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#476-22
199 Boylston Street

12/08/2022 11:08:40

CITY OF NEWTON

IN CITY COUNCIL

November 7, 2022



2022 00178894

Bk: 81034 Pg: 578 Doc: DECIS
Page: 1 of 4 12/08/2022 11:07 AM

ORDERED:

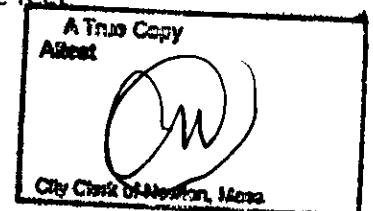
That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the Site, as defined below, will be in harmony with the conditions, safeguards, and limitations set forth in the Zoning Ordinance, and that said action will be without substantial 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 Condition 5 of Council Order 180-18 to no longer require an amendment to the special permit based on an increase in the number of shuttles and shuttle destination for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof.

1. The specific site is an appropriate location for amendment to Council Order #180-18 that removes additional oversight from the Land Use Committee because the appropriate committee to review shuttle operations and issue shuttle licenses is the Public Safety and Transportation Committee. (§7.3.3.C.1)
2. The amendment to Council Order 180-18 will not adversely affect the surrounding neighborhood because the shuttles will still be reviewed by the City Council under the Public Safety and Transportation Committee. (§7.3.3.C.2)
3. The amendment to Council Order 180-18 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 because the site is located on the Boylston Street/Route 9 corridor with sufficient ingress and egress points. (§7.3.3.C.4)

PETITION NUMBER: #476-22

PETITIONER: Mall at Chestnut Hill LLC

LOCATION: 199 Boylston Street (the Project Site) on land known as SBL 65 008 0010 containing 324,691 square feet



OWNER: Mall at Chestnut Hill, LLC

ADDRESS OF OWNER: P.O. Box 6120
Indianapolis, IN 46206-6120

TO BE USED FOR: Amend Condition 5 of Special Permit 180-18 to no longer require an amendment to the special permit based on an increase in the number of shuttles and/or shuttle destination

CONSTRUCTION: Site Work Only

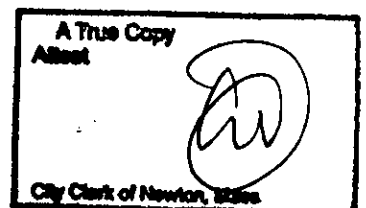
EXPLANATORY NOTES: §7.3.3 to amend Condition 5 of Special Permit #180-18

ZONING: Business 1

This special permit restates the conditions 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 #476-22 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. Civil Plan Set, prepared by RJ O’Connell and Associates, signed and stamped by John J. Stoy, professional engineer, last revised April 25, 2018, consisting of two (2) sheets:
 - Overall Site Plan
 - Site Plan
2. Prior to an issuance of a certificate of occupancy for the improvements authorized by the Order, the shuttle operator shall obtain a bus license from the City of Newton acting by and through the City Council through its Public Safety and Transportation Committee
3. The petitioner shall install a bus shelter and a light at the bus stop.
4. The parking stalls shall only be dedicated to the third-party users Monday through Friday from 5:30 a.m. to 9:00 p.m. but shall not be dedicated to the third-party users on major shopping days during these days.
5. The parking stalls leased as part of this Order shall only be dedicated to shuttle users. Any increase in the number of stalls leased shall require an amendment to this Special Permit/Site Plan Approval.



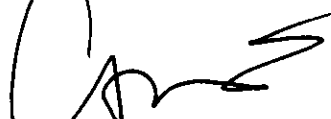
- 6. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this board order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.

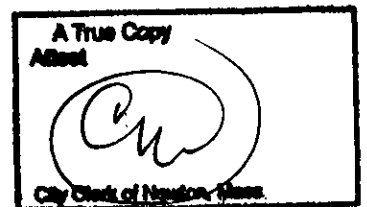
- 7. No Final Inspection and/or Occupancy Permit for the portion of the building covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Provided evidence of licensure from the City of Newton to the Director of Planning and Development and the Commissioner of Inspectional Services in accordance with Condition #2 above.

Under Suspension of Rules
 Readings Waived and Extensions of Time Approved
 23 Yeas, 0 Nays, 1 Absent (Councilor Norton)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council 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 November 9, 2022. 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) CAROL MOORE
 Clerk of the City Council



I, Carol Moore, as the Clerk of the City Council 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 Newton City Council in the Office of the City Clerk on November 9, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) CAROL MOORE
Clerk of the City Council

