



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Barney S. Heath
Director

PUBLIC HEARING/WORKING SESSION MEMORANDUM

DATE: March 6, 2020
MEETING DATE: March 10, 2020
TO: Land Use Committee of the City Council
FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Deputy Director of Planning and Development
Neil Cronin, Chief Planner for Current Planning
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 #15-20(2)

180 Wells Avenue

Petition #15-20(2) for a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Board Orders #148-15(2) and (3) to revise the design of the parking structure and surface parking to the approved three-story office building, to reduce interior landscaping requirements, to reduce loading bay length requirements and to allow reduced minimum open space requirements which requires an amendment to the deed restriction at 180 Wells Avenue, Ward 8, Newton Centre, on land known as Section 84 Block 34A Lot 03, containing approximately 219,980 sq. ft. of land in a district zoned LIMITED MANUFACTURING

The Land Use Committee (the "Committee") opened the public hearing on this petition, #15-20, on January 14, 2020. The petition was advertised incorrectly; therefore, the petition was docketed, advertised, and noticed again, #15-20(2). A new public hearing was then opened on February 11, 2020. Both public hearings remain open for the petitioner to respond to questions and concerns raised in the Planning Department's memorandum and at the public hearings by the Committee as well as by members of the public. This memo reflects those issues and concerns, as well as revised materials submitted by the petitioner as of March 4, 2020.

Background

The petitioner received a special permit in 2015, Council Order #148-15(2), to construct a three-story, 60,601 square foot addition and an accessory parking deck (**Attachment A**). The petitioner is seeking to revise the parking deck to reduce its size and to increase the number of surface parking stalls.

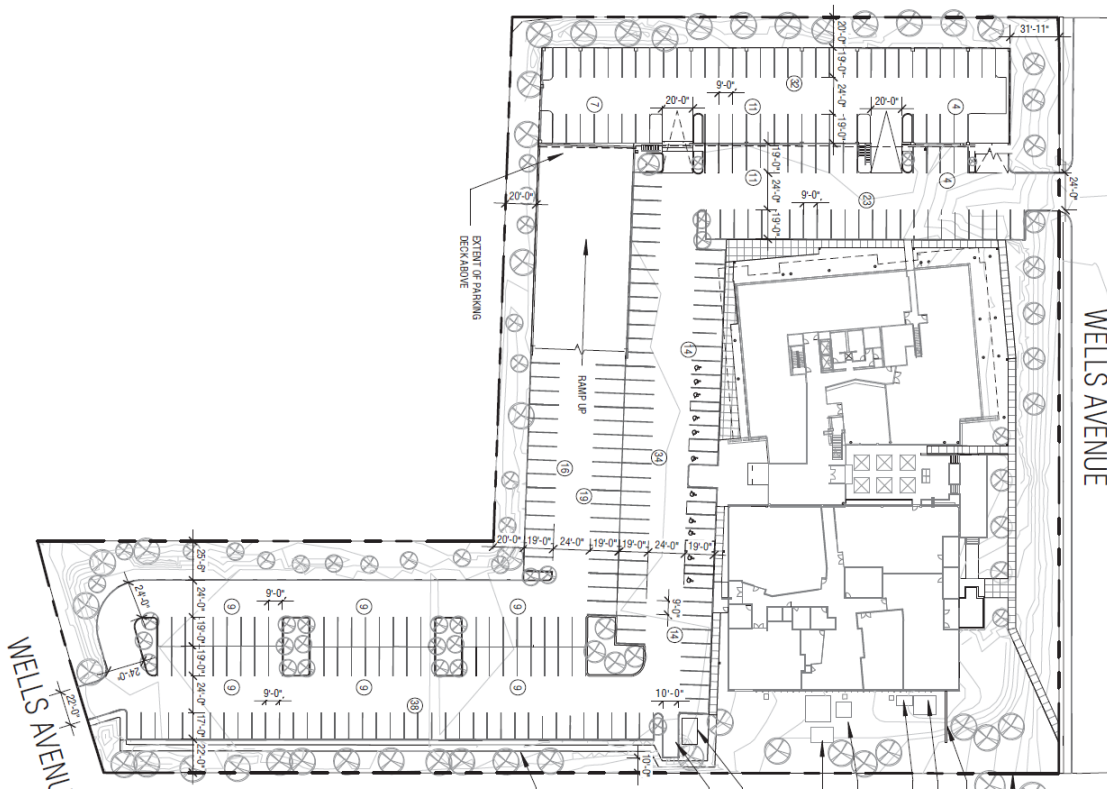
Increasing the number of surface parking stalls decreases the minimum open space required by the Wells Avenue Deed Restriction (the “Deed Restriction”) and the amount of interior landscaping required by the Newton Zoning Ordinance (the “Ordinance”). As such, the petitioner requires special permits to amend the site plan, to amend the Deed Restriction, and to reduce the amount of interior landscaping.

Plan Modifications

In response to comments from the Committee, the petitioner revised the plans as follows:

- Eight surface parking stalls were replaced with two landscape islands.
- A four-foot wide pedestrian path is proposed along the southern boundary from the western frontage to the office building.

Figure I: Revised Site Plan



Replacing the eight parking stalls with additional landscaping increases the parking facility landscaping to 5 percent of the parking facility area, which is the minimum required by the Ordinance. As such, the petitioner no longer requires this relief and should withdraw their request. The increase in landscaping also increases the open space calculation from 34 percent to 35 percent; however, an amendment is still required because the Deed Restriction requires 40%.

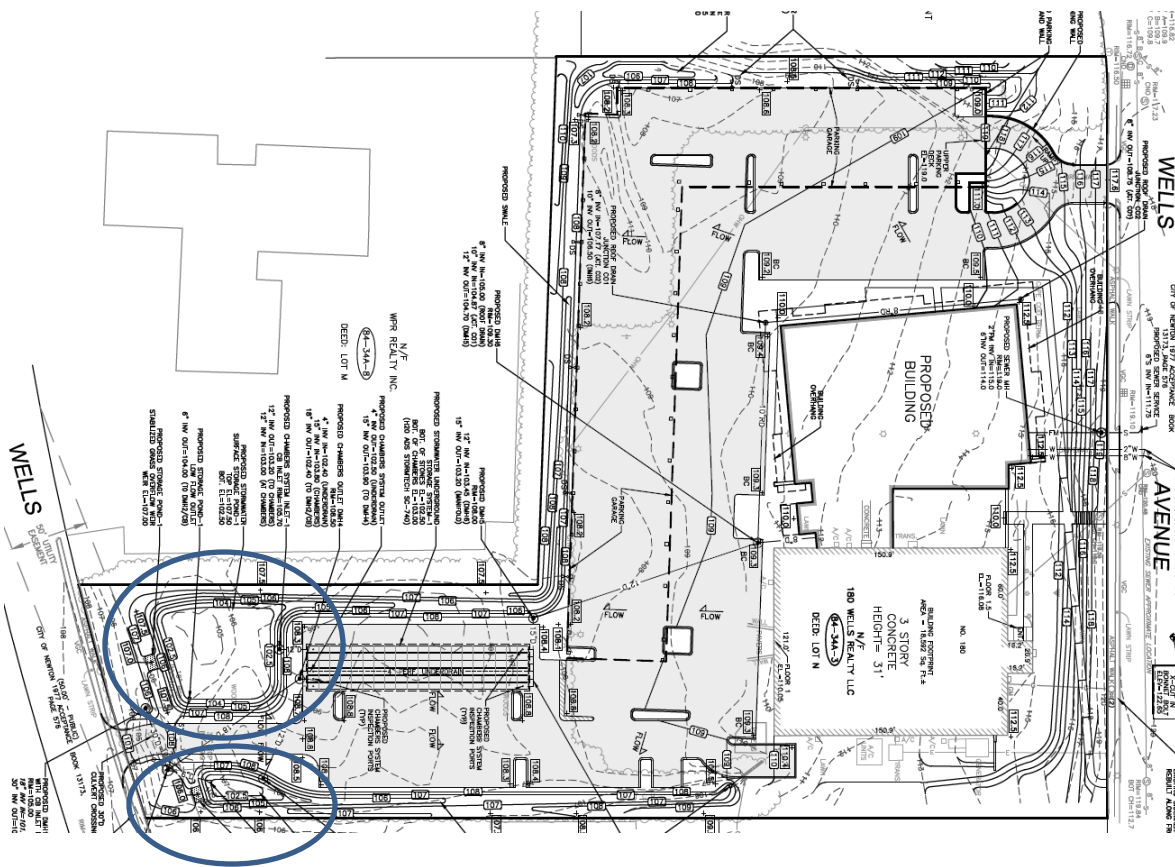
Open Space

In 1969, the Deed Restriction rezoned all properties within Wells Avenue from residential to Limited Manufacturing and imposed dimensional controls that were more stringent than the zoning controls in place at the time. The Deed Restriction has been amended many times, the most noteworthy was

in 1972 when the amount of allowable square footage was doubled to 1,200,000 square feet. The petitioner is seeking to amend the Deed Restriction to reduce the minimum open space requirement from 40 percent to 35 percent; the Deed Restriction defines open space as the ground area “not occupied by buildings, parking or loading areas or roadways”.

When obtaining Council Order #148-15(2), the petitioner did also obtain an amendment to the Deed Restriction to increase the amount of office space allowed within Wells Avenue and, to the extent necessary, that the petition reduced the amount of open space within Wells Avenue to less than 40 percent, not the subject property. To reduce the length of the parking deck and still comply with the number of stalls required by the Ordinance, the petitioner is proposing to construct parking stalls in the panhandle. This area was the location of two stormwater retention ponds which are now unnecessary because all stormwater will be directed to subsurface infiltration chambers.

Figure II: 2015 Grading and Drainage Plan



As stated in the Public Hearing Memorandum, the Planning Department was supportive of the petitioner’s investment in Wells Avenue and while staff recognized the importance of parking supply in attracting tenants, staff was concerned with the petitioner’s approach to reduce open space in favor of surface parking. The petitioner has removed excess parking to increase the amount of interior landscaping and is now compliant with the Ordinance. The Planning Department believes the reduction in open space is minor from the approved plan.

Circulation

In the Public Hearing Memorandum, staff suggested that the petitioner consider installing wayfinding signage and/or installing pavement markings to guide drivers within the site. Alternatively, staff suggested that the petitioner remove excess stalls in the panhandle to create breaks in the row of parking to increase circulation. The petitioner stated that there will be some form of pavement markings with a wayfinding program to guide drivers within the site and did remove excess stalls in favor of landscaping rather than breaks; staff is amenable to this change as it will visually break up the parking.

The petitioner is requesting a waiver from the loading dimensions, specifically to allow a space 29 feet long rather than 35 feet long. The petitioner states that this space will accommodate the size of trucks that supply the existing structure and will supply the proposed structure. As a result, the Planning Department is not concerned with the dimensions and notes that its size and location will not affect circulation within the site.

Traffic Mitigation

Council Order #148-15(2) required the petitioner to donate \$80,000 to create a Traffic Mitigation Fund which would “pay for traffic and roadway improvements, studies/technical assistance, and transportation programs selected by the City that will mitigate potential impacts of the project or improve traffic safety and flow at the intersection of Wells Avenue and Nahanton Street, the intersection of Nahanton Street and Winchester Street, and on Wells Avenue and Nahanton Street”. This amount was based on the project’s expected utilization of the Nahanton Street and Wells Avenue traffic signal as well as the Nahanton Street and Winchester Street traffic signal. The Planning Department spoke with a member of the Department of Public Works who stated the City has not finalized the design of these two intersections. Staff believes a better use of these funds may be for the soon to be established Wells Avenue Shuttle. The shuttle will connect Wells Avenue with certain nearby transit stations, providing a last mile connection for those commuting via transit. Staff has modified the condition in the attached draft Council Order (**Attachment B**).

Council Order #148-15(2) also requires the petitioner to implement a transportation demand management program to be reviewed and approved by the Department of Planning and Development, “which program shall encourage the use of public transportation, promote the use of bicycles by provisions of lockers and shower facilities for cyclists, promote ride sharing, and assistance in the organization as well as participation in a shuttle service for the Wells Avenue Office Park”. The petitioner will comply with this condition; however, the Planning Department suggests that the condition be amended to include the designation of on-site transportation coordinator to disseminate information to new tenants and employees such as public transportation services, bicycles and walking alternatives, and commuter options. Staff believes this person should also be a point of contact for the Wells Avenue shuttle.

Landscaping

Council Order #148-15(2) contained a condition requiring the petitioner to provide a final landscape plan “including more conifer tree plantings and additional plantings along the site perimeter adjacent to the parking deck for review and approval to the Director of Planning and Development.” Given the location of the deck, staff believes this additional landscaping should be installed along the western boundary (not the western frontage) and the northern boundary as shown on the below plan. Staff believes these boundaries are well planted and given that the parking deck is now three to four feet

lower than the approved deck, staff suggested that the petitioner identify gaps within these boundaries and revised the landscape plan accordingly. Staff expects to provide the Committee with an update at the continued public hearing/working session.

Lighting

Council Order #148-15(2) includes a waiver from the lighting requirements of the Ordinance. Given that the petitioner is increasing the amount of surface parking, the waiver is subject to further review. The petitioner provided a photometric plan; staff believes that the plan adequately illuminates the facility while preventing light trespass onto adjacent properties. In addition, Council Order #148-15(2) did contain a condition requiring the petitioner to “submit final lighting details illustrating light pole heights under 20 feet...” The submitted photometric plans are compliant with this condition.

ATTACHMENTS

Attachment A: Council Order #148-15(2)
Attachment B: DRAFT Council Order #15-20(2)



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Page: 1 of 10 11/16/2015 10:12 AM

RECEIVED
Newton City Clerk

2015 NOV 16 PM 3:05

David A. Olson, CMC
Newton, MA 02459CITY OF NEWTONIN BOARD OF ALDERMEN

October 19, 2015

ORDERED:

54096/488

#148-15(2)

OCT 21 PM 3:04

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story addition to a three-story building, which will increase the gross floor area in aggregate by more than 20,000 square feet, and to waive certain parking facility design controls as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The specific site is an appropriate location for the expanded office building, because it is located within the Wells Avenue Office Park proximate to other large office buildings. (§30-24(d)(1))
2. The proposed expansion of the office use, as developed and operated, will not adversely affect the neighborhood, as it is a use allowed by right in the Limited Manufacturing district and is consistent with the uses permitted by the Deed Restriction. (§30-24(d)(2))
3. The proposed project will not result in the creation of a nuisance or hazard to vehicles or pedestrians on the site or in the surrounding neighborhood. (§30-24(d)(3))
4. Access to the site is appropriate for the types and number of vehicles involved. The Traffic Impact Assessment report indicates that Wells Avenue has adequate capacity to accommodate the additional vehicle trips generated by the proposed expansion of the office use, and the petitioner has agreed to implement a Transportation Demand Management Plan, which includes participation in the 128 Business Council shuttle bus. In addition, City planned improvements to the signalization at the Wells Avenue/Nahanton Street and Winchester/Nahanton Street intersections are intended to mitigate additional traffic generated by potential future development within the Wells Avenue Office Park. (§30-24(d)(4))
5. The proposed project will contribute to the efficient use and conservation of natural resources and energy. The petitioner has incorporated numerous environmentally responsible and sustainable features into the building design, site design and facility programming, extensive landscaping using primarily native and drought tolerant tree and plant species, and programs to encourage employees to use modes of transit other than single-occupancy vehicles trips. The petitioner will implement an advanced stormwater management system designed to capture and infiltrate runoff generated in a 1% ("100

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Wellesley, MA 02461

year") storm for both the new and existing building as well as for new parking and nearly all of the existing parking areas, substantially relieving the city stormwater system and improving water quality. (§30-24(d)(5))

6. It is within the public interest to allow a reduction in the parking facility lighting level to a level that will still allow the facility to be safely lighted and reduce the off-site release of light on to adjacent properties and streets. (§30-19(J)(1)(a) and §30-19(m))
7. It is within the public interest to allow the parking of vehicles within five feet of setback lines, as no negative effect upon abutting properties will be created due to the amount of perimeter landscaping proposed. (§30-19(H)(1) and §30-19(m))
8. The petitioner's voluntary contribution of the construction of concrete sidewalks and pedestrian aprons along the frontage of the property bordering Wells Avenue is a public benefit to the City that will enhance the safety of pedestrians and improve pedestrian movements in the Wells Avenue Office Park.
9. The petitioner's voluntary contribution to a Traffic Mitigation Fund will help pay for future infrastructure improvements to the Wells Avenue/Nahanton Street and Winchester/Nahanton Street intersections as well as other traffic improvements or studies that the City may undertake to improve traffic circulation into and out of Wells Avenue Office Park and along the Nahanton traffic corridor.

PETITION NUMBER: #148-15

PETITIONER: Intrum Corporation

LOCATION: 180 Wells Avenue, Ward 8, on land known as Section 84, Block 34A, Lot 3, containing approximately 220,097 square feet of land

OWNER: 180 Wells Realty, LLC

ADDRESS OF OWNER: 60 Wells Avenue, Suite 100
Newton, MA 02459

TO BE USED FOR: Office Building Expansion

EXPLANATORY NOTES: §30-13(g)(2), to allow the construction of an addition to a building greater than 20,000 square feet; 30-19(J)(1)(a) and §30-19(m), to waive parking facility dimensional control to allow parking stalls to be located within five feet from side/rear setback lines; and §30-19(H)(1) and §30-19(m), to allow for waiver of requirement of one foot candle lighting level on entire surface of parking facility.

ZONING: Limited Manufacturing district

Approved subject to the following conditions:

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

- a. Architectural and civil plan set titled "Repositioning of 180 Wells Avenue, MA 02459", prepared by various design professionals (noted below), and dated July 21, 2015, or as revised. The plan set consists of the following twenty-four (24) sheets:

- i. Cover;
 - ii. Building Rendering Views – View from West, prepared by Elkus Manfredi Architects;
 - iii. Building Rendering Views – View from North, prepared by Elkus Manfredi Architects;
 - iv. Building Rendering Views – Courtyard View, prepared by Elkus Manfredi Architects;
 - v. Area Plan, prepared by Site Design Engineering, LLC.;
 - vi. Topographic Survey (Existing), prepared by R.E. Cameron & Associates;
 - vii. Proposed Architectural Site Layout Plan, prepared by Elkus Manfredi Architects;
 - viii. Proposed Landscape Site Plan, unknown preparer;
 - ix. Proposed Landscape Site Plan, unknown preparer;
 - x. Landscape Concept, prepared by Carol R. Johnson Associates Landscape Architects;
 - xi. Landscape Concept, prepared by Carol R. Johnson Associates Landscape Architects;
 - xii. Landscape Concept, prepared by Carol R. Johnson Associates Landscape Architects;
 - xiii. Photometric Plan;
 - xiv. Site Plan, prepared by Site Design Engineering, LLC., revised September 2, 2015;
 - xv. Grading & Utility Plan, prepared by Site Design Engineering, LLC., revised September 2, 2015;
 - xvi. Building Elevations (East and West Elevations), prepared by Elkus Manfredi Architects;
 - xvii. Building Elevations (North and South Elevations), prepared by Elkus Manfredi Architects;
 - xviii. Context Perspective Views, prepared by Elkus Manfredi Architects;
 - xix. Context Perspective Views, prepared by Elkus Manfredi Architects;
 - xx. Context Perspective Views, prepared by Elkus Manfredi Architects;
 - xxi. Context Perspective Views, prepared by Elkus Manfredi Architects;
 - xxii. Plan Diagram First Floor, prepared by Elkus Manfredi Architects;
 - xxiii. Plan Diagram Second Floor, prepared by Elkus Manfredi Architects; and
 - xxiv. Plan Diagram Third Floor, prepared by Elkus Manfredi Architects.

2. The trash collection area shall be maintained in a sanitary condition at all times when not in use. The collection/emptying of such receptacles shall only occur on weekdays between 8:00 a.m. and 5:00 p.m.
3. The petitioner shall not use salt or associated chemicals on roadways and parking areas.
4. All landscaping associated with this Special Permit/Site Plan Approval shall be maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
5. The petitioner shall execute a Traffic Mitigation Fund Agreement and donate \$80,000.00 which it has offered to pay for traffic and roadway improvements, studies/technical assistance, and transportation programs selected by the City that will mitigate potential impacts of the project or improve traffic safety and flow at the intersection of Wells Avenue and Nahanton Street, the intersection of Nahanton Street and Winchester Street, and on Wells Avenue and Nahanton Street. The form of the Traffic Mitigation Fund Agreement is set out in Exhibit A attached to this Board Order. Each project funded, in whole or in part through the Traffic Mitigation Fund shall be undertaken or constructed by the City or a contractor engaged by the City, not by the petitioner. The Commissioner of Public Works, or her/his designee, shall request the Mayor to request an appropriation from the Board of Aldermen for any project to be funded, in whole or in part, by the Traffic Mitigation Fund.
6. The petitioner shall implement a transportation demand management program to be reviewed and approved by the Department of Planning and Development, which program shall encourage the use of public transportation, promote the use of bicycles by provisions of lockers and shower facilities for cyclists, promote ride sharing, and assistance in the organization as well as participation in a shuttle service for the Wells Avenue Office Park.
7. Snow may be stored on-site in designated snow storage areas, or otherwise snow shall be removed from the site. If snow is to be stored on-site, a snow storage plan shall be submitted for review and approval to the Director of Planning and Development and City Engineer.
8. Signage shall conform to the City standards and provisions of the Deed Restriction. The Urban Design Commission and the Director of Planning and Development shall review and approve all by right signs.
9. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall submit final lighting details illustrating light pole heights under 20 feet, bollard light fixtures, and shielded light fixtures that will be installed on the site, for review and approval by the Director of Planning and Development.
10. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a final site plan which includes an uninterrupted walkway linking the building to the southeast frontage of the site on Wells Avenue for review and approval by the Director of Planning and Development and City Engineer.
11. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall have filed a Tree Permit with the Director of Urban Forestry to ensure compliance with the City Tree Preservation Ordinance.
12. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall submit a Construction Management Plan 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 Board Order and shall include, but not be limited to, the following provisions:

- a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 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. Except as to construction within the proposed building once it is fully enclosed.
 - c. The proposed schedule of the project, including the general phasing of the construction activities.
 - 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 delivery vehicles, and location of any security fencing.
 - e. Proposed truck route(s) that minimize travel on local streets.
 - f. 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.
 - g. 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.
 - h. A plan and proposed methods for control of any blasting work, in accordance with City and State regulations.
 - i. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - j. A plan for rodent control during construction.
13. Prior to issuance of a certificate of occupancy, the petitioner, at its sole expense, shall complete pedestrian safety improvements consisting of the installation of concrete sidewalks and pedestrian aprons along the frontage of the property bordering Wells Avenue as well as an uninterrupted walkway linking the building to the southeast frontage of the site on Wells Avenue. The petitioner shall submit final details and plans for such improvements to the City Engineer for review and approval as part of the building permit process.
14. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a final landscape plan including more conifer tree plantings and additional plantings along the site perimeter adjacent to the parking deck for review and approval by the Director of Planning and Development.
15. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:

- a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval and an amendment to the Deed Restriction as proposed in Board Order #148-15(2) with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Board Orders with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Executed the Traffic Mitigation Fund Agreement and payed of the traffic mitigation contribution per Condition #5.
 - d. Submitted final lighting details to be reviewed and approved by the Director of Planning and Development per Condition #9.
 - e. Submitted final site plan including an uninterrupted pedestrian walkway linking the building to the southeast frontage of the site on Wells Avenue for review and approval Director of Planning and Development and City Engineer per Condition #10.
 - f. Filed a Tree Permit with the City's Director of Urban Forestry per Condition #11.
 - g. Submitted a construction management plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer per Condition #12.
 - h. Filed plans for pedestrian safety improvements consisting of the installation of concrete sidewalks and pedestrian aprons along the frontages of the property bordering Wells Avenue for review and approval by the City Engineer per Condition #13.
 - i. Filed a final landscape plan for review and approval by the Director of Planning and Development per condition #14.
 - j. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
16. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioners 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 by a licensed surveyor.
 - c. Constructed, at its sole expense, the pedestrian safety improvements referenced in Condition #13, above, and all consistent with the plans to be approved by City Engineer. The petitioner shall submit a final as-built for the foregoing proposed improvements to the City Engineer for review and approval.
 - d. Filed with the Department of Planning and Development, a statement from the City's Tree Warden stating that the petitioner has complied with all requirements of the City's Tree Preservation Ordinance.
 - e. Submitted to the Director of Planning and Development for review and approval a final transportation demand management plan per Condition #6.

- f. 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, fencing, signage and parking areas.
17. Notwithstanding the provisions of Condition #16f above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, signage and parking areas 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 site work to secure installation of such landscaping, fencing, signage and parking areas.

Under Suspension of Rules

Readings Waived and Approved

22 yeas 0 nays 2 absent (Aldermen Johnson and Yates)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on October 21, 2015. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



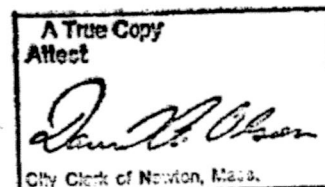
(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 10/31 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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



CITY OF NEWTON

IN BOARD OF ALDERMEN

October 19, 2015

ORDERED:

54096/488

That the Board, finding that the proposed amendment can be made without substantially derogating from the purpose for which the City of Newton was granted certain restriction in a deed from the Trustees of the "Newton at 128 Realty Trust" to the City of Newton dated May 22, 1969 and recorded with the Middlesex South Registry of Deeds in Book 11669, Page 535, the Board hereby agrees to amend the aforesaid restriction as follows:

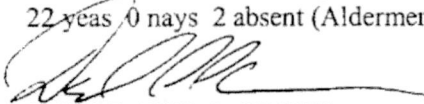
PETITION NUMBER:	148-15(3)
PETITIONER:	Intrum Corporation
LOCATION:	180 Wells Avenue; Ward 8, Section 84, Block 34A, Lot 3
OWNER:	180 Wells Realty, LLC
ADDRESS OF OWNER:	60 Wells Avenue Newton, MA 02459
TO BE USED FOR:	Office Building Expansion

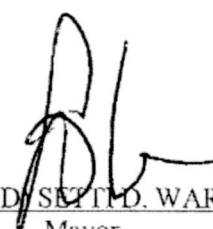
That the restriction adopted by the Board Order #276-68(3) as conveyed to the City of Newton by a Deed recorded with Middlesex South District Registry of Deeds in Book 11699, Page 535 as amended by Board Order nos. 570-71(2), 189-72, 734-72, 591-76, 541-89(2), 282-91, 293-93(2), 469-93, 428-01(B), 38-03(2), 324-06(2), 325-06(2), 231-07(2), 56-12, and 257-13(3) and 124-15(2) be further amended as specifically set out in Exhibit A attached hereto for the sole purpose of permitting the construction of a three-story addition to a three-story building which will increase the gross floor area in the aggregate by more than 20,000 square feet and to waive certain parking facility design controls at 180 Wells Avenue as proposed in Special Permit Board Order 148-15(2), to be used for offices and all accessory uses as are proper, usual and customary in connection with such use.

1. The Board finds that granting the specific amendment to the deed restriction to allow for the expanded commercial use proposed for 180 Wells Avenue will not diminish the safeguards for which the restriction was implemented, including floodplain management and watershed protection.
2. The amendment to the deed restriction authorized by this Board Order is limited to the extent necessary to develop the special permit project at 180 Wells Avenue authorized by Special Permit Board Order #148-15(2).

3. The amendment to the deed restriction authorized by this Board Order is subject to the approval and exercise of Special Permit Board Order #148-15(2) in accordance with the terms and conditions of such Board Order.
4. His Honor the Mayor be and hereby is authorized to execute on behalf of the City such recordable documents as may be usual, customary or necessary to give effect to this Order of the Board.

Under Suspension of Rules
Readings Waived and Adopted
22 yeas 0 nays 2 absent (Aldermen Johnson and Yates)


(SGD) DAVID A. OLSON
City Clerk


(SGD) SETH D. WARREN
Mayor

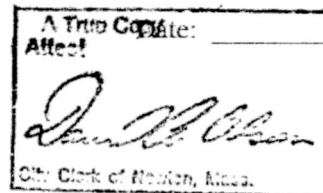


EXHIBIT A

To Board Order #148-15(3)

REQUESTED AMENDMENTS TO THE WELLS AVENUE DEED RESTRICTION FOR THE SOLE PURPOSE OF THE DEVELOPMENT OF 180 WELLS AVENUE AS PROPOSED IN SPECIAL PERMIT BOARD ORDER #148-15(2) AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF SUCH SPECIAL PERMIT BOARD ORDER.

That the restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended to allow the following at 180 Wells Avenue only as proposed in Special Permit Board Order #148-15(2):

- (1) a greater percentage of office space in the entire office park to exceed 600,000 square feet in floor area;
- (2) less open space as to the subject parcel and all other parcels constituting Parcel 1 than the maximum 40% requirement; and
- (3) the property and proposed building thereon to exceed the maximum Floor Area Ratio of 0.25, and to allow the maximum Floor Area Ratio for the entire Wells Office Park to exceed 0.25.

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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Council Order #148-15(2) and to waive the loading dimensions construct as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Rick Lipof:

1. The specific site is an appropriate location for the proposed amendments to Council Order #148-15(2) because the site is governed by a special permit and the Wells Avenue Deed Restriction which control development on site (§7.3.3.1).
2. The use, as developed and operated, due to the proposed amendments to Council Order #148-15(2) will not adversely affect the neighborhood because the petitioner is only amending the site plan (§7.3.3.2).
3. There will be no nuisance or serious hazard to vehicles or pedestrians due to the installation of a pedestrian walkway protected from the parking facility (§7.3.3.3).
4. Access to the site is appropriate for the types and numbers of vehicles involved because the intensity of use is not changing from what was approved under Council Order #148-15(2)(§7.3.3.4).
5. A waiver from the loading dimensions is in the public interest because loading will be accommodated on site without affecting pedestrian or vehicular circulation (§5.1.12.D.1, and §5.1.13.)

PETITION NUMBER: #15-20(2)

PETITIONER: Intrum Corporation

LOCATION: 180 Wells Avenue, Ward 8, on land known as Section 84, Block 34A, Lot 3, containing approximately 220,097 square feet of land

OWNER: 180 Wells Realty, LLC

ADDRESS OF OWNER: 60 Wells Avenue, Suite 100
Newton, MA 02459

TO BE USED FOR: Site Plan Modification

EXPLANATORY NOTES: Special Permit to amend Council Order #148-15(2) which allowed a three-story addition to a three-story building, which will increase the gross floor area in aggregate by more than 20,000 square feet, and to waive certain parking facility design controls to waive the loading dimensions and to amend the Wells Avenue Deed Restriction to reduce the minimum open space from 40 percent to 35 percent.

ZONING: Limited Manufacturing district

This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #15-20(2) are null and void.

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. Architectural and civil plan set entitled "Special Permit Modification Submission", dated October 10, 2019, revised February 18, 2020, consisting of the following nineteen (19) sheets.
2. The trash collection area shall be maintained in a sanitary condition at all times when not in use. The collection/emptying of such receptacles shall only occur on weekdays between 8:00 a.m. and 5:00 p.m.
3. The petitioner shall not use salt or associated chemicals on roadways and parking areas.
4. All landscaping associated with this Special Permit/Site Plan Approval shall be maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
5. The petitioner shall execute a Traffic Mitigation Fund Agreement and donate \$80,000.00 which it has offered to pay for the operation of a shuttle serving Wells Avenue.
6. The petitioner shall implement a transportation demand management program to be reviewed and approved by the Department of Planning and Development, which program shall encourage the use of public transportation, promote the use of bicycles by provisions of lockers and shower facilities for cyclists, promote ride sharing, and assistance in the organization as well as participation in a shuttle service for the Wells Avenue Office Park. The

program shall also include the designation of an on-site transportation coordinator to disseminate information to new tenants and employees and act as the point of contact for the operator of the Wells Avenue shuttle.

7. Snow may be stored on-site in designated snow storage areas, or otherwise snow shall be removed from the site. If snow is to be stored on-site, a snow storage plan shall be submitted for review and approval to the Director of Planning and Development and City Engineer.
8. Signage shall conform to the City standards and provisions of the Deed Restriction. The Urban Design Commission and the Director of Planning and Development shall review and approve all by right signs.
9. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall submit final lighting details illustrating light pole heights under 20 feet, bollard light fixtures, and shielded light fixtures that will be installed on the site, for review and approval by the Director of Planning and Development.
10. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a final site plan which includes an uninterrupted walkway linking the building to the southeast frontage of the site on Wells Avenue for review and approval by the Director of Planning and Development and City Engineer.
11. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall have filed a Tree Permit with the Director of Urban Forestry to ensure compliance with the City Tree Preservation Ordinance.
12. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall submit a Construction Management Plan 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 Board Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 7:00 p.m. on Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Mayor. Except as to construction within the proposed building once it is fully enclosed.
 - c. The proposed schedule of the project, including the general phasing of the construction activities.
 - 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 delivery vehicles, and location of any security fencing.
 - e. Proposed truck route(s) that minimize travel on local streets.
 - f. 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.
- g. 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.
 - h. A plan and proposed methods for control of any blasting work, in accordance with City and State regulations.
 - i. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - j. A plan for rodent control during any demolition activities and during construction.
13. Prior to the issuance of a building permit, the petitioner shall obtain a license in a form approved by the Law Department to cross and to park within the City's easement along the western frontage.
14. Prior to issuance of a certificate of occupancy, the petitioner, at its sole expense, shall complete pedestrian safety improvements consisting of the installation of concrete sidewalks and pedestrian aprons along the frontage of the property bordering Wells Avenue as well as an uninterrupted walkway linking the building to the southeast frontage of the site on Wells Avenue. The petitioner shall submit final details and plans for such improvements to the City Engineer for review and approval as part of the building permit process.
15. Prior to the issuance of any building permit pursuant to this Special Permit/Site Plan Approval, the petitioner shall provide a final landscape plan including more conifer tree plantings and additional plantings along the site perimeter adjacent to the parking deck for review and approval by the Director of Planning and Development.
16. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
- a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval and an amendment to the Deed Restriction as proposed in Council Order #15-20(3) with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Council Orders with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Executed the Traffic Mitigation Fund Agreement and paid the traffic mitigation contribution per Condition #5.
 - d. Submitted final lighting details to be reviewed and approved by the Director of Planning and Development per Condition #9.
 - e. Submitted final site plan including an uninterrupted pedestrian walkway linking the building to the southeast frontage of the site on Wells Avenue for review and approval Director of Planning and Development and City Engineer per Condition #10.
 - f. Filed a Tree Permit with the City's Director of Urban Forestry per Condition #11.

- g. Submitted a construction management plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer per Condition #12.
 - h. Filed plans for pedestrian safety improvements consisting of the installation of concrete sidewalks and pedestrian aprons along the frontages of the property bordering Wells Avenue for review and approval by the City Engineer per Condition #14.
 - i. Filed a final landscape plan for review and approval by the Director of Planning and Development per condition #15.
 - j. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
17. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioners 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 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 by a licensed surveyor.
 - c. Constructed, at its sole expense, the pedestrian safety improvements referenced in Condition #14, above, and all consistent with the plans to be approved by City Engineer. The petitioner shall submit a final as built plan for the improvements to the City Engineer for review and approval.
 - d. Submitted to the Director of Planning and Development for review and approval a final transportation demand management plan per Condition #6.
 - e. 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, fencing, signage and parking areas.
18. Notwithstanding the provisions of Condition #17 above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, signage and parking areas 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 site work to secure installation of such landscaping, fencing, signage and parking areas.