

Picadilly Square
#16-20

CITY OF NEWTON

IN CITY COUNCIL

March 16, 2020

RECEIVED
2020 MAR 18 AM 11:15
CITY CLERK
NEWTON, MA. 02459

ORDERED:

That the City 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 waive 478 parking stalls, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the proposed parking waiver of 478 parking stalls due to its location the BU-1 zone and in a Village Center with access to transit. (§7.3.3.C.1.)
2. The parking waiver of 478 stalls will not adversely affect the neighborhood as the sites are located in a major commercial center of Newton with a mix of uses. (§7.3.3.C.2.)
3. There will be no 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. Literal compliance with the parking requirements is impracticable as the parking waiver is in the public interest and in the interest of safety as the waiver will maintain the Village Center's status as a walkable commercial area. The parking requirement is also impracticable due to the sites as having been constructed during a time when the automobile was not utilized as the primary mode of transportation. (§5.1.3.E, §5.1.4 and §5.1.13).

PETITION NUMBER:

#16-20

PETITIONER:

Union Realty Trust

LOCATION(s): 93-105 Union St., on land known as Section 61 Block 36 Lot 09, containing approximately 34,455 square feet of land; 1280 Centre St., on land known as Section 61 Block 36 Lot 05, containing approximately 27,560 square feet of land; 49-63 Union St., on land known as Section 61 Block 36 Lot 07, containing approximately 8,735 square feet of land; 47-61 Langley Road on land known as Section 61 Block 36 Lot 06, containing approximately 10,037 square feet of land; and 790-794 Beacon Street on land known as Section 61 Block 36 Lot 03, containing approximately 7,400 square feet of land

OWNER: Union Realty Trust

ADDRESS OF OWNER: 93 Union Street
Newton, MA 02467

TO BE USED FOR: Parking waiver of 478 stalls

CONSTRUCTION: None

EXPLANATORY NOTE: §5.1.13 and §5.1.4.A to waive 478 parking stalls

ZONING: Business Use 1

All prior Special Permits for these sites remain in full force and effect, including the conditions set forth in Council Orders #44-14 and #138-18, with the exception of the parking waiver(s), which this order is intended to replace. This special permit shall be considered exercised upon recording of the special permit.

Approved, subject to the following conditions:

1. The Petitioner must provide annual documentation on January 1st of each year to the Department of Planning and Development providing all tenants and uses within the subject properties governed by this Council Order in order to allow the Department of Planning and Development to ensure the Petitioner does not exceed the number of waived stalls.
2. 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 Council Order with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Council Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

3. Prior to the issuance of any building permit for improvement to a tenant space or change of use for a tenant space, the Petitioner must provide documentation to the Director of Planning and Development for approval to ensure compliance with this waiver.
4. The Petitioner shall not lease or license any of the existing parking stalls on the site subject to this waiver to parking users not associated with the Petitioner's tenants, and shall include in any tenant leases the same limitation, so that the existing parking stalls shall be preserved for use by the Petitioner's tenants alone.

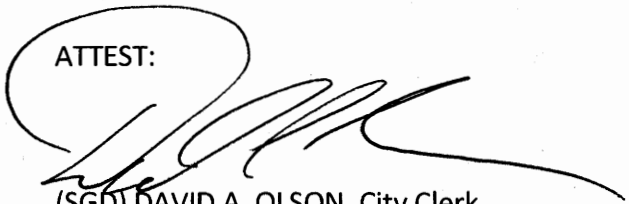
Under Suspension of Rules

Readings Waived and Approved

21 Yeas 2 Nays (Councilors Baker and Wright) 1 Recused (Councilor Laredo)

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 March 18, 2020. 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.

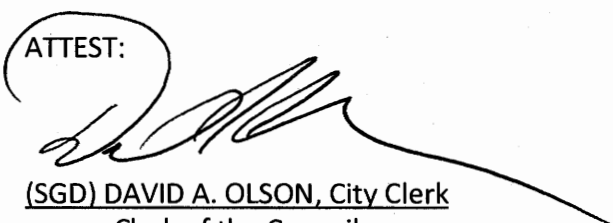
ATTEST:



(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 March 18, 2020 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