



2015 00020492

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#474-14

CITY OF NEWTON
IN BOARD OF ALDERMEN

January 20, 2015

ORDERED:

That the Board, 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to AMEND Special Permit #307-12(2) and to EXTEND a NONCONFORMING STRUCTURE in order to renovate the Mall's exterior façade to incorporate newly expanded vestibules at the north and south entrances, and to add six additional secondary signs not exceeding 250 square feet each, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The proposed additions to the nonconforming structure, which will modestly enlarge two existing vestibules and will modernize the building's southern facing façade, will not be substantially more detrimental to the neighborhood than the existing building. (§30-11(k) and §30-21(b))
2. Due to the nature of the use of the premises as a shopping mall, the proposed signage, which consists of six secondary wall mounted signs not to exceed 250 square feet each, and the changes to the façade, are in the public interest because they will improve the appearance of the existing structure, and will help the public to identify marquee stores within the mall. (§30-20(f)(2) and §30-20(l))
3. The use as developed and operated, with the expanded vestibules, will not adversely affect the neighborhood. (§30-24(d)(2))
4. The proposed improvements will not create a nuisance or serious hazard to vehicles or pedestrians on the site nor in the immediate neighborhood. (§30-24(d)(3))

PETITION NUMBER: #474-14

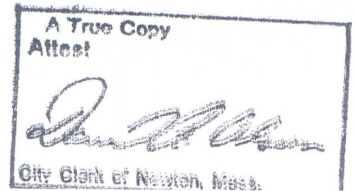
PETITIONER: Mall at Chestnut Hill, LLC *C2812-88*

LOCATION: 199 Boylston Street, Chestnut Hill, on land known as SBL 65,8,1, containing approximately 324,691 sf of land

OWNERS/ADDRESSES: Mall at Chestnut Hill, LLC.
P.O. Box 6120, Indianapolis, IN 46206-6120

Jane Goldman
Mall Management Office
Mall at Chestnut Hill

02467



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Bloomington, Inc.
7 West Seventh Street, Cincinnati, OH 45202

The May Department Stores Company / C&R Realty Trust
P.O. Box 6120, Indianapolis, IN 46206 6120

TO BE USED FOR: Shopping Mall - Façade Renovations/Vestibule Expansions

CONSTRUCTION: Metal

EXPLANATORY NOTES: §30-11(k) and §30-21(b), to permit the extension of a nonconforming structure; § 30-20(f)(2) and §30-20(l), to approve the proposed sign package, including secondary signs larger than 50 square feet; to amend Board Order #307-12(2).

ZONING: Business 1 District

Prior special permits for this property are as follows: Board Orders #521-83, #162-86, #373-94,

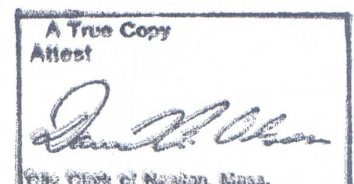
- Proposed First Floor Plan & South Entrance Elevation, sheet A.4;
 - Proposed Section at Entryway, sheet A.5;
 - Mall Façade Rendering Proposed Concept (2014), sheet A.10;
 - Mall Façade Rendering Option 1, sheet A.11; and
 - Mall Façade Rendering Option 2, sheet A.12.
- c. Existing Façade Renovation Architectural Plan Set for The Mall at Chestnut Hill, Newton, MA, prepared by McMahon Architects, Inc. of 535 Albany Street, Boston, MA 02118, dated November 30, 2012. The plan set does not bear the signature or stamp of a licensed architect, and consists of the following three (3) sheets:
- Façade Renovation - Exterior View & Enlarged Plan, sheet A0.01;
 - Façade Renovation - Section Detail, sheet A0.02; and
 - Façade Renovation - Exterior Elevation, sheet A0.03.
- d. Parking & Traffic Control Plan for The Mall at Chestnut Hill, Newton, MA, prepared by RJ O'Connell & Associates, Inc. of 60 Montvale Avenue, Stoneham, MA 02180, dated August 20, 2014. The plan set does bear the signature or stamp of a licensed civil engineer or surveyor.
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 board order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the portion of the building covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.

No Conditions incorporated from Board Order #521-83.

Conditions incorporated from Board Order #162-86:

4. That all freestanding signs associated with this Special Permit/Site Plan Approval shall be located and constructed in accordance with the plans entitled "The Mall at Chestnut Mall" dated February 6, 1986 by Sumner Schein, Architect and "Identification Sign – the Mall at Chestnut Hill" dated January 24, 1986 unsigned.

Conditions incorporated from Board Order #373-94:



5. That all buildings and signs associated with this Special Permit/Site Plan Approval shall be located and constructed in accordance with the plans entitled "Plan of Land in Newton, Mass. (Chestnut Hill Mall) Federated Tract and Parking Tract", by Harry R. Feldman, Inc. dated December 23, 1988 and revised 11/9/94, and "Bloomingdales Home Store – Elevation SP-1 and Preliminary Third Floor Fixture Plan SP-2" by Sumner Schein Architects and Engineers, dated 10/13/94.
6. That the Petitioner shall distribute copies of bus schedules for the private bus route along Route 9, MBTA bus route, and any other bus routes serving the area to all its current and future employees and shall display such schedules at sites within the store.

Conditions incorporated from Board Order #244-95:

7. That all signs associated with this Special Permit/Site Plan Approval shall be located and constructed in accordance with the plans entitled "Bloomingdale's Building Elevations (drawing A-6)" dated 1/25/95, by Sumner Schein Architects and Engineers, Inc.

Conditions incorporated from Board Order #258-06:

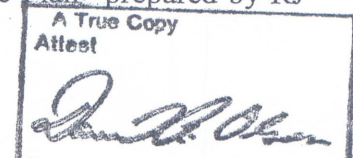
8. The two secondary "Bloomingdale's" signs, on the south façade, associated with this Special Permit shall be located and constructed consistent with the following plans:
 - a. Site and architectural plans, prepared by Federated Space – Store Planning/Architecture/Construction/Engineering, 7 West Seventh Street, Cincinnati, OH 045202; Kevin Kennon Architect, PC, 515 Canal Street, New York, New York 10013; RYA Design Consultancy, 2608 Inwood Road, Dallas, Texas 75235; and Hixson, 659 Van Meter Street, Cincinnati, HO 45202; dated 6/1/06; including the following sheets:
 - o Sheet A1.0 "Site Plan"
 - o Sheet A2.1A, "Bloomingdale's Elevations," and
 - o Sheet A3.1, Wall Sections
 - b. Color rendering of the "Proposed South Elevation," dated 6/1/06, prepared by Kevin Kennon Architects, PC and Hixson Architecture/Engineering/Interiors, Inc.
 - c. Sign Details, dated 6/1/06, including the following two sheets:
 - o "Sign 1," Typical Section View (Letters), N.T.S, Internally Illuminated; and
 - o "Sign 2, Typical Section View, N.T.S."

Conditions incorporated from Board Order #43-10:

9. All buildings and signs associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with the plan entitled "PSK 25, Daikanyama at Bloomingdale's, Exterior Elevations," produced by Darlow Christ Architects, 2326 Massachusetts Avenue, Cambridge, MA 02140

Conditions incorporated from Board Order #307-12:

10. All landscaping associated with this special permit/site plan approval shall be located, constructed and materially consistent with plans entitled "Landscape Plan" prepared by RJ



O'Connell, Stoneham, MA, stamped and signed by John Stoy, Registered Professional Engineer, dated 8/9/12 and last revised 11/27/12

11. The 111-stall parking waiver shall be applicable to the restaurant uses only within the interior portion of the mall (between the anchor stores on the east and west end).
12. The petitioner will work with the Planning Department on increasing the visibility of a safe pedestrian route from the south parking lot to the main entrance to the interior mall.
13. It is contemplated that it will take 3 years to add all three restaurants.
 - a. This Special Permit/Site Plan Approval shall be deemed to have been vested and exercised with respect to the entire project, for all purposes if any portion of the project, including, but not limited to, relocation of the transformer, draws a building permit and begins construction on that permit.
 - b. Construction of any portion of the Project will not obligate the Petitioner to construct the balance of the Project (or any portion thereof) as shown in the Special Permit Plan Set.
14. As construction of any portion of the Project does not obligate the Petitioner to construct the balance of the Project in the Special Permit Plan Set (or any portion thereof) a Certificate of Occupancy may be issued for any portion of the Project prior to completion of the entire Project as shown in the Special Permit Plan Set.

Conditions incorporated from Board Order #307-12(2):

15. All exterior buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located, constructed and materially consistent with Plan Set prepared by RJ O'Connell, Stoneham, including:
 - o Cover sheet
 - o Demolition and erosion control plan, stamped by John Stoy, Civil Engineer, dated 4/2/13
 - o Grading and Drainage Plan, stamped by John Stoy, Civil Engineer, dated 6/4/13
 - o Utility Plan, stamped by John Stoy, Civil Engineer, dated 4/2/13
 - o Sidewalk Enlargement Plan, stamped by John Stoy, Civil Engineer, dated 6/4/13
 - o Preliminary Elevations (south and east)/partial floor plan, dated 3/29/13
 - o Preliminary Floor Plan, dated 3/29/13
 - o Enlarged vestibule plan, dated 3/29/13
 - o Exterior front and side sign elevations, dated 3/29/13
 - o Sign specs, created by Federal Health signed company, dated 3/27/13 and 3/29/13
16. The number of vehicle and bicycle parking stalls and the location of outdoor seating associated with this special permit/site plan approval shall be consistent with the plan entitled "Overall site plan ", prepared by RJ O'Connell stamped by John Stoy, Civil Engineer, dated 6/4/13
17. Mall management has agreed to implement a Transportation Demand Management Plan and will provide on-site circulation and parking management assistance during peak holiday shopping season as necessary and agrees to contribute towards a shuttle service, subject to condition 15. The Mall has added a drop off area/fire lane to both the north and south sides


John Stoy
Registered Professional Engineer
Mass. State of Registration, 00000

of the Mall. The Mall management will encourage tenants to subsidize the cost of public transportation for employees, and designate convenient parking for carpools, vanpools and alternative fuel vehicles. Bicycle parking and storage is provided on site and the existing sidewalk along the Mall's driveway will serve pedestrians crossing Route 9 between the Mall at Chestnut Hill and Chestnut Hill Square at the new signalized intersection.


18. Any dumpsters shall be kept closed and the area free of debris.
19. The petitioner shall annually clean and inspect all restaurant grease traps.
20. The petitioner agrees to turn off lighted signs one-half hour after closing.
21. The petitioner shall make an equitable contribution to an area shuttle service between the Mall and other major developments along Boylston Street and the Newton Centre MBTA Green Line Station (or an alternative multi-modal hub). The shuttle shall run throughout the week and weekend for hours to be determined at a later date.


Under Suspension of Rules
Readings Waived and Approved
20 yeas 0 nays 4 absent (Aldermen Baker, Cote, Gentile, and Sangiolo)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 January 23, 2015. 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 Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen 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 Board of Aldermen in the Office of the City Clerk on 1/23 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

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

A True Copy
Attest

City Clerk of Newton, Mass.

FEB 17 2015

FEB 17 2015

COMMONWEALTH OF MASSACHUSETTS.
MIDDLESEX S.S. _____
SOUTH DIST. REGISTRY OF DEEDS
CAMBRIDGE, MA

I HEREBY CERTIFY THE FOREGOING
IS A TRUE COPY OF A PAPER
RECORDED IN BOOK 64917

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Marie O. Costello
REGISTER