

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, 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 Council Order #179-19 to modify a condition that restricts leasing space to formula businesses, as recommended by the Land Use Committee and the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the amendment to Council Order #179-19 allowing a greater number of business types to locate at Trio given the site is located within a Village Center containing a variety of uses. (§7.3.3.C.1)
2. The amendment to Council Order #179-19 will not adversely affect the surrounding neighborhood and will help to foster a vibrant commercial center with appropriately-scaled businesses. (§7.3.3.C.2)
3. The amendment to Council Order #179-19 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 dedication of 10,000 square feet within the ground floor of the development to non-formula retail, restaurant, or personal service uses helps to create a more vibrant, diversified mix of businesses. Allowing small chain businesses with fewer than 24 locations worldwide within the ground floor will provide more flexibility to lease these spaces and create a dynamic mix of businesses, helping to provide for an active streetscape. The Council finds that dedicating space to such uses will support the village atmosphere of Newtonville.

PETITION NUMBER: #287-23

PETITIONER: Washington Place Owner LLC c/o Mark Development LLC

LOCATION: 845-853 Washington Street known as Section 21, Block 29, Lot 10

OWNER: Washington Place Owner LLC

ADDRESS OF OWNER: 275 Grove Street, Newton, MA 02466

TO BE USED FOR: Amendment to Special Permit #179-19 concerning leasing space to formula businesses

RELIEF GRANTED: Special permit per §7.3.3 to amend Council Order #179-19 to revise the definition of non-formula businesses (§7.3.3)

ZONING: Mixed Use 4 district

Approved subject to the following Conditions.

This Special Permit/Site Plan Approval amends Council Order 179-19 by replacing Condition 3 of that Order defining non-formula businesses with the following condition. All other conditions of Council Order #96-17 and Council Order #179-19 remain in full force and effect.

1. The petitioner shall reserve 10,000 rentable square feet within the ground floor only, to non-formula retail, restaurant, or personal service tenants. This requirement shall be met 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 and restaurant uses are defined as “Any establishment, which along with twenty-four or more other businesses regardless of ownership or location worldwide, 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.”

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2. The Petitioner shall record a certified copy of this Council Order with the Registry of Deeds for the Southern District of Middlesex County and file a copy of such recorded Council Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.