

**SPECIAL PERMIT APPLICATION**

**TO THE NEWTON CITY COUNCIL**

The undersigned hereby makes application for a permit to erect and use, to alter and use, or to make such uses as may be hereinafter specified of a building or buildings at the location and for the purpose hereinafter specified under the provisions of Chapter 30 of the Revised Ordinances, 2015, as amended, or any other sections.

**PLEASE REFERENCE SECTION(S) OF THE ORDINANCES FROM WHICH RELIEF IS REQUESTED:**

4.2.2.B.1; 4.2.2.B.3; 4.2.3; 4.2.4.A; 4.2.4.G.; 4.4.1; 5.1.4; 5.1.4.A; 5.1.4.C; 5.1.8.B.1; 5.1.8.B.2; 5.1.8.B.6; 5.1.8.D.1; 5.1.8.D.2; 5.1.9.B.1; 5.1.9.B.2; 5.1.9.B.3; 5.1.9.B.4; 5.1.10.A.1; 5.1.10.B.3; 5.1.10.B.5; 5.1.12; 5.1.13; 5.2; 5.2.13; 5.4.2.B; 7.3.3; 7.4

**PETITION FOR:**       Special Permit/Site Plan Approval  
                               Extension of Non-Conforming Use and/or Structure  
                               Site Plan Approval

**STREET** 355 Grove Street and 399 Grove Street      **WARD** \_\_\_\_\_

**SECTION(S)** 42      **BLOCK(S)** 011      **LOT(S)** 0003 and 0004

**APPROXIMATE SQUARE FOOTAGE (of property)** 1,102,943

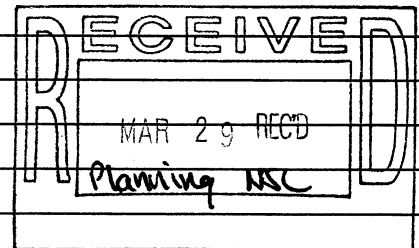
**ZONED:** MU-3, BU-5 (a portion of which is to be rezoned to MU-3), and BU-2 (a portion of which is to be rezoned to MU-3)

**TO BE USED FOR:** Mixed-use, transit-oriented development of not more than 1,520,000 square feet, not more than 750 residential units containing not more than 750,000 square feet, not more than 650,000 square feet of office use, not more than 200,000 square feet of retail sales, personal service, restaurant, banking, health club, place of entertainment or assembly, theatre, lodging and/or hotel use.

**CONSTRUCTION:** mix of concrete and steel, wood framed and precast concrete buildings with primary masonry facades.

**EXPLANATORY REMARKS:** See Schedule A attached hereto.

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PLANNING AND ZONING DEPARTMENT  
NEWTON, MASSACHUSETTS



The undersigned agree to comply with the requirements of the Zoning Ordinance and rules of the Land Use Committee of the City Council in connection with this application.

**PETITIONERS (PRINT):**

NAME: MD 399 Grove Owner, LLC

By: *Stephen J. Buchbinder* March 29, 2019  
Stephen J. Buchbinder, its attorney duly authorized (Date)

MAILING ADDRESS: c/o 57 River Street, Suite 106, Wellesley, MA 02481

NAME: Ramirez Concord, LLC

By: *Stephen J. Buchbinder* March 29, 2019  
Stephen J. Buchbinder, its attorney duly authorized (Date)

MAILING ADDRESS: c/o 57 River Street, Suite 106, Wellesley MA 02481

NAME: BH Normandy Riverside, LLC (Ground Lessee)

By: *Stephen J. Buchbinder* March 29, 2019  
ITS AGENT, duly authorized (Date)

MAILING ADDRESS: 53 Maple Avenue, Morristown, NJ 07960

**ATTORNEY** Stephen J. Buchbinder, Esquire, Schlesinger and Buchbinder, LLP

ADDRESS: 1200 Walnut Street, Newton, MA 02461-1267

TELEPHONE 617-965-3500 E-MAIL sibuchbinder@sab-law.com

**PROPERTY OWNER(S):**

NAME: MD 399 Grove Owner, LLC PHONE: N/A ALT. PHONE: N/A  
MAILING ADDRESS: c/o 57 River Street, Suite 106, Wellesley, MA 02481 E-MAIL ADDRESS: N/A

MD 399 Grove Owner, LLC

By: *Stephen J. Buchbinder* March, 2019  
Stephen J. Buchbinder, its attorney duly authorized (Date)

NAME: Ramirez Concord, LLC PHONE: N/A ALT. PHONE: N/A  
MAILING ADDRESS: c/o 57 River Street, Suite 106, Wellesley, MA 02481 E-MAIL ADDRESS: N/A

Ramirez Concord, LLC

By: *Stephen J. Buchbinder* March, 2019  
Stephen J. Buchbinder, its attorney duly authorized (Date)

NAME: Massachusetts Bay Transportation Authority PHONE: N/A ALT. PHONE: N/A  
MAILING ADDRESS: 10 Park Plaza, Boston, MA 02116 E-MAIL ADDRESS: N/A

Massachusetts Bay Transportation Authority

By: *Jeff Cook* March 28, 2019  
Jeff Cook, duly authorized\* (Date)

\*The MBTA is signing in its capacity as the owner of the property to acknowledge its consent to the ground lessee filing this application.

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OFFICE OF THE CLERK  
CITY OF WELLESLEY  
WELLESLEY, MA 02481

## SCHEDULE A

The petitioner seeks special permit relief as follows:

### Dimensional Standards

1. development of more than 20,000 square feet of gross floor area pursuant to Section 4.2.2.B.1
2. building height of up to 230 feet pursuant to Section 4.2.3
3. buildings up to 18 stories pursuant to Section 4.2.3 and 4.2.2.B.3
4. floor area ratio of up to 2.7 (excluding all enclosed parking structures) pursuant to Section 4.2.3
5. beneficial open space of not less than 10% pursuant to Section 4.2.3

### Design Standards

6. waiver of the ½ building height front, side, and rear setback requirements of Section 4.2.3 pursuant to Section 4.2.4.A, to the extent necessary
7. placement of a retaining wall greater than 4 feet in height located in a setback pursuant to Section 5.4.2.B

### Uses (all pursuant to Section 4.4.1)

8. for-profit educational use
9. retail sales use of over 5,000 square feet
10. restaurant of over 50 seats
11. personal service use of over 5,000 square feet
12. place of amusement
13. open air business
14. health club on the ground floor
15. animal services
16. hotel
17. bank, up to and over 5,000 square feet
18. theatre/hall
19. laboratory/research facility
20. parking facility, accessory, multi-level

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**SCHEDULE A – CONTINUED**

- 21. parking facility, non-accessory, multi-level
- 22. parking facility, accessory, single level
- 23. parking facility, non-accessory, single level

**Parking**

- 24. reduction of the residential parking requirement to 1.25 stalls per unit pursuant to Section 5.1.4.A
- 25. reduction of the overall commercial parking requirement by 1/3 pursuant to Section 5.1.4.C
- 26. waiver not to exceed 750 parking stalls, above and beyond the reductions specified in items 24 and 25, above, of the requirements of Section 5.1.4 pursuant to Section 5.1.13

**Parking Facility (all waivers pursuant to Section 5.1.13)**

- 27. waiver of the dimensional requirements for parking stalls required by Sections 5.1.8.B.1 and B.2
- 28. waiver of the minimum depth requirement for handicap parking stalls required by Section 5.1.8.B.4
- 29. waiver of the end stall maneuvering space requirements of Section 5.1.8.B.6
- 30. waiver of the driveway entrance and exit requirements of Section 5.1.8.D.1 and D.2
- 31. waiver of the layout design requirement of Section 5.1.8.E.1 to permit tandem parking stalls
- 32. waiver of the 5% interior landscaping requirement of Section 5.1.9.B.1
- 33. waiver of the interior planting area requirements of Section 5.1.9.B.2
- 34. waiver of the tree requirements of Section 5.1.9.B.2 and B.3
- 35. waiver of the bumper overhang requirements of Section 5.1.9.B.4
- 36. waiver of the 1-foot candle lighting requirements of Section 5.1.10.A.1
- 37. waiver of the parking stall striping requirement of Section 5.1.10.B.3
- 38. waiver of the curbing, wheel stop, guard rail, or bollard requirements of Section 5.1.10.B.5
- 39. waiver of the off-street loading facilities requirements of Section 5.1.12

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**Signs**

40. waiver of the number, size, location, and design requirements of Section 5.2 pursuant to Section 5.2.13

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SECTION 5.2.13  
NANTUCKET, MA 02557