

CITY OF NEWTON

IN BOARD OF ALDERMEN

August 9, 2004

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action 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, the following SPECIAL PERMIT/SITE PLAN APPROVAL is hereby granted, in accordance with the recommendation of the Land Use Committee and the reasons given by the Committee therefore, through its Chairman, Alderman George E. Mansfield:

1. The Board finds that there is sufficient parking to accommodate the special event sale because the event will occur at a time when parking demand is low.
2. The Board finds that there is no anticipated substantial change to the use of the special event (tent sale of carpets)

PETITION NUMBER: #285-04

PETITIONER: Bloomingdale's Department Stores, Inc./Federated Department Stores, Inc.

LOCATION: 255 Boylston Street, Chestnut Hill, Section 65, Block 8, Lot 99, Parcel 5, containing approximately 190,368 sq. ft. of land.

OWNER: Federated Department Stores

ADDRESS OF OWNER: 7 West Seventh Street  
Cincinnati, Ohio 45202

TO BE USED FOR: An annual open air sales event of not more than 15 days in duration which is to occur generally between August 24<sup>th</sup> and September 6<sup>th</sup> and which will displace not more than 90 parking spaces.

CONSTRUCTION: Temporary fabric tent

EXPLANATORY NOTE: Section 30-11(d)(10) allows that Board of Aldermen to grant a special permit for an open air business; and Section 30-

19(m) allows the Board of Aldermen to grant a special permit to waive strict adherence to the parking requirements.

Land referred to is in a Business 1 District.

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with a concept plan shown in the report of the Newton Department of Planning and Development, submitted for the public hearing on June 11, 1996.
2. If the petitioners intend to seek permission to continue the tent sale beyond the five (5) years authorized by this Board Order, the petitioners shall conduct a parking demand survey during the summer of 2008 (not necessarily during the time of the tent sale), and such survey shall be submitted with the re-application for continued tent sales.
3. All conditions of previous board orders shall remain in effect except as amended by this Board Order.
4. This Board Order shall expire five (5) years from the date of approval.
5. The Fire Department approves the material and location of the tent.
6. The Inspectional Services Department approves the circulation within the tent.
7. Use of the temporary tent is allowed for not more than 15 sale days, generally between August 15<sup>th</sup> and Labor Day.
8. The Planning Department shall review the annual administrative application for consistency with this approved Board Order.
9. The tent shall be no larger than 82 ft. x 246 ft. and shall displace not more than 90 parking spaces.
10. The hours of use for the tent are no longer than those for the store.
11. No building permit shall be issued pursuant to this SPECIAL PERMIT/SITE PLAN APPROVAL and until:
  - a. The Fire Department has given its approval as required in Condition #5.

- b. The petitioner has complied with all State Building Code requirements for temporary structures.
- c. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a Certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
- d. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.

Under Suspension of Rules

Readings Waived and Approved

20 yeas 0 nays 4 absent (Ald. Gerst, Parker, Sangiolo, and Yates)

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 August 11, 2004. 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) EDWARD G. ENGLISH, City Clerk

Clerk of the Board of Aldermen

I, Edward G. English, 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 \_\_\_\_\_ and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST:

(SGD) EDWARD G. ENGLISH, City Clerk

Clerk of the Board of Aldermen