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Mayor

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Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION III MEMORANDUM

DATE: October 19, 2018
MEETING DATE: October 23, 2018
TO: Land Use Committee of the City Council
FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Michael Gleba, Senior Planner
CC: Petitioner

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

PETITION #294-18 **1314 Washington Street, 31 Davis Street and 33 Davis Street**

Request for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story addition in the BU1 district to be used for mixed uses, to allow a building in excess of 20,000 sq. ft., to extend the existing non-conforming structure with regard to height, to extend the existing non-conforming structure with regard to side setback, to allow a restaurant with more than 50 seats, to waive the requirement of using the A-B+C parking formula, to allow a reduction in the overall parking required by 1/3, to waive 27 parking stalls, to allow parking in the front and side setback, to allow reduced parking stall dimensions, to waive end stall maneuvering space requirements, to allow reduced aisle width, to waive perimeter screening requirements, to waive interior landscaping requirements, to waive requirements for interior planting area, tree planting, and bumper overhang area landscaping, to waive lighting requirements, to waive off-street loading facility requirements.

The Land Use Committee (the "Committee") opened the public hearing on June 8, 2018 and continued it to August 7, 2018, Sept. 20, 2018 and again to October 23, 2018. This memo reflects revised plans and additional information submitted by the petitioner as of October 18, as addressed to the Planning Department.

The subject property is comprised of three lots, 1314 Washington Street, 31 Davis Street and 33 Davis Street, totaling 30,031 square feet in a Business 1 (BU1) zoning district. Currently improved with a bank and a surface parking lot with 60 stalls and many nonconformities, the property is bordered by Washington Street to the north, Highland Street to the west and Davis Street to the south. The

petitioner proposes to construct a three-story addition to the rear of the existing building to allow for multiple uses, including a bank, restaurant/retail, and office space, and to reconfigure the existing surface parking lot into a 49-stall parking facility.

To develop the project as proposed, the petitioner is seeking a special permit granting relief related to several aspects of the proposed structure, including size and height and allowing a restaurant with more than 50 seats, the extension of various dimensional nonconformities, the number and dimensions of parking stalls and the design, landscaping and lighting of the proposed parking facility.

The Planning Department and Transportation Division previously recommended that the petitioner's parking studies and information be revised to address and analyze certain issues, including better differentiating between private and publicly-accessible spaces. On October 5, 2018, the petitioner provided additional information (**Attachment A**) toward these ends. The petitioner's new calculations are based on a program for the project of 49 parking stalls to serve a 120-seat restaurant, a 2,456 square foot bank, and 13,219 square feet of office space. Please note this program reflects a shift, from the most recently indicated program, of 1,270 square feet of space from the proposed restaurant to office use.

This information indicates that the peak weekday demand for parking at the subject site would be around 12:00 noon, at which time the demand for parking of 50 would exceed the 49 stalls by one. The updated information also states that there would be 10 excess spaces in the on-site parking lot during the weekend peak, at 7:00pm, when apparently only 39 stalls would be occupied. Widening the focus to the larger West Newton Square area, the petitioner's material indicates that were the volume of parking that currently utilizes the existing parking at 1314 Washington Street instead park elsewhere in on- or off- street parking stalls in the area, 34 of those 250 stalls would generally be available during the peak weekday demand period, so identified by the petitioner as 4:00pm on Thursday afternoon. During the weekend peak, identified as 7:00pm on Saturday night, 4 public stalls would be available.

The Transportation Division reviewed the petitioner's additional information and its comments are attached (**Attachment B**). Generally, transportation staff note that the revised study provides the information previously requested and note that while the study shows there is capacity in the overall square at peak times, the utilization is close to 100 percent.

The onsite peak of the proposed project is at lunch time on weekdays when the restaurant is servicing lunch and both the bank, and the office are open. This number may be conservative as employees utilize alternative modes of transportation and many diners at the restaurant are likely to be those who are already in the area and thus are not new trips. As the majority of the parking demand at this time is anticipated to be employees, the Planning Department recommends that the petitioner more fully describe the Traffic Demand Management (TDM) measures that would be utilized and that commitments to such measures be made conditions of any special permit granted for the present petition. These should include the provision of transit passes for employees of office, bank/retail and restaurant uses and identified locations for bicycle parking.

The Planning Department also notes, as referenced in previous memoranda on this petition, the City is pursuing several efforts to improve traffic and parking conditions and further increase vitality in West Newton Square. The West Newton Square Enhancements Project will result in approximately 19 net

new on-street public parking spaces in and around the Square and is scheduled to begin construction in 2019. Planning staff are working to docket an item with the City Council to create seven to eight of those spaces in the immediate term. The City is also reviewing parking regulations in the square, including evaluating time restrictions and parking costs in order to further make the most efficient use of existing and proposed parking.

The Planning Department also notes that the Shared Pilot Parking Program, which can facilitate the use of privately-owned excess parking spaces by the public went into effect on September 3rd of this year. The Planning Department is endeavoring to identify opportunities and has thus far initiated conversations with several property owners in West Newton Square regarding participating in the pilot program.

Lastly, the petitioner has indicated its intent to coordinate with the adjacent church to construct additional parking on the latter's property, and representatives from the church have stated they will participate in the Shared Parking Pilot Program and expect to make parking available on Friday and Saturday evenings.

The Planning Department further notes that the proposed development represents an opportunity for the creative reuse of a historic building enlivened with new, active uses that could, in turn, forward the City's goal of furthering the pedestrian vitality in West Newton Square, as well as attracting new employment and expanding the City's commercial tax base.

The petitioner should be prepared to discuss the recently submitted material, as well as any additional project related issues, at the working session.

ATTACHMENTS:

- Attachment A:** Petitioner's updated parking demand information, dated October 5, 2018
Attachment B: Transportation Division memorandum, dated October 12, 2018
Attachment C: Draft Council Order



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October 5, 2018

BY HAND

Ms. Jennifer Caira
Chief Planner
Planning and Development Department
Newton City Hall
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: #294-18/Petition of HQ, LLC/1314 Washington Street, 31 Davis Street, 33 Davis Street

Dear Jennifer,

At the last public hearing on this matter, the Land Use Committee asked for additional information intended to clarify the Parking Analysis prepared by Stantec on behalf of the petitioner for the site at 1314 Washington Street and for public parking in West Newton Square. I have enclosed four sheets prepared by Stantec which provides this information in tabular form, as well as a map of public parking in West Newton Square. The key findings are summarized below.

In terms of on-site parking at 1314 Washington Street, Stantec concludes that:

1. Peak weekday demand of 50 occurs at noon, which is 1 over the capacity of 49.
2. Peak weekend demand of 39 occurs at 7PM, which is 10 under the capacity of 49.
3. Other than at noon on Thursday, there is always on-site capacity beyond the anticipated demand.

For West Newton Square, Stantec concludes that:

1. Peak weekday demand (Thursday) of 191 (out of 250 available) occurs at 6PM.
2. Peak weekend demand (Saturday) of 186 (out of 250 available) occurs at 7PM.

If all of the cars parking at 1314 Washington Street today parked in public parking, Stantec concludes that:

1. Peak weekday demand (Thursday) of 216 (out of 250 available) occurs at 4PM, leaving a surplus of 34 parking stalls.
2. Peak weekend demand (Saturday) of 246 (out of 250 available) occurs at 7PM, leaving a surplus of 4 parking stalls.

SCHLESINGER AND BUCHBINDER, LLP

Ms. Jennifer Caira
October 5, 2018

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These figures are based upon a restaurant of 120 seats (no change) and 4,000 square feet (net) (reduction of 1,270 square feet), bank space of 2,456 square feet (net) (no change), and office space of 13,219 square feet (net) (increase of 1,270 square feet).

Please feel free to contact me if you have any questions or comments.

Sincerely,



Stephen J. Buchbinder

SJB/mer
enclosures

cc: (By Hand, w/enclosures)
Councilor Gregory R. Schwartz
Councilor Richard A. Lipof
Councilor Marcia Scibelli Greenberg
Councilor Jacob D. Auchincloss
Councilor Andrea W. Kelley
Councilor Christopher J. Markiewicz
Councilor Deborah J. Crossley
Councilor Marc C. Laredo
Councilor Barbara Brousal-Glaser
Councilor James R. Cote
Ms. Nadia Khan, Committee Clerk
Ouida C. M. Young, Acting City Solicitor
Mr. Michael Gleba, Senior Planner

(By Email, w/enclosures)
Mr. Robert Korff
Mr. Damien Chaviano

Parking Supply and Need for Redevelopment of 1314 Washington Street

- Peak weekday demand occurs at noon, with 50 cars (1 spillover car)
- The weekday restaurant peak is at 7PM, with 34 cars on-site (15 vacant spaces)
- Peak weekend demand occurs at 7PM, with 39 cars (10 vacant spaces)

Weekday (Thursday) Parking

Land Use	ULL Hourly Shared Parking Demand (Number of cars by hour)								
	8AM	10AM	12PM	2PM	4PM	6PM	7PM	8PM	10PM
Office	19	29	29	29	26	7	3	0	0
Bank	4	7	5	6	6	0	0	0	0
Restaurant	0	0	16	12	8	22	31	30	15
1314 Washington	23	36	50	47	40	29	34	30	15
Vacant Spaces (in 49 space lot)	26	13	-1	2	9	20	15	19	34

Weekend (Saturday) Parking

ULLI Hourly Shared Parking Demand (Number of cars by hour)									
Land Use	8AM	10AM	12PM	2PM	4PM	6PM	7PM	8PM	10PM
Office	0	0	0	0	0	0	0	0	0
Bank	3	6	4	5	0	0	0	0	0
Restaurant	0	0	20	16	11	28	39	38	20
1314 Washington	3	6	24	21	11	28	39	38	20
Vacant Spaces (in 49 space lot)	46	43	25	28	38	21	10	11	29

Parking Supply and Occupancy in West Newton Public Parking

- Peak weekday demand occurs at 6PM, with 191 cars (59 vacant spaces)
- Peak weekend demand occurs at 7PM, with 186 cars (64 vacant spaces)

Weekday (Thursday) Parking

Observed Hourly Parking Occupancy (number of cars)								
8AM	10AM	12PM	2PM	4PM	6PM	7PM	8PM	10PM
	157	170	157	167	191			
West Newton Public Parking								
Vacant Spaces (of 250 public spaces)	93	80	93	83	59			

Weekend (Saturday) Parking

Observed Hourly Parking Occupancy (number of cars)								
8AM	10AM	11AM	1PM	3PM	5PM	7PM	8PM	10PM
		155	140	144	151	186	149	
West Newton Public Parking								
Vacant Spaces (of 250 public spaces)		95	110	106	98	64	101	

Parking Supply and Occupancy in West Newton Public Parking if all cars parking at 1314 Washington today parked in public parking

- Public weekday parking would peak at 4PM at 86% occupied (34 vacant)
- Occupancy would peak on Saturday at 7PM at 98% occupied (4 vacant)

Weekday (Thursday) Parking

	Observed Hourly Parking Occupancy (number of cars)								
	<u>8AM</u>	<u>10AM</u>	<u>12PM</u>	<u>2PM</u>	<u>4PM</u>	<u>6PM</u>	<u>7PM</u>	<u>8PM</u>	<u>10PM</u>
West Newton Public Parking		157	170	157	167	191			
1314 Demand today		22	28	23	49	16			
Combined Demand		179	198	180	216	207			
Vacant Spaces (of 250 public spaces)*		71	52	70	34	43			

Weekend (Saturday) Parking

Observed Hourly Parking Occupancy (number of cars)									
	8AM	10AM	11AM	1PM	3PM	5PM	7PM	8PM	10PM
West Newton Public Parking			155	140	144	151	186	149	
1314 Demand today			40	36	52	57	60	48	
Combined Demand			195	176	196	208	246	197	
Vacant Spaces (of 250 public spaces)*			55	74	54	42	4	53	

* Excludes ~20 planned on-street spaces to be added in 2019

ATTACHMENT B

City of Newton



DEPARTMENT OF PUBLIC WORKS

TRANSPORTATION DIVISION

110 Crafts Street
Newton, MA 02460

Ruthanne Fuller
Mayor

DATE: October 12, 2018

TO: Jennifer Caira

FROM: Jason Sobel, P.E., PTOE, Director, DPW Transportation Division
David Koses, Transportation Coordinator

RE: #294-18 – Response to Parking Analysis received October 5, 2018

MEMORANDUM

Transportation Division staff has reviewed the most recent Parking Analysis, dated October 5, 2018, as prepared by Stantec on behalf of the petitioner of the redevelopment of 1314 Washington Street, and have the following comments:

- The methodology used and data summarized in the October 5th memorandum fulfill staff's original request in terms of examining and summarizing the number of public parking spaces available within a reasonable walk distance of 1314 Washington Street. Other private parking spaces, and spaces which are not available to the general public, have been removed from the analysis, as was requested by staff. The methodology also now includes the implications of a shift in terms of the public's informal use (out of) the Santander Bank parking lot.
- Staff notes that the peak time presented in the petitioner's analysis, noon on a weekday, shows that the proposed 49-space parking lot would be beyond capacity by one parking space. At that time, the analysis shows that 16 parking spaces would be used for the proposed 120-seat restaurant use. We request additional justification that only 16 parking spaces represents the full parking demand for all of the restaurant's employees and clients during their peak lunch weekday period.
- It is important to note that the petitioner's analysis, using their data, shows that only 4 parking spaces are anticipated to be vacant during Saturday's peak parking utilization period, if all vehicles currently parking at 1314 Washington Street were to park in public spaces. At over 98% occupancy, nearly all available parking spaces are projected to be occupied during this peak time.

- Moreover, the petitioner's analysis shows that over 86% of all available parking spaces will be occupied during the peak weekday period, at 4:00 PM. During this time, it is unclear which public parking spaces will be available. Note that over 90% of all on-street parking meters have a time limit of one-hour. It is unclear whether these time-limited spaces are projected to be the available parking spaces during the peak weekday period. If so, the short time limit may prevent motorists from being able to utilize the remaining available spaces. Of course, time limits at City parking meters could be changed through the Traffic Council process.
- Separate from the parking changes that may result from the proposed redevelopment of 1314 Washington Street, it is important to be aware of the impact that the large reconstruction of West Newton Square will have in terms of the location and availability of public parking spaces during and after construction.
- Additional parking for the public may become available in West Newton using Newton's shared parking pilot program, which is now live. Business or nonprofits that have excess parking capacity may rent parking through this program or through a private arrangement.

ATTACHMENT C

DRAFT #294-18

1314 Washington Street, 31 Davis Street, 33 Davis Street

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL to construct a 29,952 square foot mixed use development including bank, office, and retail use and a restaurant with 120 seats three stories and 40 feet high, extend height and setback nonconformities, reduce the number of required parking stalls, waive certain parking facility dimensional, screening and landscaping and waive certain off-street loading facility requirements, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

- 1) the site in a Business 1 (BU1) district is an appropriate location for the proposed mixed use development as designed given the adjacent neighborhood's mix of residential and commercial land uses and structures of varying scales and heights, (§7.3.3.C.1);
- 2) the proposed project as designed, developed and operated will not adversely affect the neighborhood (§7.3.3.C.2);
- 3) the proposed project as designed, developed and operated will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- 4) access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4)
- 5) the site in a Business 1 (BU1) is an appropriate location for a restaurant with 120 seats (§7.3.3.C.1);
- 6) the proposed restaurant with 120 seats will not adversely affect the neighborhood (§7.3.3.C.2);
- 7) the proposed restaurant with 120 seats will not create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
- 8) access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4);

- 9) the proposed extension of the existing structure's nonconformities with regard to height and side setback would not be substantially more detrimental than the existing nonconforming use to the neighborhood (§7.8.2.C.2);
- 10) literal compliance with the parking facility requirements of §5.1 is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features (§5.1.13).

PETITION NUMBER: #294-18

PETITIONER: HQ, LLC

ADDRESS OF PETITIONER: 57 River Street
Suite 106
Wellesley, MA 02481

LOCATION: 1314 Washington Street, 31 Davis Street, 33 Davis Street, Ward 3,
on land known as Section 33, Block 10, Lots 1, 11, and 12,
containing approx. 30,301 sq. ft. of land

OWNER: HQ, LLC

ADDRESS OF OWNER: 57 River Street
Suite 106
Wellesley, MA 02481

TO BE USED FOR: Bank, restaurant or retail, and office use

EXPLANATORY NOTES: Special permit per §7.3.3 to:

- allow a building in excess of 20,000 square feet (§4.1.2.B.1)
- allow a three-story building in the BU1 district (§4.1.2.B.3, §4.1.3)
- Extend a nonconforming structure with regard to height (4.1.3, §7.8.2.C.2)
- extend a nonconforming structure with regard to side setback (§4.1.3, §7.8.2.C.2)
- allow a restaurant with more than 50 seats (§4.4.1, §6.4.29.C.1)
- waive the requirement of using the A-B+C parking formula (§5.1.3.B, §5.1.13)
- allow a 1/3 reduction in overall parking (§5.1.4.C)

- waive 24 required parking stalls (§5.1.4, §5.1.13)
- allow parking in the front and side setbacks (§5.1.8.A.1, §5.1.13)
- allow reduced parking stall dimensions (§5.1.8.B.2, §5.1.13)
- waive end stall maneuvering space requirements (§5.1.8.B.6, §5.1.13)
- allow reduced aisle width (§5.1.8.C.1, §5.1.8.C.2, §5.1.13)
- waive perimeter screening requirements (§5.1.9.A, §5.1.13)
- waive interior landscaping requirements (§5.1.9.B, §5.1.13)
- waive lighting requirements (§5.1.10.A, §5.1.13)
- waive the off-street loading facility requirements (§5.1.1, §5.1.13)

ZONING: Business 1 (BU1)

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with
 - a. A plan entitled "ALTA/NSPS Title Survey, Mark Development, LLC, 31 & 33 Davis Street & 1314 Washington Street, City of Newton, Middlesex County, Commonwealth of Massachusetts," prepared by Control Point Associates, Inc., dated August 1, 2017 as revised through August 3, 2018, signed and stamped by Gerry L. Holdright, Registered Land Surveyor.
 - b. A set of site plans entitled "Site Development Plans for Mark Development, Location of Site Map #33, Block # 10, Lots # 1, 11 & 12, 31 & 33 Davis Street and 1314 Washington Street, City of Newton, Middlesex County, Massachusetts," prepared by Bohler Engineering, as revised through April 27, 2018, signed and stamped by J.G. Swerling, Registered Professional Engineer, consisting of the following sheets:
 - i. Proposed Site Plan, as further revised through August 7, 2018 (Sheet Number 1 of 4);
 - ii. Average Grade Plane Exhibit (Sheet Number 2 of 4);
 - iii. Site Lighting / Photometric Plan (Sheet Number 3 of 4);
 - iv. Proposed Landscape Plan (Sheet Number 4 of 4). Existing Conditions Plan of Land (SV-1).
 - ii. A set of architectural plans entitled "1314 Washington, Special Permit Submission," prepared by Elkus Manfredi Architects, dated March 19, 2018, signed and stamped by John Hall Martin, Registered Architect, consisting of the following sheets:

- i. Conceptual Site Plan (p. 2)
 - ii. Basement Level Comparison (p. 3);
 - iii. Ground Level Comparison (p. 4);
 - iv. Second Level Comparison (p. 5);
 - v. Third Level Comparison (p. 6);
 - vi. Washington Street Elevation (North) (p. 7);
 - vii. Highland Street Elevation (West) (p. 8);
 - viii. Davis Street Elevation (South) (p. 9);
 - ix. Alley Elevation (East) (p. 10);
 - x. Context Section (p. 11).
2. The petitioner shall comply with the City's Noise Control Ordinance, Sections 20-13 et seq of the Revised Ordinances 2012, at all times, which may require among other measures, the installation and maintenance of acoustical treatments of any and all Heating, Ventilation and Air Conditioning (HVAC) units to comply with the provisions of said Ordinance.
3. All utilities shall be located underground from the property line.
2. Deliveries to the property shall be limited to 8:00 AM – 5:00 PM; deliveries shall be made only with so-called "box trucks" or smaller vehicles (excepting only in the event of emergencies where additional supplies are required, such as a storm or flood, and as approved by the Inspectional Services Department)
3. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant and recorded at the Middlesex South District Registry of Deeds herewith. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
4. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a Final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
5. Prior to the issuance of any Building Permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall
 - a. record at the Middlesex South District Registry of Deeds an Approval Not Required (ANR) plan duly-approved in accordance with Massachusetts General Laws Chapter 41 Section 81P that has the effect of combining the three separate lots that are the subject of this special permit (land presently known as Section 33, Block 10, Lots 1, 11, and 12) into one lot as well as all required documents evidencing such combination of the lots and their conveyance into common ownership; and

- b. file certified copies of such recorded documents with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
6. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval the petitioner shall submit a Construction Management Plan (CMP) for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 5:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services. The petitioner shall consider local traffic and pedestrian activity relating to the nearby public school in determining hours and routes for construction vehicles.
 - c. The proposed schedule of the project, including the general phasing of the construction activities and anticipated completion dates and milestones,.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for construction and delivery vehicles, and location of any security fencing.
 - e. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - f. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - g. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - h. A plan for rodent control during construction.
 - i. The CMP shall also address the following:
 - safety precautions;
 - anticipated dewatering during construction;
 - site safety and stability;
 - impacts on abutting properties.
7. The Petitioner shall be responsible for securing and paying for any and all police details that may be necessary for traffic control throughout the construction process as required by the Police Chief.

8. 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 Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded 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. Provided a Final Landscape Plan showing all new plantings, for review and approval by the Director of Planning and Development.
 - e. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - f. Obtained a written statement from the Engineering Division of Public Works that confirms the receipt of a certified copy of the recorded O&M in accordance with Condition #5.
9. The Petitioner shall be responsible for repairing any and all damage to public ways and property caused by any construction vehicles. All repair work shall be done prior to the issuance of a final Certificate of Occupancy, unless the Commissioner of Public Works determines that the damage to the public way is so extensive that it limits the use of the public way. In such case the repair work must be initiated within one month of the Commissioner making such determination and shall be conducted consistent with City Construction Standards, and shall be completed within an appropriate time frame, as determined by the Commissioner.
10. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed as required in Condition #1.
 - d. Incorporated the approved Operations and Maintenance Plan for Storm water Management on file with the City Clerk's Office into the Master Deed or otherwise noted in the chain of title of the property, which shall be recorded in conjunction with the completion of the construction of such special permit, proof of which shall be submitted to the Engineering Division.

- g. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
 - e. Filed with Department of Planning and Development, a statement evidencing the project's compliance with the standards for LEED Silver Certification.
11. Notwithstanding the provisions of Condition #10 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed 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.
 12. All landscaping and fencing shall be maintained in good condition and shall be replaced with similar materials as necessary.
 13. Upon occupancy of the Project, the Petitioner shall institute a Transportation Demand Management Plan ("TDM Plan"), the details of which are set forth in Schedule A attached hereto. The Petitioner shall be obligated to continue such TDM Plan for the life of the Project and bear any and all costs associated with said plan.