

84

845 Washington Street and 245 Walnut Street  
#179-19



2019 00159370  
Bk: 73468 Pg: 520 Doc: AMEND  
Page: 1 of 4 10/16/2019 03:07 PM

CITY OF NEWTON

IN CITY COUNCIL

September 16, 2019

2019 SEP 18 PM 4:20

ORDERED:

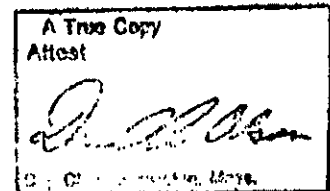
That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the Site, as defined below, will be in harmony with the conditions, safeguards, and limitations set forth in the Zoning Ordinance, and that said action will be without substantial 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 #96-17, as amended by Council Order #216-18, to remove a condition prohibiting the petitioner from leasing space to commercial banks, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz.

1. The specific site is an appropriate location for the amendment to Council Order #96-17 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 #96-17 as developed and operated will not adversely affect the surrounding neighborhood. (§7.3.3.C.2)
- ✓ 3. The amendment to Council Order #96-17 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 petitioner is offering to dedicate 10,000 square feet within the ground floor of the development to non-formula retail, restaurant, or personal service uses. This commitment will support independent, neighborhood-serving uses. The Council finds that dedicating space to such uses will enhance the village atmosphere in Newtonville.

PETITION NUMBER: #179-19

PETITIONER: Mark Newtonville, LLC

Ref: 71163-565



AS

LOCATION: 845 Washington Street and 245 Walnut Street known as Section 21, Block 29, Lot 10 (the Project Site) ✓

OWNER: Washington Place Owner, LLC ✓ ✓

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

TO BE USED FOR: A mixed use development in excess of 20,000 square feet consisting of three interconnected buildings with building heights of not more than 60 feet and five stories, total gross floor area not exceeding 236,000 square feet incorporating up to 160 residential units, not exceeding 48,000 square feet of commercial space, not less than 2,000 square feet of community space, not less than 309 on-site parking stalls outside at grade or within a below-grade garage, and related site improvements; to authorize uses including retail of more than 5,000 square feet, personal service of more than 5,000 square feet, restaurants over 50 seats, standalone ATMs, health club establishments at or above ground floor, animal service, and street level medical office

CONSTRUCTION: Masonry structure over a structural steel and concrete base

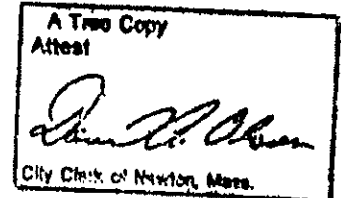
EXPLANATORY NOTES: Amendment to Council Order #96-17 to revise Condition #34 regarding leasing commercial space to banks.

ZONING: Business Use 2 and Mixed Use 4

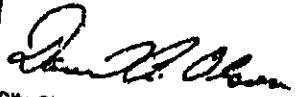
Approved subject to the following Conditions.

This Special Permit/Site Plan Approval amends Council Order #96-17 by modifying Condition #34 regarding the prohibition on commercial banks. All other conditions of Council Order #96-17 remain in full force and effect.

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:
  - l) Ground Floor Plan "Washington Place" dated March 20, 2019.



2. Condition #34 of Council Order #96-17 is amended by deleting the first sentence in its entirety, and replacing with the following language: "The Petitioner and its successors may lease commercial space in the Project to not more than one commercial bank with a total square footage not to exceed 3,800 square feet." The remainder of Condition #34 shall remain in full force and effect.
3. 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, and personal service use is defined as "Any establishment, which along with nine 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."
4. In the event that "The Family Shoe Barn" leases space within the Project, the square footage leased to such tenant shall not count towards the 10,000 rentable square feet dedicated to non-formula retail, restaurant, or personal service uses.
5. In the event that a non-formula tenant disqualifies itself in accordance with the criteria referenced in Condition #3 above, thereby decreasing the total rentable square feet reserved for non-formula tenants to below 10,000 square feet, the tenant may remain. The Petitioner shall dedicate the next available tenant space or spaces, to other non-formula tenants until the Project is compliant with Condition #3 above.
6. Prior to the issuance of any Building Permit for the ground floor, the Petitioner shall provide documentation indicating whether the proposed retail/restaurant/personal service use is a non-formula use in accordance with Condition #3 above. The Petitioner is not entitled to a building permit, if such permit would prevent the Project from complying with Condition #3 above.
7. Prior to issuance of any Building Permit for the Project, the Petitioner shall record a certified copy of this Council Order with the Registry of Deeds for the Southern District of Middlesex

A True Copy  
Attest  
  
City Clerk of Newton, Mass.

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.

Under Suspension of Rules

Readings Waived and Approved

✓ 20 Yeas 4 Nays (Councilors Laredo, Brousal-Glaser, Norton, Markiewicz)

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 September 18, 2019. 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.

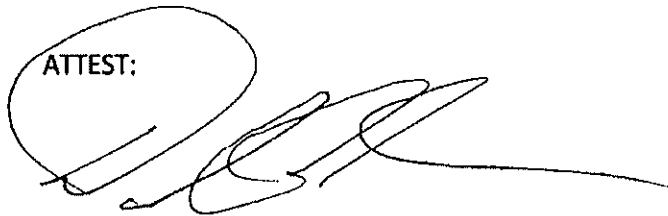
ATTEST:



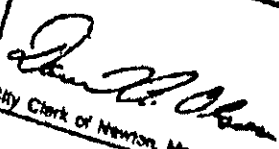
(SGD) DAVID A. OLSON, City Clerk  
Clerk of the City Council

I, David A. Olson, 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 September 18, 2019 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



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

A True Copy  
Attest  
  
City Clerk of Newton, Mass.