

CITY OF NEWTON  
LAW DEPARTMENT  
INTEROFFICE MEMORANDUM

DATE: November 12, 2021  
TO: Rick Lipof, Chairman, Land Use Committee  
All Members, City Council  
FROM: Jonah M. Temple, Assistant City Solicitor  
RE: Special Permit #33-21(3)  
275 Grove Street

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Attached is an updated redline draft of the Council Order for this petition.

This draft replaces condition #24, which required a \$25,000 annual payment for a shuttle service, with a new condition requiring a lump sum payment of \$150,000 (made in two installments) to be used by the City for off-site transportation, pedestrian, or safety improvements or mitigation in the vicinity of the project. The annual payment condition was originally included in the 1997 special permit governing the property and such payments were never received because no shuttle service was created. The new condition is consistent with similar requirements in special permits for a monetary contribution for off-site improvements. City staff also prefer a lump sum payment as it is easier to administer and allows the funds to be more beneficially utilized.

This draft also includes a new condition (#47) requested by the Land Use Committee requiring the petitioner to undertake a feasibility study to determine whether heat pumps can be installed in building 3 and requiring such installation if the study shows that it is feasible to do so without adding to the height of the building. Another new condition (#48) requires the petitioner to study the sustainable performance of the building envelope.

Please let me know if you have any questions. Thank you.

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 and #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 #40-97 (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	L1	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	
Architectural Site Plan	A1	

Building Floor Plans	A2	Carol R. Johnson Associates, dated 5/26/97 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 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, and annually for the first three years thereafter, 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 DCR 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" dated March 6, 1997 and revised May 27, 1997 and "L2 Tree Planting at Grove Street" dated May 26, 1997, both 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, the Liaison Committee, 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".~~ The Petitioner shall make payments in the aggregate amount of \$150,000.00 to the City for off-site transportation, pedestrian, or safety improvements or mitigation in the vicinity of the Project. The Petitioner's payments shall be made to a municipal account dedicated for such mitigation and improvements as follows:
  - a. \$75,000.00 at the issuance of any building permit for the Project.
  - b. \$75000 at the issuance of any certificate of occupancy for the Project.Funds from the account in which these payments will be held shall be appropriated only with the approval of the City Council and the Mayor in accordance with municipal finance law. The Director of Planning and Development, after consultation with the Commissioner of Public Works, shall recommend improvements for funding to the City Council.
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 30 through 33 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 34 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, the Ward 4 City Councilors, and the Liaison Committee.
  - 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 local, state, and federal 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 transportation 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 transportation 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. Thereafter the Liaison Committee shall meet annually for the first three years after initial occupancy to review the petitioner's annual noise testing results.
  - 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.
46. Prior to filing a subsequent petition to (i) allow laboratory, research, and development use in Building 1 beyond what is currently allowed by Council Order #33-21, (ii) increase the height of Building 1 through additional stories, or (iii) increase the height of Building 1 rooftop mechanical

equipment beyond the currently allowed 15 feet, petitioner shall notify the Ward 4 Councilors at least 30 days in advance of the filing of the potential project and shall invite them to a neighborhood meeting to be convened by the petitioner.

47. The Petitioner shall complete a study to determine the feasibility of installing water source modular heat pumps chillers ("Heat Pumps") in Building 3 (the "Feasibility Study"). Depending on the results of the Feasibility Study and Petitioner's return on investment analysis, the Petitioner shall install Heat Pumps in Building 3 to the extent feasible (as defined below) and without increasing the height of the building.

a. The Feasibility Study shall contain the following minimum contents: description of the particular heat pump systems studied and why they were selected; description of construction modifications necessary to accommodate the heat pumps; analysis of whether heat pumps would be feasible if located on the roof and potential change in height of the building; and rationale for conclusions.

b. The Feasibility Study must address the following factors: physical limitations of the existing structure and building envelope (including structural capacity), available rooftop and mechanical space and any adverse impact to tenant mechanical space requirements, height constraints, noise limitations, and other architectural and engineering considerations. The Feasibility Study will include the estimated total cost of the Heat Pumps installation. In determining feasibility, the rentable space both inside the building and in the mechanical penthouse shall not be available for placement of mechanical equipment associated with the Heat Pumps.

c. Prior to the issuance of any building permit for the project, the petitioner shall submit the Feasibility Study to the Director of Planning and Development, the Director(s) of Climate and Sustainability, and the Land Use Committee for review and analysis.

e. Within forty-five (45) days of filing the Feasibility Study, the Petitioner shall meet with the Director of Planning and Development and Directors of Sustainability to discuss the results of the Feasibility Study. The Petitioner shall also present and discuss the results of the Feasibility Study at a meeting of the Land Use Committee. A building permit may be issued by Inspectional Services Department upon the expiration of forty-five (45) days following the submission of the Feasibility Study.

48. Prior to the issuance of a building permit, the petitioner shall engage a commissioning agent to confirm petitioner's assumptions on the performance of the newly added exterior elements of the Building 3 façade. Petitioner shall discuss the results with the Co-Director(s) of Climate and Sustainability for the City of Newton. All new scope/elements provided on the project will be upgraded to meet IECC energy requirements.