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## PUBLIC HEARING / WORKING SESSION MEMORANDUM

**DATE:** November 5, 2021  
**MEETING DATE:** November 9, 2021  
**TO:** Land Use Committee of the City Council  
**FROM:** Barney S. Heath, Director of Planning and Development  
Neil Cronin, Chief Planner for Current Planning  
Katie Whewell, Senior Planner  
**CC:** Petitioner

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

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### PETITION #33-21 (3)

275 Grove Street

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Special Permit/Site Plan Approval to amend Special Permit Council Orders #40-97, #40-97(2) and #33-21 to amend the site plan, to allow a laboratory, research, and development use and to allow building height of 84 feet and 2 inches at 275 Grove Street, Ward 4, Auburndale, on land known as Section 43 Block 29 Lot 24, containing approximately 487,578 sq. ft. of land in a district zoned BUSINESS USE 4.

The Land Use Committee (Committee) last held a public hearing on this petition on October 1, 2021. The petition was held open, for the petitioner to respond to questions and concerns raised in the Planning Department's Memorandum as well as at the public hearing by the Committee and by members of the public. This memo reflects those issues and concerns, as well as revised materials submitted by the petitioner as of November 5, 2021 (**Attachment A**).

### Traffic

Members of the Committee wanted a better understanding of any traffic impacts resulting from the change in use from office to life science, to the Williams School, especially during pickup and drop-off periods. After discussions with the City's peer consultant, BSC Group, Planning Staff requested the petitioner further estimate the number of projected trips generated by the life science and office uses to better determine the change in the number of trips at the Williams School, from 7:45 to 8:45 and

from 2:30 pm to 3:30 pm. The petitioner estimates there would be 16 fewer trips passing by the Williams School during the weekday morning peak hour, while there would be an increase of four trips passing by the Williams School from 2:30 p.m. to 3:30 p.m. (**Attachment B**). The Planning Department will confer with the peer-review consultant and will provide the Committee with an update at the public hearing.

### **Consolidated Orders**

Members of Committee expressed a desire to consolidate the prior orders for this site. The Planning Department, Law Department, and Petitioner worked together to create a draft consolidated order (**Attachment C**).

The following key will aid in deciphering the differences between the former orders and changes proposed by both the petitioner and city staff.

**Black Bold** – text insertions from the Petitioner

**Blue Bold** – City Staff Contributions

~~Strikethrough~~ – text to be deleted, often followed by replacement text or to indicate the deletion of an entire condition.

Planning Staff recommends updating Condition 29 which requires an annual contribution of \$25,000 to the City's operational inter-village bus service. The Planning Department recommends the condition be revised to require an annual contribution to the City's shuttle service including but not limited to "NewMo" because there is no inter-village bus service. NewMo is a city-sponsored ridesharing service which allows for people to travel freely throughout Newton and offers further subsidies beyond the \$2 cost per ride to low-income Newton residents with a .50 cent rate.

### **ATTACHMENTS:**

- Attachment A:** Response to Comments, dated November 1, 2021
- Attachment B:** Petitioner's Memorandum, dated November 5, 2021
- Attachment C:** DRAFT Council Order, with edits
- Attachment D:** DRAFT Council Order, clean version



# ALEXANDRIA

## Responses to Questions Posed at October 5, 2021 Land Use Committee Meeting

November 1, 2021

### Questions from City Councilors

#### **Councilor Gentile:**

1. *Would the petitioner consider a traffic detail for some period of time after occupancy?*

VHB's traffic study, supported by the City's peer review, shows that peak hour traffic will be reduced at 275 Grove Street once Building 3 is converted to life science use. We note that a police detail was previously in place at the site pursuant to the original Board Order, but was later determined to be unnecessary. That said, Alexandria will engage a traffic detail as needed.

2. *Should the screening wrap around the entire building? Should it be taller?*

The screening terminates near the existing atrium space. The atrium is similar in height to the screening, and in effect serves the same purpose as a screen. A screen along the atrium would be excessive.

Based on the proportions of the building, the proposed screen height is a balance of aesthetics and structural requirements. A taller screen would pose structural challenges in terms of support and managing wind load.

3. *Can prior Board Orders be consolidated with this Council Order?*

Alexandria agrees with this approach, and our attorneys will work with the City Solicitor's office to consolidate the past Board Orders with a new Council Order.

#### **Councilors Gentile, Lucas, and Kelley and Peter Barrer, member Green Newton Building Standards Committee:**

4. *Why is this project not a "construction or substantial reconstruction of one or more buildings totaling 20,000 sf or more of gross floor area" that would trigger the sustainable development requirements of Newton Zoning Ordinance Section 5.13?*

We have reviewed this issue with Commissioner of Inspectional Services John Lojeck and the City Solicitor's office and they have determined that this is not a "substantial reconstruction of one or more buildings totaling 20,000 sf or more."

Other than the addition of the two loading bay doors, no changes are being made to the existing building envelope at Riverside Center. It is important to note that while Riverside Center is segmented into "Buildings 1, 2, and 3," it is actually a single building of approximately 500,000 square feet. "Building 3" has exterior walls on just two sides, and is comprised of approximately 126,107 square feet, or approximately 25% of the entire building. Therefore, this project represents an interior gut of 25% of the existing building.

*5. What are the sustainable development plans for the building?*

Alexandria appreciates Newton's environmental advocacy in regards to 275 Grove Street. Alexandria prides itself as being at the forefront of sustainable lab design. The team is researching opportunities to lower the project's greenhouse gas emissions. While the existing envelope poses challenges, the team is prioritizing load reduction strategies like ventilation heat recovery and reduced infiltration to minimize heat demand. The team is also exploring opportunities to meet the remaining demand with heat pumps and/or heat recovery chillers. These strategies are being evaluated within the parameters of available space and project budget, as well as neighborhood concerns like building height. Alexandria and its team will continue to evaluate a matrix of options to achieve our shared sustainability goals.

Alexandria met with representatives of the Green Newton Building Standards Committee on October 7<sup>th</sup> and plans to meet with them again during the week of October 18<sup>th</sup>.

**Councilor Markiewicz:**

*6. Can we make Planning Department memo and flow chart regarding lab protocols widely available?*

Yes. We have sent the memo and flow chart to the Lower Falls Improvement Association for posting and distribution and have requested that the Planning Department post it on the webpage for this project.

**Councilor Lucas:**

*7. Will any current Building 3 tenants be displaced?*

The current Building 3 tenants are in the process of being relocated into vacant space in Building 1 and Building 2. These relocations will be complete prior to construction commencing on Building 3.

**Councilor Bowman:**

*8. There seems to be excess parking on site with a heat island effect. Can some spots be eliminated and more trees planted? Can solar panels be installed that would provide shade?*

Alexandria's historical data shows that the parking lot functions well as it is designed. At 100% occupancy, Alexandria requires a 3 stalls per 1,000 square feet to meet its tenants' needs. With the loss of 37 stalls to accommodate the new loading bays, Alexandria will not have excess parking at the site.

In addition, Alexandria is committed to pursuing a direct connection to the Riverside MBTA site, which would result in the loss of additional parking in order to create a pathway through the parking lot and a ramp or lift to bring pedestrians up to the MBTA site. Therefore, we do not think it is feasible at this time to eliminate additional parking stalls in order to add more trees or a solar canopy.

**Questions from Neighbors**

*9. What protections are in place to ensure that nearby neighbors will not be exposed to hazardous releases?*

There are federal, state, and municipal regulations which apply to the life science industry. Companies are subject to permitting, inspections (announced and unannounced), and reporting. The State Building Code also limits the quantities of hazardous materials that can be stored and used in a building. The regulations in place aim to protect the employees, the environment, and the public.

Protection controls involve specific design for laboratory space. In addition, a hierarchy of controls is in place and includes the elimination of hazards, substitution of materials for those that are less hazardous, engineering controls, administrative controls such as standard operating procedures and training, and personal protective equipment. The work conducted in the life science industry is also subject to risk assessments. Lastly, emergency procedures are developed to respond to potential incidents and ensure that any release remains contained within a building.

*10. Can noise monitoring equipment be installed before and after construction?*

Because the construction activity is largely limited to interior work, Alexandria does not believe that construction noise will be an issue. However, Alexandria is willing to commit to initial testing after construction to confirm that they are meeting their design criteria and the requirements of Newton's noise ordinance. Once initial compliance is confirmed, Alexandria will commit to annual testing which will cease after three years if the equipment continues to comply with the noise ordinance. If material changes are made to the rooftop equipment, Alexandria will test again to confirm ordinance compliance.

*11. What efforts can be made to mitigate noise during construction?*

Unfortunately, construction is noisy, but due to the extremely limited exterior work, Alexandria does not anticipate this being a significant problem. Alexandria does not plan to have any noisy construction take place during off-hour shifts because evening and weekend work might be problematic for the abutting residential neighborhood.

Alexandria will provide residents with advance notice of construction activities and identify those activities that will be very noisy, moderately noisy, and negligible. The noisiest work includes cutting in new loading dock doors on the south wall (facing the MBTA site), adding new dunnage and mechanicals on the roof, and modifying the south parking lot (similar to installing a new residential driveway). The balance of the work is inside the building, including almost all of the demolition, and should not present any noise issues.

*12. What is the noise level of the proposed rooftop equipment?*

Alexandria has engaged an acoustical consultant to monitor the impacts of the outdoor rooftop equipment. While the formal report is pending, from current specifications and data we have concluded that we will meet both Massachusetts Department of Environmental Protection regulations and Newton's noise ordinance requirements. Alexandria will continue to monitor the acoustical impacts of this equipment and take measures to reduce impacts on our neighbors should findings reveal we need to do so. Alexandria will also be a good neighbor and provide communication access to the team on the ground so that the latter can respond to any concerns.

*13. What is the specific rooftop equipment and why is it needed?*

The new outdoor rooftop equipment (not including the indoor penthouse mechanical equipment that will be enclosed on the roof) will be comprised of the following:

- Air Handling Units: provide ventilation, cooling, and heating air to the building.
- Exhaust Air Handling Units: exhausts air from building.
- Cooling Towers: part of the cooling system, reject heat from the chillers.
- Generator: provides emergency/life safety power, and tenant backup power when normal utility power is unavailable.

*14. Can the Council Order clearly limit height to the exact height needed for the rooftop mechanical equipment?*

Yes, the Council Order will be tied to the specific plans submitted for Building 3. Any further change in height or number of stories for any of the buildings at Riverside Center would require an amendment to the Council Order.

15. *Is a shadow study showing different hours and times of year available?*

Yes. It is posted on City website and shows that the shadows cast by the new equipment do not move beyond Building 1.

16. *Is the screening necessary?*

Based on precedents from other projects, a screen is typically preferred to assist in the visual masking of the mechanical units on the roof. The screen can also assist in acoustical dampening.

17. *Can this rooftop equipment be designed to minimize the impact from the ground level, in order to set a precedent for Building 1?*

The rooftop equipment is directly related to the function of Building 3. Laboratory buildings have specific performance and regulatory requirements and the provided equipment is designed to satisfy these requirements. The ten-foot screen is designed to soften the visual impact of the taller rooftop equipment. Alexandria has no current plans to modify the rooftop equipment on Building 1.

18. *What are the future plans for Buildings 1 and 2?*

Alexandria has no current plans to change the mix of uses in Buildings 1 and 2. Currently just under one-third of the space in Building 1 is occupied by a life science tenant pursuant to a special permit granted earlier this year. The remaining space in Buildings 1 and 2 is occupied by office tenants.

Alexandria has prepared a “placemat” identifying the lease terms of current tenants in Buildings 1 and 2. This document has been provided to the Planning Department and should be available on the City’s webpage for this project. Most of the space in Building 1 is occupied by tenants with leases running through 2032. The lease terms for Building 2 tenants vary, with the longest lease expiring in 2032.

19. *Can the original Board Order condition regarding deliveries be restated in this Council Order?*

Yes.

20. *Can a condition be included regarding truck traffic during construction?*

Yes. The original Board Order included a condition that during construction:

Trucks shall only access the site to and from Route 128, except when the MBTA bridge is too low to allow passage of large equipment, in which case, the routes and times shall be reviewed and approved by the Police Department.

Alexandria agrees that a similar condition would be appropriate for this Council Order.

*21. What impact will the Riverside Project construction have on truck flow to and from this site?*

The Riverside Project (MBTA site) construction is not likely to be approved by MassDOT until Spring of 2023 at the absolute earliest, and it is more likely to occur in Fall 2023 or early 2024. If this Special Permit is approved, Alexandria plans to commence construction in April 2022, and it should approximately one year to complete. Therefore, the Building 3 construction work should be complete well before the commencement of work at Riverside.

*22. Is there any consideration of the shift in traffic peak hours because of Williams School hours? What is the specific impact on traffic during the Williams School drop off and pick up times?*

At the outset we should point out that hour by hour traffic distribution data for the life science use is not available. VHB's projections, based on the ITE Trip Generation Manual, provide information about the change in total trips per day and on the impact on traffic during the AM and PM peak hours. VHB projects that the conversion to life science use will result in 152 additional vehicle trips per day (76 more entering and 76 exiting), but fewer trips during both the critical AM and PM peak hours. Overall, this should be interpreted as an improvement in traffic along Grove Street.

The morning drop-off for the Williams School (8:10am start time) aligns with the AM peak hour traffic on Grove Street, which is 7:45am-8:45am. VHB's projections, confirmed by the peer review, show that the conversion of Building 3 to life science use will result in 61 fewer vehicle trips along Grove Street during the morning peak hour, which is a benefit of the proposed project.

The 3pm pick up time does not align with the peak hour traffic on Grove Street, which is 4:45pm-5:45pm. But VHB knows from traffic counts that the 3pm hour traffic on Grove Street has 420 fewer vehicle trips than the 4:45pm peak hour traffic. Therefore, even if there is an increase in the number of vehicles exiting 275 Grove Street at 3pm due to the change in use, that number will be relatively small in comparison to the difference between the 3pm traffic and the 4:45pm peak hour traffic. VHB also expects that most of those additional exit trips will be orientated to Route 128/I-95 and therefore will not drive in the area of the Williams School.

In sum, VHB is confident given its projections that the change in use will not have a material adverse impact on traffic on Grove Street during the Williams School drop off and pick up times.

*23. Would petitioner consider a traffic detail during construction?*

Alexandria is willing to use a traffic detail as needed during construction as part of its Construction Management Plan. However, Alexandria notes that during the construction period, Building 3 will be completely vacant and the construction activity will likely be completely offset by the lack of employee activity during that period for Building 3.



24. *Where does the data come from for the life science traffic numbers as compared to office use numbers?*

The traffic data for both Office and Office, Research, and Development come from the Institute of Transportation Engineers Trip Generation Manual, 10th Edition. As part of the Riverside Development project, additional local data was gathered for similar research and development facilities in the region. The data shows similar shift in peak hour traffic activity, earlier arrival in the AM period and earlier departure in the PM peak period.

25. *If there is not enough parking on site and parking off site becomes a problem, will there be follow up?*

Sufficient parking exists on the site both for purposes of the Newton zoning ordinance and to meet the estimated parking demand as determined by VHB and confirmed by the City's traffic peer review.

26. *Can the Council Order require that neighbors will be notified when there is a change in tenants?*

All life science tenants will be required to comply with the federal, state, and municipal permitting process and regulatory framework. Alexandria feels that imposing such a condition unreasonably interferes with its ability to attract new tenants. Alexandria is unaware of any similar condition in any other Council Orders.

27. *The original Board Order requires a \$25,000 annual contribution to the City's operational inter-village bus service. Will this apply if the bus service is reinstated?*

Yes.

28. *Condition 30 of the original Board Order requires the petitioner to provide bus service from site to Lower Falls and Auburndale. Will that apply?*

The bus service was originally implemented but was terminated because of lack of ridership.

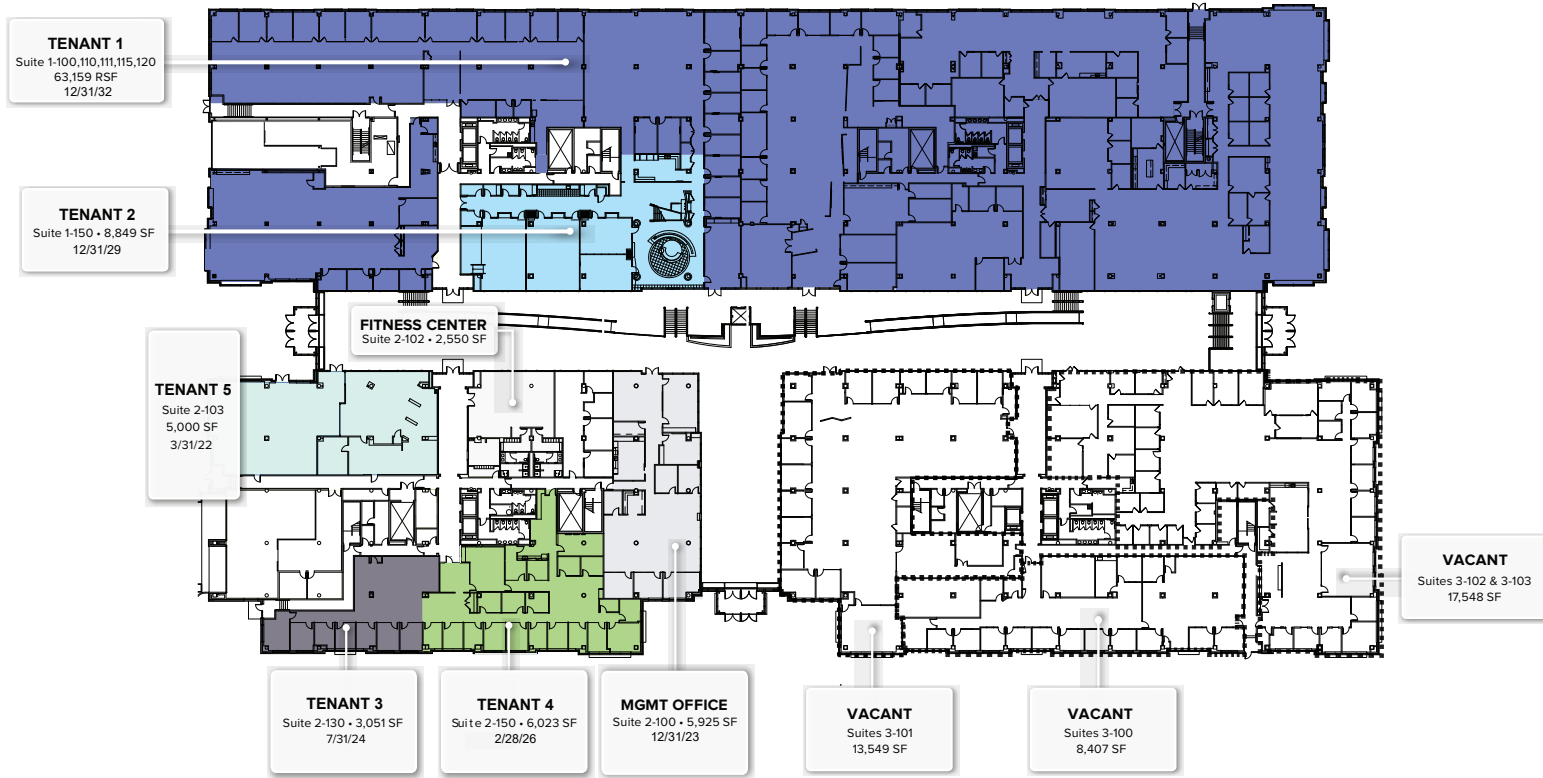
29. *Condition 5 of the original Board Order provides that if the MBTA creates a new access roadway from the Route 128 ramp into the Riverside property extending to the 275 Grove Street site line, the petitioner will make all necessary modifications to the site to connect to such roadway. Will this condition continue to apply?*

Yes.

# FIRST FLOOR

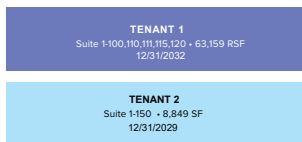
275 Grove Street - Newton, MA

GOAL SCENARIO



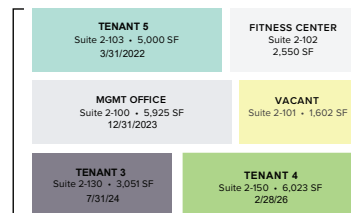
## BUILDING 1

FLOOR 1  
70,538 SF



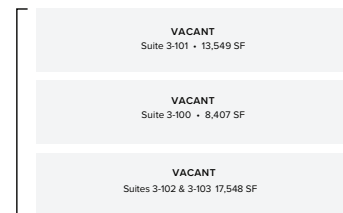
## BUILDING 2

FLOOR 1  
24,151 SF



## BUILDING 3

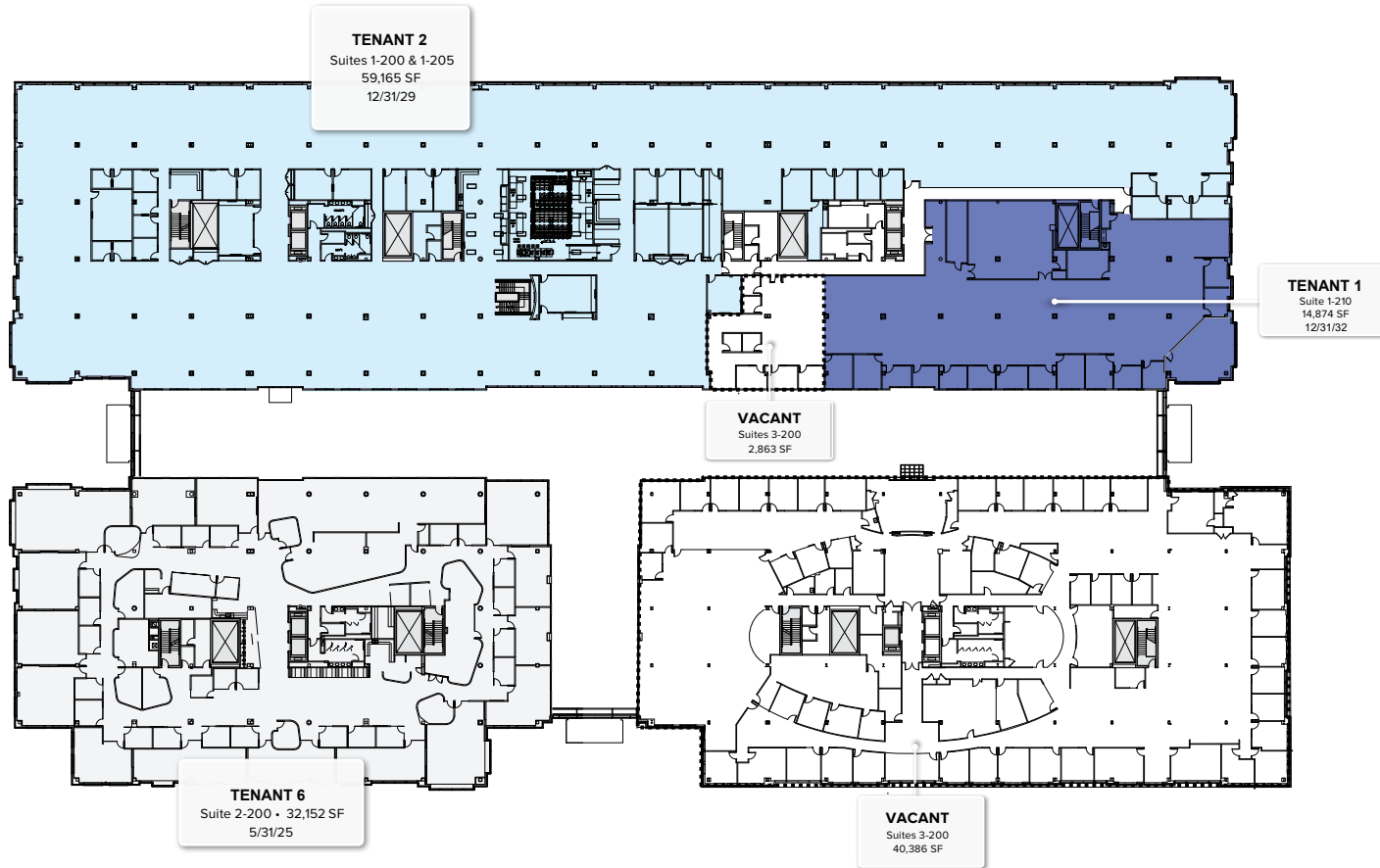
FLOOR 1  
39,504 SF



# SECOND FLOOR

275 Grove Street - Newton, MA

GOAL SCENARIO

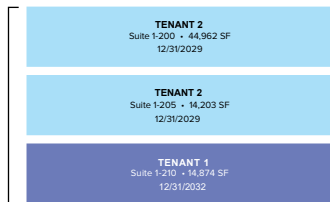


## BUILDING 1

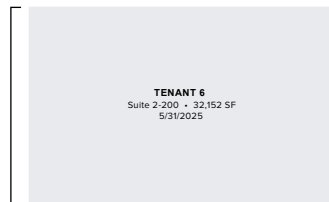
## BUILDING 2

## BUILDING 3

FLOOR 2  
76,902 SF



FLOOR 2  
32,152 SF



FLOOR 2  
40,386 SF



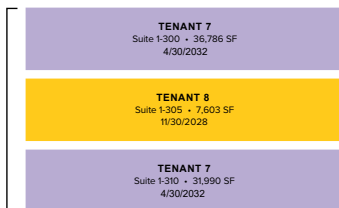
# THIRD FLOOR

275 Grove Street - Newton, MA

GOAL SCENARIO

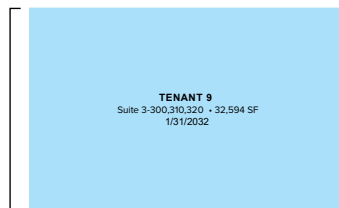


## BUILDING 1



FLOOR 3  
76,379 SF

## BUILDING 2



FLOOR 3  
32,594 SF

## BUILDING 3

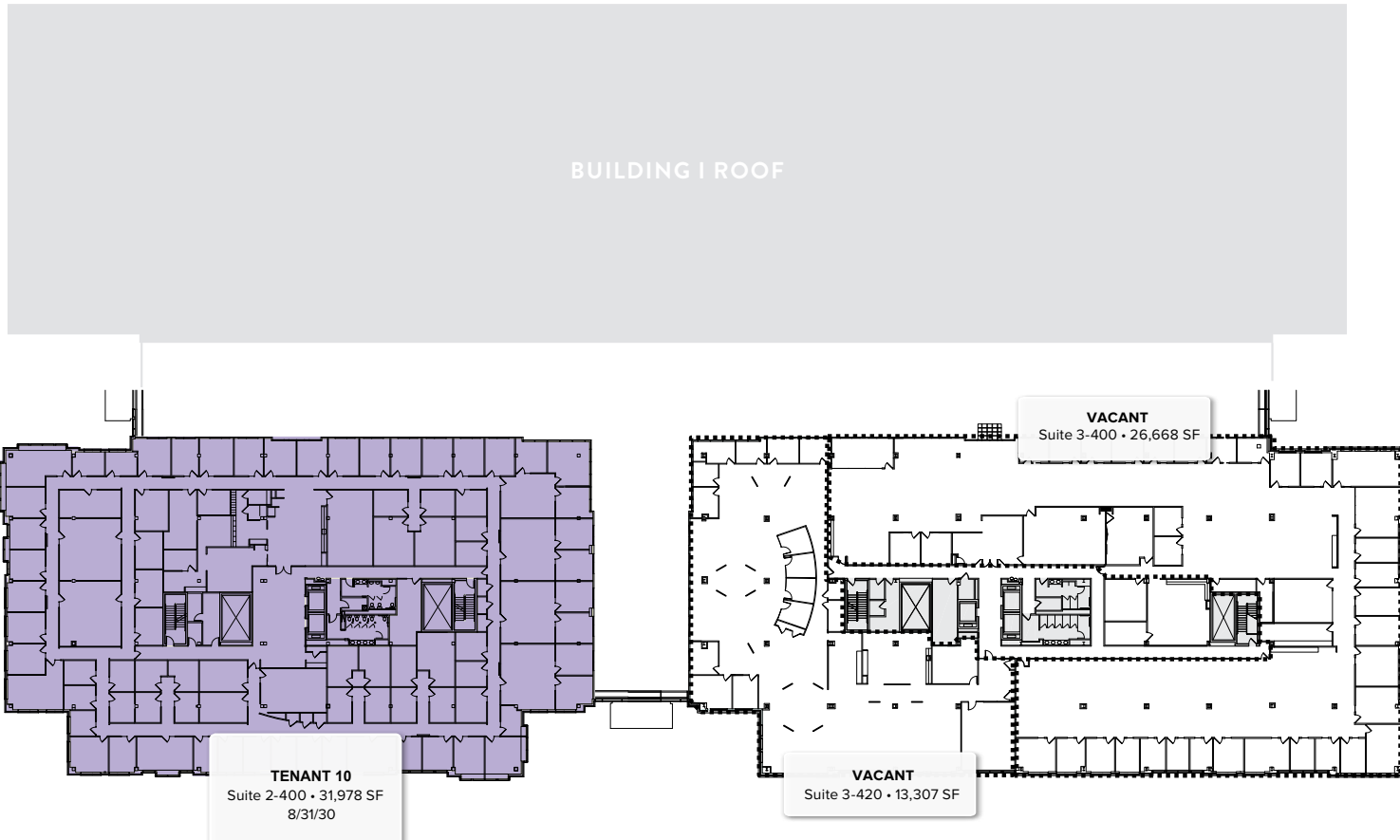


FLOOR 3  
40,386 SF

# FOURTH FLOOR

275 Grove Street - Newton, MA

GOAL SCENARIO



**BUILDING 2**

**BUILDING 3**

**FLOOR 4**  
31,978 SF



**FLOOR 4**  
39,975 SF





To: Danielle Blake, ARE

Date: November 5, 2021  
Project #: 15366.00

## Memorandum

From: Randall Hart, Principal  
Noah Yoskowitz, P.E.Re: Riverside Center  
Impact to Williams School

On November 3, 2021 the Proponent and VHB received a request from the Planning Department to “use reasonable assumptions to estimate the number of projected trips generated by the life science and office uses to determine the change in number of trips along Grove Street, at the Williams School, from 7:45 to 8:45am and from 2:30pm to 3:30pm.”

The following assessment was conducted in response to this request. We note that VHB has previously provided City and interested neighbors with data related to this topic and discussed this same issue during a neighborhood meeting held on November 3, 2021 and attended by the Ward 4 Councilors.

As outlined in our July 20, 2021 Riverside Center Trip Generation Summary Memo, the proposal is for building three, which currently contains 126,107 square feet of general office space be changed to include 126,107 square feet of lab space. Table 1 summarizes the existing and proposed square footage summary for Riverside Center.

**Table 1 Riverside Center Square Footage Summary, Existing vs. Proposed**

<b>Existing Buildout</b>				
	<b>Building 1</b>	<b>Building 2</b>	<b>Building 3</b>	<b>Total</b>
Office	124,261	101,995	126,107	<b>352,363</b>
Lab	<u>67,244</u>	<u>0</u>	<u>0</u>	<b>67,244</b>
<b>Total</b>	<b>191,505</b>	<b>101,995</b>	<b>126,107</b>	<b>419,607</b>
<b>Proposed Buildout</b>				
	<b>Building 1</b>	<b>Building 2</b>	<b>Building 3</b>	<b>Total</b>
Office	124,261	101,995	0	<b>226,256</b>
Lab	<u>67,244</u>	<u>0</u>	<u>126,107</u>	<b>193,351</b>
<b>Total</b>	<b>191,505</b>	<b>101,995</b>	<b>126,107</b>	<b>419,607</b>

### Trip Generation

The ITE *Trip Generation Manual*<sup>1</sup> was used to estimate trips associated with the existing and proposed office and lab spaces. The trip generation estimates for these uses were calculated using Land Use Code (LUC) 710 (General Office

<sup>1</sup> Trip Generation Manual, 10<sup>th</sup> Edition, Institute of Transportation Engineers, Washington, D.C., 2017



Building) and LUC 760 (Research & Development Center). The unadjusted existing and proposed vehicle trip estimates are presented in Table 2.

**Table 2 Unadjusted Trip Generation Summary**

	<u>Existing Buildout</u>			<u>Proposed Buildout</u>		
	Office <sup>a</sup>	Research & Development <sup>b</sup>	Total New Unadjusted Vehicle Trips	Office <sup>a</sup>	Research & Development <sup>b</sup>	Total New Unadjusted Vehicle Trips
<b>Weekday Daily</b>						
Enter	1,800	379	2,179	1,171	1,089	2,260
Exit	<u>1,800</u>	<u>379</u>	<u>2,179</u>	<u>1,171</u>	<u>1,809</u>	<u>2,260</u>
Total	3,600	758	4,358	2,342	2,178	4,520
<b>Weekday Morning Peak Hour</b>						
Enter	308	21	329	206	61	267
Exit	<u>50</u>	<u>7</u>	<u>57</u>	<u>33</u>	<u>20</u>	<u>53</u>
Total	358	28	386	239	81	320
<b>Weekday Evening Peak Hour</b>						
Enter	60	316	376	40	14	54
Exit	<u>5</u>	<u>28</u>	<u>33</u>	<u>208</u>	<u>81</u>	<u>289</u>
Total	65	344	409	248	95	343

a Based on ITE LUC 710 (General Office Building) for 352,363 SF (existing) and 226,256 SF (proposed)

b Based on ITE LUC 760 (Research & Development Center) for 67,244 (existing) and 193,351 SF (proposed)

The unadjusted vehicle trips were then converted into person-trips by applying the average vehicle occupancy of 1.18 for office and research and development trips as outline by the U.S. Department of Transportation<sup>2</sup>. The unadjusted vehicle trips were converted to person-trips to apply mode share credits. Applying these credits to person-trips allows for estimates to be made for the total number of site-generated transit users, walkers, and cyclists in addition to the total number of site-generated vehicles.

The Riverside Center development is located adjacent to the Riverside MBTA Station providing direct access to MBTA Green Line and several MBTA bus routes and local shuttles. It is therefore expected that a portion of the employees who will work on-site will use the Green Line or bus to travel to and from the Riverside Center. It was assumed that the mode share percentages used for The Station at Riverside Redevelopment TIAS would apply to Riverside Center as

<sup>2</sup> Summary of Travel Trends: 2017 National Household Survey, US Department of Transportation, Federal Highway Administration, Washington, D.C. 2017



well. The mode split in the TIAS was based on 2010-2015 Journey-to-Work data for employees who work in the City of Newton. It was therefore assumed that 88 percent of person-trips would be made to Riverside Center by vehicle, 7 percent by transit, and 5 percent by walking or bicycling. Lastly, the person-trips were converted back to vehicle trips by applying the local average vehicle occupancy of 1.12 for office and research and development workers, which was based on City of Newton Census data. Table 3 presents the peak hour trips by mode for the existing and proposed buildouts.

**Table 3 Peak-Hour Trips by Mode**

	<u>Existing Buildout</u>			<u>Proposed Buildout</u>			<u>Change in Vehicle Trips</u>
	<u>Transit Trips</u>	<u>Walk/Bike Trips</u>	<u>Adjusted Vehicle Trips</u>	<u>Transit Trips</u>	<u>Walk/Bike Trips</u>	<u>Adjusted Vehicle Trips</u>	
<b>Weekday Daily</b>							
Enter	180	128	2,020	187	133	2,096	+76
<u>Exit</u>	<u>180</u>	<u>128</u>	<u>2,020</u>	<u>187</u>	<u>133</u>	<u>2,096</u>	<u>+76</u>
<b>Total</b>	<b>360</b>	<b>256</b>	<b>4,040</b>	<b>374</b>	<b>266</b>	<b>4,192</b>	<b>+152</b>
<b>Weekday Morning Peak Hour</b>							
Enter	27	19	305	22	16	247	- 58
<u>Exit</u>	<u>5</u>	<u>4</u>	<u>53</u>	<u>5</u>	<u>4</u>	<u>50</u>	<u>- 3</u>
<b>Total</b>	<b>32</b>	<b>23</b>	<b>358</b>	<b>27</b>	<b>20</b>	<b>297</b>	<b>- 61</b>
<b>Weekday Evening Peak Hour</b>							
Enter	5	4	61	4	3	50	- 11
<u>Exit</u>	<u>28</u>	<u>21</u>	<u>319</u>	<u>24</u>	<u>17</u>	<u>268</u>	<u>- 51</u>
<b>Total</b>	<b>33</b>	<b>25</b>	<b>380</b>	<b>28</b>	<b>20</b>	<b>318</b>	<b>- 62</b>

As can be seen, compared to the existing conditions the proposed Riverside Center development is expected to generate approximately 152 additional vehicle trips (76 more entering and 76 more exiting) on a daily basis, 61 fewer vehicle trips (58 fewer entering and 3 fewer exiting) during the weekday morning peak hour, and 62 fewer vehicle trips (11 fewer entering and 51 fewer exiting) during the weekday evening peak hour. The trip generation worksheets are provided as an attachment to this memorandum.

To respond to the question that Neil has raised, VHB relied on the data provided in the table above, as well as traffic volumes and distribution tables that have been prepared and presented in the Transportation Impact and Access





Study prepared for the Riverside Redevelopment project located west of the proposed project<sup>3</sup>. These documents include the following:

- Figure 3.6B (2021 Existing Condition Weekday Morning Peak Hour Traffic Volumes) Riverside Station Redevelopment.
- Figure 3.6B (2021 Existing Condition Weekday Evening Peak Hour Traffic Volumes) Riverside Station Redevelopment.
- Daily Distribution LUC 710 (Office) based on the ITE Trip Generation Manual, 10<sup>th</sup> Edition, Daily Distribution Spreadsheet (2018)
- Table 3 Above

The Riverside documents referenced are included as an attachment to this document.

### **AM Peak Hour (7:45-8:45)**

As noted in Neil's Email, the Williams School starts morning drop offs and bus operations between 8:10-8:20 AM, which is right in the middle of the Grove Street weekday morning peak hour (7:45-8:45 AM). With that in mind, a reduction in traffic associated with the conversion of general office to R&D during the weekday morning peak hour is a benefit of the project. To assess the "change" in 275 Riverside Office Park (275 ROP) traffic along Grove Street at the Williams School during this period, existing condition traffic volumes from the Riverside Redevelopment and projections for the R&D use of building 3 were utilized. From the data provided in the Riverside TIA during the weekday morning peak hour:

- 110 trips enter 275 ROP from north (Grove Street)
- 250 trips enter 275 ROP from south (Grove Street)
- 0 trips exit 275 ROP and go north (Grove Street)
- 15 trips exit 275 ROP and go south (Grove Street)

---

<sup>3</sup> Riverside Station Redevelopment Transportation Impact and Access Study; prepared by VHB; March 2021



Based on these volumes, approximately 27% of 275 ROP traffic passes the Williams School during the weekday morning peak hour period, as the Williams School is located on Grove Street north of 275 ROP. Under existing conditions, total 275 ROP traffic activity during the weekday morning peak hour is approximately 375 trips, of which 110 trips pass the Williams School while the remaining 265 trips arrive/depart from the south and do not pass the Williams School.

With the change proposed to building 3, there will be approximately 16 less trips during the weekday morning peak hour that pass the Williams School. A reduction of 16 trips from the existing conditions means that with the proposed change, approximately 94 total trips generated by 275 ROP are expected to pass by the Williams School during the weekday morning peak hour.

### **Alternative PM Peak Hour (2:30-3:30)**

As noted in Neil's Email, the Williams School starts afternoon pick-up and bus operations between 2:50-3:10 PM which is well outside of the Grove Street weekday afternoon peak hour (4:45-5:45 PM). To assess the "change" in 275 Riverside Office Park (275 ROP) traffic along Grove Street at the Williams School during this period, existing condition traffic volumes from the Riverside Redevelopment and projections for the R&D use of building 3 were utilized. From the data provided in the Riverside TIA, during the weekday evening peak hour:

- 5 trips enter 275 ROP from north (Grove Street)
- 20 trips enter 275 ROP from south (Grove Street)
- 100 trips exit 275 ROP and go north (Grove Street)
- 225 trips exit 275 ROP and go south (Grove Street)

Based on these volumes, approximately 30% of 275 ROP traffic passes the Williams School during the weekday evening peak hour period. Under existing conditions, total 275 ROP traffic activity during the weekday evening peak hour is approximately 350 trips, of which 105 trips pass the Williams School on Grove Street north of the site while the remaining 245 trips arrive/depart to/from the south and do not pass the Williams School.

As noted previously, the Williams School afternoon pick-up is prior to the weekday evening peak period. To determine the number of site-generated trips between 2:30 and 3:30 PM, hour by hour ITE traffic data was utilized. Since daily



hour by hour traffic projection information is not available for the R&D use in the ITE Trip Generation Manual or other traditional traffic engineering resources, daily traffic distribution information for LUC 720 General Office was utilized to estimate the change in traffic for the R&D use during non-PM peak (of adjacent street) hour period 2:30-3:30 PM.

Using the general office ITE trip distribution, the 4:00-5:00 PM hour is approximately 4.8% higher than the 3:00-4:00 PM hour. Since traffic associated with R&D type facilities have a tendency of arriving and departing earlier than traditional office, to provide a conservative analysis we have assumed that while similar shift in traffic between afternoon and evening hours would occur for R&D facilities, the 4.8% higher volume would occur instead between 2:30-3:30 PM as opposed to the PM Peak hour of the adjacent street (4:45-5:45 PM). If that is the case, the PM peak projections from Table 3 (318 peak hour site-generated trips) would result in approximately 15 additional trips during the 2:30-3:30 PM hour over the peak hour of adjacent street. Assuming the 30% distribution of 275 ROP traffic to the north (existing condition), that suggests there could be an increase of 4 trips per hour over existing conditions during the 2:30-3:30 hour. That change represents approximately one vehicle every 15 minutes.

For the purposes of providing a sensitivity analysis, we have also looked at a scenario where the 2:30-3:30 PM hour would be 10% higher than the adjacent street peak hour for R&D-generated vehicle trips as opposed to 4.8% higher as described above. This would result in 32 additional trips during the 2:30-3:30 PM hour over the 4:45-5:45 PM peak hour, resulting in 350 site-generated trips total. Assuming 30% of the trips would arrive/depart to/from the north on Grove Street, this would represent an increase of approximately 9 trips over existing conditions if a conservative 10% shift was assumed, which represents approximately one trip approximately every 7 minutes.

## Conclusion

As requested VHB assessed the potential increase in traffic along Grove Street at the Williams School during the morning drop off period and afternoon pick up. As demonstrated above, traffic along Grove Street at the Williams School from 275 ROP is expected to decrease during the morning school drop period. Traffic during the afternoon pick-up period may see an increase, but the analysis suggests that it would be minor and very likely not noticeable with the project in place. The proposed project will result in less trips on Grove Street during the true PM Peak hour of 4:45-5:45 PM, which is a benefit of the project.



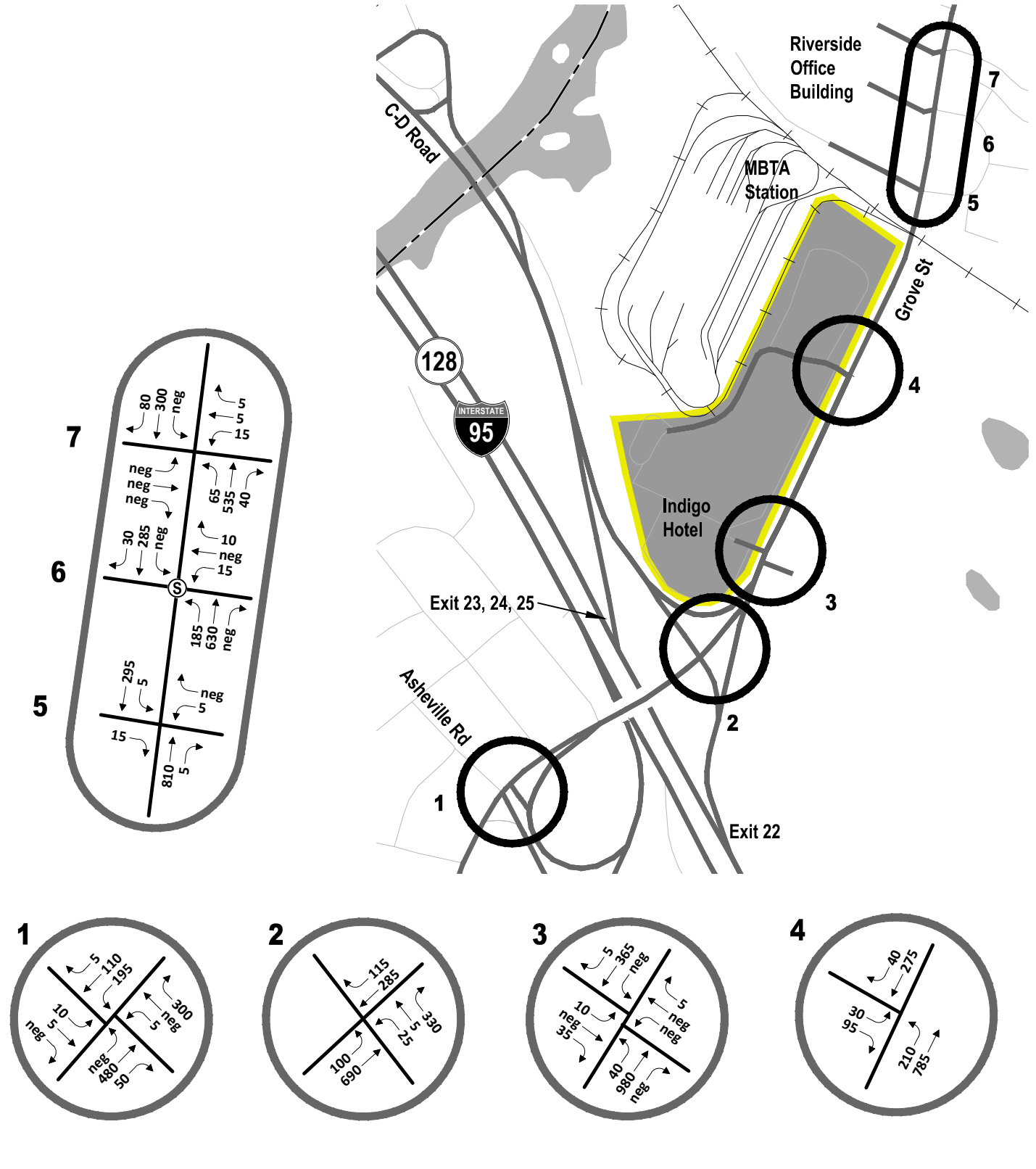
## Attachments

### Daily Distributions

Time	LUC 710 (Office) <sup>a</sup>		LUC 820 (Shop. Center) <sup>a</sup>		
	Enter	Exit	Enter	Exit	
5:00 AM	0.4%	0.1%	0.1%	0.1%	
6:00 AM	4.6%	0.5%	0.3%	0.2%	
7:00 AM	13.1%	1.9%	1.4%	0.9%	
8:00 AM	14.4%	3.5%	2.6%	1.5%	
9:00 AM	6.4%	4.3%	4.7%	2.5%	
10:00 AM	5.4%	5.9%	7.1%	4.1%	
11:00 AM	6.2%	10.3%	9.7%	6.8%	
12:00 PM	10.2%	10.4%	10.6%	9.4%	
1:00 PM	9.0%	6.7%	9.2%	9.5%	
2:00 PM	8.2%	6.5%	8.9%	9.2%	
3:00 PM	7.4%	8.5%	8.5%	9.0%	15.9%
4:00 PM	5.5%	15.2%	8.9%	9.4%	20.7%
5:00 PM	4.2%	15.6%	9.2%	9.4%	
6:00 PM	1.7%	2.9%	7.6%	8.5%	
7:00 PM	0.9%	2.2%	5.3%	6.9%	
8:00 PM	0.7%	1.3%	3.2%	5.6%	

a - Based on ITE Trip Gen Manual, 10th Edition, Daily Distribution Spreadsheet (2018)

Change 4.8 %



Project Site Boundary

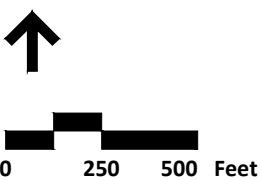


Figure 3.6B  
2021 Existing Conditions  
Weekday Morning Peak Hour Traffic Volumes

**Riverside Station Redevelopment  
Newton, Massachusetts**





To: Danielle Blake, ARE

Date: November 4, 2021  
Project #: 15366.00

# Memorandum

From: Randall Hart, Principal  
Noah Yoskowitz, P.E.

Re: Riverside Center  
Impact to Williams School

On Wednesday November 3, 2021, the Proponent and VHB received the following email from Neil Cronin from the City of Newton Planning Department:

*"Good Afternoon, I hope you are well. After reviewing the response with BSC, we suggest the petitioner use reasonable assumptions to estimate the number of projected trips generated by the life science and office uses to determine the change in the number of trips along Grove Street, at the Williams School, from 7:45 to 8:45 and from 2:30 pm to 3:30 pm. I spoke with someone at the school who said release time is from 2:50 to 3:10, so we request 2:30 to 3:30 to capture that time. I am copying both Randy and Mike Santos from BSC in the event our question is unclear. Thanks. -Neil "*

VHB has already provided the City and interested neighbors with data related to this topic and discussed the very matter on a neighborhood call the morning of November 3, 2021 which was attended by the Ward 4 Councilors. However, to be responsive to the new city request, the following assessment was conducted.

As outlined in our July 20, 2021 Riverside Center Trip Generation Summary Memo, the proposal is for building three, which currently contains 126,107 square feet of general office space be changed to include 126,107 square feet of lab space. Table 1 summarizes the existing and proposed square footage summary for Riverside Center.

**Table 1 Riverside Center Square Footage Summary, Existing vs. Proposed**

<b>Existing Buildout</b>				
	<b>Building 1</b>	<b>Building 2</b>	<b>Building 3</b>	<b>Total</b>
Office	124,261	101,995	126,107	<b>352,363</b>
Lab	<u>67,244</u>	<u>0</u>	<u>0</u>	<b><u>67,244</u></b>
<b>Total</b>	<b>191,505</b>	<b>101,995</b>	<b>126,107</b>	<b>419,607</b>

<b>Proposed Buildout</b>				
	<b>Building 1</b>	<b>Building 2</b>	<b>Building 3</b>	<b>Total</b>
Office	124,261	101,995	0	<b>226,256</b>
Lab	<u>67,244</u>	<u>0</u>	<u>126,107</u>	<b><u>193,351</u></b>
<b>Total</b>	<b>191,505</b>	<b>101,995</b>	<b>126,107</b>	<b>419,607</b>





## Trip Generation

The ITE *Trip Generation Manual*<sup>1</sup> was used to estimate trips associated with the existing and proposed office and lab spaces. The trip generation estimates for these uses were calculated using Land Use Code (LUC) 710 (General Office Building) and LUC 760 (Research & Development Center). The unadjusted existing and proposed vehicle trip estimates are presented in Table 2.

**Table 2 Unadjusted Trip Generation Summary**

	<u>Existing Buildout</u>			<u>Proposed Buildout</u>		
	Office <sup>a</sup>	Research & Development <sup>b</sup>	Total New Unadjusted Vehicle Trips	Office <sup>a</sup>	Research & Development <sup>b</sup>	Total New Unadjusted Vehicle Trips
<b>Weekday Daily</b>						
Enter	1,800	379	2,179	1,171	1,089	2,260
Exit	<u>1,800</u>	<u>379</u>	<u>2,179</u>	<u>1,171</u>	<u>1,809</u>	<u>2,260</u>
Total	3,600	758	4,358	2,342	2,178	4,520
<b>Weekday Morning Peak Hour</b>						
Enter	308	21	329	206	61	267
Exit	<u>50</u>	<u>7</u>	<u>57</u>	<u>33</u>	<u>20</u>	<u>53</u>
Total	358	28	386	239	81	320
<b>Weekday Evening Peak Hour</b>						
Enter	60	316	376	40	14	54
Exit	<u>5</u>	<u>28</u>	<u>33</u>	<u>208</u>	<u>81</u>	<u>289</u>
Total	65	344	409	248	95	343

a Based on ITE LUC 710 (General Office Building) for 352,363 SF (existing) and 226,256 SF (proposed)

b Based on ITE LUC 760 (Research & Development Center) for 67,244 (existing) and 193,351 SF (proposed)

The unadjusted vehicle trips were then converted into person-trips by applying the average vehicle occupancy of 1.18 for office and research and development trips as outline by the U.S. Department of Transportation<sup>2</sup>. The unadjusted vehicle trips were converted to person-trips to apply mode share credits. Applying these credits to person-trips allows for estimates to be made for the total number of site-generated transit users, walkers, and cyclists in addition to the total number of site-generated vehicles.

<sup>1</sup> *Trip Generation Manual, 10<sup>th</sup> Edition*, Institute of Transportation Engineers, Washington, D.C., 2017

<sup>2</sup> *Summary of Travel Trends: 2017 National Household Survey*, US Department of Transportation, Federal Highway Administration, Washington, D.C. 2017



The Riverside Center development is located adjacent to the Riverside MBTA Station providing direct access to MBTA Green Line and several MBTA bus routes and local shuttles. It is therefore expected that a portion of the employees who will work on-site will use the Green Line or bus to travel to and from the Riverside Center. It was assumed that the mode share percentages used for The Station at Riverside Redevelopment TIAS would apply to Riverside Center as well. The mode split in the TIAS was based on 2010-2015 Journey-to-Work data for employees who work in the City of Newton. It was therefore assumed that 88 percent of person-trips would be made to Riverside Center by vehicle, 7 percent by transit, and 5 percent by walking or bicycling. Lastly, the person-trips were converted back to vehicle trips by applying the local average vehicle occupancy of 1.12 for office and research and development workers, which was based on City of Newton Census data. Table 3 presents the peak hour trips by mode for the existing and proposed buildouts.

**Table 3 Peak-Hour Trips by Mode**

	<u>Existing Buildout</u>			<u>Proposed Buildout</u>			<u>Change in Vehicle Trips</u>
	Transit Trips	Walk/Bike Trips	Adjusted Vehicle Trips	Transit Trips	Walk/Bike Trips	Adjusted Vehicle Trips	
<b>Weekday Daily</b>							
Enter	180	128	2,020	187	133	2,096	+76
<u>Exit</u>	<u>180</u>	<u>128</u>	<u>2,020</u>	<u>187</u>	<u>133</u>	<u>2,096</u>	<u>+76</u>
<b>Total</b>	<b>360</b>	<b>256</b>	<b>4,040</b>	<b>374</b>	<b>266</b>	<b>4,192</b>	<b>+152</b>
<b>Weekday Morning Peak Hour</b>							
Enter	27	19	305	22	16	247	- 58
<u>Exit</u>	<u>5</u>	<u>4</u>	<u>53</u>	<u>5</u>	<u>4</u>	<u>50</u>	<u>- 3</u>
<b>Total</b>	<b>32</b>	<b>23</b>	<b>358</b>	<b>27</b>	<b>20</b>	<b>297</b>	<b>- 61</b>
<b>Weekday Evening Peak Hour</b>							
Enter	5	4	61	4	3	50	- 11
<u>Exit</u>	<u>28</u>	<u>21</u>	<u>319</u>	<u>24</u>	<u>17</u>	<u>268</u>	<u>- 51</u>
<b>Total</b>	<b>33</b>	<b>25</b>	<b>380</b>	<b>28</b>	<b>20</b>	<b>318</b>	<b>- 62</b>

As can be seen, compared to the existing conditions the proposed Riverside Center development is expected to generate approximately 152 additional vehicle trips (76 more entering and 76 more exiting) on a daily basis, 61 fewer vehicle trips (58 fewer entering and 3 fewer exiting) during the weekday morning peak hour, and 62 fewer vehicle trips (11 fewer entering and 51 fewer exiting) during the weekday evening peak hour. The trip generation worksheets are provided as an attachment to this memorandum.



To respond to the question that Neil has raised, VHB relied on the data provided in the table above, as well as traffic volumes and distribution tables that have been prepared and presented in the Transportation Impact and Access Study prepared for the Riverside Redevelopment project located west of the proposed project<sup>3</sup>. These documents include the following:

- Figure 3.6B (2021 Existing Condition Weekday Morning Peak Hour Traffic Volumes) Riverside Station Redevelopment.
- Figure 3.6B (2021 Existing Condition Weekday Evening Peak Hour Traffic Volumes) Riverside Station Redevelopment.
- Daily Distribution LUC 710 (Office) based on the ITE Trip Generation Manual, 10<sup>th</sup> Edition, Daily Distribution Spreadsheet (2018)
- Table 3 Above

The Riverside documents referenced are included as an attachment to this document.

### **AM Peak Hour (7:45-8:45)**

As noted in Neil's Email, the Williams School starts morning drop offs and bus operations between 8:10-8:20 AM, which is right in the middle of the Grove Street weekday morning peak hour (7:45-8:45 AM). With that in mind, a reduction in traffic associated with the conversion of general office to R&D during the weekday morning peak hour is a benefit of the project. To assess the "change" in 275 Riverside Office Park (275 ROP) traffic along Grove Street at the Williams School during this period, existing condition traffic volumes from the Riverside Redevelopment and projections for the R&D use of building 3 were utilized. From the data provided in the Riverside TIA during the weekday morning peak hour:

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<sup>3</sup> Riverside Station Redevelopment Transportation Impact and Access Study; prepared by VHB; March 2021



Based on these volumes, approximately 27% of 275 ROP traffic passes the Williams School during the weekday morning peak hour period, as the Williams School is located on Grove Street north of 275 ROP. Under existing conditions, total 275 ROP traffic activity during the weekday morning peak hour is approximately 375 trips, of which 110 trips pass the Williams School while the remaining 265 trips arrive/depart from the south and do not pass the Williams School.

With the change proposed to building 3, there will be approximately 16 less trips during the weekday morning peak hour that pass the Williams School. A reduction of 16 trips from the existing conditions means that with the proposed change, approximately 94 total trips generated by 275 ROP are expected to pass by the Williams School during the weekday morning peak hour.

### **Alternative PM Peak Hour (2:30-3:30)**

As noted in Neil's Email, the Williams School starts afternoon pick-up and bus operations between 2:50-3:10 PM which is well outside of the Grove Street weekday afternoon peak hour (4:45-5:45 PM). To assess the "change" in 275 Riverside Office Park (275 ROP) traffic along Grove Street at the Williams School during this period, existing condition traffic volumes from the Riverside Redevelopment and projections for the R&D use of building 3 were utilized. From the data provided in the Riverside TIA, during the weekday evening peak hour:

- 5 trips enter 275 ROP from north (Grove Street)
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Based on these volumes, approximately 30% of 275 ROP traffic passes the Williams School during the weekday evening peak hour period. Under existing conditions, total 275 ROP traffic activity during the weekday evening peak hour is approximately 350 trips, of which 105 trips pass the Williams School on Grove Street north of the site while the remaining 245 trips arrive/depart to/from the south and do not pass the Williams School.

As noted previously, the Williams School afternoon pick-up is prior to the weekday evening peak period. To determine the number of site-generated trips between 2:30 and 3:30 PM, hour by hour ITE traffic data was utilized. Since daily



hour by hour traffic projection information is not available for the R&D use in the ITE Trip Generation Manual or other traditional traffic engineering resources, daily traffic distribution information for LUC 720 General Office was utilized to estimate the change in traffic for the R&D use during non-PM peak (of adjacent street) hour period 2:30-3:30 PM.

Using the general office ITE trip distribution, the 4:00-5:00 PM hour is approximately 4.8% higher than the 3:00-4:00 PM hour. Since traffic associated with R&D type facilities have a tendency of arriving and departing earlier than traditional office, to provide a conservative analysis we have assumed that while similar shift in traffic between afternoon and evening hours would occur for R&D facilities, the 4.8% higher volume would occur instead between 2:30-3:30 PM as opposed to the PM Peak hour of the adjacent street (4:45-5:45 PM). If that is the case, the PM peak projections from Table 3 (318 peak hour site-generated trips) would result in approximately 15 additional trips during the 2:30-3:30 PM hour over the peak hour of adjacent street. Assuming the 30% distribution of 275 ROP traffic to the north (existing condition), that suggests there could be an increase of 4 trips per hour over existing conditions during the 2:30-3:30 hour. That change represents approximately one vehicle every 15 minutes.

For the purposes of providing a sensitivity analysis, we have also looked at a scenario where the 2:30-3:30 PM hour would be 10% higher than the adjacent street peak hour for R&D-generated vehicle trips as opposed to 4.8% higher as described above. This would result in 32 additional trips during the 2:30-3:30 PM hour over the 4:45-5:45 PM peak hour, resulting in 350 site-generated trips total. Assuming 30% of the trips would arrive/depart to/from the north on Grove Street, this would represent an increase of approximately 9 trips over existing conditions if a conservative 10% shift was assumed, which represents approximately one trip approximately every 7 minutes.

## Conclusion

As requested VHB assessed the potential increase in traffic along Grove Street at the Williams School during the morning drop off period and afternoon pick up. As demonstrated above, traffic along Grove Street at the Williams School from 275 ROP is expected to decrease during the morning school drop period. Traffic during the afternoon pick-up period may see an increase, but the analysis suggests that it would be minor and very likely not noticeable with the project in place. The proposed project will result in less trips on Grove Street during the true PM Peak hour of 4:45-5:45 PM, which is a benefit of the project.



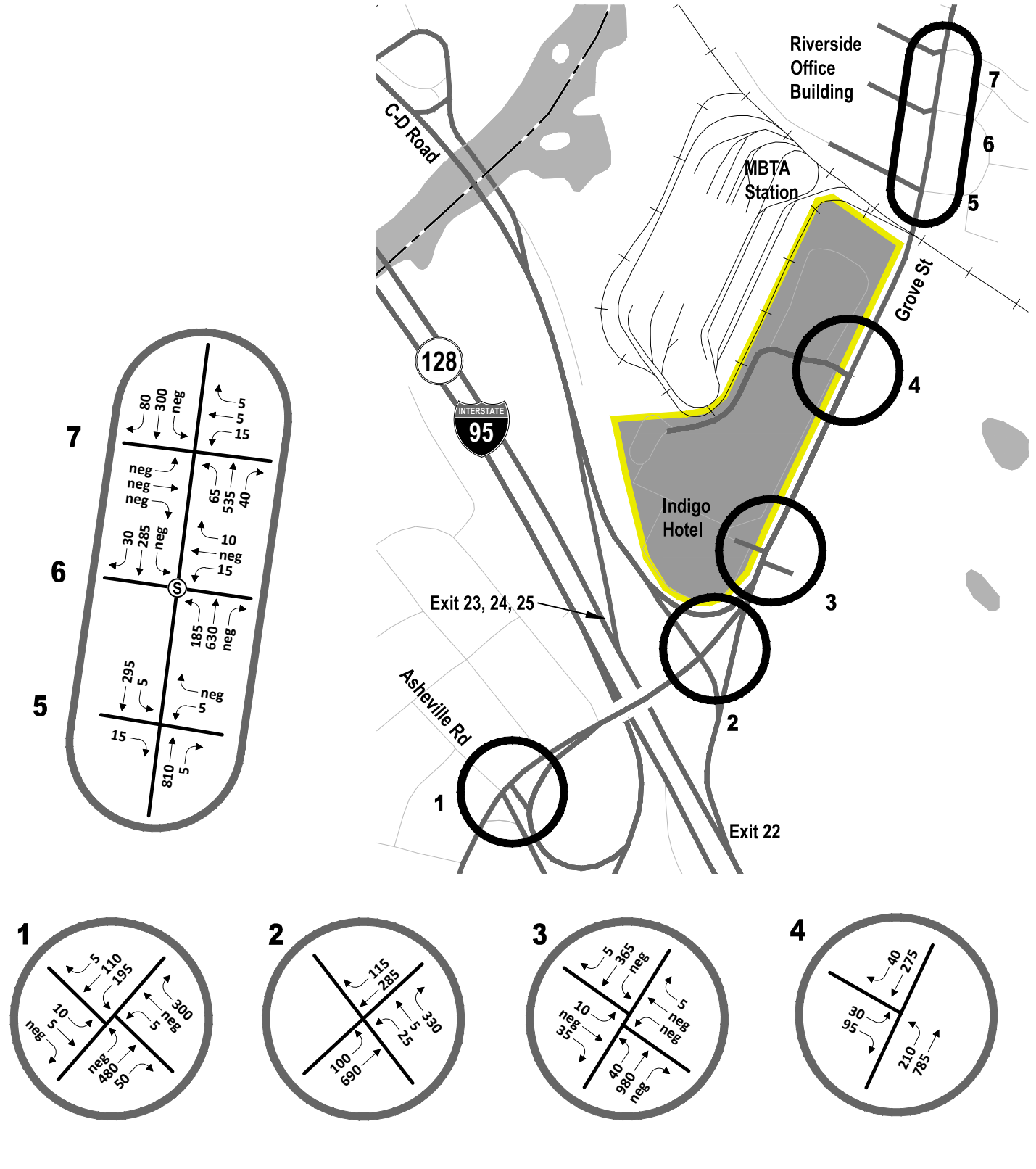
## Attachments

### Daily Distributions

Time	LUC 710 (Office) <sup>a</sup>		LUC 820 (Shop. Center) <sup>a</sup>		
	Enter	Exit	Enter	Exit	
5:00 AM	0.4%	0.1%	0.1%	0.1%	
6:00 AM	4.6%	0.5%	0.3%	0.2%	
7:00 AM	13.1%	1.9%	1.4%	0.9%	
8:00 AM	14.4%	3.5%	2.6%	1.5%	
9:00 AM	6.4%	4.3%	4.7%	2.5%	
10:00 AM	5.4%	5.9%	7.1%	4.1%	
11:00 AM	6.2%	10.3%	9.7%	6.8%	
12:00 PM	10.2%	10.4%	10.6%	9.4%	
1:00 PM	9.0%	6.7%	9.2%	9.5%	
2:00 PM	8.2%	6.5%	8.9%	9.2%	
3:00 PM	7.4%	8.5%	8.5%	9.0%	15.9%
4:00 PM	5.5%	15.2%	8.9%	9.4%	20.7%
5:00 PM	4.2%	15.6%	9.2%	9.4%	
6:00 PM	1.7%	2.9%	7.6%	8.5%	
7:00 PM	0.9%	2.2%	5.3%	6.9%	
8:00 PM	0.7%	1.3%	3.2%	5.6%	

a - Based on ITE Trip Gen Manual, 10th Edition, Daily Distribution Spreadsheet (2018)

Change 4.8 %



Project Site Boundary

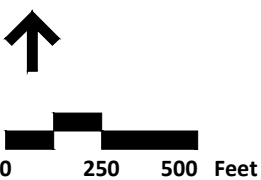
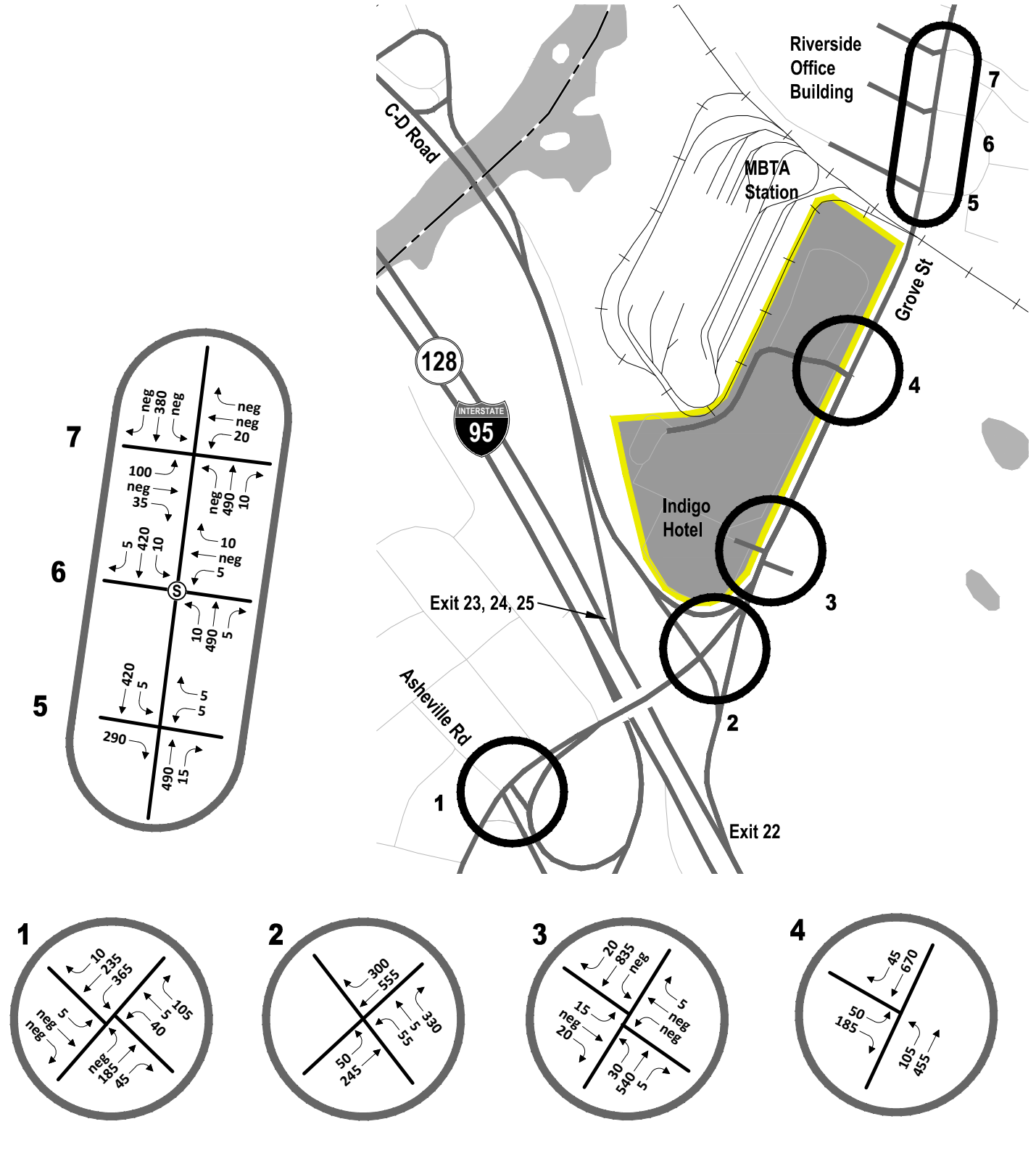


Figure 3.6B  
2021 Existing Conditions  
Weekday Morning Peak Hour Traffic Volumes

**Riverside Station Redevelopment  
Newton, Massachusetts**





Project Site Boundary

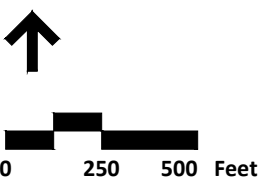


Figure 3.7B  
2021 Existing Conditions  
Weekday Evening Peak Hour Traffic Volumes

**Riverside Station Redevelopment  
Newton, Massachusetts**

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow a laboratory and research facility use in the Business 4 (BU-4) zoning district, a height of 84 feet 2 inches, and amendments to the site plan 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 the BU-4 zone is an appropriate location for the proposed laboratory, research, and development use, a height of 84 feet 2 inches and amendments to the previously approved site plan because the site is within a business district and will complement the existing office and laboratory uses (§7.3.3.C.1);
2. The proposed laboratory, research and development use as developed and operated within the BU-4 zone will not adversely affect the neighborhood because the proposed change in use will result in fewer trips during peak commuting hours (§7.3.3.C.2);
3. The proposed laboratory, research and development use will not create a nuisance or serious hazard to vehicles or pedestrians because the site is maintaining the existing access points from Grove Street (§7.3.3.C.3); and
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the proposed use decreases and complies with the parking requirements (§7.3.3.C.4).

PETITION NUMBER: #33-21 (3)

PETITIONER: Alexandria Real Estate Equities Inc.

LOCATION(s): 275 Grove Street, on land known as Section 43 Block 29 Lot 24, containing approximately 478,578 square feet of land.

OWNER: ARE-MA Region NO 76 LLC

ADDRESS OF OWNER: 26 N. Euclid Avenue

Pasadena, CA 91101

TO BE USED FOR: Laboratory, Research and Development Use

CONSTRUCTION: Loading Bays and Site Work

EXPLANATORY NOTE: To allow the laboratory, research and development use in existing office building in the BU-4 zoning district (§4.4.1, §6.5.9.A); to allow a height of 84 feet 2 inches (§4.1.3, §4.1.2.B.3), and to allow amendments to the previously approved site plan

ZONING: Business Use 4

This Council Order consolidates the conditions of all prior Special Permits for this site into a single Council Order. The conditions contained in Board Orders #40-97, #40-97 (2), which allowed the original construction of the office building and parking garage, and in Council Order #33-21, which allowed a laboratory and research facility use in a portion of Building 1, shall be of no further 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 the Original Plans (listed below) submitted in connection with Board Orders #40-97, #40-97 (2), as modified by the December 2020 Plans (listed below) submitted in connection with Council Order #33-21, as further modified by the 2021 Plans (listed below) and submitted in connection with this petition.

i. Original Plans approved by Board Order #40-37 (2). The following set of plans dated March 6, 1997 and revised May 27, 1997, except as noted:

Drawing Title	No.	Prepared by
Existing Conditions and Demolition	C2	Rizzo Associates, Inc.
Site Layout and Materials Plan	C3	Rizzo Associates, Inc.
Grading and Drainage Plan	C4	Rizzo Associates, Inc.
Erosion Control Plan	C5	Rizzo Associates, Inc.
Utility Plan	C6	Rizzo Associates, Inc.
Construction Management Plan	C7	Rizzo Associates, Inc.
Miscellaneous Construction Details	C8	Rizzo Associates, Inc.
Miscellaneous Construction Details	C9	Rizzo Associates, Inc.
Site Lighting Plan	E1	Rizzo Associates, Inc.
Site Landscape Plan	LI	Carol R. Johnson Associates, dated 5/26/97

Grove Street Landscape Plan	L2	Carol R. Johnson Associates, dated 5/26/97
Grove Street Grading Plan	L2A	Carol R. Johnson Associates, dated 5/26/97
Site Area Enlargements	L3	Carol R. Johnson Associates, dated 5/26/97
Site Details	L4	Carol R. Johnson Associates, dated 5/26/97
Site Details	L5	Carol R. Johnson Associates, dated
Architectural Site Plan	A1	5/26/97Elkus/Manfredi Architects, Ltd. Dated 5/20/97 rev.5/27/97
Building Floor Plans	A2	Elkus/Manfredi Architects, Ltd. Dated 5/20/97 rev.5/27/97
Building Elevations	A3	Elkus/Manfredi Architects, Ltd. Dated 5/20/97 rev.5/27/97
Garage Floor Plans	A4	Elkus/Manfredi Architects, Ltd. Dated 5/20/97 rev.5/27/97
Garage Elevations	A5	Elkus/Manfredi Architects, Ltd. Dated 5/20/97 rev.5/27/97

ii. December 2020 Plans approved by Council Order #33-21. Floor Plans, prepared by Tria, signed and stamped by Jean E. Thacker, Registered Architect, dated December 2, 2020, showing Overall First Floor Plan, and Partial Second Floor Plan.

iii. 2021 Plans.

- a. Proposed Layout and Materials Plan, prepared by VHB, signed and stamped by Conor P. Nagle, Professional Engineer, dated August 5, 2021, showing site improvements to Building 3.
- b. Architectural Floor Plans, prepared by Tria, unsigned and stamped, showing floor plans of floors 1-4 consisting of the following two (2) sheets:
  - i. Tenant Premises Plan, Level 1
  - ii. Tenant Premises Plan, Levels 2-4
- c. Architectural Elevations, prepared by Tria, unsigned and unstamped, showing Existing and Proposed exterior southern elevations.
- d. Planting Plan, prepared by VHB, signed and stamped by Eric Bednarek, dated August 5, 2021, showing planting around loading bay to Building 3.

2. That all transformers, chillers, air conditioners, mechanical/ventilation systems, HVAC equipment, and similar devices shall be designed, located, and baffled using appropriate acoustical screening to minimize the noise produced. The noise produced by this equipment shall comply with the City of Newton Noise Ordinance and shall not exceed 51 dBA during the day and 46 dBA during the night as measured at the property line or any location on immediately abutting residential properties. Emergency generators will be designed to meet City of Newton noise regulations.

During the first summer of operation of **Building 3 following the installation of new rooftop**

**mechanical equipment pursuant to this Special Permit/Site Plan Approval**, the petitioner shall retest and reconfirm the noise levels of the new rooftop equipment. In the event of a variance from the dBA levels set forth in the preceding paragraph **or from the requirements of the City of Newton Noise Ordinance**, the petitioner shall provide additional noise controls as needed to comply with the stated levels. In event that the City of Newton Noise Ordinance requires a lower dBA level than the levels set forth in the preceding paragraph, any replacement equipment **on any rooftop structure** shall comply with the City of Newton Noise Ordinance.

3. That the petitioner, its successors and assigns, shall install a charcoal filtration ventilation system and shall operate the kitchen without impact from cooking odors on the tenants in the building or on adjoining properties.
4. That the parking spaces in front of the building shall be designated for short term guest parking only; these parking spaces shall not be used from 7-9 AM. The petitioner shall install signs indicating such restrictions.
5. That if the MBTA creates a new access roadway from the Route 128 ramp into its Riverside property extending to the site's property line, the petitioner shall make all necessary modifications on its site to connect to such roadway and permit access to the site, thereby making it possible to reduce the use of Grove Street for vehicular access to and from the site. An amendment to this special permit will not be required for such modification.
6. That during construction the Construction Management Plan (C-7) dated January 28, 1997, rev. date May 27, 1997, shall be implemented which shall include among other provisions the following safeguards:
  - a. ~~Prior to the request for a demolition permit for the existing building, the petitioner shall submit a rodent control plan to the Health Commissioner for his review and approval. Evidence of such approval shall be submitted to the Commissioner of Inspectional Services prior to the issuance of a demolition permit.~~
  - ~~The petitioner shall construct and maintain a security fence around the construction area of the site in compliance with the requirements of the State Code.~~
  - b. ~~Except to allow for paving, all employees of contractors and subcontractors shall park on site and not on neighborhood streets.~~
  - c. ~~During construction the petitioner shall provide street cleaning to remove mud or construction debris from streets abutting the site as requested by the Commissioner of Public Works.~~
  - d. ~~The hours of exterior or structural construction shall be 7 AM to 6 PM Monday through Friday and 8 AM to 6 PM on Saturday. Work at other times may occur only with the advance approval of the Commissioner of Inspectional Services.~~

- e. ~~Interior construction may be permitted at any time so long as noise levels comply with the City's Noise Ordinance.~~
- f. ~~The petitioner shall designate a person responsible for the construction process. That person shall be identified to the Police Department, the Commissioner of Inspectional Services, the Ward 4 Aldermen, the Auburndale Community Association, the Lower Falls Improvement Association, the Tri-Village Association, and the abutters and shall be contacted if problems arise during the construction process.~~
- g. ~~The petitioner shall take appropriate steps to minimize the dust generated during the grading of the site, excavation and construction and shall require subcontractors to place covers over any open trucks transporting debris and material to or from the site.~~
- h. ~~Noise levels shall comply with the City's Noise Control Ordinance, Section 20 13.~~
- i. ~~Trucks shall only access the site to and from Route 128, except when the MBTA bridge is too low to allow passage of large equipment, in which case, the routes and times shall be reviewed and approved by the Police Department.~~
- j. ~~Noise from heaters used during construction in winter conditions shall comply with the City's Noise Control Ordinance.~~

*Note to Council: A replacement Construction Management Plan Condition can be found in Condition 37 on page 13.*

- 7. ~~That the City Engineer shall review and approve the final site grading and drainage plans which should include oil and gas traps. Such grading and drainage plan shall meet the Massachusetts Department of Environmental Protection Stormwater Management Guidelines dated November 18, 1996, and revised March 1997.~~
- 8. That the petitioner, its successors and assigns, shall clean at its expense the gas traps and catch basins at least two times per year. Evidence of such bi-annual cleaning shall be submitted to the City Clerk.
- 9. That services such as a restaurant, coffee shop, newsstand, dry cleaning drop-off and pick-up, ATM, and similar accessory uses to service the primary office use of the building are allowed. There shall be no advertising or promotion of such uses to the general public. There shall be no advertising of such uses on the exterior *or grounds* of the office building. The accessory restaurants shall meet all applicable Health Department requirements.
- 10. That, if access from the site over MDC and MBTA property is approved by these agencies, and if approved by the Newton Conservation Commission as shown on a plan entitled "C3 Site Layout and Materials Plan" **cited in Condition 1**, the petitioner shall construct a pedestrian walkway over MBTA and MDC property from the subject site to the Charles River. Such walkway and

access to it shall be open for the users of the site and the general public from dawn to dusk.

11. That if access from the site to the MBTA property is approved by the MBTA as **generally** shown on a plan entitled "C3 Site Layout and Materials Plan" and "L2 Tree Planting at Grove Street" cited in Condition #1, the petitioner shall construct a **fully accessible** pedestrian walkway to the MBTA Riverside Station which walkway and access to it shall be open to the users of the site and the general public.
12. That, except in emergencies, the petitioner shall not permit entry of vehicles for parking on the roof of the garage from 9 PM to 6 AM. Lights on the top level of the parking garage shall be shut off no later than 9 PM and turned on no earlier than 6 AM seven days a week. There shall be no light poles on the roof of the garage.
13. That, except for security lighting, lighting in the surface parking areas shall be shut off no later than 11 PM.
14. That the lighting along the residential side of the property shall be focused inward to the site on poles which are no higher than 18 feet. The source of the lighting throughout the site shall not be able to be seen from abutting properties. Lighting shall not overspill onto abutting properties.
15. That roadway lighting to and from the garage will either be bollard or step lighting with directed light reflectors aimed downward. The source of the lighting shall not be visible.
16. That all lighting in the atrium shall be aimed downward and be designed to minimize intrusion into the neighborhood at night.
17. That the petitioner, its successors and assigns, shall be responsible for snow plowing and snow removal from the site. The petitioner shall make best reasonable efforts to minimize the use of sodium chloride on the site. There shall be no snow removal before 5 AM on business days or before 8 AM on weekends, and no later than 9 PM. These hours will be observed except in cases of major snowfall occurrences. Snow removal equipment may only be parked or stored on the site inside the building or the garage structure.
18. That the petitioner, its successors and assigns, shall use best reasonable effort to recycle all materials used in the operation of the site and shall include such a requirement in tenant leases.
19. That the petitioner, its successors and assigns, shall be responsible for removal of solid waste from the site. The pick-up of solid waste and recyclables shall occur only between the hours of 7 AM and 9 PM Monday through Friday unless the hours of trash pick-up are further restricted by subsequent City ordinance.
20. ~~That the final location of the dumpster and any screening for it shall be reviewed and approved by the Director of Planning and Development.~~ **The final location of the dumpster shall be as**

**shown on the approved plans cited in Condition #1.i.**

21. That there shall be no deliveries to the loading docks from 10 PM to 6 AM, 7-9 AM, and 4-6 PM. Any truck seeking the use of the loading docks during these time periods shall be denied access to the loading dock and will be directed to leave the site. The petitioner shall control the route of tractor trailers and large single-body delivery trucks which are under contract for deliveries to the building and contracts will include a penalty clause for violation of the provisions of this paragraph. Travel to and from the site shall be via Route 128. This condition shall not apply to U.S. Postal Service, Federal Express, **Amazon**, and United Parcel Service type services.
22. That the petitioner, its successors and assigns, shall be responsible for the maintenance of the landscaping and irrigation system, including landscaping on the islands in Grove Street, in good condition and, at least annually, shall replace plant material that dies, is damaged, or is diseased.
23. That the petitioner, its successors and assigns, shall designate a person who shall be responsible for the management, maintenance and operation of the site, including security, parking plan management, truck management plan and clean site appearance. The petitioner, its successors and assigns, shall notify the Police Chief, the Commissioner of Inspectional Services, the Ward 4 **Aldermen-City Councilors**, the Auburndale Community Association, the Lower Falls Improvement Association, and the immediate abutters of the name of the designee. The management and operations plan of the petitioner shall be on file with the City Clerk and the Department of Planning and Development.
- ~~24. That the petitioner shall execute a Traffic Mitigation Fund Agreement of \$249,000 which it has offered to be used to pay for the cost of traffic improvements and transportation programs selected by the City that will mitigate potential impacts of the project or improve traffic safety and flow in other locations of Lower Falls and Auburndale including the area around the Williams School as set forth in Exhibit A of that Agreement. Each traffic improvement or transportation program that is undertaken by the City with the Traffic Mitigation Fund shall be constructed or operated by the City or a contractor engaged by the City, not the petitioner. Members of the Board of Aldermen or the Public Works Department through the City Traffic Engineer, shall request that the Mayor request an appropriation from the Board of Aldermen from the Traffic Mitigation Fund for any traffic improvement or transportation program from Exhibit A of that Agreement.~~
- ~~25. That, in addition to the Traffic Mitigation Fund Agreement and the \$249,000 to fund it, the petitioner shall provide technical traffic engineering assistance to the City Traffic Engineer, upon request, and at a cost not to exceed \$75,000 to assist with the preparation of any traffic plans or studies required by the City Traffic Engineer or Board of Aldermen relative to those items listed on Exhibit A of the Agreement. Such technical traffic engineering assistance shall be provided by Sam Park & Associates, or another traffic engineering firm designated by the City.~~
- ~~26. That in addition to Conditions #24 and #25, above, and the funding amounts therein, the petitioner shall undertake a study within six months of occupancy, in consultation with the City~~



~~Traffic Engineer and the Planning Department, at a cost not to exceed \$50,000 for possible long-range improvements for regional access to the Grove Street area. This study will be completed on or within one year of occupancy and will include alternatives to reduce "cut through" traffic on Grove Street in Lower Falls and existing impacts from the Riverside MBTA Station and Route 128 ramps on to Grove Street. The petitioner, together with the City Traffic Engineer and the Planning Department, shall initiate communication with the Commonwealth (Mass. Highway Department) during the study process to discuss mutual resolutions for issues identified during the study and to encourage mitigations for them in this area to occur as expeditiously as possible.~~

27. That the petitioner shall implement a Transportation Demand Management program which shall encourage the use of public transportation, promote the use of bicycles by the provision of lockers and shower facilities for cyclists, and promote ridesharing.
28. That the petitioner ~~agrees to record a~~ **will comply with the Declaration of Covenants and Restrictions with recorded with** the South Middlesex Registry of Deeds, **Book 28200, Page 77**, that prohibits **for a period of 99 years running from February 16, 1998** the primary use of the site as retail, movie or performance theater. Any change to the covenant shall require the approval of the Board of Aldermen by a 2/3 vote of the membership. Said covenant shall be reviewed and approved by the Law Department.
29. That the petitioner, its successors and assigns, shall make an annual contribution of \$25,000 to the City's operational inter village bus service. **That the petitioner, its successors and assigns shall make an annual contribution of \$25,000 to the City's shuttle service including but not limited to "NewMo".**
30. That in addition to the contribution to the City's inter village bus service, the petitioner its successors and assigns, shall provide a bus at its own expense which shall operate from the site to Lower Falls and Auburndale from at least 11:30 AM to 2 PM and from the site to the Auburndale commuter rail station from at least 7-9 AM and 4-6 PM. This bus shall be available to the public free of charge at any point along the route. The petitioner, its successors and assigns, shall not be precluded from implementing other uses of the bus. Any modifications to the Auburndale commuter rail station route shall be made in accordance with the City's bus licensing process and in consultation with the Ward 4 Aldermen and the Board of the Auburndale Community Association but will not require an amendment to this special permit.
31. That all utility lines from the street to the site shall be underground.
32. That the petitioner, its successors and assigns, will make the atrium common space available on a non-exclusive basis during non-business hours to neighborhood groups for civic meetings without charge or an insurance/indemnification requirement. Scheduling will be handled by the on-site management personnel.
33. That as shown on a plan entitled "C3 Site Layout and Materials Plan," right turns into the site

and left turns out of the site shall be permitted at the northern driveway. The center driveway shall be used only as an entrance. Only right turns out of the southernmost driveway shall be permitted.

34. ~~That the petitioner, its successors and assigns, shall provide a private police detail to augment the traffic signal and to educate drivers in the morning and the evening peak hours unless the City Traffic Engineer determines that the police officer is no longer required. In making his determination the Traffic Engineer shall consider if the signal is providing sufficient guidance for motorists and if the traffic in the area of the site has normalized. The Traffic Engineer shall make his determination in consultation with the captain of the traffic bureau of the Police Department.~~

If at a later date in the future the City Traffic Engineer, in consultation with the ~~captain~~ **Captain** of the ~~traffic Traffic bureau Bureau~~ of the Police Department, determines that for public safety a police detail is needed **to augment the traffic signal and to educate drivers in the morning and the evening peak hours**, the private police detail shall be ~~reinstated~~ **provided and paid for by the petitioner at such times** until such time as the Traffic Engineer, in consultation with the captain of the traffic bureau, determines that the police detail is no longer needed.

35. ~~That, prior to the exercise of this Special Permit and Site Plan approval, the relocation of the public sidewalk on the northwest side of Grove Street and the revised layout of Grove Street as shown on plan "C3 Site Layout and Materials Plan" cited in Condition #1 must be approved by the Board of Aldermen acting through its Public Facilities Committee. If this required approval is not granted, this Special Permit and Site Plan approval cannot be exercised unless the petitioner seeks and is granted an amendment of this Special Permit and Site Plan approval which addresses the issues presented by the lack of a modified layout to Grove Street along the site. Any request for such an amendment shall require notice and a public hearing pursuant to G.L. c. 40A, § 11.~~

36. ~~That the petitioner, at its sole expense, shall pay for the cost of the design and construction of all public way and traffic signal work required in the plan entitled "C3 Site Layout and Materials Plan" cited in Condition #1, above. The~~ **the** petitioner, its successors and assigns, at its expense, shall be responsible to maintain and remove snow on the public sidewalk installed on the site **according to the plan entitled "C3 Site Layout and Materials Plan" cited in Condition #1, above.** ~~pursuant to this condition.~~

37. ~~That this special permit shall be deemed exercised upon the issuance of a building permit.~~

38. ~~That no building permit shall be issued in pursuant to the SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON-CONFORMING USE and STRUCTURE until:~~

- a. ~~A final landscape plan, consistent with Condition #1 of this special permit, including lighting and fixture design, indicating the location, number, size, and type of landscaping, and landscape materials to be installed. This final landscape plan shall be~~

~~reviewed for consistency having been submitted to and approved by the Director of Planning and Development and statement of certifying such approval for consistency with the plans cited in Condition #1 shall have been filed with the City Clerk and the Department of Inspectional Services. If the petitioner, its successors and assigns, has made alterations or additions to the final landscape plan listed in Condition #1, said revised plan, prior to determination of consistency by the Director of Planning and Development the revised plan shall be distributed to the Aldermen from Ward 4 for their review.~~

- ~~b. The City Engineer has reviewed and approved site grading and drainage, and the installation of sidewalk and curbing improvements along the Grove Street frontage and a statement by the City Engineer certifying such approval shall have been filed with the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development.~~
  - ~~c. The petitioner shall have granted an easement to the City of Newton for the improvements to Grove Street, including the sidewalk, as shown on plan "C3 Site Layout and Materials Plan" cited in Condition #1, which plan shall have been approved by the Board of Aldermen through its Public Facilities Committee.~~
  - ~~d. The petitioner shall have recorded a Covenant of Restrictions which prohibits the primary use of the site as retail, movie or performance theater. The restriction shall have been reviewed and approved by the Law Department.~~
  - ~~e. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL and the Covenant of Restrictions with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.~~
  - ~~f. A certified copy of such recorded notices shall have been filed with the City Clerk, the Inspectional Services Department, and the Department of Planning and Development.~~
  - ~~g. The petitioner has contributed the first \$25,000 payment to the inter-village city bus system as required by Condition #29.~~
- ~~39. That no building or structure, or portion thereof subject to this SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF NON CONFORMING USE and STRUCUTE shall be occupied until:~~
- ~~a. The petitioner shall have filed with the City Clerk, the Inspectional Services Department, and the Department of Planning and Development, a statement by a registered architect or registered engineer certifying that Condition #1 has been complied with.~~
  - ~~b. There shall have been filed with the City Clerk, the Inspectional Services~~

~~Department, and the Department of Planning and Development, a statement by the City Engineer certifying that the finished grades and final construction details of the driveways, parking area, drainage systems, sidewalks along Grove Street, curbing and utility installations have been constructed to standards of the City of Newton Engineering Department.~~

- ~~c. — There shall have been filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, parking areas, and lighting installation.~~
- ~~d. — Notwithstanding the provisions of Section 39c hereof, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy of all or portions of the buildings prior to installation of final landscaping provided that the Petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash, or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.~~
- ~~e. — The petitioner has donated \$249,000 pursuant to the Traffic Mitigation Fund Agreement as noted in Condition #24.~~
- ~~f. — Construction of all public way and traffic signal work required in Condition #36, above, has been completed.~~

**Conditions 31 through 34 listed below shall apply only to the laboratory and research facility use allowed in a portion of Building 1 pursuant to Council Order #33-21:**

- 31. The laboratory and research facility shall only be allowed in the areas shown on the 2020 Plans referenced in Condition #1.ii~~a~~.
- 32. An appropriate ventilation system shall be installed and approved by the Commissioner of Inspectional Services.
- 33. **Council Order #33-21 was This Special Permit is being** granted in connection with Petitioner's lease of the premises to Corindus, a company which develops vascular robotics. In the event that Corindus or its successor ceases to operate at all or a portion of the site, the Petitioner may relet such premises to another party for laboratory, research, and development use without the need for further relief from the City Council provided that the same:
  - a. is a technical facility consisting of laboratory space, office space, storage space, and/or space for assembly of materials for study, research and development, experimentation,

and prototype development in one or more scientific fields including, but not limited to, life sciences, biotechnology, biomedical research, robotics, renewable technology, sustainable technology, computer science, electronic technology, medicine, or similar fields;

- b. does not involve recombinant DNA research or technology at Biosafety Level 3 (BSL-3) or above and complies with the Revised Ordinances, Chapter 12, Section 12-21 et. seq. for any other use involving recombinant DNA;
- c. does not involve noxious or hazardous substances or processes above the levels permitted by applicable city, state, and federal standards;
- d. is such that any and all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor, heat, and any other noxious or hazardous substances that may be produced are effectively contained and confined in the facility or are disposed of in a manner so as not to create a nuisance or hazard to public health and safety of the surrounding neighborhoods;
- e. is in compliance with all other applicable city, state, and federal health and safety laws and regulations; and
- f. an appropriate ventilation system for such use is installed and approved by the Commissioner of Inspectional Services.

Determinations as to whether a proposed future use at the site complies with this Condition shall be made by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Chief, and the Commissioner of Health and Human Services. Notice will be provided to the Ward 4 Councilors prior to the issuance of a determination by the Commissioner of Inspectional Services.

34. No Final Inspection/Occupancy Permit for the use covered by **Council Order #33-21** ~~this special permit/site plan approval~~ shall be issued until the petitioners have:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect certifying compliance with the 2020 Plans referenced in Condition #1.

**Conditions 35 through 46 below shall apply to this Special Permit/Site Plan Approval and to the laboratory, research and development use allowed in Building 3 pursuant to this Council Order:**

35. Prior to the issuance of any building permit **for the project approved by this Special Permit/Site Plan Approval (the "Building 3 Project")**, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.

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 council order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
  - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with 2021 Plans approved in Condition #1.
37. **Prior to the issuance of any building permit for the Building 3 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 CMP, which shall be consistent with and not in conflict with relevant conditions of this Council Order and shall include, but not be limited to, the following provisions:**
- a. **The petitioner shall designate a person responsible for the construction process. That person shall be identified to the Police Department and the Commissioner of inspectional Services, and the Ward 4 City Councilors.**
  - b. **The proposed schedule of the Building 3 Project, including the general sequencing of the construction activities.**
  - c. **Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage areas, on-site staging areas for delivery vehicles, and location of any security fencing.**
  - d. **Trucks shall only access the site to and from Route 128/I-95, except when the MBTA bridge is too low to allow passage of large equipment, in which case, the routes and times shall be reviewed and approved by the Police Department.**
  - e. **Proposed methods of noise control, to ensure compliance with the Revised Ordinances, § 20-13 and the Massachusetts Department of Environmental Protection noise regulation and policy. 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 practicable from noise sensitive locations.**

37. Changes to laboratory, research and development tenants **in Building 3** shall not require an amendment to the Special Permit as long as tenants are in full compliance with all conditions of this order.
38. Laboratory, Research and Development uses shall comply with all local, state, and federal regulations and guidelines, including Biosafety in Microbiological and Biomedical Laboratories and NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules. All tenants shall adhere to any current or future licensing, rules or regulations required by the City.
39. rDNA research and technology shall not be permitted without approval from the BioSafety Committee and a permit from the Department of Health and Human Services.
40. **Building 3** The site shall be restricted to biosafety use type BSL-~~3~~ **2** or lower.
41. All tenants and sublessors shall obtain all necessary permits, including building, flammable, sewer, hazardous waste and emission permits. Permits are not transferrable.
42. Each laboratory, research and development tenant shall provide and implement an environmental health and safety program through the designation of an onsite safety representative or consultant. Each tenant shall provide detailed information about the proposed use and the contact information for the safety representative to the Planning and Development Department, Inspectional Services Department, and Newton Fire Department.
43. No Final Inspection/Occupancy Permit for the use **in Building 3** 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 statements by an architect and land surveyor certifying compliance with the 2021 Plans approved in Condition #1.
  - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a professional land surveyor.
  - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
45. **If in the future the City Traffic Engineer, in consultation with the Captain of the Traffic Bureau of the Police Department, determines that traffic coming to and from 275 Grove Street is causing unsafe conditions around the Williams School during the student drop-off or pickup**

period, the petitioner shall commission a traffic study, which shall be subject to peer review (at petitioner's expense), to assess the impact that the laboratory, research, and development tenants of Building 3 are having on traffic conditions around the Williams School during the student drop-off and pickup period. If the traffic study shows that the laboratory, research, and development tenants of Building 3 are causing unsafe driving conditions at the Williams School during the student drop-off and pickup period, the petitioner shall provide for a private police detail at the Williams School during that period, until such time as the Traffic Engineer, in consultation with the Captain of the Traffic Bureau, determines that the police detail is no longer needed. In lieu of the traffic detail, the petitioner may provide some other traffic mitigation measure as agreed to by the petitioner and the Traffic Engineer.

46. No more than one (1) month after approval of this Special Permit/Site Plan Approval, a Liaison Committee shall be established consisting of one designee of the petitioner, two (2) residents from the neighborhood surrounding the site, and one Ward 4 City Councilor who will serve as Chair of the Committee. The President of the City Council shall appoint the resident neighborhood members and the City Councilor member. All actions of the Liaison Committee shall be advisory in nature only and the Liaison Committee shall work by consensus. Meetings of the Liaison Committee will be open to the public.
- a. The purpose of the Liaison Committee shall be to provide a forum for communication of the construction schedule, and to receive and deal with neighborhood concerns relating to construction or to the operation of Building 3 after initial occupancy (including but not limited to issues relating to noise, traffic, and light spillage).
  - b. The first meeting of the Liaison Committee shall occur prior to the commencement of construction and thereafter shall meet monthly (or, at the election of the Liaison Chair, every three months) according to a schedule established by the Liaison Chair until six (6) months after the initial occupancy of Building 3.
  - c. The Liaison Committee shall, at a minimum, give written notice to the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development of its Meetings.



CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow a laboratory and research facility use in the Business 4 (BU-4) zoning district, a height of 84 feet 2 inches, and amendments to the site plan 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 the BU-4 zone is an appropriate location for the proposed laboratory, research, and development use, a height of 84 feet 2 inches and amendments to the previously approved site plan because the site is within a business district and will complement the existing office and laboratory uses (§7.3.3.C.1);
2. The proposed laboratory, research and development use as developed and operated within the BU-4 zone will not adversely affect the neighborhood because the proposed change in use will result in fewer trips during peak commuting hours (§7.3.3.C.2);
3. The proposed laboratory, research and development use will not create a nuisance or serious hazard to vehicles or pedestrians because the site is maintaining the existing access points from Grove Street (§7.3.3.C.3); and
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the proposed use decreases and complies with the parking requirements (§7.3.3.C.4).

PETITION NUMBER: #33-21 (3)

PETITIONER: Alexandria Real Estate Equities Inc.

LOCATION(s): 275 Grove Street, on land known as Section 43 Block 29 Lot 24, containing approximately 478,578 square feet of land.

OWNER: ARE-MA Region NO 76 LLC

ADDRESS OF OWNER: 26 N. Euclid Avenue

Pasadena, CA 91101

TO BE USED FOR: Laboratory, Research and Development Use

CONSTRUCTION: Loading Bays and Site Work

EXPLANATORY NOTE: To allow the laboratory, research and development use in existing office building in the BU-4 zoning district (§4.4.1, §6.5.9.A); to allow a height of 84 feet 2 inches (§4.1.3, §4.1.2.B.3), and to allow amendments to the previously approved site plan

ZONING: Business Use 4

This Council Order consolidates the conditions of all prior Special Permits for this site into a single Council Order. The conditions contained in Board Orders #40-97, #40-97 (2), which allowed the original construction of the office building and parking garage, and in Council Order #33-21, which allowed a laboratory and research facility use in a portion of Building 1, shall be of no further 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 the Original Plans (listed below) submitted in connection with Board Orders #40-97, #40-97 (2), as modified by the December 2020 Plans (listed below) submitted in connection with Council Order #33-21, as further modified by the 2021 Plans (listed below) and submitted in connection with this petition.
  - i. Original Plans approved by Board Order #40-37 (2). The following set of plans dated March 6, 1997 and revised May 27, 1997, except as noted:

Drawing Title	No.	Prepared by
Existing Conditions and Demolition	C2	Rizzo Associates, Inc.
Site Layout and Materials Plan	C3	Rizzo Associates, Inc.
Grading and Drainage Plan	C4	Rizzo Associates, Inc.
Erosion Control Plan	C5	Rizzo Associates, Inc.
Utility Plan	C6	Rizzo Associates, Inc.
Construction Management Plan	C7	Rizzo Associates, Inc.
Miscellaneous Construction Details	C8	Rizzo Associates, Inc.
Miscellaneous Construction Details	C9	Rizzo Associates, Inc.
Site Lighting Plan	E1	Rizzo Associates, Inc.
Site Landscape Plan	LI	Carol R. Johnson Associates, dated 5/26/97

Grove Street Landscape Plan	L2	Carol R. Johnson Associates, dated 5/26/97
Grove Street Grading Plan	L2A	Carol R. Johnson Associates, dated 5/26/97
Site Area Enlargements	L3	Carol R. Johnson Associates, dated 5/26/97
Site Details	L4	Carol R. Johnson Associates, dated 5/26/97
Site Details	L5	Carol R. Johnson Associates, dated
Architectural Site Plan	A1	5/26/97Elkus/Manfredi Architects, Ltd. Dated 5/20/97 rev.5/27/97
Building Floor Plans	A2	Elkus/Manfredi Architects, Ltd. Dated 5/20/97 rev.5/27/97
Building Elevations	A3	Elkus/Manfredi Architects, Ltd. Dated 5/20/97 rev.5/27/97
Garage Floor Plans	A4	Elkus/Manfredi Architects, Ltd. Dated 5/20/97 rev.5/27/97
Garage Elevations	A5	Elkus/Manfredi Architects, Ltd. Dated 5/20/97 rev.5/27/97

ii. December 2020 Plans approved by Council Order #33-21. Floor Plans, prepared by Tria, signed and stamped by Jean E. Thacker, Registered Architect, dated December 2, 2020, showing Overall First Floor Plan, and Partial Second Floor Plan.

iii. 2021 Plans.

- a. Proposed Layout and Materials Plan, prepared by VHB, signed and stamped by Conor P. Nagle, Professional Engineer, dated August 5, 2021, showing site improvements to Building 3.
- b. Architectural Floor Plans, prepared by Tria, unsigned and stamped, showing floor plans of floors 1-4 consisting of the following two (2) sheets:
  - i. Tenant Premises Plan, Level 1
  - ii. Tenant Premises Plan, Levels 2-4
- c. Architectural Elevations, prepared by Tria, unsigned and unstamped, showing Existing and Proposed exterior southern elevations.
- d. Planting Plan, prepared by VHB, signed and stamped by Eric Bednarek, dated August 5, 2021, showing planting around loading bay to Building 3.

2. That all transformers, chillers, air conditioners, mechanical/ventilation systems, HVAC equipment, and similar devices shall be designed, located, and baffled using appropriate acoustical screening to minimize the noise produced. The noise produced by this equipment shall comply with the City of Newton Noise Ordinance and shall not exceed 51 dBA during the day and 46 dBA during the night as measured at the property line or any location on immediately abutting residential properties. Emergency generators will be designed to meet City of Newton noise regulations.

During the first summer of operation of Building 3 following the installation of new rooftop

mechanical equipment pursuant to this Special Permit/Site Plan Approval, the petitioner shall retest and reconfirm the noise levels of the new rooftop equipment. In the event of a variance from the dBA levels set forth in the preceding paragraph or from the requirements of the City of Newton Noise Ordinance, the petitioner shall provide additional noise controls as needed to comply with the stated levels. In event that the City of Newton Noise Ordinance requires a lower dBA level than the levels set forth in the preceding paragraph, any replacement equipment on any rooftop structure shall comply with the City of Newton Noise Ordinance.

3. That the petitioner, its successors and assigns, shall install a charcoal filtration ventilation system and shall operate the kitchen without impact from cooking odors on the tenants in the building or on adjoining properties.
4. That the parking spaces in front of the building shall be designated for short term guest parking only; these parking spaces shall not be used from 7-9 AM. The petitioner shall install signs indicating such restrictions.
5. That if the MBTA creates a new access roadway from the Route 128 ramp into its Riverside property extending to the site's property line, the petitioner shall make all necessary modifications on its site to connect to such roadway and permit access to the site, thereby making it possible to reduce the use of Grove Street for vehicular access to and from the site. An amendment to this special permit will not be required for such modification.
6. That the petitioner, its successors and assigns, shall clean at its expense the gas traps and catch basins at least two times per year. Evidence of such bi-annual cleaning shall be submitted to the City Clerk.
7. That services such as a restaurant, coffee shop, newsstand, dry cleaning drop-off and pick-up, ATM, and similar accessory uses to service the primary office use of the building are allowed. There shall be no advertising or promotion of such uses to the general public. There shall be no advertising of such uses on the exterior *or grounds* of the office building. The accessory restaurants shall meet all applicable Health Department requirements.
8. That, if access from the site over MDC and MBTA property is approved by these agencies, and if approved by the Newton Conservation Commission as shown on a plan entitled "C3 Site Layout and Materials Plan" cited in Condition 1, the petitioner shall construct a pedestrian walkway over MBTA and MDC property from the subject site to the Charles River. Such walkway and access to it shall be open for the users of the site and the general public from dawn to dusk.
9. That if access from the site to the MBTA property is approved by the MBTA as generally shown on a plan entitled "C3 Site Layout and Materials Plan" and "L2 Tree Planting at Grove Street" cited in Condition #1, the petitioner shall construct a fully accessible pedestrian walkway to the MBTA Riverside Station which walkway and access to it shall be open to the users of the site and the general public.
10. That, except in emergencies, the petitioner shall not permit entry of vehicles for parking on the

roof of the garage from 9 PM to 6 AM. Lights on the top level of the parking garage shall be shut off no later than 9 PM and turned on no earlier than 6 AM seven days a week. There shall be no light poles on the roof of the garage.

11. That, except for security lighting, lighting in the surface parking areas shall be shut off no later than 11 PM.
12. That the lighting along the residential side of the property shall be focused inward to the site on poles which are no higher than 18 feet. The source of the lighting throughout the site shall not be able to be seen from abutting properties. Lighting shall not overspill onto abutting properties.
13. That roadway lighting to and from the garage will either be bollard or step lighting with directed light reflectors aimed downward. The source of the lighting shall not be visible.
14. That all lighting in the atrium shall be aimed downward and be designed to minimize intrusion into the neighborhood at night.
15. That the petitioner, its successors and assigns, shall be responsible for snow plowing and snow removal from the site. The petitioner shall make best reasonable efforts to minimize the use of sodium chloride on the site. There shall be no snow removal before 5 AM on business days or before 8 AM on weekends, and no later than 9 PM. These hours will be observed except in cases of major snowfall occurrences. Snow removal equipment may only be parked or stored on the site inside the building or the garage structure.
16. That the petitioner, its successors and assigns, shall use best reasonable effort to recycle all materials used in the operation of the site and shall include such a requirement in tenant leases.
17. That the petitioner, its successors and assigns, shall be responsible for removal of solid waste from the site. The pick-up of solid waste and recyclables shall occur only between the hours of 7 AM and 9 PM Monday through Friday unless the hours of trash pick-up are further restricted by subsequent City ordinance.
18. The final location of the dumpster shall be as shown on the approved plans cited in Condition #1.i.
19. That there shall be no deliveries to the loading docks from 10 PM to 6 AM, 7-9 AM, and 4-6 PM. Any truck seeking the use of the loading docks during these time periods shall be denied access to the loading dock and will be directed to leave the site. The petitioner shall control the route of tractor trailers and large single-body delivery trucks which are under contract for deliveries to the building and contracts will include a penalty clause for violation of the provisions of this paragraph. Travel to and from the site shall be via Route 128. This condition shall not apply to U.S. Postal Service, Federal Express, Amazon, and United Parcel Service type services.

20. That the petitioner, its successors and assigns, shall be responsible for the maintenance of the landscaping and irrigation system, including landscaping on the islands in Grove Street, in good condition and, at least annually, shall replace plant material that dies, is damaged, or is diseased.
21. That the petitioner, its successors and assigns, shall designate a person who shall be responsible for the management, maintenance and operation of the site, including security, parking plan management, truck management plan and clean site appearance. The petitioner, its successors and assigns, shall notify the Police Chief, the Commissioner of Inspectional Services, the Ward 4 City Councilors, the Auburndale Community Association, the Lower Falls Improvement Association, and the immediate abutters of the name of the designee. The management and operations plan of the petitioner shall be on file with the City Clerk and the Department of Planning and Development.
22. That the petitioner shall implement a Transportation Demand Management program which shall encourage the use of public transportation, promote the use of bicycles by the provision of lockers and shower facilities for cyclists, and promote ridesharing.
23. That the petitioner will comply with the Declaration of Covenants and Restrictions recorded with the South Middlesex Registry of Deeds, Book 28200, Page 77, that prohibits for a period of 99 years running from February 16, 1998 the primary use of the site as retail, movie or performance theater.
24. That the petitioner, its successors and assigns shall make an annual contribution of \$25,000 to the City's shuttle service including but not limited to "NewMo".
25. That all utility lines from the street to the site shall be underground.
26. That the petitioner, its successors and assigns, will make the atrium common space available on a non-exclusive basis during non-business hours to neighborhood groups for civic meetings without charge or an insurance/indemnification requirement. Scheduling will be handled by the on-site management personnel.
27. That as shown on a plan entitled "C3 Site Layout and Materials Plan," right turns into the site and left turns out of the site shall be permitted at the northern driveway. The center driveway shall be used only as an entrance. Only right turns out of the southernmost driveway shall be permitted.
28. If in the future the City Traffic Engineer, in consultation with the Captain of the Traffic Bureau of the Police Department, determines that for public safety a police detail is needed to augment the traffic signal and to educate drivers in the morning and the evening peak hours, the private police detail shall be provided and paid for by the petitioner at such times until such time as the Traffic Engineer, in consultation with the captain of the traffic bureau, determines that the police detail is no longer needed.

29. That the petitioner, its successors and assigns, at its expense, shall be responsible to maintain and remove snow on the public sidewalk installed on the site according to the plan entitled "C3 Site Layout and Materials Plan" cited in Condition #1, above.

**Conditions 31 through 34 listed below shall apply only to the laboratory and research facility use allowed in a portion of Building 1 pursuant to Council Order #33-21:**

30. The laboratory and research facility shall only be allowed in the areas shown on the 2020 Plans referenced in Condition #1.ii
31. An appropriate ventilation system shall be installed and approved by the Commissioner of Inspectional Services.
32. Council Order #33-21 was granted in connection with Petitioner's lease of the premises to Corindus, a company which develops vascular robotics. In the event that Corindus or its successor ceases to operate at all or a portion of the site, the Petitioner may relet such premises to another party for laboratory, research, and development use without the need for further relief from the City Council provided that the same:
- a. is a technical facility consisting of laboratory space, office space, storage space, and/or space for assembly of materials for study, research and development, experimentation, and prototype development in one or more scientific fields including, but not limited to, life sciences, biotechnology, biomedical research, robotics, renewable technology, sustainable technology, computer science, electronic technology, medicine, or similar fields;
  - b. does not involve recombinant DNA research or technology at Biosafety Level 3 (BSL-3) or above and complies with the Revised Ordinances, Chapter 12, Section 12-21 et. seq. for any other use involving recombinant DNA;
  - c. does not involve noxious or hazardous substances or processes above the levels permitted by applicable city, state, and federal standards;
  - d. is such that any and all resulting cinders, dust, flashing, fumes, gases, odors, smoke, noise, vibration, refuse matter, vapor, heat, and any other noxious or hazardous substances that may be produced are effectively contained and confined in the facility or are disposed of in a manner so as not to create a nuisance or hazard to public health and safety of the surrounding neighborhoods;
  - e. is in compliance with all other applicable city, state, and federal health and safety laws and regulations; and
  - f. an appropriate ventilation system for such use is installed and approved by the Commissioner of Inspectional Services.

Determinations as to whether a proposed future use at the site complies with this Condition shall be made by the Commissioner of Inspectional Services in consultation with the Director of Planning and Development, the Fire Chief, and the Commissioner of Health and Human Services. Notice will be provided to the Ward 4 Councilors prior to the issuance of a determination by the Commissioner of Inspectional Services.

33. No Final Inspection/Occupancy Permit for the use covered by Council Order #33-21 shall be issued until the petitioners have:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect certifying compliance with the 2020 Plans referenced in Condition #1.

**Conditions 35 through 46 below shall apply to this Special Permit/Site Plan Approval and to the laboratory, research and development use allowed in Building 3 pursuant to this Council Order:**

34. Prior to the issuance of any building permit for the project approved by this Special Permit/Site Plan Approval (the "Building 3 Project"), the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works, and Fire Department.
35. 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 for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
  - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with 2021 Plans approved in Condition #1.
36. Prior to the issuance of any building permit for the Building 3 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 CMP, which shall be consistent with and not in conflict with relevant conditions of this Council Order and shall include, but not be limited to,



the following provisions:

- a. The petitioner shall designate a person responsible for the construction process. That person shall be identified to the Police Department and the Commissioner of Inspectional Services, and the Ward 4 City Councilors.
  - b. The proposed schedule of the Building 3 Project, including the general sequencing of the construction activities.
  - c. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage areas, on-site staging areas for delivery vehicles, and location of any security fencing.
  - d. Trucks shall only access the site to and from Route 128/I-95, except when the MBTA bridge is too low to allow passage of large equipment, in which case, the routes and times shall be reviewed and approved by the Police Department.
  - e. Proposed methods of noise control, to ensure compliance with the Revised Ordinances, § 20-13 and the Massachusetts Department of Environmental Protection noise regulation and policy. 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 practicable from noise sensitive locations.
37. Changes to laboratory, research and development tenants in Building 3 shall not require an amendment to the Special Permit as long as tenants are in full compliance with all conditions of this order.
38. Laboratory, Research and Development uses shall comply with all local, state, and federal regulations and guidelines, including Biosafety in Microbiological and Biomedical Laboratories and NIH Guidelines for Research Involving Recombinant or Synthetic Nucleic Acid Molecules. All tenants shall adhere to any current or future licensing, rules or regulations required by the City.
39. rDNA research and technology shall not be permitted without approval from the BioSafety Committee and a permit from the Department of Health and Human Services.
40. Building 3 shall be restricted to biosafety use type BSL- 2 or lower.
41. All tenants and sublessors shall obtain all necessary permits, including building, flammable, sewer, hazardous waste and emission permits. Permits are not transferrable.
42. Each laboratory, research and development tenant shall provide and implement an environmental health and safety program through the designation of an onsite safety representative or consultant. Each tenant shall provide detailed information about the proposed use and the contact information for the safety representative to the Planning and Development

Department, Inspectional Services Department, and Newton Fire Department.

43. No Final Inspection/Occupancy Permit for the use in Building 3 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 statements by an architect and land surveyor certifying compliance with the 2021 Plans approved in Condition #1.
  - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a professional land surveyor.
  - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
44. If in the future the City Traffic Engineer, in consultation with the Captain of the Traffic Bureau of the Police Department, determines that traffic coming to and from 275 Grove Street is causing unsafe conditions around the Williams School during the student drop-off or pickup period, the petitioner shall commission a traffic study, which shall be subject to peer review (at petitioner's expense), to assess the impact that the laboratory, research, and development tenants of Building 3 are having on traffic conditions around the Williams School during the student drop-off and pickup period. If the traffic study shows that the laboratory, research, and development tenants of Building 3 are causing unsafe driving conditions at the Williams School during the student drop-off and pickup period, the petitioner shall provide for a private police detail at the Williams School during that period, until such time as the Traffic Engineer, in consultation with the Captain of the Traffic Bureau, determines that the police detail is no longer needed. In lieu of the traffic detail, the petitioner may provide some other traffic mitigation measure as agreed to by the petitioner and the Traffic Engineer.
45. No more than one (1) month after approval of this Special Permit/Site Plan Approval, a Liaison Committee shall be established consisting of one designee of the petitioner, two (2) residents from the neighborhood surrounding the site, and one Ward 4 City Councilor who will serve as Chair of the Committee. The President of the City Council shall appoint the resident neighborhood members and the City Councilor member. All actions of the Liaison Committee shall be advisory in nature only and the Liaison Committee shall work by consensus. Meetings of the Liaison Committee will be open to the public.
  - a. The purpose of the Liaison Committee shall be to provide a forum for communication of the construction schedule, and to receive and deal with neighborhood concerns relating to construction or to the operation of Building 3 after initial occupancy (including but not limited to issues relating to noise, traffic, and light spillage).

- b. The first meeting of the Liaison Committee shall occur prior to the commencement of construction and thereafter shall meet monthly (or, at the election of the Liaison Chair, every three months) according to a schedule established by the Liaison Chair until six (6) months after the initial occupancy of Building 3.
- c. The Liaison Committee shall, at a minimum, give written notice to the City Clerk, the Commissioner of Inspectional Services, and the Director of Planning and Development of its Meetings.

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