHCD, the Inclusionary Units shall be eligible for inclusion on the State's Subsidized Housing Inventory (SHI) as Local Action Units through DHCD's Local Initiative Program.
- ~~10-11.~~ The Inclusionary Units shall be designed and constructed subject to the provisions of the Inclusionary Zoning Ordinance, §5.11.7.
- ~~11-12.~~ Inclusionary Units, and their associated parking spaces, shall be proportionally distributed throughout the Project and be sited in no less desirable locations than the market-rate units, and the locations of such units and parking spaces shall be reviewed and approved by the Director of Planning and Development prior to the issuance of a building permit for vertical construction of the Project.
- ~~12-13.~~ No residential unit or building shall be constructed to contain or be marketed and/or sold as containing more bedrooms than the number of bedrooms indicated for said unit in the Project Master Plans referenced in Condition #1.
- ~~13-14.~~ Any room that meets the minimum dimensional and egress requirements to be considered a bedroom under the state building code and Title 5 regulations shall be counted as a bedroom for purposes of determining the required bedroom mix of the Inclusionary Units in accordance with the Inclusionary Zoning Ordinance.
- ~~14-15.~~ The petitioner shall comply with the City's Tree Preservation Ordinance §21-80 et seq.
- ~~15-16.~~ Prior to the issuance of any building permit for the Project, the petitioner shall provide an Approval Not Required ("ANR") or "81X" plan creating the lot for construction of the

proposed project to the City Engineer for review and approval. Once approved, the plan must be recorded at the Middlesex South Registry of Deeds. A certified copy of the plan shall be submitted to the Engineering Division of Public Works, the Director of Planning and Development, and the Commissioner of Inspectional Services.

- ~~16. The cost of parking for market-rate units shall be charged separately from rents, and the rental period cannot commence prior to, or extend past the end of, the rental period of the unit. One (1) parking stall shall be available for each Inclusionary Unit without charge to the tenant of such unit. With the exception of those stalls associated with the Inclusionary Units, charges for parking stalls shall be separate and in addition to (“unbundled”) from rent and other charges for residential tenants.~~
17. All residential units ~~will~~ shall conform to the Massachusetts Architectural Access Board (MAAB) requirements for “Group 1” units. In addition, per MAAB guidelines, 5% of the ~~new~~ units shall be designed as “Group 2A” units, which are designed spatially for immediate wheelchair use. The design and construction of the site and proposed structure shall comply with Massachusetts Architectural Access Board regulations and the Fair Housing Act.
18. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking and shall comply with the City’s Noise Control Ordinance.
19. The Petitioner shall comply with all applicable sustainable design provisions of the Revised Ordinances.
20. The Petitioner shall achieve and/or implement all sustainability strategies as indicated in a document entitled “City of Newton – Rating System Narrative – Sustainable Development Design, 2Life Opus, Winchester Street, Newton, Massachusetts,” prepared by New Ecology, dated May 4, 2021, which shall be incorporated into the Project.
21. Prior to the issuance of any building permit for the Project, the Petitioner shall ~~consult with an independent green building professional/LEED Associate on the design and construction of~~ the building, and achieve and/or implement the following measures which shall be incorporated into the Project:
- a. ~~the buildings shall meet or exceed LEED certifiability at the Gold level under the LEED Multifamily Midrise Version 4 rating system;~~
 - b. the majority of the exterior façade will be composed of durable low maintenance materials (such as brick masonry and cementitious panels) that will increase the longevity and minimize maintenance in the future;
 - c. only LED lighting will be used throughout the project;
 - d. the applicant will ~~review the~~ use of high efficiency electric heating and cooling systems. This includes, but is not limited to, central VRF ~~or~~ air source heat pumps unit-based air source heat pumps or water source heat pumps, or an electric, low carbon, efficient system –to handle the heating and cooling of the building in order to reduce fossil fuel use;

- e. all HVAC and appliances shall be electric, and appliances shall be “Energy Star”-rated (or functional equivalent), (except that domestic hot water equipment may utilize natural gas as an energy source, and natural gas may be used for appliances in the commercial kitchen);
 - f. exterior building insulation and air barriers shall be continuous;
 - g. ~~the parking area will be outfitted with twenty three (23) electric vehicle (EV) charging stations. In addition, conduit will be installed to facilitate future installation of an additional twenty three (23) EV charging stations;~~
 - h. drought tolerant and indigenous plants will be the predominant species installed in the landscape;
 - i. installation of solar photovoltaic panels. ~~R~~roof areas shall be mapped so as to consolidate rooftop HVAC equipment and penetrations to the greatest degree possible to maximize potential for the solar PV installation (given the selection of heating systems); and
 - k. fundamental commissioning tests shall be performed ~~to assure continuous air, vapor and water barriers in accordance with the requirements of LEED Gold certifiability.~~
22. The Petitioner ~~has committed to monitor relevant new technologies and analyze, review and shall engage with an applicable professional(s) during design and provide appropriate report(s) or material(s) discuss with to~~ the Director of Planning and Development ~~the on~~ following sustainability strategies, ~~prior to the issuance of any building permit for the Project, in order to determine regarding~~ their feasibility and the possible return on investment if they were to be implemented:
- ~~a. installing rooftop solar photovoltaic panels to offset building electrical usage;~~
 - b.a. installing additional exterior insulation beyond Stretch Code requirements as described in the 2Life Opus Energy Narrative dated May 4, 2021;
 - ~~e.b.~~ maximizing the use where appropriate for low embodied carbon materials and rapidly renewable materials;
 - c. commissioning HVAC systems at substantial building completion;
 - d. installing a rain harvesting system to capture roof rainwater for irrigation; and
 - ~~d. implementing Low Impact Design (LID) strategies in the design of the stormwater management system, including permeable pavers and pavement.-~~
23. Prior to the issuance of any building permit for the Project, the Petitioner shall receive approval from the City Council, through its Public Facilities Committee, to extend the sewer line to the site. Any required easements shall be approved by the City Council, recorded at the Middlesex South Registry of Deeds, and shall be provided to the Engineering Division of Public Works, and the Department of Planning and Development.
24. Prior to the issuance of any building permit for the Project, the Petitioner shall ~~develop and~~ submit a Stormwater Pollution Prevention Plan for review and approval by the City Engineer. During construction, the Petitioner shall comply with the National Pollutant

Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site.

25. The Petitioner shall make payments in the aggregate amount of \$387,478 to the City for ~~municipal infrastructure improvements, which amount shall be deemed to satisfy the Petitioner's obligation~~ for inflow and infiltration (I&I) ~~mitigation in accordance with Section 29-169 of the Revised Ordinances of Newton, Massachusetts, 2017 (hereinafter, "Revised Ordinances")~~. Payments shall be made as follows:
- a. \$193,739 prior to the issuance of any building permit for the Project.
 - b. \$193,739 prior to the issuance of any occupancy certificate (temporary or final) for the final dwelling unit in the Project.
26. The Petitioner shall make payments in the aggregate amount of ~~\$1,162,434~~\$487,522 to the City for ~~transportation infrastructure improvements in the vicinity of the Project. accessibility and/or connectivity improvements including items such as but not limited to trail construction, sidewalk and/or bike lane construction, bike and pedestrian signal improvements, bike share, and/or shuttle (NewMo) contribution in the vicinity of the Project.~~
- a. The Petitioner's payments shall be made to a municipal account designated for such mitigation and improvements (hereinafter, the "Mitigation Fund") as follows:
 - i. ~~\$581,217~~\$243,761 prior to the issuance of any building permit for the Project.
 - ii. ~~\$243,761~~\$581,217 prior to the issuance of any occupancy certificate (temporary or final) for the final dwelling unit in the Project
 - b. The Mitigation Fund shall be appropriated only with the approval of the City Council and the Mayor in accordance with municipal finance law. The Director of Planning and Development, after consultation with the Ward 8 Councilors, shall recommend projects for funding to the Mayor and the City Council.
- ~~27. The Petitioner shall analyze, review, and discuss with the Director of Planning and Development and the City Engineer, the following sustainability strategies, prior to the issuance of any building permit for the Project, in order to determine their feasibility and the possible return on investment if they were to be implemented:~~
- ~~a. A rain harvesting system to capture roof rainwater.~~
 - ~~b. Low Impact Design (LID) strategies in the design of the stormwater management system.~~
 - ~~c. Permeable pavement and pavers to be utilized as part of the LID strategy.~~
- 28.27. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and

approval. Once approved, the O&M must be adopted by the petitioner and recorded at the Middlesex South District Registry of Deeds. A copy of the recorded O&M shall be filed with the Engineering Division of Public Works, the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.

29-28. The Petitioner shall do the following to remediate pest and rodent activity:

- a. Prior to issuance of any demolition permit, the petitioner shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity prior to demolition, and plan for preventing pest migration off-site during demolition and construction.
- b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Planning and Development Department, Inspectional Services Department, and the Health and Human Services Department for review and approval prior to issuance of any demolition or building permit.
- c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action necessary to control pest infestation and migration. The Pest Control Operator shall maintain a written record of all pest control measures performed and shall provide progress reports to Inspectional Services Department and the Health and Human Services Department upon request.
- d. Prior to issuance of any temporary certificate of occupancy, the Pest Control Operator shall file a final report with the Inspectional Services Department and the Health and Human Services Department summarizing the methods used, whether off-site migration occurred, the frequency and dates of service, and a post-construction site and neighborhood assessment.
- e. In the event any demolition or construction activity causes off-site pest migration, prior to the issuance of any certificates of occupancy (temporary or final), the petitioner shall offer rodent abatement services on an as needed basis for all properties within a 300 foot radius of the site, subject to owner authorization of such properties and a waiver of liability.

29. All construction activity shall be limited to 7:00AM-7:00PM Monday through Friday and 8:00AM-7:00PM on Saturdays, excluding holidays, unless waived by the Mayor in accordance with Revised Ordinances, §20-13. Interior work may occur at times outside of the hours specified above, but only after the building is fully enclosed.

30. Prior to the issuance of any building permit for the Project the petitioner shall submit a Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, the Commissioner of Public

Works, and the City Engineer, and the Chief of the Fire Department. The CMP shall be in compliance with all applicable policies and ordinances in effect at the time of submission. The Petitioner shall comply in all material respects with the Construction Management Plan, which shall be consistent with and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:

a. 24-hour contact information for the general contractor of the project.

~~b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services. The petitioner shall consider local traffic and pedestrian activity in determining hours and routes for construction vehicles.~~

~~e.b.~~ The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.

~~d.c.~~ Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction materials ~~and construction~~ and delivery vehicles and equipment, and location of any security fencing.

~~e.d.~~ Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.

~~f.e.~~ Proposed methods of noise control, in accordance with the Revised Ordinances, §20-13 City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.

~~g.f.~~ Tree preservation plan to define the proposed method(s) for protection of any existing trees to remain on ~~the~~ site.

~~h.g.~~ The CMP shall also address the following:

- safety precautions;
- ~~construction materials,~~
- ~~parking of construction workers' vehicles,~~
- anticipated dewatering during construction;
- site safety and stability;
- impacts on abutting properties;
- ~~proposed method of noise and vibration control.~~

- i. The CMP shall include a vibration control plan that includes a study of projected vibration impacts and a monitoring program to be implemented with regular reporting.
31. The Applicant shall be responsible for securing and paying police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
32. 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 Council Order and the companion Council Order Docket #201-21 with the Middlesex South Registry of Deeds.
 - b. Filed a copy of such recorded Council Orders with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Department of Planning and Development that confirms the final building permit plans and façade elevations are consistent with plans approved in Condition #1.
 - d. Submitted a final Inclusionary Housing Plan for review and approval by the Director of Planning and Development that is certified as compliant by the Director of Planning and Development with the information required to be included in such Plan pursuant to §5.11.8. of the Zoning Ordinance.
 - e. Submitted final landscaping, planting and hardscape materials plans consistent with the plans approved in Condition #1 for review and approval by the Director of Planning and Development.
 - f. Submitted final building façade materials plans consistent with the plans approved in Condition #1 for review and approval by the Director of Planning and Development.
 - g. Submitted a copy of the recorded plan required by Condition #164.
 - h. Submitted appropriate materials to the to the Director of Planning and Development in accordance with Condition #21 and conferred with the Director of Planning and Development and the City Engineer concerning additional sustainability strategies in accordance with Condition #22.
 - i. Received approval from the City Council in accordance with Condition #23.
 - j. Received approval from the City Engineer in accordance with Condition #24.
 - g.k. Made payments in accordance with Conditions #25 and 26.

- h.l. Submitted final engineering, utility, and drainage plans, and an Operations and Maintenance plan for Stormwater Management, for review and approval by the City Engineer. A statement certifying such approvals shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
- i.m. Submitted a final Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, the City Engineer, and the Director of Transportation.
- j.n. Submitted, pursuant to §5.13.6. of the Zoning Ordinance, an updated rating system checklist, rating system narrative, energy narrative, credentials of the green building professional, affidavit from the green building profession, and credentials of the project's green commissioning agent for review and approval by the Director of Planning.
33. The Petitioner shall be responsible for repairing any and all damage to public ways and property caused by any construction vehicles. All repair work shall be done prior to the issuance of a final Certificate of Occupancy, unless the Commissioner of Public Works determines that the damage to the public way is so extensive that it limits the use of the public way. In such case the repair work must be initiated within one month of the Commissioner making such determination and shall be conducted consistent with City Construction Standards, and shall be completed within an appropriate time frame, as determined by the Commissioner.
34. Prior to the issuance of any Certificate of Occupancy pursuant to this Special Permit/Site Plan Approval, the Petitioner, City, and DHCD will enter into, and record at the Middlesex South Registry of Deeds, a Regulatory Agreement and Declaration of Restrictive Covenants, in a form approved by the City of Newton Law Department and DHCD, which will establish the affordability restriction for the Inclusionary Units in perpetuity.
35. 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 and civil engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.
 - c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.

- d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features and fencing consistent with the plans referenced in Condition 1.
 - e. Submitted to the Law Department copies of fully executed Regulatory Agreements and Affordable Housing Restriction for all Inclusionary Units, in accordance with Conditions #7-8.
 - e.f. Made payments in accordance with Conditions #25 and 26.
 - f.g. Provided evidence satisfactory to the Law Department that the Regulatory Agreements for all Inclusionary Units have been recorded at the Southern Middlesex District Registry of Deeds, as appropriate.
 - g.h. Inclusionary Units shall be completed and occupied no later than the completion and occupancy of the Project's market-rate units. If the Inclusionary Units are not completed as required within that time, temporary and final occupancy permits may not be granted for the number of market-rate units equal to the number of Inclusionary Units that have not been completed.
 - h.i. Submitted, pursuant to §5.13.6.C of the Zoning Ordinance, an updated rating system checklist, rating system narrative, energy narrative, credentials of the green building professional, affidavit from the green building profession, credentials of the project's green commissioning agent, an affidavit signed by the green commissioning agent certifying that the pre-construction commissioning process requirements have been met and that post-construction commissioning will be met, and an affidavit that the green building professional has reviewed all relevant documents and that the documents indicate the project was built to achieve LEED Gold level for review and approval by the Director of Planning
36. Notwithstanding the provisions of Condition #36(d) above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of required on-site landscaping/exterior hardscape improvements required per the approved plans. Prior, however, to issuance of any temporary certificate of occupancy pursuant to this condition, the Commissioner of Inspectional Services shall require that the Petitioner first file a bond, letter of credit, cash or other security in the form satisfactory to the Law Department in an amount not less than 135% of the value of the aforementioned remaining improvements.
37. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased and/or dies shall be replaced on an annual basis with similar material.

CITY OF NEWTONIN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL to:

- allow a congregate living facility (§3.4.1)
- determine the density and dimensional controls (§3.1.2.A.3)
- allow assigned parking (§5.1.3.E)
- allow parking within the side setback (§5.1.8.A.1)
- allow parking within five feet of a building containing dwelling units (5.1.8.A.2)
- allow reduced parking stall width (§5.1.8.B.1)
- allow reduced parking stall depth (§5.1.8.B.2)
- allow a reduced aisle width (§5.1.8.C.1)
- waive perimeter landscaping requirements (§5.1.9.A.1.i)
- waive lighting requirements for outdoor parking (§5.1.10.A.1)

as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The specific site in a Single Residence 1 (SR1) district is an appropriate location for the proposed one hundred seventy-four-unit congregate living facility as designed as the specific site of the proposal is consistent with the existing mix of uses at the Jewish Community Campus including the uses of the Jewish Community Center and the Coleman House independent living facility. The proposed congregate living facility will complement and enhance the other uses at the Campus. (§7.3.3.C.1)
2. The proposed 174-unit congregate living facility will not adversely affect the neighborhood as it is located on a large campus adjacent to complementary uses and is sufficiently buffered from the surrounding neighborhood. (§7.3.3.C.2)

3. There will not be a nuisance or serious hazard to vehicles or pedestrians as the City's peer reviewer has reviewed site circulation, parking, and projected traffic impacts and have found that the site is well designed to accommodate the proposed project. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved as the City's peer reviewer has reviewed the proposal and the traffic study and has found that the incremental traffic from the proposed use will be minimal, particularly during peak hours. (§7.3.3.C.3)
5. The site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy as it has been reviewed by the City's peer reviewer and will comply with Newton's Sustainability Ordinance. (§7.3.3.C.5)
6. Literal compliance with the parking requirements of the Newton Zoning Ordinance (NZO) is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13)
7. The Council finds the proposal is consistent with the Housing Goals of the Comprehensive Plan by creating housing, including inclusionary zoning units, specifically for seniors.
8. The proposed congregate living facility model is expected and intended to provide both shelter and the availability of pooled services to create an innovative model of housing for seniors who may not qualify for traditional inclusionary housing. In addition, the proposed project will be the first implementation of Ordinance § 5.11.11 Elder Housing with Services under which 9 of the units will be inclusionary for lower income households under Ordinance §5.11.11.
9. The Zoning Ordinance does not provide specific dimensional requirements for a congregate living facility, and therefore the Council may adopt such dimensional provisions for the project as are appropriate under the circumstances. The Council finds that the height, number of stories, setbacks, lot area per unit, lot coverage, open space and floor area ratio of the project are appropriate in view of the unique location of the project in the City, relative to the other facilities of the Campus and the adjoining properties and uses. (§7.3.3 C 1)
10. In accordance with Chapter 29, §167-174 of the Revised Ordinances, the Council finds there is good cause to waive 75 percent of the infiltration/inflow fee because the Project is sponsored by, and will be controlled and operated by 2Life Communities, Inc., a nonprofit 501(c)3 charitable corporation, and due to their payment for other municipal improvements. Therefore, the infiltration/inflow fee shall be \$387,478.

PETITIONER: 2Life Holdings, LLC

ADDRESS OF PETITIONER: 30 Wallingford Road
Brighton, MA 02135

LOCATION: A portion of 677 Winchester Street together with a portion of 333 Nahanton Street, on a new lot to be created containing 255,538 sq. ft being portions of land known as Section 83 Block 35 Lots 0004 and 00004B,.

OWNER: 2Life Coleman Limited Partnership

ADDRESS OF OWNER: 30 Wallingford Road
Brighton, MA 02135

TO BE USED FOR: A 174-unit congregate living facility with associated common facilities, amenities and parking.

EXPLANATORY NOTES: Special permits per §7.3.3:

- allow a congregate living facility (3.4.1)
- allow a building with more than 20,000 square feet
- determine the density and dimensional controls (3.1.2.A.3)
- allow reduced parking stall width (§5.1.8.B.1)
- allow reduced parking stall depth (§5.1.8.B.2)
- allow a reduced aisle width (5.1.8.C.1)
- waive perimeter landscaping requirements (5.1.9.A.1.i)
- waive lighting requirements for outdoor parking (5.1.10.A.1)

ZONING: Single Residence 1 (SR1)

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. A consolidated set of engineering and architectural plans entitled “2Life Opus Communities, 677 Winchester Street and 333 Nahanton Street,” prepared by Stantec

Consulting and Perkins Eastman, dated May 5, 2021, and revised through September 9, 2021 consisting of the following sheets:

- i. Cover Sheet
 - ii. Existing Conditions Plan
 - iii. Sheet LU – L000 Abutter Parcel Information
 - iv. Sheet LU - L101 JCC Campus Site Plan (333 Nahanton Street)
 - v. Sheet LU - L102 JCC Remaining Lot Plan
 - vi. Sheet LU – L201 Opus Site Plan
 - vii. Sheet LU –L301 Coleman House Site Plan
 - viii. Sheet LU – L401 Grading Plan/Average Grade Plane Calculation
 - ix. Sheet LU –L 501 Planting Plan
 - x. Sheet LU – L601 Site Details
 - xi. Sheet LU – L701 Photometric Plan
 - xii. Sheet LU –L801 Site Preparation Plan
 - xiii. Sheet LU – C100 Utility Plan
 - xiv. Sheet LU – C101 Drainage Plan
 - xv. Sheet LU – C200 Utility Details
 - xvi. Sheet LU – C201 Utility Details
 - xvii. Sheet LU – 100 Level B Floor Plan
 - xviii. Sheet LU – 100 Level A Floor Plan
 - xix. Sheet LU – 101 First Floor Plan
 - xx. Sheet LU – 102 Second Floor Plan
 - xxi. Sheet LU – 103 Third Floor Plan
 - xxii. Sheet LU – 104 Fourth Floor Plan
 - xxiii. Sheet LU – 105 Fifth Floor Plan
 - xxiv. Sheet LU – 106 Sixth Floor Plan
 - xxv. Sheet LU – 201 Exterior Elevations
 - xxvi. Sheet LU – 202 Exterior Elevations
 - xxvii. Overview of the Entry Court, dated July 9, 2021
2. In accordance with the City’s Inclusionary Zoning Ordinance, §5.11.11, the Project shall include nine (9) affordable housing units (the “Inclusionary Units”), as follows:
 - a. Nine (9) of the residential units in the Project shall be made available to households earning up to 80% of Area Median Income (AMI), as designated by the U.S. Department of Housing and Urban Development.
 3. Pursuant to Section 7.3.2.E and Section 7.4.5.D of the City of Newton Zoning Ordinance in effect at the time this Special Permit/Site Plan Approval was approved, the time for exercise of this Special Permit/Site Plan Approval is extended to a period of three years from the

issuance of this Special Permit/Site Plan Approval, which shall not include such time required to pursue or await the determination of an appeal pursuant M.G.L. c. 40A, § 17 or an appeal of any other local permits or approvals necessary to complete the project, without the necessity of a further public hearing. This Special Permit/Site Plan Approval shall be deemed to have been exercised upon the commencement of construction pursuant to a building permit (other than a demolition permit) for all or any portion of the Project.

4. The Petitioner, the Project, and the Inclusionary Units shall comply with all applicable provisions of the City’s Inclusionary Zoning Ordinance, §5.11, in effect as of the date of this Special Permit/Site Plan Approval, regardless of whether such requirements are set forth herein.
5. The bedroom mix of the Inclusionary Units shall be equal to the bedroom mix of the market-rate units in the Project. The proposed mix of the Inclusionary Units is:

	1BR no den 1.5 bath	1BR + den 1.5 bath	2BR no den 1.5 bath	2BR no den 2 bath	2 BR + den 2 bath
Inclusionary Units	1	2	2	2	2

The final bedroom mix shall be reviewed and approved by the Director of Planning and Development prior to the issuance of a building permit for the Project.

6. Monthly housing costs (inclusive of entrance fees, rent, utility costs for heat, water, hot water and electricity and access to all amenities and services offered to residents in the building as included within their base rent), must not exceed 15% of the applicable household income limit for that Inclusionary Unit and shall otherwise be consistent with Inclusionary Zoning Ordinance, § 5.11.11.D.
7. Prior to commencing any pre-sale or pre-marketing activities, the Petitioner must submit an Affirmative Fair Housing Marketing & Resident Selection Plan (AFHMP) for review and approval by the Director of Planning and Development. The Affirmative Fair Housing Marketing and Resident Selection Plan must meet the requirements of DHCD’s guidelines for Affirmative Fair Housing Marketing and Resident Selection and be consistent with §5.11.8. of the Inclusionary Zoning Ordinance. The units will be affirmatively marketed and leased through a lottery. The nature and extent of the local preference scheme included in any final AFHMP submitted to DHCD for its review and approval shall be in accordance with the applicable provisions of the City’s Revised Ordinances and/or Zoning Ordinance governing the percentage of local preferences for Inclusionary Units in a project in effect at the time of such submission to DHCD.
8. Prior to the issuance of any building permits for the vertical construction of the Project, the Petitioner shall provide an updated Inclusionary Housing Plan for review and approval by the

Director of Planning and Development in accordance with §5.11.8 of the Inclusionary Zoning Ordinance.

9. Prior to the issuance of any temporary or final occupancy certificates for the Project, the Petitioner, the City, and if applicable DHCD will enter into a Regulatory Agreement and Declaration of Restrictive Covenants, in a form approved by the City of Newton Law Department, which will establish the affordability restriction for the Inclusionary Units in perpetuity.
10. To the extent permitted by applicable regulations of DHCD, the Inclusionary Units shall be eligible for inclusion on the State's Subsidized Housing Inventory (SHI) as Local Action Units through DHCD's Local Initiative Program.
11. The Inclusionary Units shall be designed and constructed subject to the provisions of the Inclusionary Zoning Ordinance, §5.11.7.
12. Inclusionary Units, and their associated parking spaces, shall be proportionally distributed throughout the Project and be sited in no less desirable locations than the market-rate units, and the locations of such units and parking spaces shall be reviewed and approved by the Director of Planning and Development prior to the issuance of a building permit for vertical construction of the Project.
13. No residential unit or building shall be constructed to contain or be marketed and/or sold as containing more bedrooms than the number of bedrooms indicated for said unit in the Project Master Plans referenced in Condition #1.
14. Any room that meets the minimum dimensional and egress requirements to be considered a bedroom under the state building code and Title 5 regulations shall be counted as a bedroom for purposes of determining the required bedroom mix of the Inclusionary Units in accordance with the Inclusionary Zoning Ordinance.
15. The petitioner shall comply with the City's Tree Preservation Ordinance §21-80 et seq.
16. Prior to the issuance of any building permit for the Project, the petitioner shall provide an Approval Not Required ("ANR") or "81X" plan creating the lot for construction of the proposed project to the City Engineer for review and approval. Once approved, the plan must be recorded at the Middlesex South Registry of Deeds. A certified copy of the plan shall be submitted to the Engineering Division of Public Works, the Director of Planning and Development, and the Commissioner of Inspectional Services.
17. The cost of parking for market-rate units shall be charged separately from rents, and the rental period cannot commence prior to, or extend past the end of, the rental period of the unit. One (1) parking stall shall be available for each Inclusionary Unit without charge to the tenant of such unit. All residential units shall conform to the Massachusetts Architectural Access Board (MAAB) requirements for "Group 1" units. In addition, per MAAB guidelines, 5% of the units shall be designed as "Group 2A" units, which are designed spatially for immediate wheelchair use. The design and construction of the site and proposed structure shall comply with Massachusetts Architectural Access Board regulations and the Fair Housing

Act.

18. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking and shall comply with the City's Noise Control Ordinance.
19. The Petitioner shall comply with all applicable sustainable design provisions of the Revised Ordinances.
20. The Petitioner shall achieve and/or implement all sustainability strategies as indicated in a document entitled "City of Newton – Rating System Narrative – Sustainable Development Design, 2Life Opus, Winchester Street, Newton, Massachusetts," prepared by New Ecology, dated May 4, 2021, which shall be incorporated into the Project.
21. Prior to the issuance of any building permit for the Project, the Petitioner shall design and construct the building, and achieve and/or implement the following measures which shall be incorporated into the Project:
 - a. the majority of the exterior façade will be composed of durable low maintenance materials (such as masonry and cementitious panels) that will increase the longevity and minimize maintenance in the future;
 - b. only LED lighting will be used throughout the project;
 - c. the applicant will use of high efficiency electric heating and cooling systems. This includes, but is not limited to, central VRF air source heat pump unit-based air source heat pumps or water source heat pumps, or an electric, low carbon, efficient system to handle the heating and cooling of the building in order to reduce fossil fuel use;
 - e. all HVAC and appliances shall be electric, and appliances shall be "Energy Star"-rated (or functional equivalent), (except that domestic hot water equipment may utilize natural gas as an energy source, and natural gas may be used for appliances in the commercial kitchen);
 - f. exterior building insulation and air barriers shall be continuous;
 - h. drought tolerant and indigenous plants will be the predominant species installed in the landscape;
 - i. installation of solar photovoltaic panels. Roof areas shall be mapped so as to consolidate rooftop HVAC equipment and penetrations to the greatest degree possible to maximize potential for the solar PV installation (given the selection of heating systems); and
 - k. fundamental commissioning tests shall be performed in accordance with the requirements of LEED Gold certifiability.
22. The Petitioner shall engage with an applicable professional(s) during design and provide appropriate report(s) or material(s) to the Director of Planning and Development on following sustainability strategies, , regarding their feasibility and the possible return on investment if they were to be implemented:

- a. installing additional exterior insulation beyond Stretch Code requirements as described in the 2Life Opus Energy Narrative dated May 4, 2021;
 - b. maximizing the use where appropriate for low embodied carbon materials and rapidly renewable materials;
 - c. commissioning HVAC systems at substantial building completion;
 - d. installing a rain harvesting system to capture roof rainwater for irrigation; and
 - e. implementing Low Impact Design (LID) strategies in the design of the stormwater management system, including permeable pavers and pavement.
23. Prior to the issuance of any building permit for the Project, the Petitioner shall receive approval from the City Council, through its Public Facilities Committee, to extend the sewer line to the site. Any required easements shall be approved by the City Council, recorded at the Middlesex South Registry of Deeds, and shall be provided to the Engineering Division of Public Works and the Department of Planning and Development.
24. Prior to the issuance of any building permit for the Project, the Petitioner shall submit a Stormwater Pollution Prevention Plan for review and approval by the City Engineer. During construction, the Petitioner shall comply with the National Pollutant Discharge Elimination System (NPDES) General Permit for stormwater discharges from a construction site.
25. The Petitioner shall make payments in the aggregate amount of \$387,478 to the City for infrastructure improvements for inflow and infiltration (I&I) Payments shall be made as follows:
- a. \$193,739 prior to the issuance of any building permit for the Project.
 - b. \$193,739 prior to the issuance of any occupancy certificate (temporary or final) for the final dwelling unit in the Project.
26. The Petitioner shall make payments in the aggregate amount of \$487,522 to the City for transportation infrastructure improvements in the vicinity of the Project.
- a. The Petitioner's payments shall be made to a municipal account designated for such mitigation and improvements (hereinafter, the "Mitigation Fund") as follows:
 - i. \$243,761 prior to the issuance of any building permit for the Project.
 - ii. \$243,761 prior to the issuance of any occupancy certificate (temporary or final) for the final dwelling unit in the Project
 - b. The Mitigation Fund shall be appropriated only with the approval of the City Council and the Mayor in accordance with municipal finance law. The Director of Planning and Development, after consultation with the Ward 8 Councilors, shall recommend projects for funding to the Mayor and the City Council.
27. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by the petitioner and recorded at the Middlesex South

District Registry of Deeds. A copy of the recorded O&M shall be filed with the Engineering Division of Public Works, the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.

28. The Petitioner shall do the following to remediate pest and rodent activity:

- a. Prior to issuance of any demolition permit, the petitioner shall hire a licensed Pest Control Operator to assess the property for pest and rodent activity and develop and implement a pest remediation action plan to eliminate the activity and prevent off-site migration. The plan shall include the target pest, the methods for eliminating activity prior to demolition, and plan for preventing pest migration off-site during demolition and construction.
- b. A copy of the Pest Control inspection report and the remediation action plan shall be submitted to the Planning and Development Department, Inspectional Services Department, and the Health and Human Services Department for review and approval prior to issuance of any demolition or building permit.
- c. The Pest Control Operator shall implement the approved remediation action plan, monitor the site for the duration of the project, and take whatever action necessary to control pest infestation and migration. The Pest Control Operator shall maintain a written record of all pest control measures performed and shall provide progress reports to Inspectional Services Department and the Health and Human Services Department upon request.
- d. Prior to issuance of any temporary certificate of occupancy, the Pest Control Operator shall file a final report with the Inspectional Services Department and the Health and Human Services Department summarizing the methods used, whether off-site migration occurred, the frequency and dates of service, and a post-construction site and neighborhood assessment.
- e. In the event any demolition or construction activity causes off-site pest migration, prior to the issuance of any certificates of occupancy (temporary or final), the petitioner shall offer rodent abatement services on an as needed basis for all properties within a 300 foot radius of the site, subject to owner authorization of such properties and a waiver of liability.

29. All construction activity shall be limited to 7:00AM-7:00PM Monday through Friday and 8:00AM-7:00PM on Saturdays, excluding holidays, unless waived by the Mayor in accordance with Revised Ordinances, §20-13. Interior work may occur at times outside of the hours specified above, but only after the building is fully enclosed.

30. Prior to the issuance of any building permit for the Project the petitioner shall submit a Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, the Commissioner of Public Works, the City Engineer, and the Chief of the Fire Department. The CMP shall be in compliance with all applicable policies and ordinances in effect at the time of submission.

The Petitioner shall comply in all material respects with the Construction Management Plan, which shall be consistent with and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:

- a. 24-hour contact information for the general contractor of the project.
 - b. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones.
 - c. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction materials and delivery vehicles and equipment, and location of any security fencing.
 - d. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - e. Proposed methods of noise control, in accordance with the Revised Ordinances, §20-13. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - f. Tree preservation plan to define the proposed method(s) for protection of any existing trees to remain on site.
 - g. The CMP shall also address the following:
 - safety precautions;
 - anticipated dewatering during construction;
 - site safety and stability;
 - impacts on abutting properties;
 - h. The CMP shall include a vibration control plan that includes a study of projected vibration impacts and a monitoring program to be implemented with regular reporting.
31. The Applicant shall be responsible for securing and paying police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.
32. 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 Council Order and the companion Council Order Docket #201-21 with the Middlesex South Registry of Deeds.
 - b. Filed a copy of such recorded Council Orders with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

- c. Obtained a written statement from the Department of Planning and Development that confirms the final building permit plans and façade elevations are consistent with plans approved in Condition #1.
- d. Submitted a final Inclusionary Housing Plan for review and approval by the Director of Planning and Development that is certified as compliant by the Director of Planning and Development with the information required to be included in such Plan pursuant to §5.11.8. of the Zoning Ordinance.
- e. Submitted final landscaping, planting and hardscape materials plans consistent with the plans approved in Condition #1 for review and approval by the Director of Planning and Development.
- f. Submitted final building façade materials plans consistent with the plans approved in Condition #1 for review and approval by the Director of Planning and Development.
- g. Submitted a copy of the recorded plan required by Condition #16.
- h. Submitted appropriate materials to the to the Director of Planning and Development in accordance with Condition #21 and conferred with the Director of Planning and Development and the City Engineer concerning additional sustainability strategies in accordance with Condition #22.
- i. Received approval from the City Council in accordance with Condition #23.
- j. Received approval from the City Engineer in accordance with Condition #24.
- k. Made payments in accordance with Conditions #25 and 26.
- l. Submitted final engineering, utility, and drainage plans, and an Operations and Maintenance plan for Stormwater Management, for review and approval by the City Engineer. A statement certifying such approvals shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.
- m. Submitted a final Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Department, the Commissioner of Public Works, the City Engineer, and the Director of Transportation.
- n. Submitted, pursuant to §5.13.6. of the Zoning Ordinance, an updated rating system checklist, rating system narrative, energy narrative, credentials of the green building professional, affidavit from the green building profession, and credentials of the project's green commissioning agent for review and approval by the Director of Planning.

33. The Petitioner shall be responsible for repairing any and all damage to public ways and property caused by any construction vehicles. All repair work shall be done prior to the issuance of a final Certificate of Occupancy, unless the Commissioner of Public Works determines that the damage to the public way is so extensive that it limits the use of the public way. In such case the repair work must be initiated within one month of the Commissioner making such determination and shall be conducted consistent with City Construction Standards, and shall be completed within an appropriate time frame, as determined by the Commissioner.
34. Prior to the issuance of any Certificate of Occupancy pursuant to this Special Permit/Site Plan Approval, the Petitioner, City, and DHCD will enter into, and record at the Middlesex South Registry of Deeds, a Regulatory Agreement and Declaration of Restrictive Covenants, in a form approved by the City of Newton Law Department and DHCD, which will establish the affordability restriction for the Inclusionary Units in perpetuity.
35. 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 and civil engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.
 - c. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.
 - d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number, and type of plant materials, final landscape features and fencing consistent with the plans referenced in Condition 1.
 - e. Submitted to the Law Department copies of fully executed Regulatory Agreements and Affordable Housing Restriction for all Inclusionary Units, in accordance with Conditions #7-8.
 - f. Made payments in accordance with Conditions #25 and 26.
 - g. Provided evidence satisfactory to the Law Department that the Regulatory Agreements for all Inclusionary Units have been recorded at the Southern Middlesex District Registry of Deeds, as appropriate.
 - h. Inclusionary Units shall be completed and occupied no later than the completion and occupancy of the Project's market-rate units. If the Inclusionary Units are not completed as required within that time, temporary and final occupancy permits may not be granted for the number of market-rate units equal to the number of

Inclusionary Units that have not been completed.

- i. Submitted, pursuant to §5.13.6.C of the Zoning Ordinance, an updated rating system checklist, rating system narrative, energy narrative, credentials of the green building professional, affidavit from the green building profession, credentials of the project's green commissioning agent, an affidavit signed by the green commissioning agent certifying that the pre-construction commissioning process requirements have been met and that post-construction commissioning will be met, and an affidavit that the green building professional has reviewed all relevant documents and that the documents indicate the project was built to achieve LEED Gold level for review and approval by the Director of Planning
36. Notwithstanding the provisions of Condition #36(d) above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of required on-site landscaping/exterior hardscape improvements required per the approved plans. Prior, however, to issuance of any temporary certificate of occupancy pursuant to this condition, the Commissioner of Inspectional Services shall require that the Petitioner first file a bond, letter of credit, cash or other security in the form satisfactory to the Law Department in an amount not less than 135% of the value of the aforementioned remaining improvements.
37. All on-site landscaping associated with this Special Permit/Site Plan Approval shall be installed and maintained in good condition. Any plant material that becomes diseased and/or dies shall be replaced on an annual basis with similar material.

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL to amend special permits #175-18, #292-93, and #147-79, #147-79(2), #147-79(3) to permit the transfer of 218,583 square feet of land from 333 Nahanton Street to 2Life Holdings, LLC for the construction of a congregate living facility, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the proposed amendments to Council Orders #175-18, #147-79, #147-79(2), #147-79(3) and #292-93 as the buildings, programs and functions of the Jewish Community Center are all remaining in place and remain appropriate to the location and as the special permit is amended the property will continue to comply with the conditions of all prior board orders except as enumerated herein. (§7.3.3.C.1)
2. The proposed amendments to Council Orders #175-18, #147-79, #147-79(2), #147-79(3) and #292-93 will not adversely affect the neighborhood and the operations of the Jewish Community Center will be enhanced by the consolidation of its parking and by the enhancement of programming opportunity through the construction and operation of the 2Life Communities “Opus” project. (§7.3.3.C.2)
3. The proposed amendments to Council Orders #175-18, #147-79, #147-79(2), #147-79(3) and #292- will not create a nuisance or serious hazard to vehicles or pedestrians and will bring the overflow parking area closer to the main facility (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles as the site will continue to have adequate access. The entrance of the proposed project onto Nahanton Street will be through the four-way controlled intersection. (§7.3.3.C.4)
5. Literal compliance with the parking requirements of the Newton Zoning Ordinance (NZO) is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features. (§5.1.13)

PETITION NUMBER: #201-21

PETITIONER: Jewish Community Centers of Greater Boston, Inc.

ADDRESS OF PETITIONER: 333 Nahanton Street
Newton, MA 02459

LOCATION: A portion of 333 Nahanton Street, on land known as Section 83
Block 35 Lots 0004, on a new lot to be created pursuant to Council
Order Docket # 179-21

OWNER: Jewish Community Centers of Greater Boston, Inc.

ADDRESS OF OWNER: 333 Nahanton Street
Newton, MA 02459

TO BE USED FOR: Multi-purpose facility in accordance with Council Order #175-18

EXPLANATORY NOTES: Special permits per §7.3.3:

- amend special permits #175-18, #147-79, #147-79(2), #147-79(3) and #292-93 to:
 - permit the transfer 218,583 square feet of land from 333 Nahanton Street to 2Life Holdings, LLC or designee for the construction of a congregate living facility;
 - modify Condition 13(f) of #175-18 to permit a seven-story building on the JCC Campus and
 - amend special permit #175-18 to modify Condition 16 to include a “funding guarantee” of the Combined Jewish Philanthropies.

ZONING: Single Residence 1 (SR1)

This special permit amends special permits #175-18, #147-79, #147-79(2), #147-79(3) and #292-93 only as set forth herein. All other provisions are still in full force and effect.

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with

- a. The following sheets within a consolidated set of engineering and architectural plans entitled “2Life Opus Communities, 677 Winchester Street and 333 Nahanton Street,” prepared by Stantec Consulting and Perkins Eastman, dated May 5, 2021, and revised through September 13, 2021:
 - i. Sheet LU - L101 JCC Campus Site Plan (333 Nahanton Street)
 - ii. Sheet LU - L102 JCC Remaining Lot Plan
2. Pursuant to Section 7.3.2.E and Section 7.4.5.D of the City of Newton Zoning Ordinance in effect at the time this Special Permit/Site Plan Approval was approved, the time for exercise of this Special Permit/Site Plan Approval is extended to a period of three years from the issuance of this Special Permit/Site Plan Approval, which shall not include such time required to pursue or await the determination of an appeal pursuant M.G.L. c. 40A, § 17 or an appeal of any other local permits or approvals necessary to complete the project, without the necessity of a further public hearing. This Special Permit/Site Plan Approval shall be deemed to have been exercised upon the commencement of construction pursuant to a building permit (other than a demolition permit) for all or any portion of the Project.
3. No occupancy pursuant to this Special Permit/Site Plan approval shall occur until the Petitioner has:
 - a. Recorded a certified copy of this Council order with the Middlesex South Registry of Deeds.
 - b. Filed a copy of such recorded Council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Recorded an Approval Not Required (“ANR”) or “81X” plan creating the lot for construction of the proposed project and submitted such plan to the Engineering Division of Public Works, the Director of Planning and Development, and the Commissioner of Inspectional Services.