

Trio Proposed Amendment

Trio, located at 845 Washington Street and 245 Walnut Street, was originally permitted pursuant to Board Order #96-17, and amended by Board Order #216-18 to permit a revised design for a 140 unit version of the project, and by Board Order #179-19 to modify the prohibition on commercial banks to include a bank in the tenant mix.

The owner of Trio, Mark Newtonville, LLC, now seeks to modify the Board Orders in two ways.

The first modification relates to parking. The project has 210 garage parking stalls and 99 surface stalls. While the surface parking lot is frequently close to or at capacity, a parking utilization study commissioned by the petitioner has determined that on average, 136 of the garage stalls are rented to residential tenants on a month to month basis. An additional 10 of the garage stalls are rented to commercial tenants. Accordingly, 64 parking stalls are not rented and thus not used every month.¹ The petitioner is seeking to increase its parking waiver of 97 stalls to 172 stalls to permit the petitioner to rent up to 75 stalls to members of the broader Newton community (Section 5.1.13). The petitioner also seeks the flexibility to provide non accessory parking as well as to assign parking pursuant to Section 5.1.3.E.

The second modification relates to the definition of formula businesses which was included in Condition 3 of #179-19. The petitioner seeks greater flexibility in leasing to local chains, such as the bakery Tatte, which has 22 locations throughout Massachusetts.

Current language with requested changes is set forth below:

In the event that the Petitioner leases commercial space to a commercial bank as allowed by this amendment, the Petitioner is required to reserve (i.e., whether leased or vacant and available for lease) at least 10,000 rentable square feet within the ground floor only, for lease to non-formula retail, restaurant, or personal service use tenants, which requirement shall be in place prior to, and remain in effect after, the issuance of a certificate of occupancy for a commercial bank. For the purposes of this condition, formula retail, restaurant, or personal service use is defined as “Any establishment, which along with ~~nine~~ twenty four or more other businesses ~~regardless of ownership or location worldwide,~~ located within the Commonwealth of Massachusetts does or is required as a franchise, by contractual agreement, or by other agreement to maintain two of the following features:

- A standardized menu;
- A standardized façade;
- A standardized décor and/or color scheme;
- A standardized uniform;
- A standardized sign or signage; or
- A standardized trademark or service mark.”

¹ While 146 garage stalls are rented on an average month, actual utilization is lower than 146. The maximum utilization (i.e. stalls in which cars were observed to be parked) was 116 stalls during the monitoring period.