



Setti D. Warren  
Mayor

**City of Newton, Massachusetts**  
Department of Planning and Development  
1000 Commonwealth Avenue Newton, Massachusetts 02459

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

Date: June 16, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Alexandra Ananth, Chief Planner for Current Planning

Cc: Frank Stearns, Attorney  
Chestnut Hill Shopping Center LLC  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request for Open Air Retail/Farmers Market and to amend Board Order #161-11(2)**

Applicant: Chestnut Hill Shopping Center, LLC	
Site: 33 Boylston Street	SBL: 63037 0026
Zoning: BU4	Lot Area: 381,805 square feet
Current use: Mixed retail, service and amusement	Proposed use: Same + seasonal farmers' market

### BACKGROUND:

The property at 33 Boylston Street is part of a collection of properties comprising the shopping center "The Street", formerly known as the Chestnut Hill Shopping Center. The properties have been the subjects of several special permits, the most recent Board Order #161-11(2) issued in 2011, which put it in its current configuration and capacity. The property contains a mix of retail, service, restaurant and a movie theater. The Applicant seeks an amendment to the existing special permit to allow for a seasonal farmers market operating one day per week from 11 AM to 3PM.

The farmers' market will operate in the parking lot located in the center of the property. The Applicant proposes erecting fencing to close off the area from parking in the mornings before the market opens, disassembling it prior to close. The vendor parking is proposed near the fringes of the property, leaving the parking which is closest to the buildings available for customer parking. In all, the market will displace 86 parking stalls during its operation.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Frank Stearns, dated 5/29/2014
- The Street Farmers Market Project Description and Plans, submitted by Frank Stearns, 5/29/2014
- Parking Calculations, undated
- Zoning Review Memo, prepared by Seth Zeren, Chief Zoning Code Official, dated 5/27/2011
- Special Permit Board Order #161-11(2), dated 8/8/2011

**ADMINISTRATIVE DETERMINATIONS:**

---

1. Per section 30-11(d)(10), an open air business requires a special permit. The farmers market will operate in a portion of the existing parking lot, and is therefore considered an “open air” business. A special permit is required.
2. Board Order #161-11(2) states that the parking demand created by the businesses comprising the development known as “The Street” may not exceed 2,425 stalls. The demand created by the current businesses is 1,856 stalls, which leaves an excess of 569 stalls.
3. The applicant proposes to use 17,800 square feet of outdoor space for the market. Per section 30-19(d)(14), an open air business requires one parking stall per each 600 square feet of sales space. The parking requirement for the farmers market will be 30 stalls. When the 86 stalls used for the market are subtracted from the excess of the 569 stalls cited in #2, 483 stalls are left available while the market is in operation. No parking waiver is required, as there is an excess of parking available.
4. Any signage proposed by the Applicant relevant to the proposed farmers market will be required to meet the provisions of Section 30-20 of the Zoning Ordinance.
5. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-11(d)(10)	To allow an open air business in the BU4 district	S.P. per §30-24