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Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date:	September 20, 2016
Land Use Action Date:	November 22, 2016
Board of Aldermen Action Date:	December 5, 2016
90-Day Expiration Date:	December 12, 2016

DATE: September 16, 2016

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Alexandra Ananth, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: **#261-16, SPECIAL PERMIT/SITE PLAN APPROVAL** to allow site and building improvements including constructing new buildings to allow for existing and new commercial uses consisting of banking, office, medical office, theatre, health club, retail, restaurant and parking, to allow buildings in excess of 20,000 sq. ft., allow a building 60' in height, site plan review for buildings within 300' of a great pond, allow parking within a setback, extend special permit #230-14, update signage special permit #417-12, allow a waiver of parking stall depth, and allow reduced parking facility lighting and waiver of interior landscaping requirements at 1-55 Boylston Street, "The Street" CHESTNUT HILL SHOPPING CENTER LLC, Ward 7, Chestnut Hill, on land known as SBL 63037 0025, 63037 0026, containing approximately 859,444 sq. ft. in a district zoned BUSINESS USE 4. Ref. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.2, 4.1.2.B.3, 5.6, 5.1.8, 6.4.22, 5.8.2.C, 5.1.8.B, 5.1.10.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



(Proposed view from Boylston Street/Route 9)

EXECUTIVE SUMMARY

The Petitioner, WS Development, is requesting special permits in order to redevelop sections of the shopping center known as “The Street” at 1-55 Boylston Street. The site contains 20 acres of land and is zoned Business 4. The petitioner is proposing to demolish and redevelop the two-story structure at 27 Boylston Street as well as construct two one-story buildings near the edge of Hammond Pond; infill will also be added to the structure at 55 Boylston Street at two locations. In total, the project will result in an additional 13,012 square feet built on the site, but includes significant changes to the parking configuration including 289 new below-grade stalls proposed under the redeveloped 27 Boylston Street structure.

The Planning Department is supportive of the continued redevelopment of the parking, and shopping center provided that redevelopment continues to be coupled with improvements to water quality of Hammond Pond while not disturbing wildlife or abutting residents. The Planning Department believes the redevelopment will encourage more pedestrian activity throughout the site.

The Planning Department’s concerns revolve around the continued redevelopment of the site with respect to Hammond Pond. The petitioner should make every effort to ensure the project will not be detrimental to the Pond’s natural habitat. It is expected the petitioner will continue to work with the City to do so.

The following provides a technical analysis of the project and recommendations for consideration in the special application process.

SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should determine whether:

- The site in an appropriate location for the proposed two-story, 57-foot tall mixed-

use building of greater than 20,000 square feet at 27 Boylston Street.

- Whether construction within 300 feet of a Great Pond is appropriate for the site.
- The proposed waivers to the parking stall dimensional requirements in the below grade garage are appropriate.
- The site planning building design, construction, and maintenance of long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy.
- The reconstruction of a nonconforming structure will not be substantially more detrimental than the existing nonconforming structure is to the neighborhood.
- The site planning, building design, construction, and maintenance of long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy.
- Literal compliance with the requirements for stall dimensions, parking facility lighting and landscaping are impracticable and whether granting waivers will have any adverse impacts on the parking and traffic circulation in the shopping center as a whole, on Hammond Pond, or on the adjacent residential neighborhood.
- Further exceptions to the sign ordinance are appropriate and should be permitted in the public interest.

I. SPECIAL PERMIT HISTORY

The property has been the subject of several special permits in previous years including Board Order #401-03 for the redevelopment of Star Market, Board Orders #317-03(5) & #317-03(6) for the removal of three parking stalls in order to locate a bio retention facility to improve the quality of stormwater runoff entering Hammond Pond, and Board Order #244-09 to allow for more restaurant uses on the site. As part of these approvals, the City Council acknowledged that the existing parking lot was pre-existing, legally nonconforming, with respect to layout and the number of parking stalls. The Council also waived required parking spaces over the years to permit increased intensity of uses.

The largest changes to the site occurred in 2011 when the entire site was rezoned to Business 4 (BU4) to allow for more uses; specifically retail, a health club, and office uses. In addition, the entire site was granted a shared parking special permit due to the mixed-use nature of the site. As part of this approval, the Council allowed the petitioner to adjust the type and intensity of uses as long as the parking demand did not exceed 2,425 stalls (Attachment A). Lastly, the petitioner was granted exclusive long-term lease rights to the Carriage Way/Frontage Road from the Massachusetts Department of Transportation (MASSDOT) which allowed the petitioner to make improvements to the Carriage Way providing access from Boylston Street. As a result, vehicular, as well as pedestrian access was improved with new sidewalks, landscaping, lighting, and 114 parking stalls between Boylston Street and the subject property.

Finally, the petitioner received a special permit received in 2014 (Attachment B) to operate a farmer's market on the site. The petitioner is seeking an extension of time for this approval.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property consists of approximately 20 acres (BU4) on the north side of Boylston Street (Route 9) bounded by Hammond Pond to the north, Boylston Street to the south, Hammond Street to the east and Hammond Pond Parkway to the west. There are some residential abutters to the northeast corner of the site as well; however the immediate area is largely commercial. The property is currently improved with a shopping center containing a mix of uses and a surface parking lot, collectively called the "The Street". An adjacent parcel of land located in Brookline contains additional parking spaces to serve the Shopping Center.

The Planning Department notes that one unimproved lot owned by the petitioner is currently zoned Single Residence 1 and abuts residential lots both to the north and south.

B. Site

The 20-acre site consists of eight parcels improved with seven commercial structures and a large shared surface parking lot. Currently there are 1,319 parking stalls on-site, including the lot adjacent to Hammond Park Reservation, owned by the petitioner. Approximately 130 parking spaces of the total are located on a separate lot in the Town of Brookline. Additionally, there are 114 stalls on the Carriage Way not included in the total as they are on land owned by MASSDOT leased by the petitioner.

There are seven separate commercial structures on-site, most of which are multi-tenant buildings. Parking is generally equally dispersed throughout the site, although the parking area in the northwest corner adjacent to Hammond Pond Reservation is quite far from most of the commercial uses and is used as employee parking. This area is also used for snow storage due to the sand filters which have been placed in this area.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The existing Shopping Center contains a mix of uses including retail, service, including a health club, restaurant, office, medical office and a movie theatre. Prior special permits established these uses as complementary, with different operational use trends and different peak parking demands (Attachments H and I).



(Existing)



(Proposed)

The project calls for work to be completed at two separate locations. The petitioner is proposing to construct a new two-story building in place of an existing two-story building in approximately the center of the site at 27 Boylston Street (currently the Container Store). The new structure will be a 57' multi-tenant building with less square footage, but with a larger footprint than the existing building. The new structure will be split in two by a pedestrian passage-way at grade allowing east-west pedestrian access through the structure (for the purposes of this memo, the Route 9 side, of the structure will be referred to as the Boylston wing, and the Pond side will be referred to as the Pond wing). The new structure will have up to thirty-five tenant spaces ranging from 588 square feet to 13,771 square feet.

The new structure will be largely comprised of glass, however the two wings will have different architectural elements. The Boylston wing's façade will enliven the Boylston Street frontage with its Modern institutionalist design and high peaks. In addition to the glazing, the Boylston Wing will consist mostly of metal siding, painted brick, and sections of wood trellis attached to the steel frame. In contrast, the Pond Wing's minimalist design will consist of aluminum and glass storefront beneath wood siding as well as a partial green roof. The pedestrian passage-way between these two wings will be a lively pedestrian environment with storefronts on both sides and contain landscape planters as well as movable café tables and chairs; similar to the existing mews between 55 and 33 Boylston Street.



In addition, the plan calls for construction of two pavilion buildings to the northwest of 27 Boylston near the edge of Hammond Pond. These are one-story buildings totaling 1,900 square feet and 7,900 square feet (intended for one tenant each). The structures will be built where there is currently pavement, and will stand twenty-feet tall, sixteen feet from the pond's edge. In this 16' between the structures and the water (currently parking stalls), the plan calls for planting areas, a rain garden and a proposed deck stretching into the pond. These buildings display a cantilevered roof design and will include approximately 6,100 square feet of "green roofs" to allow a higher efficiency rating, enhance the view of the pond from the rest of the mall, and soften the view of the new buildings from the abutting residents.



(Existing)



(Proposed)

With respect to the building at 55 Boylston Street, the plans call for 8,400 square feet of infill on the first and second floors at the northeastern corner of the structure facing the pond to allow for retail, an enlarged restaurant use, and a pedestrian concourse. This space is currently used as a drive aisle, loading, and surface parking below the movie theatre. In addition, the plan calls for 4,700 square feet of infill on the first floor at the western side of 55 Boylston Street to allow for another retail use. Additionally, two landscape islands will be removed as well as a rain garden along the edge of Hammond Pond; the raingarden will be replaced with decking.

The structure and architecture at 55 Boylston will remain largely unchanged except at the infill two infill locations. On the first and second floors, at the northern corner of the structure, glass and aluminum will help enhance and activate the ground floor, whereas the second floor will be filled with operable windows and wood trellis for an enlarged restaurant use. The other infill location at the western façade of the structure will consist of glass glazing to allow for another retail use.

Area of proposed infill



(Existing)



(Proposed)

The Planning Department encourages continued redevelopment of this site to maintain a strong commercial center. Staff notes a large portion of this project is within the 100' buffer of Hammond Pond, and therefore under the jurisdiction of the Conservation Commission. The Planning Department believes the pond's habitat and any effects on abutters are key considerations; otherwise staff is supportive of the project.

C. Access, Parking, and Circulation

Vehicular access to the site is currently from Boylston Street (Route 9), Hammond Pond Parkway and Hammond Street and this will not change. The projected increase in traffic and parking does not trigger any thresholds for Massachusetts Environmental Policy Act (MEPA) review.

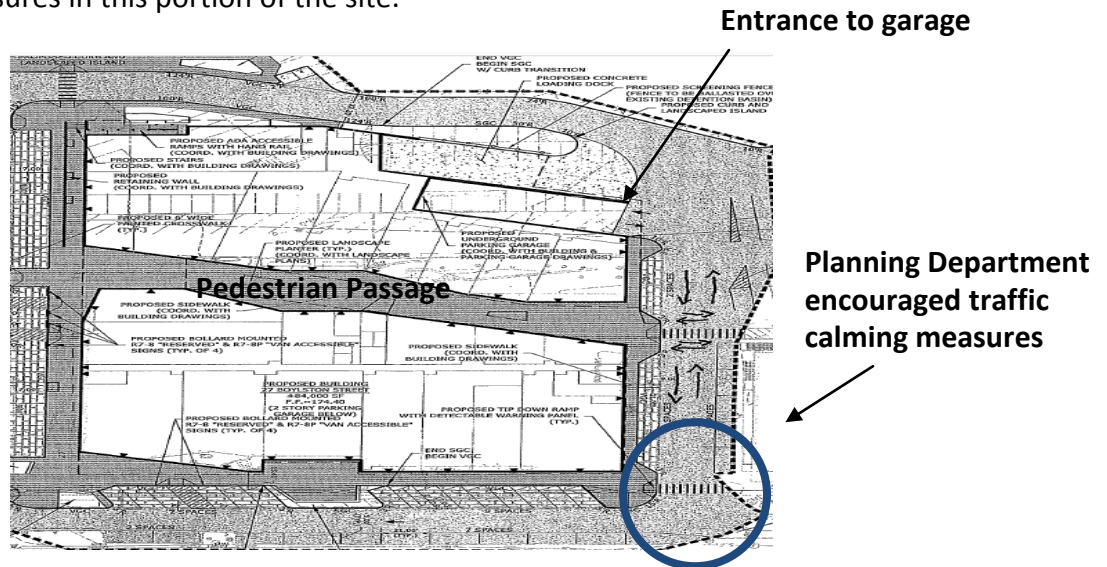
There are currently 1,319 parking spaces associated with the subject property. The new 27 Boylston Street building coupled with infill at 55 Boylston Street will necessitate the removal of 201 stalls, but the petitioner is proposing to construct 289 parking stalls below-grade at 27 Boylston Street resulting in a net of 88 new stalls on site. Therefore, there will be a total of 1,407 stalls on-site (not including the 114 stalls on the Carriage Way). The existing and anticipated uses on-site will result in a parking demand of 2,329 stalls which leaves 97 stalls remaining before reaching the limit of 2,425 established by the 2011 Board Order. Therefore, no relief for the minimum number of stalls is required.

However, the petitioner is requesting a waiver from the parking stall depth requirement to construct 18' deep stalls in the below grade garage, a waiver to allow parking in a setback, and a waiver of the landscaping island requirement for parking facilities containing over five stalls. The Planning Department is not concerned with these requests.

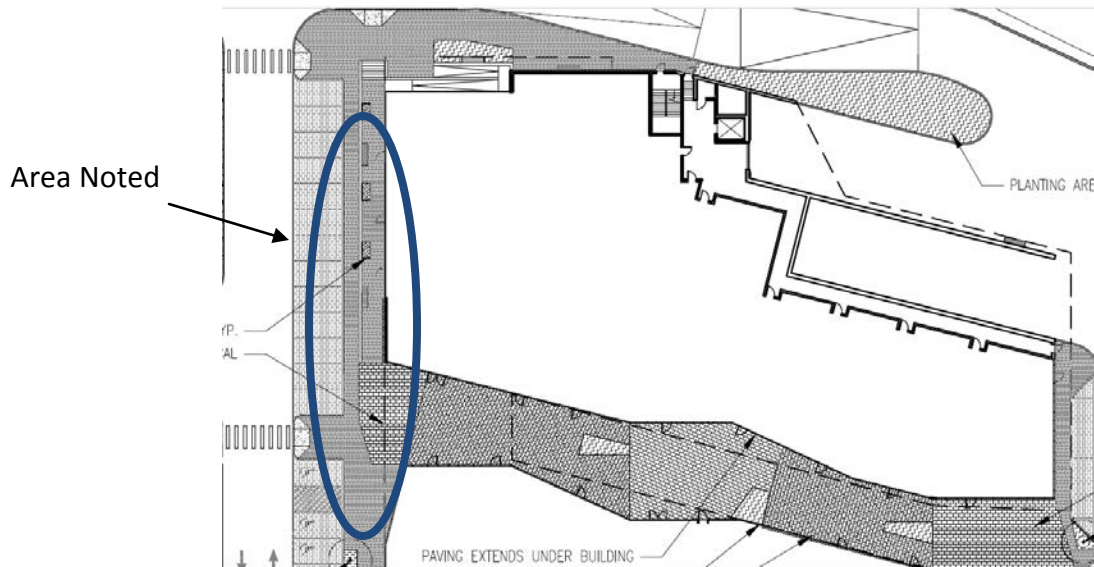
The biggest change to the parking and circulation to the site plan is the addition of a two-story garage underneath the proposed 27 Boylston Street structure. The

structure will hold 289 stalls with the entrance at the northeast corner of the new structure. In addition, that corner will also contain a loading dock/service area. The Planning Department believes the petitioner should consider installing wayfinding signage to the garage.

In order to access the entrances to the garage and loading dock, loading vehicles traveling eastbound will exit Boylston Street onto the Carriage Way and through the crosswalk connecting the pedestrian passage-way to the parking areas to the east of 27 Boylston Street. The cross walk is approximately 8' wide, whereas the entrance to the pedestrian passage-way is 36.5' wide. The Planning Department believes these differences in width will encourage pedestrians cross the access road outside the width of the crosswalk causing safety and traffic concerns. To mitigate these concerns, the Planning Department suggests this route be altered, deliveries be restricted to off-peak hours, or consider additional traffic calming measures in this portion of the site.



In the same vein, pedestrian circulation from the pedestrian passage-way towards the pond buildings is split by a railing and a grade change. This means some pedestrians will walk between the structure and the railing, while others will walk between the parking stalls and the railing. The thirteen parking stalls at the base of the grade change complicate altering the grade to make the sidewalk wider and consistent (this fact was also mentioned at the Urban Design Commission on August 24th).



The Planning Department believes since the pedestrian passage-way and pavilion buildings will likely become major attractions of the site, this is an opportunity to allow for altering the thirteen parking stalls to widen the sidewalk. Importantly, there is still a drive aisle with two-way traffic at this feature, so some fencing or other element may be required to separate pedestrians and vehicles.

D. Traffic

As a result of the special permit approval in 2011, the City's peer reviewer conducted an "after study" in 2014 concluding that "the project's peak parking demand can continue to be satisfied by the parking supply available on site." An additional parking and traffic report was not required by the Planning Department as the increase in square feet is minimal.

The petitioner developed a Transportation Demand Management Plan and a Parking Management Plan to reduce single occupant vehicle trips and encourage alternate modes of transportation to the site (Attachments C and D). In addition to these initiatives, staff has suggested the petitioner consider additional strategies such as a shuttle between the site and a stop on the MBTA B Line and distribution of MBTA passes to employees. The Planning Department believes these initiatives are still worthy to investigate in order to make the site more accessible.

The Planning Department notes that the site became a stop on the Boston College Shuttle in 2015. The shuttle's loop originates at Alumni Stadium with stops at The Chestnut Hill Mall, Chestnut Hill Square, and The Street. The shuttle runs Thursday and Friday from 4 p.m. to 10 p.m. and Saturday and Sunday 11 a.m. to 5 p.m. The loop takes approximately 30-45 minutes depending on traffic

conditions; the shuttle's peak to date is 1,234 passengers during the month of April of 2016. The City applauds Boston College's initiative in furthering the accessibility of this area to its students.

E. Loading

The petitioner is proposing a loading bay at the northwest corner of the new 27 Boylston Street structure. The Planning Department has no concerns with this location or the number of loading docks provided.

F. Landscape Screening

The project does not require the removal of any trees. All new plantings within the 100' buffer of the pond will be under the jurisdiction of the Conservation Commission. The Planning Department suggests all plantings outside of the buffer be comprised of native species.

G. Snow Removal

Currently snow is stored on-site in an underutilized portion of the parking lot in the far northwest corner of the site. The Planning Department believes this area should remain sufficient.

H. Lighting

The petitioner did submit a photometric plan, although most of the existing conditions are considered "grandfathered". The petitioner should submit a photometric plan or rendering showing lighting on the proposed structures, as well as any proposed lighting for the boardwalk and decking so that staff can evaluate the impact, if any, on the pond and abutters.

I. Signage

The site received a special permit for a comprehensive sign package with Board Order #417-12 (Attachment E). The petitioner is seeking an update to this order.

J. Project Phasing and Construction Management

Should the Council choose to approve this petition, the petitioner will submit a Construction Management Plan to the Director of Planning and Development and the Commissioner of Inspectional Services upon further development of the project prior to the issuance of a building permit.

K. Sustainability and Conservation of Natural Resources

The petitioner is not able to state how the structures will be constructed regarding sustainability and conservation due to the uncertainty of tenants. However, all structures will be required to meet the "stretch-code."

IV. COMPREHENSIVE PLAN

Newton's Comprehensive Plan welcomes well-planned development along Boylston Street/Route 9 as part of the overall growth of the City. The proposed improvements will help maintain the City's commercial real estate tax base while adding to the vitality of the site and furthering the activation of the Boylston Street streetscape. Moreover, this development along Hammond Pond seeks to strike a balance between providing access and maintaining this resource. This balance must be conditioned to do so while also not impacting the abutters.

Newton's Comprehensive Plan also encourages the integration of conservation and passive recreation uses of open land where possible. The Planning Department believes the addition of the deck and planting areas combined with the pedestrian passage-way between the Boylston and Pond wings of the new structure at 27 Boylston will help increase the pedestrian environment and contribute to the walkability of the site.

The Planning Department also notes that a goal of the City's Transportation Strategy is to create more bike lanes throughout Newton. A bike lane along Hammond Pond Parkway with connections to bike lanes on Beacon Street will be a specific route of the plan. The Transportation Strategy will also explore this site as a possible location for a "bikeshare" program similar to Hubway in metro-Boston. To prepare for these initiatives, the Planning Department encourages the petitioner work to predesignate a bikeshare area or consider a safe bike lane throughout the site.

In addition, the installation of bicycle facilities and a commitment to contribute to a shuttle service, should one be developed along Route 9, would ensure consistency with Newton's ongoing Transportation Strategy.

V. TECHNICAL REVIEW

- A. Technical Considerations. The Zoning Review Memorandum, dated July 18, 2016 (ATTACHMENT "G"), provides an analysis of the project with regard to the City's zoning regulations.
- B. Engineering Division Review. The Associate City Engineer's review is summarized in a memorandum dated September 8, 2016 (ATTACHMENT F).
- C. Fire Department Review. The Fire Department has approved the plans for turning radii around 27 Boylston. Further review will take place at the building permit stage should the project be approved.
- D. Urban Design Commission. The petitioner appeared before the Urban Design Commission on May 18th and August 24, 2016. The Commission gave the petitioner a favorable recommendation, applauding the petitioner's use of materials and overall place-making. The Commission suggested the petitioner install "blade" signs in the pedestrian passage-way.
- E. Conservation Commission. The petitioner appeared before the Conservation

Commission on July 28th and September 8th. At the September 8th meeting, the petition was continued to the September 29th meeting. Discussion from those meetings centered on allowing for the proposed deck to be constructed on current impervious surface as well as the pond buildings' effect on Hammond Pond with regard to light and sound.

- F. Commission on Disability. The petitioner has not appeared before the Commission. Should the project be approved, compliance with ADA and MAAB regulations will be made at the building permit stage.

VI. PETITIONER RESPONSIBILITIES

At the Land Use Committee's Public Hearing or prior to being scheduled for a continued public hearing, the petitioner should be expected to:

- Submit renderings of the proposed garage, west façade of 55 Boylston Street, and any lighting attached to the structures.
- Submit a photometric plan of the new boardwalk decking and proposed pond buildings.
- Be prepared to further discuss what the pond buildings and potential uses will have on Hammond Pond and abutters.
- Provide details on how the petitioner intends to meet the special permit criteria regarding conservation of natural resources and energy.

ATTACHMENTS:

- ATTACHMENT A: Board Order #161-11
ATTACHMENT B: Board Order #230-14
ATTACHMENT C: Travel Demand Management Plan
ATTACHMENT D: Parking Management Plan
ATTACHMENT E: Board Order #417-12
ATTACHMENT F: The Associate City Engineer's review is summarized in a memorandum dated September 8, 2016
ATTACHMENT G: Zoning Review dated July 18, 2016
ATTACHMENT H: Zoning Map
ATTACHMENT I: Land-Use Map

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#161-11(2)

CITY OF NEWTON
IN BOARD OF ALDERMEN

August 8, 2011

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CITY CLERK
NEWTON, MA. 02159

ORDERED:

That the Board of Aldermen (the "Board"), finding that the public convenience and welfare will be substantially served by its action hereunder, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in Chapter 30 of the Revised Ordinances of the City of Newton, Massachusetts, 2007, as amended (the "Zoning Ordinance"), that the application meets the criteria established in §30-23(c)(2)(a-h), 30-11(c), §30-24 (d)(l)-(5), §30-19(d)(18), 30-19(m), and 30-21(b), 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 in the Business 4 Zoning District (the "BU-4 District") to allow: a building to exceed dimensional standards for height; restaurants with greater than 50 seats; a building containing individually or in the aggregate 20,000 or more square feet in gross floor area; reduction in the required number of parking spaces for 3 or more uses in a single integrated development; managed and/or valet parking; waiver to allow parking within the required setbacks; alteration, reconstruction, extension or structural change of existing nonconforming structure and nonconforming parking lot; waiver of landscape and lighting for the Special Permit Project Area (defined below), and other enumerated parking lot waivers in the Special Permit Project Area.

FINDINGS

Finding that all applicable provisions of the Zoning Ordinance and the Board Rules and Orders have been complied with, the Board GRANTS approval of this Special Permit/Site Plan Approval based on the following findings, as recommended by the Land Use Committee of the Board through its Chairman Alderman Ted Hess-Mahan:

Prop =
See Doc

1. Petitioner will replace an existing 1-story retail portion of an existing non-conforming building at 33 Boylston Street, Ward 7, Chestnut Hill, with a 3-story building and related site improvements including sidewalks, landscaping and parking (the "Project"). The Project also includes relief related to the entire Site including a shared parking special permit; allowance for restaurants greater than 50 seats; and parking and coordinated improvements to the Frontage Road/Carriage Way contiguous to the site for sidewalk, crosswalk, parking, lighting, access and landscaping improvements through separate Board Order #161-11(4).

155044

Return to:
K&L Gates LLP
State Street Financial Center
One Lincoln Street
Boston, MA 02111

A True Copy
Attest

City Clerk of Newton, Mass.

Handwritten initials

Handwritten initials

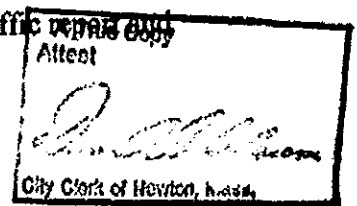
2. The Special Permit Project Area is located in the BU-4 District, pursuant to that certain Order of the Board # 161-11(1) and # 161-11(3) which have been adopted by the Board in conjunction with, ~~and immediately prior to, this~~ Order.

(zone)

(zone)

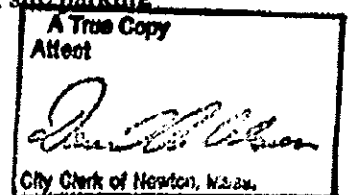
Findings with Regard to the Special Permits

3. The Special Permit Project Area depicts the area of the Site and the structure owned by the Petitioner which is the subject of this Special Permit and Site Plan review, and is shown on the set of plans contained in the special permit/site plan application as follows: Project Area Plans C4.1, C4. 4 and C4.5 by Appledore Engineering dated April 12, 2011, revised May 23, 2011. The balance of the Site -- with the exception of a parcel of 22,569 square feet labeled Lot 8 fronting on Hammond Street which remains in the Single Residence 1 zone-- is also located in the BU-4 District, pursuant to Board Order # 161-11(1). Notwithstanding the foregoing, the findings, conditions and other approvals in this Board Order that call for improvements to be made or performed outside the Special Permit Project Area shall also be enforceable as part of this Board Order.
4. The Board finds that the Project represents a mix of uses, scale and location that advances the City's planning goals, as set forth in the City's Comprehensive Plan and Zoning Ordinance, with respect to business development along the Boylston Street, Route 9 corridor.
5. The Board finds that the Site and Special Permit Project Area within it is an appropriate location for the proposed 3-story greater than 20,000 square foot building, anticipated to include a mix of by- right and special permit allowed uses permitted in the BU-4 District, serving customers and surrounding neighborhoods and attracting visitors because the Site is located on Boylston Street, Route 9, a state highway and a major transportation and commercial corridor.
6. The Board finds that the allowance of restaurants greater than 50 seats will make a positive contribution to the mix of uses and vitality of the Site and will have beneficial impacts to the other tenants at the Site and to the community at large. In support of this finding the Board notes that the Shared Use Analysis Memorandum factors in additional restaurant seats at the Site which, in conjunction with other allowed and complementary uses, can be accommodated within the Site's parking facility.
7. The Board finds that the Project as developed and operated in accordance with the conditions of this Special Permit/Site Plan Approval will not adversely affect the surrounding neighborhoods. In support of this finding, the Petitioner's traffic report and the city's peer review of such report do not project adverse parking or significant traffic impacts on streets in the surrounding neighborhood.
8. The Board finds that access to the Site is appropriate for the types and numbers of vehicles involved. In support of this finding, there are multiple points of access to and from the Site and the Special Permit Project Area and the Petitioner's traffic



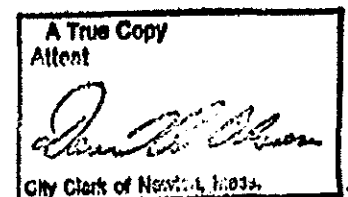
the City's peer review of such report project good distribution of the vehicle trips associated with the Project across the multiple points of access.

9. The Board finds that the design of the building in the Special Permit Project Area, within the Site and, including, but not limited to, the building height, setbacks, and pedestrian and vehicular circulation is appropriate for the Site and the surrounding area and improves safe and accessible vehicular and pedestrian circulation routes to, from and within the site. In support of this finding, the Petitioner demonstrated that the contextual height and massing of the proposed building is consistent with the other buildings on the property and in the surrounding area. Further, the Project includes design features such as activated sidewalks, painted crosswalks, distinguished paving materials and other features designed to accomplish traffic calming objectives and to promote the pedestrian utilization of the Site.
10. The Board finds that there will be no nuisance or serious hazard to vehicles or pedestrians. In support of this finding, the Petitioner has provided a Transportation Demand Management Plan and a Parking Management Plan.
11. The Board finds that the Petitioner has filed a Construction Management Plan and will provide a supplemental Construction Management Plan to include appropriate procedures and protocols to be implemented during construction of the building in the Special Permit Project Area to minimize construction related impacts, such as noise, dust, and construction traffic, protection for existing businesses, pedestrians and customers, and to provide construction parking areas on Site to the extent feasible.
12. The Board finds that site planning, building design, construction, maintenance and long term operations of the Special Permit Project Area will contribute significantly to the efficient use and conservation of natural resources and energy. In support of this finding, the Petitioner has submitted sustainable design guidelines which evidence a design intent for both the building and the Special Permit Project Area to contribute significantly to the efficient use and conservation of natural resources and energy, including, without limitation, a commitment to meet LEED silver requirements for commercial interiors for the fit up of the Petitioner's corporate office to be located in the Project building.
13. The Board finds that through the shared parking reduction special permit that the increase in the existing nonconforming parking supply deficit will not be substantially more detrimental than the existing nonconforming parking facility because in relation to the total number of parking stalls on the Site, a reduction of 590 spaces will not have an adverse impact or detrimental effect on the overall parking supply for the Site. In support of this finding, the Petitioner has submitted a Shared Use Analysis Memorandum and the City's peer review of such study support the ability of the parking facility to meet the demands of the Site for the substantial majority of times of the year and during certain peak times typically associated with the "holiday" shopping season where active parking management may be used, in the Petitioner's judgment, to meet the parking demand. As provided for in the Zoning Review Memorandum dated May 27, 2011, with the benefit of the shared parking special permit, the Petitioner has the flexibility to manage uses within the Site without the need for additional parking relief so long as the total site parking



demand at any time, as calculated following the Ordinance standards in section 30-19(d), does not exceed a zoning parking demand of 2,425 parking stalls.

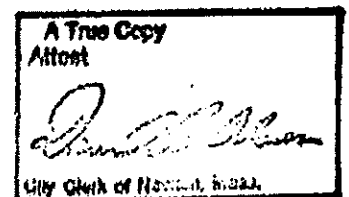
14. The Board finds that reduction in the required number of parking spaces to serve the intended uses and the extension of the nonconforming parking deficit through the shared parking reduction special permit are appropriate, that the public convenience and welfare will be served, and that the allowed parking reduction will not adversely affect the neighborhood and will not cause any nuisance or serious hazard to vehicles or pedestrians.
15. The Board finds that the granting of the dimensional parking waivers, extension of nonconforming parking deficit and to allow for a 1/3rd reduction in the total parking requirement for the Site which is based on greater than 3 different types of uses will not have adverse impacts on parking, traffic and circulation in the center as a whole, on abutters along the Route 9, Boylston Street or Hammond Pond Parkway corridor, or on adjacent residential neighborhoods.
16. The Board finds that the allowance of tandem parking as part of a managed parking program, if necessary, will not have any adverse impacts on the parking and traffic circulation in the center as a whole, on abutters along the Boylston Street, Route 9 corridor or Hammond Pond Parkway, or adjacent residential neighborhoods.
17. The Board finds that literal compliance with the requirements for screening and parking facility landscaping, lighting, bicycle parking and off street loading in the Special Permit Project Area, is impracticable, due to the nature of the use, the location, size, width, depth and shape of the lot, and these proposed waivers (i) will not have any adverse impacts on the parking and traffic circulation in the center as a whole, on the abutters on the Route 9, Boylston Street corridor or Hammond Pond Parkway, or adjacent residential neighborhoods; and (ii) will be in the public interest and in the interest of safety and protection of environmental features.
18. The Board finds that the proposed reconstruction and enlargement of the existing nonconforming structure will not be substantially more detrimental to the neighborhood for the following reasons: The new building and its mechanical systems have been designed to minimize the impact of noise; pedestrian circulation is improved in the parking lot through signage and site design; the new structure upgrades the Special Permit Project Area, and allows a portion of the existing one story retail building to be replaced with a modernized, environmentally efficient, three story building with a mix of office and other allowed and Special Permit uses, improving the services provided to customers and the public.
19. The Board finds that the improvements to the existing nonconforming parking lot adjacent to the proposed building will replace nonconforming parking stalls with conforming stalls, without reducing the total number of parking stalls available.



20. The Board finds that the existing nonconforming parking lot cannot be made fully conforming without the loss of a significant number of parking spaces and that the Special Permit will improve the site circulation for both pedestrians and vehicles.
21. The Board finds that the parking relief granted by this Board Order, which accommodates the enlargement of the building is justified because there is adequate parking in the reconfigured lot to accommodate the anticipated increased parking demand.
22. The Board finds that the Petitioner will implement a managed parking system offering valet service and/or other managed parking measures if, as described in Condition #11 below, it is necessary to alleviate parking congestion.
23. The Board finds that any additional traffic generated by the new and expanded uses are not expected to cause a significant detrimental impact on the Boylston Street, Route 9 corridor and will be monitored as provided for in Condition below.
24. The Board finds that granting a 1/3rd reduction in parking spaces for 3 or more uses will have no material spillover effects on abutters along the Boylston Street, Route 9 corridor or nearby residential neighborhoods, since available parking spaces in these areas are not within view or easily accessible and the Petitioner intends to make improvements to the Carriage Way that will effectively add additional parking available to users of the Site beyond that counted for the purposes of zoning.
25. The Board finds that in conjunction with this Board Order the Petitioner has agreed to implement Travel Demand Management measures for the Site to encourage use of alternative modes of transportation, including appointing a Transportation Coordinator for the Site, and installing bicycle racks at convenient locations on the Site. The Petitioner also submitted a Parking Management Plan to help facilitate the management of safe and convenient parking for existing and future tenants, their customers and employees.

Findings with regard to the site plan criteria under §§ 30-11(c):

26. The Board finds that the Project plans depict a building and alterations of existing buildings within 300 feet of a Great Pond and that such building and alterations of existing buildings are not inconsistent with and do not interfere with or diminish public views, enjoyment and access to such Great Pond. In support of this finding, the Board notes that the Project as shown on the submitted plans preserves such public views, access and enjoyment of Hammond Pond.
27. The Board finds that the Petitioner will install a stormwater management system in the Special Permit Project Area, which, based on the review by the City Engineer, will result in an improvement to the volume of flow and the water quality runoff from the Site.
28. The Board finds that the Special Permit and the Project does not impede or preclude any current or future view, enjoyment, access or improvements that may be deemed appropriate by appropriate city and state agencies for Hammond Pond.



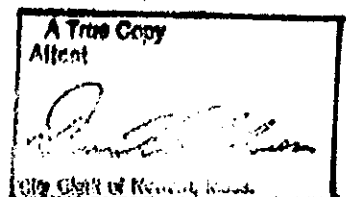
29. The Board finds that the proposed building and site improvements enhance the public view of Hammond Pond, and that there is no impediment to access to the Great Pond.
30. The Board finds that the Petitioner has cooperated with and assisted the City regarding storm water improvements to Hammond Pond, a Great Pond, for many years. Based on the public hearing presentation and supporting documentation, the Board finds, coupled with public statements, that the Petitioner intends to continue to cooperate with, assist and discuss all future improvements related to Hammond Pond water quality, access, and enjoyment.

Findings with regard to the site plan review criteria under §30-23;

31. The Board finds that the Site provides for the convenience and safety of vehicular and pedestrian movement within the Site, provision of off-street loading is adequate, methods of regulating surface water drainage are improved, nonconforming screening of parking is adequate, the location and design of handicapped parking is conforming and the petitioner has complied with the City's Tree Preservation Ordinance.

Findings with regard to Rezoning to Business 4;

32. The Board finds that the rezoning to Business 4 will encourage the most appropriate use of the site and will not detract from the health, safety, convenience, and welfare of the surrounding community.
33. The Board finds that the Planning and Development Board has issued a unanimous recommendation in support of the rezoning of the Site to Business 4.
34. The Board finds that the Board in 2010 approved another rezoning to Business 4 in the Boylston Street corridor (#214-10).
35. The Board finds that the Business 4 Zone does not proscribe any particular use or mix of uses but allows for a variety of different by-right uses that are the same as those allowed under the Business 1 Zone by-right. As well, Special Permit uses allowed under the Business 4 Zone are also the same as those allowed by Special Permit in the Business 1 Zone.
36. The Board finds (i) that the change of Zone for the entire 20 acre +/- site (excluding an unimproved 22,569 sf parcel in the SR-1 Zone fronting on Hammond Street) promotes the uniformity requirement of the Zoning Act, Massachusetts General Laws Chapter 40A; (ii) that the Site is operated holistically and thus should be in the same zoning district rather than different zoning districts; (iii) that rezoning only of the Special Permit Project Area would be a singling out of the area for different treatment; (iv) that there is a substantial relation between the change of zone and the furthering of the general objectives of the Zoning Act Mass General Laws 40A and the City's Comprehensive Plan; and (v) that there is a reasonable basis for the rezoning and it has a substantial relation to the public health, safety, morals, and the general welfare.



- 37. The Board finds that the rezoning of the entire Site is consistent with and furthers many of the goals and policies of the City's Comprehensive Plan which governs the physical development of the entire City and serves as a guide to actions by the Board of Aldermen concerning land use and development regulations pursuant to the City Charter.
- 38. The Board finds that the purpose of rezoning the Site to Business 4 is to take advantage of the right to request a special permit for more height in the Business 4 Zone vs. the Business 1 Zone for the proposed building.

In light of the above findings and conditions below imposed by this board order, the Board of Aldermen finds that the public convenience and welfare of the City and the goals and policies of the comprehensive plan will be served and that the requirements and criteria of Sections 30-23, 30-11(c), 30-19(d)(18), 30-19(m), 30-21(b) and 30-24 for granting a Special Permit/Site Plan Approval in conjunction with the change of Zone Board Order 161-11(1) will have been satisfied.

PETITION NUMBER: #161-11(2)

PETITIONER: W/S Development Associates LLC, its successors or assigns

LOCATION: 1-55 Boylston St., Chestnut Hill, Ward 7

OWNER: C&R Realty Trust

*Trust # 970975
+ Amend
Name change Land Term
749063*

ADDRESS OF OWNER: 1330 Boylston St., Chestnut Hill, MA 02467

TO BE USED FOR: Allowed By-Right Uses and restaurants greater than 50 seats Special Permit

CONSTRUCTION: A new 3-story mixed use building to replace a portion of the existing 1-story retail building located at 33 Boylston Street, and related site improvements. New construction including combination of metal panel, cement panel, curtain wall with ground level storefront panels and rooftop mechanical equipment, as per Elevation Plans on Exhibit A.

EXPLANATORY NOTES: The following Special Permits/Site Plan Approvals are granted subject to the Findings and Conditions set forth herein:

30-11(c) For Site Plan Approval for alterations within 300 feet of a Great Pond;

30-11 (d) (9) For Special Permit for restaurants greater than 50 seats;

30-11(a)(14) For Uses similar or accessory to those authorized by

A True Copy
Attest
[Signature]
City Clerk of Newton, Mass.

sec. 30-11(a);

30-11(j) For Site Plan Approval in a Business Zone;

30-11(k) For Special Permit in a Business Zone;

30-15 (table 3) For height;

30-19 (c)(2) For increases in the parking requirement;

30-19 (d)(18) For 1/3rd shared parking reduction Special Permit;

30-19 (m) For the Special Permit Project Area: dimensional parking exceptions for the parking spaces that straddle the lot line between the site and the Carriage Way; for bicycle racks; for design of parking facilities subject to waiver and for managed and/or valet parking; for parking facility landscaping subject to waiver; for parking facility lighting subject to waiver; for off-street loading subject to waiver.

30-20 (f) For signs in commercial zones;

30-20 (l) For free standing signs;

30-21(a)(2)(b) For Special Permit to alter/extend non-conforming structure and use;

30-21(b) For Special Permit to alter/extend non-conforming structure and use;

30-23 For Site Plan Approval;

30-24 For Special Permits;

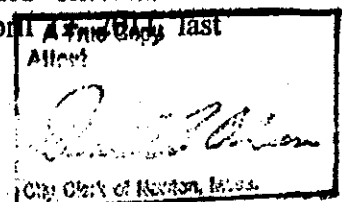
ZONING: Business 4 (pursuant to Board Order #161-11(1))

Prior special permits for this property are Board Orders # 401-03 and 244-09.

Approved subject to the following conditions:

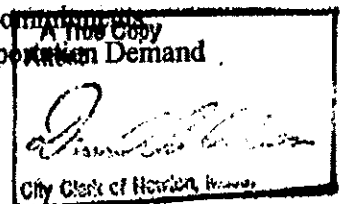
CONDITIONS

1. All buildings, parking and other site features and improvements approved under this special permit/site plan review shall be located and constructed and implemented substantially consistent with the plan set entitled Chestnut Hill Shopping Center, Chestnut Hill, Massachusetts Site Plans April 17, 2010.



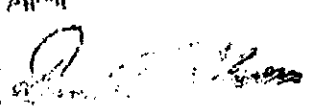
revised May 23, 2011 by Appledore Engineering (and others) (the "Special Permit Plan Set"), which plans are identified on Exhibit A attached and incorporated by reference.

2. All conditions of Board orders # 401-03 and 244-09 shall remain unchanged and in effect except to the extent modified or rendered superfluous by this Special Permit.
3. Nothing in this Special Permit shall limit the right of the Petitioner to phase building and occupancy permits among the separate by right and Special Permit uses.
4. Any plant material required by this Special Permit that becomes diseased or dies shall be replaced on an annual basis with similar material.
5. The Petitioner shall comply in all material respects with the final Construction Management Plan to be submitted for review and approval to the Commissioner of Inspectional Services in consultation with the Director of Planning and Development and the Conservation Commission Agent. The Final Construction Management Plan shall include appropriate provisions for dust controls, noise, blasting, construction traffic routing, and off-site construction parking that may be required to provide parking for uses in operation on the site during construction activities. The final Construction Management Plan shall also include adequate and appropriate procedures and protocols to be implemented to allow effective operation of the Site during construction.
6. The Petitioner shall submit a final Comprehensive Signage Package to the Director of Planning and Development for review prior to implementation of the Site signage program. The Director of Planning and Development shall review the Comprehensive Signage Package, in consultation with the Urban Design Commission. Unless additional zoning relief is granted by the Board, all signs shall conform to the Zoning Ordinance Sign Regulations and this Special Permit.
7. Should the Petitioner implement curb cut changes to the Carriage Way, the petitioner shall monitor all new intersections created, during the first year after full occupancy of the new 33 Boylston Street building to ensure that traffic conditions are working safely and as predicted. Such monitoring methodology shall be reviewed and approved by the City Traffic Engineer and Director of Planning and Development. The Petitioner shall meet with the City Traffic Engineer and Director of Planning and Development to review the findings and discuss reasonable mitigation if necessary.
8. The total number of zoning required parking stalls calculated in accordance with the Zoning Ordinance standards set out in §30-19(d) for the buildings and uses across the Site shall not exceed the limit established by this Special Permit, i.e. 2,425 parking stalls.
9. The following set of conditions relate to the Parking Management Plan and Transportation Demand Management Plan which have been filed by the Petitioner and are hereby approved, copies of which are attached. All of the conditions contained within the attached Parking Management Plan and Transportation Demand



Management Plan are incorporated herein by reference and are enforceable as conditions of the Special Permit.

10. The Petitioner shall make all reasonable efforts to encourage its existing tenants to promote parking by its employees during peak periods in remote locations on the site which would not be in conflict with parking spaces preferred by the tenants' customers. The Petitioner shall send notice to its tenants at the Site informing them that the Petitioner manages a Parking Management Plan approved by this and prior special permits and on file with the City Clerk for the entire Site.
11. The Petitioner shall include in all new leases and amendments of existing leases a provision requiring such tenants to comply with the Parking Management Plan and Transportation Demand Management Plan approved by this Special Permit, on file with the City Clerk, and in effect for the entire Site.
12. The Petitioner shall maintain membership on the 128 Business Council and shall annually file proof of membership with the Director of Planning and Development and the Commissioner of Inspectional Services.
13. If the Petitioner institutes valet parking operations for any of the uses on the Site, the Petitioner shall have a professionally-prepared plan for the valet parking operations consistent with the approved Parking Management Plan, and shall consult with the Director of Planning and Development regarding the valet parking operations prior to implementation of the same. The valet parking shall be conducted in all material respects consistent with professionally-prepared plan which may be modified as needed to improve its efficiency. The Petitioner shall notify the Director of any such modifications. The valet parking plan shall be maintained on file at the Site and shall be available for review upon request by the Director of Planning and Development. Valet parking must be kept within the Site.
14. *Herewith* In order to assess the parking utilization associated with the parking waivers granted to this property pursuant to Special Permit #244-09 and the 1/3rd shared parking reduction pursuant to this Special Permit (161-11(2)), the Petitioner shall conduct Parking Utilization "After Studies" as prescribed by this condition for the entire Site. The first "After Study" shall be conducted in the 2011 fall/winter peak shopping season to reflect the opening of the greater than 50 seat restaurant (The Cottage) and the full occupancy of the tenant spaces for which the 2009 parking waivers were granted. An additional "After Study" shall be conducted in the fall/winter peak shopping season following the full occupancy of the building at 33 Boylston Street which is the subject of this Special Permit. An additional "After Study" shall be conducted in the fall/winter peak shipping season following the full occupancy of the building located at 55 Boylston Street (known as the Macy's Building). The exact dates for the "After Studies" shall be subject to approval by the Director of Planning and Development who may also require that each "After Study" include reasonable additional

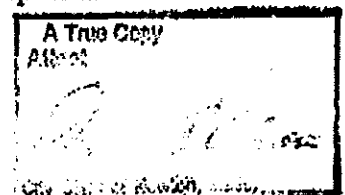
data reduction
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City Clerk of Boston

during the year following the initial collection of data for each "After Study."

The Parking Utilization "After Studies" shall be conducted by a professional firm selected by the petitioner, which is qualified to assess the parking utilization based on the methodology of the Shared Parking Study, dated October 28, 2009 prepared by Walker Parking Consultants and the methodology of the Shared Parking Study dated May 20, 2011 prepared by VPNE Parking Solutions. If the results of any Parking Utilization "After Study" indicate that parking occupancy for the Site has reached 90%, the Petitioner shall meet and discuss parking mitigations with the Director of Planning and Development. Following such meeting and discussions, the Director of Planning and Development shall require appropriate reasonable mitigation(s), including but not limited to those listed in the Parking Management Plan for the Site.

Mitigation may be implemented voluntarily by the Petitioner at any time. Any mitigation implemented pursuant to this condition shall be applicable so long as any of the parking waivers granted by this Special Permit are being used.

15. A Certificate of Occupancy may be issued for all or any part of the Special Permit Project Area and building at 33 Boylston Street prior to installation of all required landscaping shown in the Special Permit Plan Set. Prior, however, to issuance of such Certificate of Occupancy, the Commissioner of Inspectional Services in consultation with the Director of Planning and Development may require that the Petitioner first file a bond, letter of credit, cash or other security in the form satisfactory to the Law Department in an amount not less than 135% of the value of the aforementioned remaining landscaping.
16. No changes to the Project shall be permitted, except as otherwise set forth in this Special Permit/Site Plan Approval, unless they are consistent with the Special Permit Plan Set, condition #1. Consistency determinations shall be subject to review and approval by the Commissioner of Inspectional Services but shall not require approval of the Board. When making a request for a consistency determination, the Petitioner shall certify that the requested modification does not: (i) require a new type of zoning relief and (ii) will not exceed the limit of zoning required parking stalls established in condition 8 for the Site. If the Commissioner of Inspectional Services grants any consistency ruling pursuant to this Condition, he shall provide a copy to the Land Use Committee of the Board. The Land Use Committee shall not be required to vote or to approve the consistency request.
17. 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 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. With regard to each building permit, submitted final plans and elevations to the Director of Planning and Development to assure consistency with the applicable plans approved under this Special Permit/Site Plan Approval.
 - d. Submitted final site plans to the Commission on Disabilities and detail the accessible elements of the Site and compliance with Architectural Access Board requirements.
 - e. Submitted to the Commissioner of Inspectional Services and the Director of Planning and Development its LEED checklist for the commercial interiors of its intended office in the new 33 Boylston Street building.
18. The issuance of a Certificate of Occupancy for all or any portion of the Project shall evidence compliance with all Conditions set forth herein except as otherwise expressly set forth herein or properly noted on such Certificate of Occupancy.

Under Suspension of Rules

Readings Waived and Approved

24 yeas 0 nays 4 absent (Aldermen Baker, Freedman, Gentile, and Salvucci)

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 10, 2011. 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:

Linda Firsirotu, acting
 (SGD) DAVID A. OLSON, City Clerk

Clerk of the Board of Aldermen

LINDA FIRSIROTU

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 8/10/11 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

Linda Firsirotu, acting
 (SGD) DAVID A. OLSON, City Clerk

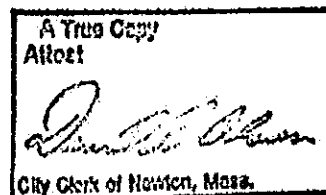


Exhibit A

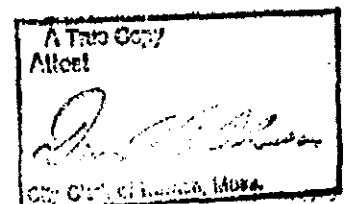
Special Permit Plan List

Architectural Drawings

- First Floor Plan, A1-1, 5/23/11, by Prellwitz Chilinski Architects
- Second Floor Plan, A1-2, 5/23/11, by Prellwitz Chilinski Architects
- Third Floor Plan, A1-3, 5/23/11, by Prellwitz Chilinski Architects
- Roof Plan, A1-4, 5/23/11, by Prellwitz Chilinski Architects
- Building Elevations, A2-1, 5/23/11, by Prellwitz Chilinski Architects
- Building Elevations, A2-2, 5/23/11, by Prellwitz Chilinski Architects
- Building Sections, A3-1, 5/23/11, by Prellwitz Chilinski Architects
- 27 Boylston Street Schematic Plan, A5-1, 5/23/11, by Prellwitz Chilinski Architects
- 55 Boylston Street Schematic Plan, A5-2, 5/23/11, by Prellwitz Chilinski Architects

Civil Drawings

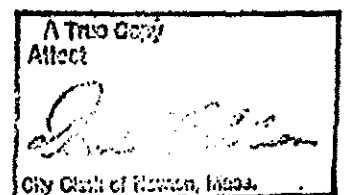
- Overall Existing Conditions Plan, C1.0, 5/23/11, by Appledore Engineering
- Chestnut Hill Notes Sheet, C2.0, 5/23/11, by Appledore Engineering
- Existing Conditions and Demolition Plan – 33 Boylston St., C3.1, 5/23/11, by Appledore Engineering
- Existing Conditions and Demolition Plan – Frontage Rd., C3.2, 5/23/11, by Appledore Engineering
- Existing Conditions and Demolition Plan – Frontage Rd. – Alt. #1, C3.3, 5/23/11, by Appledore Engineering
- Existing Conditions and Demolition Plan – 33 Boylston St. & Frontage Rd., C3.4, 5/23/11, by Appledore Engineering
- Existing Conditions and Demolition Plan – 33 Boylston St. & Frontage Rd. – Alt. #1, C3.5, 5/23/11, by Appledore Engineering
- Project Area Plan – 33 Boylston St., C4.1, 5/23/11, by Appledore Engineering
- Project Area Plan – Frontage Rd., C4.2, 5/23/11, by Appledore Engineering
- Project Area Plan – Frontage Rd. – Alt. #1, C4.3, 5/23/11, by Appledore Engineering
- Project Area Plan – 33 Boylston St. & Frontage Rd., C4.4, 5/23/11, by Appledore Engineering



- Project Area Plan – 33 Boylston St. & Frontage Rd. – Alt. #1, C4.5, 5/23/11, by Appledore Engineering
- Site Plan – 33 Boylston St., C5.1, 5/23/11, by Appledore Engineering
- Site Plan – Frontage Rd., C5.2, 5/23/11, by Appledore Engineering
- Site Plan – Frontage Rd. – Alt. #1, C5.3, 5/23/11, by Appledore Engineering
- Site Plan – 33 Boylston St. & Frontage Rd., C5.4, 5/23/11, by Appledore Engineering
- Site Plan – 33 Boylston St. & Frontage Rd. – Alt. #1, C5.5, 5/23/11, by Appledore Engineering
- Grading, Drainage and Erosion Control Plan – 33 Boylston St., C6.1, 5/23/11, by Appledore Engineering
- Grading, Drainage and Erosion Control Plan – Frontage Rd., C6.2, 5/23/11, by Appledore Engineering
- Grading, Drainage and Erosion Control Plan – Frontage Rd. – Alt. #1, C6.3, 5/23/11, by Appledore Engineering
- Grading, Drainage and Erosion Control Plan – 33 Boylston St. & Frontage Rd., C6.4, 5/23/11, by Appledore Engineering
- Grading, Drainage and Erosion Control Plan – 33 Boylston St. & Frontage Rd. – Alt. #1, C6.5, 5/23/11, by Appledore Engineering
- Erosion Control Notes and Details Sheet, C7.0, 5/23/11, by Appledore Engineering
- Details Sheet, C8.0, 5/23/11, by Appledore Engineering
- 55 Boylston Street Conceptual Building and Site Modifications, C9.0, 5/23/11, by Appledore Engineering

Landscape Drawings

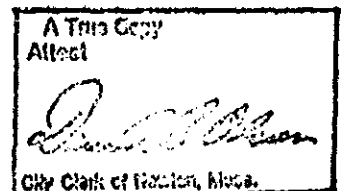
- Building 33 Landscape Site Plan, L1, 5/23/11, by Halvorson Design Partnership
- Frontage Road Landscape Site Plan, L2.1, 5/23/11, by Halvorson Design Partnership
- Frontage Road Alternate-1 Landscape Site Plan, L2.2, 5/23/11, by Halvorson Design Partnership
- Building 33 & Frontage Road Landscape Site Plan, L3.1, 5/23/11, by Halvorson Design Partnership
- Building 33 & Frontage Road Alternate-1 Landscape Site Plan, L3.2, 5/23/11, by Halvorson Design Partnership



- Building 33 Tree Removal & Replacement Plan, L4.1, 5/23/11, by Halvorson Design Partnership
- Frontage Road Tree Removal & Replacement Plan, L4.2, 5/23/11, by Halvorson Design Partnership
- Frontage Road Alternate Tree Removal & Replacement Plan, L4.2a, 5/23/11, by Halvorson Design Partnership
- Building 33 & Frontage Road Tree Removal & Replacement Plan, L4.3, 5/23/11, by Halvorson Design Partnership
- Building 33 & Frontage Road Alternate-1 Tree Removal & Replacement Plan, L4.3a, 5/23/11, by Halvorson Design Partnership

Other

- Illustrative Perspectives and Rendered Site Plan (4 sheets unscaled) showing the Project and the Carriage Way as presented at public hearing on June 21, 2011 prepared by W/S Development Associates LLC
- Site Zoning Data Block revised May 16, 2011 submitted to CZCO on May 16, 2011 (corrected) superceding Data Blocks on Plans C4.1, C4.2 and C4.5
- Letters from Ron Muller & Associates Traffic and Consulting Engineering Services to Candace Havens, Director of Planning and Development (reference no. 10042) dated and submitted to the city of Newton Planning Department on May 19, 2011 and June 14, 2011.
- Shared Use Analysis Memorandum for Chestnut Hill Shopping Center dated May 20, 2011 by VPNE Parking Solutions, submitted to the city of Newton Planning Department on May 20, 2011.
- Construction Management Plans CMP-1, CMP-2 and CMP-3 by Appledore Engineering dated June 6, 2011 and submitted to the city of Newton Planning Department on June 15, 2011.
- Travel Demand Management Plan Chestnut Hill Shopping Center as of July 7, 2011 contained within the city of Newton Planning Department Memorandum entitled Information for July 19, 2011 Working Session dated July 15, 2011.
- Parking Management Plan of WS Development for Chestnut Hill Shopping Center 1-55 Boylston Street, Chestnut Hill MA dated July 7, 2011 contained within the city of Newton Planning Department Memorandum entitled Information for July 19, 2011 Working Session dated July 15, 2011.



Doc 01588040

Southern Middlesex LAND COURT
Registry District

RECEIVED FOR REGISTRATION

On: Jan 12, 2012 at 10:51A

Document Fee 75.00

Receipt Total: \$150.00

NOTED ON: CERT 155044 BK 00905 PG 94

ALSO NOTED ON:

CITY OF NEWTON
IN BOARD OF ALDERMEN

August 11, 2014

RECEIVED
Newton City Clerk
2014 AUG 13 PM 2: 24
DAVID A. OLSON, CLERK
Newton, MA 02459

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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow an open-air business for a seasonal Farmers Market, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The site is an appropriate location for a seasonal Farmers Market, as it is located in the middle of an existing shopping center parking lot and will further activate the site. (§30-24(d)(1))
2. The proposed Farmers Market will not adversely affect the surrounding neighborhood, as there appears to be sufficient parking on the site to accommodate the use. (§30-24(d)(2))
3. The proposed Farmers Market will not create a nuisance or serious hazard to vehicles or pedestrians. Temporary fencing will be placed around the retail area, and the petitioner will employ staff to direct vehicles during operating hours. (§30-24(d)(3))
4. Access to the site is appropriate for the types and numbers of vehicles involved, as the site is located on a major transportation corridor, and is accessible from multiple streets. (§30-24(d)(4))

PETITION NUMBER: #230-14

PETITIONER: Chestnut Hill Shopping Center LLC

LOCATION: 1-55 Boylston Street, Ward 7, on land known as SBL 63, 37, 18A, 26, 27, 22 and 25 containing approx. 20 acres of land

OWNER: Chestnut Hill Shopping Center LLC

ADDRESS OF OWNER: 33 Boylston Street, Suite 3000
Chestnut Hill, MA 02467

TO BE USED FOR: Open Air Business for a Farmers Market on Sundays until October 31, 2015

EXPLANATORY NOTES: §30-11(d)(10), to allow an open air business in a Business 4 zoning district

ZONING: Business 4

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. Site Plans, prepared by Katie Wetherbee, WS Development, dated 7/28/14.
2. All conditions of Board Orders #401-03, 244-09, and 161-11(2) shall remain unchanged and in effect except to the extent modified or rendered superfluous by this Special Permit.
3. This special permit authorizing a Farmers Market shall expire on October 31, 2015.
4. The petitioner shall employ staff to direct and assist traffic and shall also place temporary fencing around the retail area during the operating hours of the Farmers Market.
5. The Farmers Market shall operate commercially on Sundays from 11:00 am to 3:00 pm, from April through October.
6. All tents, tables, fences and other structures associated with the Farmers Market shall meet building code requirements and allow for adequate access for Fire Department trucks.
7. The Parking Utilization "After studies" required by Condition #14 of Special Permit Board Order #161-11(12), shall consider the parking requirements of this use, including those parking stalls that will be consumed by the Farmers Market area and its employees. To the extent possible, the Parking Utilization "After Studies" shall include a parking count of available stalls on a Sunday during the Farmers Market's commercial operating hours.
8. 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 Approval 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. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final site plan in paper and digital format.

Under Suspension of Rules

Readings Waived and Approved

19 yeas 1 nay (Alderman Baker) 3 absent (Aldermen Fuller, Harney, and Sangiolo) 1 vacancy

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 13, 2014 . 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.

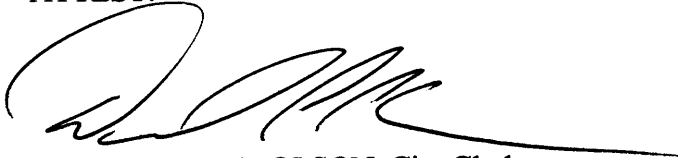
ATTEST:



(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 8/13 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

Travel Demand Management Plan
Chestnut Hill Shopping Center
as of July 7, 2011

WS Development is committed to work with its tenants at the Chestnut Hill Shopping Center to support and promote strategies to reduce vehicle trips and parking demands at the site. Travel Demand Management (TDM) strategies help reduce peak hour traffic and parking demands by increasing the use of alternative travel modes and reducing the number of single occupant vehicle trips. The TDM measures that are in place at the Chestnut Hill Shopping Center are:

- A designated Transportation Coordinator to work with the tenants, in conjunction with the Parking Management Plan for the Site, to encourage and promote TDM measures.
- Install bicycle racks at convenient locations on the site.
- Build a Bus Shelter for the Route 60 bus to encourage greater utilization of the public bus service to serve the Site, as per the condition of Special Permit 244-09.
- Maintain membership in the Rte. 128 Business Council.
- Periodically and not less than twice a year including prior to peak time of the year for parking utilization, distribute local bus and train schedules to tenants for distribution to their employees.
- Periodically and not less than twice a year including prior to peak time of the year for parking utilization, provide materials to tenants that publicize the economic and environmental benefits of TDM practices.
- In addition, since WS Development intends to relocate its corporate office to the site, WS Development will offer enhanced TDM measures to its employees including, without limitation, subsidized MBTA passes.

Chestnut Hill Shopping Center
1-55 Boylston Street
Chestnut Hill, MA
Date: July 7, 2011

PARKING MANAGEMENT PLAN OF WS DEVELOPMENT (“Owner”)

Purpose: The purpose of this plan is to accommodate and manage employee and visitor parking in conjunction with Special Permits #244-09 and #161-11. The goal of this plan is to have smooth traffic flow to, from and within the site (defined below) and to maintain safe and convenient parking for tenants, their customers and employees.

Background: The Chestnut Hill Shopping Center is bordered to the west by Hammond Pond Parkway, to the east by Hammond Street, to the north by Hammond’s Pond and to the south by Boylston Street. The Shopping Center (the “Site”) has multiple types of uses including office, retail, restaurant, grocery store, medical office and movie theatre. The Site has 1319 parking spaces. A portion of the right of way owned by the Commonwealth of Massachusetts DOT runs along the Boylston Street frontage of the property and provides other thru traffic and parking opportunities for patrons of the Site. A component of the special permit application # 161-11 includes improvements to this "Carriage Way" with pedestrian upgrades, crossings, traffic calming and better delineation of the parking spaces.

Parking studies of the Site over the years have consistently shown that at peak times of day in peak times of year the Site has ample parking capacity. In October, 2009 a new and expanded Star Market was opened. In June, 2011 The Cottage Restaurant opened. As a predicate to that opening the Owner completed multiple improvements to the parking lot including newly striped crosswalks and the installation of a Fire Lane along the sidewalk in front of the main entrance to Legal Seafoods. In addition, the Site’s other uses and tenants change from time to time. The owner of the Site desires to provide efficient management of the Site’s parking.

Designated Coordinator: The Owner shall designate a Parking Coordinator for the Site, whose contact information shall be filed with the City Clerk. The Parking Coordinator is responsible for the implementation of this plan. Notification of successor Parking Coordinators will be provided to the City Clerk.

Procedures:

The Parking Coordinators shall:

i. Periodically and not less than twice per year, including prior to peak time of the year for parking utilization, consult with the tenants of the Site (a) to share information about parking utilization, needs and concerns and (b) to promote use of the preferred employee parking areas shown on the Site Plan approved by Board order #244-09.

ii. Distribute to tenants the Transportation Demand Management Plan for the Site and at least annually any updates to the TDM Plan and any other TDM promotional materials.

iii. Cause to be performed any parking studies, including parking studies required of the Owner by special permit;

iv. Oversee the implementation of voluntary parking mitigation by the Owner or implemented pursuant to a special permit requirement.

v. As needed, coordinate site activities with the tenants of the Site in order to achieve the goals of this plan.

vi. Work with the City of Newton and public safety officials to the extent that legal requirements such as Fire Lane restrictions are not being met or warrant additional enforcement.

Mitigation:

The Owner's management team will implement a parking after study, as set forth in Special Permit #244-09 Condition 7 and as may be required by Special Permit #161-11. The parking after study may give rise to the need for additional mitigation measures designed to achieve the goals of this Plan. The mitigation may include the following:

i. Implementation of valet parking operations or other recognized managed parking arrangements;

ii. Requirements that certain employees park in designated employee parking areas in order to preserve the parking spaces for customers closer to tenant entrances.

iii. Consideration of a sticker program to identify vehicles as part of a remote parking program.

CITY OF NEWTON

IN BOARD OF ALDERMEN

February 19, 2013

ORDERED:

That the Board of Aldermen (the “Board”), finding that the public convenience and welfare will be substantially served by its action hereunder, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in Chapter 30 of the Revised Ordinances of the City of Newton, Massachusetts, 2012, as amended (the “Zoning Ordinance”), that the application meets the criteria established in §30-20, and GRANTS approval of the following SPECIAL PERMIT in the Business 4 Zoning District (the “BU-4 District”) for approval of exceptions from the sign regulations as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. The signs approved are in the public interest given the size and shape of the site, the nature of the mixed commercial uses, the number of multi-tenant buildings, and multiple frontages.
2. The approved signs are consistent with the unique identity of this large, redeveloped mixed-use commercial property including signage elements that provide informational content, wayfinding for both pedestrians and vehicles, placemaking and promotion of the types of activities and businesses located at the property.
3. The approved signs will preserve the visual quality and environment of the City.
4. The approved signs do not adversely affect the neighborhood.
5. The approved signs are accessory to businesses at the premises.
6. The approved signs that have changeable content will not be flashing or blinking so as to create an animated effect.

PETITION NUMBER: #417-12

PETITIONER: Chestnut Hill Shopping Center, LLC

LOCATION: 1-55 Boylston Street, Chestnut Hill, MA 02467

OWNER: C&R Realty Trust

ADDRESS OF OWNER: 1330 Boylston St., Chestnut Hill, MA 02467

TO BE USED FOR: Part of a Comprehensive Sign Package for

mixed use commercial center

CONSTRUCTION:

Signs

EXPLANATORY NOTES:

Common Center Signs: §30-20(f)(9); §30-20(l) to erect two free-standing entrance signs (G1) no larger than 35 square feet or ten feet in any linear direction, as shown on the approved plan set; to erect up to two free-standing tenant directional signs (G2), up to two gateway kiosks (G3), up to eight pedestrian directional kiosks (G5), as shown on the approved plan set; §30-20(f)(2); §30-20(l) to erect up to five secondary “wall panel” signs greater than 50 square feet in area and more than one on the same façade; to attach secondary “column capital” signs to the ten structural columns of 55 Boylston Street; §30-20(f)(3); §30-20(l) to erect up to 11 wall mounted tenant directory signs of up to 100 square feet per tenant, as shown on the approved plan set; §30-20(l) to erect up to three secondary “blade panel” signs up to 100 square feet in area per side, and more than one on the same facade.

Tenant Signs: §30-20(f)(1), (2) and §30-20(l) for waivers from the size, number, and location of principal and secondary signs, See Condition #2.

ZONING:

Business 4

Approved subject to the following conditions:

CONDITIONS

1. All Special Permit approved signs shall be located and constructed consistent with the following plans: “Comprehensive Sign Program, The Street Chestnut Hill, f/k/a Chestnut Hill Shopping Center, 1-55 Boylston Street, Newton” prepared by WS Development 12/12/2012 (amended), consisting of 56 sheets.
2. In accordance with plans listed in Condition #1, Tenant signs shall be allowed as follows:

- a. The theatre tenant in 55 Boylston Street shall be allowed two principal wall signs each up to 150 square feet, and two secondary wall signs each up to 75 square feet, in addition to a by-right marquee sign;
 - b. For tenants of at least 2,000 square feet whose entrance is not substantially facing Boylston Street, a third principal perpendicular blade-style wall sign of up to 100 square feet is permitted, on the Boylston Street elevation;
 - c. For business establishments that serve food, one additional secondary sign is allowed provided that the aggregate square footage of all secondary signs for an individual tenant does not exceed 100 square feet;
 - d. For business establishments whose storefront wall includes an architectural canopy, a principal wall sign not to exceed 100 square feet may be affixed to any position on, above or below the canopy, and one secondary blade sign not to exceed 50 square feet may be affixed to the underside of such canopy;
 - e. Retail, restaurant or health club tenants which occupy at least 5,000 square feet, and are located on or above the second floor of a building, may have two additional secondary signs not to exceed 100 square feet in the aggregate;
 - f. Three wafer-style ground signs, up to six square feet in sign area are permitted for a second floor occupant of 55 Boylston Street.
 - g. Secondary signs may be located on the same façade as a principal sign.
3. One single upper-story sign facing Boylston Street is allowed for the Petitioner, who occupies the upper story of 33 Boylston Street and whose entrance does not face Boylston Street in addition to a principal sign not exceeding 100 square feet facing north or east.
 4. The Petitioner will control the content of all signage. Signs will be approved by the Petitioner for compliance with the Comprehensive Sign Package and the conditions of this Special Permit before presentation to the Inspectional Services Commissioner (ISDC) for a building permit and review by the Urban Design Commission (UDC). The building permit application shall include a location map.
 5. Through this Special Permit, the maximum size, number, type of content and location of the Special Permit signs are regulated and approved, and shall be consistent with the plans and materials listed in Condition #1. The Comprehensive Sign Package includes elements shown for reference and is a holistic plan for the entire mixed-use commercial property. Individual tenants and tenant signs will change from time to time. So long as any individual tenant sign package either conforms to the requirements of the Ordinance or takes advantage of the relief granted by this Special Permit, it is allowed. To the extent that the number or location of proposed tenant signage is not specifically enumerated in the approved Plans, the Commissioner of Inspectional Services shall have the authority to conclude that such proposed tenant signage is consistent in all material respects with the Plans and this Special Permit.
 6. Signs shall not be physically modified other than as authorized. This condition does not restrict changes to the display content of the approved changeable-content displays or electronic signs.

7. Signs shall not have cut-outs, projections or extensions beyond the dimensions specified in the approved plans.
8. Signs shall have no moving parts, nor flashing or blinking lights so as to create an animated effect.
9. Petitioner and/or Tenant shall keep all signs reasonably clean and neat and in proper condition, and all necessary and ordinary/customary maintenance shall be performed by Petitioner and/or Tenant (as appropriate).
10. Petitioner and/or Tenant (as appropriate) shall repair or restore to a safe condition any part of a sign when the sign is damaged.
11. Petitioner shall give written notifications to the City Clerk and Director of the Planning and Development Department within ten days of any of the following:
 - a. Any change of business addresses, primary phone number, email or other pertinent contact information of the Petitioner.
 - b. In the case of the erection of a new sign, by right or as allowed by this Special Permit the notice shall include a set of photographs of adequate size and viewing angles to depict fairly and accurately the location of the sign and the surrounding area.
12. Petitioner may use the Pedestrian Directory signs for any commercial purpose relating to the on-premises business or businesses (tenants) of the mixed-use property, and for display related to the business activities and/or products provided at the mixed-use property. The Pedestrian Directory signs will operate only when any business at the mixed-use property is open for business. Light level on the Pedestrian Directory signs will adjust automatically to maintain legibility but to avoid excessive brightness. The Pedestrian Directory signs may be used to display messages with public service or community-based content, such as educational material about Hammond Pond.
13. Petitioner may use the Wall Panel and Blade Panel signs for any commercial purpose relating to the on-premises business or businesses (tenants) of the mixed use property, and for display related to the business activities and/or products provided at the mixed use property. Lighting of the Wall Panel and Blade Panel signs will be external illumination of the surface only, which lighting will only operate when any business at the mixed use property is open for business.
14. The Gateway signs must include wayfinding or educational content.
15. Within 60 days following the date on which the City Clerk stamps this Board Order (or within 30 days following the final adjudication of all appeals in favor of the Petitioner), Petitioner shall:
 - a. Record 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. File a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 vacancy

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 February 21, 2013. 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 _____ 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

CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Council Mark Laredo, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – *The Street Redevelopment*

Date: September 8, 2016

CC: Lou Taverna, PE City Engineer
Nadia Khan, Committee Clerk
Barney Heath, Director of Planning
Alexandria Ananth, Chief Planner
Neil Cronin, Sr. Planner

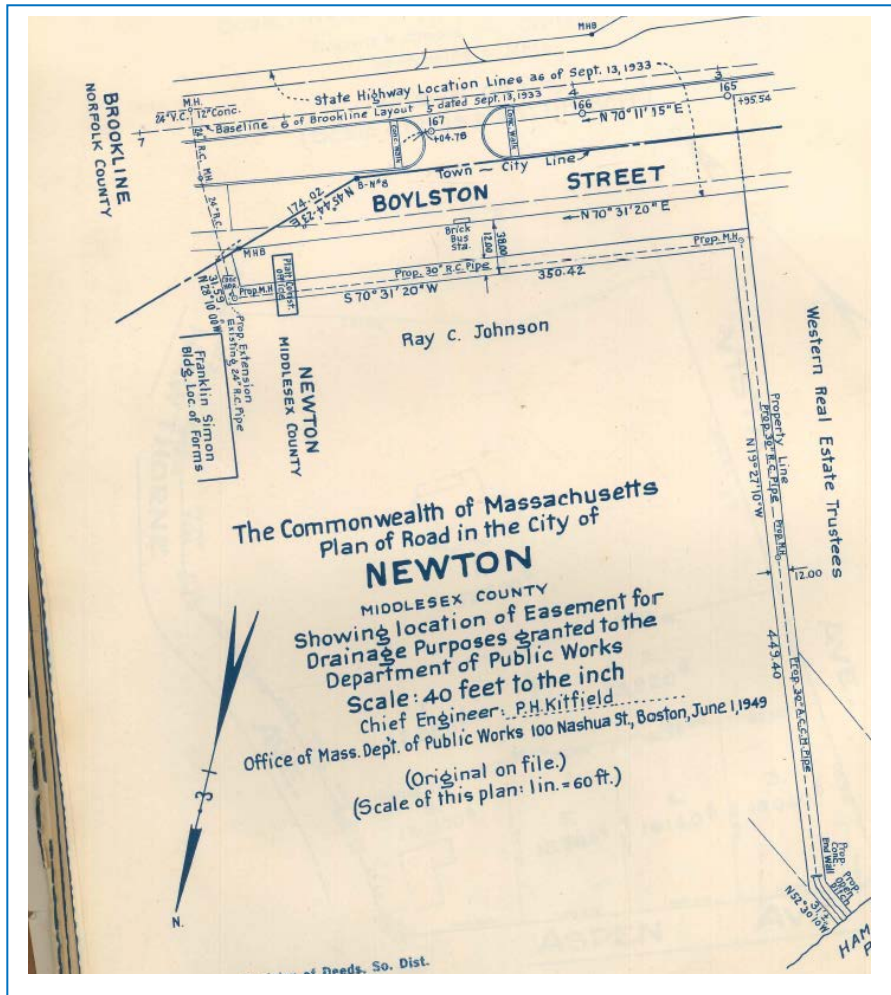
In reference to the above site, I have the following comments for a plan entitled:

*Village of Chestnut Hill, MA
The Street Redevelopment
Permitting Plans
Dated: June 10, 2016
Revised: August 25, 2016
Prepared by: Tighe & Bond*

Executive Summary:

This project entails the redevelopment of a 6.08 acre site across the currently developed sites of #27 & 55 Boylston Street. The proposed work at #27 includes the demolition of an existing building, construction of three new buildings, including a two-story underground parking garage beneath the footprint of the proposed building adjacent to Frontage Road. The work at #55 involves building infills, as well as stormwater management system.

Two of the proposed buildings near Hammond Pond are to be sited juxtaposed to a MassDOT drainage easement that contains a 30" diameter corrugated steel pipe and outfall. This pipe collects a large portion of runoff off Rte. 9 from the Brookline/Newton corporate limits down to the low point of the site; (see photo below). Portions of the proposed buildings will overhang the drain pipe, and the docks & boardwalk will be built directly over this easement and pipe; this is a concern as it will limit MassDOT from future access and maintenance. As a courtesy the applicant should contact MassDOT District 6 who has jurisdiction over the easement for review and comment. This office should be copied in all correspondence to MassDOT. A site section should be developed that shows the two proposed buildings, the docks, boardwalk, the easement, and the existing 30" corrugated metal drain pipe; and how access for maintenance will be addressed.



Dewatering during construction is a concern given the fact that [2 stories below grade are to be excavated], and construction next to Hammond Pond, and former underground streams within the project limits, dewatering not been addressed in this filing.

Clarification is needed as to the anticipated dewatering methodology, treatment, and discharge points during construction, and after the underground structures are completed.

The engineer of record has designed stormwater collection systems that include: green roof, construction of a rain garden adjacent to Hammond Pond (*A Great Pond*), and overall enhancements to stormwater quality, and reduction of flows to Hammond Pond. The design addresses the stormwater standards for redeveloped sites per the Department of Environment Protection.

As the total site disturbance is over an acre, a Phase II General Construction (NPDES) Permit will need to be filed with DEP & EPA. A Stormwater Pollution Prevention Plan (SWPPP) will need to be developed.

The Operations and Maintenance (O&M) plan for Stormwater Management Facilities appears to be acceptable. The O&M must be adopted by applicant, incorporated into the deeds; and recorded at the Middlesex Registry of Deeds. A copy of the recording instrument shall be submitted to the Engineering Division. Typically the DPW does not give credit for permeable pavers, however; since the applicant has incorporated vacuum sweeping (2-4 times) annually, the DPW will accept the design intent of the overall drainage system.

Sheet C-102 Existing Conditions plan indicates a 36" diameter drain pipe beneath the parking lot and part of an existing infiltration system between two manholes, however; the outlet from the manhole just fades, there is no indication of the size of the outlet pipe or where it discharges, and this needs clarification.

Has a 21E investigation & report been performed on the site? If so, copies of the report should be submitted the Newton Board of Health and the Engineering Division. Are there any existing underground oil or fuel tanks that are to be removed, or if they have been removed evidence should be submitted to the Newton Fire Department, and Newton Board of Health.

The plans do not indicate where fire suppression and domestic services will be provided to the two buildings.

This concludes my review, when plans are updated it is the responsibility of the applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process complete and consistent plans.

Recommendations:

1. Clarification is need on the site utilities plans, due to various CAD layers showing it is difficult to interrupt the intended design and how it connects to existing site and municipal utilities.
2. Prior to and demolition & construction the applicant shall have the 30” CMP culvert inspected via a Closed Circuit Television Inspection (CCTV). The Engineering & Utilities Division and MassDOT shall be given 48 hours prior notice to the date of the CCTV inspection to arrange an Inspector to witness the inspection.
3. It is imperative to note that the ownership, operation, and maintenance of the proposed drainage system and all appurtenances including but not limited to the drywells, catch basins, and pipes are the sole responsibility of the property owner(s).
4. Snow storage areas need to be identified on the site plan.
5. The applicant will have to apply for a Special Permit with the City Council, a Building Permit with the Inspectional Services Department.
6. The applicant’s contractor shall apply with the DPW for Utilities Connection permits.
7. The contractor needs to notify the Engineering Division 48-hours in advance and schedule an appointment to have the drainage system & all utilities inspected. The system & utility must be fully exposed for the inspector. ***This note must be incorporated onto the final contract plans.***
8. All siltation control systems shall be installed and inspected by the Conservation Commission Agent(s) prior to any construction. ***This note must be incorporated onto the final contract plans.***
9. Prior to a request for a Certificate of Compliance an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading, improvements and limits of restoration work. The plan shall also include profiles of the various new utilities, indicating rim & invert elevations, slopes of pipes, pipe material, and swing ties from permanent building corners. ***This note must be incorporated onto the final contract plans.***
10. All site work must be completed before requesting a Certificate of Occupancy.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.



Setti D. Warren
Mayor

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

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(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 18, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Chestnut Hill Shopping Center LLC, applicant
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to make building and site improvements to a mixed use shopping center

Applicant: Chestnut Hill Shopping Center LLC	
Site: 1-55 Boylston Street	SBL: 63037 0025, 63037 0026
Zoning: BU4	Lot Area: 859,444 square feet
Current use: Mixed use	Proposed use: No change

BACKGROUND:

The property at 1-55 Boylston Street is located in the Business 4 district and is improved with a shopping center known as "The Street". The properties have been subject to several special permits, the most recent Board Orders 161-11(2) and #161-11(4), issued in 2011, which put it in its current configuration and capacity. The property contains a mix of retail, service, including health club, restaurant, office, medical office and a movie theater. The applicant seeks the following relief: i) an amendment to the existing site plan approvals and special permit to make further site improvements; ii) site plan approvals and special permit to infill the ground floor space under the theater and to make a small second floor addition at 55 Boylston Street; iii) site plan approvals and a special permit to reconstruct the 27 Boylston street building in a new footprint with two levels of underground parking; and iv) site plan approvals and a special permit to construct two pavilion buildings and an associated footpath along Hammond Pond.

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

- Zoning Review Application, prepared by Chestnut Hill Shopping Center LLC, applicant, dated 5/4/2016
- Overall Site Plan, prepared by Tighe & Bond, dated 5/3/2016
- Site Plan – 55 Boylston Street, prepared by Tighe & Bond, dated 5/3/2016

- Site Plan, prepared by Tighe & Bond, dated 5/3/2016
- Parking Table, submitted 5/4/2016

ADMINISTRATIVE DETERMINATIONS:

1. There are seven separate buildings which comprise the entire mixed use shopping center, which was rezoned to Business 4 and portions redeveloped in 2011. The applicant proposes several construction projects as part of this petition. First, the applicant proposes to infill 8,400 square feet of space currently used as drive aisle, loading and surface parking on the ground level below the movie theater, as well as 4,700 square feet of infill on the second story at 55 Boylston Street. The structure will remain a lawful, pre-existing non-conforming structure. Per Section 7.8.2.C, a special permit is required for the alteration or extension of a non-conforming structure to provide for its use to a greater extent. Per Section 4.1.2.B.1, a special permit is required for any development in the Business districts of 20,000 square feet or more of new gross floor area, which applies in the case of 55 Boylston Street because the lawful nonconforming structure is being enlarged by 13,100 square feet and the building will therefore, in the aggregate exceed 20,000 square feet of gross floor area.

The applicant also proposes to raze the existing building at 27 Boylston Street (The Container Store) and rebuild a new 84,000 square foot, 57 foot high two-story building in a new footprint. The building will have a pedestrian "view," connecting the western portion of the site to the eastern portion of the site containing the supermarket, retail, restaurant and medical office uses. Per Section 4.1.2.B.1, a special permit is required for any development in the Business districts of 20,000 square feet or more of new gross floor area, which applies in the case of 27 Boylston Street because the proposed replacement in the aggregate exceeds 20,000 square feet of gross floor area.

Two pavilion buildings, one with 1,900 square feet and one with 7,900 square feet, are proposed along Hammond Pond, as well as a dock and riverwalk. The applicant anticipates retail uses in these spaces. Per Section 4.1.2.B.1 and 4.1.2.B.2, this is a proposed by right building as it is less than 10,000 square feet of new gross floor area and thus does not requires site plan review under Section 4.1.2.B.2 or a special permit.

In total, 106,900 square feet of space will be constructed. The reconstruction will replace 93,888 sf in the existing 27 Boylston Street building which will be razed. The net additional square footage of the redevelopment project is 13,012 square feet. Per Section 4.1.2.B.1, a special permit is required for any development in the Business districts of 20,000 square feet or more of new gross floor area.

2. Per Section 5.6, site plan review is required in a Business District to locate a building within 300 feet of a great pond. The existing and proposed buildings are all within 300 feet of Hammond Pond, a great pond as defined under M.G.L. Chapter 131, section 1. Per Section 5.6, under the procedures of Section 7.4, a review of the proposed buildings and additions with particular concern to the preservation of public view, and enjoyment and access to the great pond is required.

3. The applicant proposes to raze the existing building at 27 Boylston Street, which is the site of the Container Store, and formerly contained a theatre and office uses, and rebuild an 84,000 square foot building with a new footprint. The new building is proposed with a maximum height of 57 feet and two stories. The maximum allowed height for a two-story building by-right in the BU4 district is 36

feet. To build to the proposed 57 foot height requires a special permit per Section 4.1.2.B.3 and 4.1.3.G.

4. The 2011 special permit authorized a shared parking special permit under Section 5.1.4.C, and capped the maximum zoning parking demand at 2,425 spaces. There are presently 1,319 parking stalls on site. After construction and reconfiguration, there will be an increase to 1,407 stalls. The infill at 55 Boylston will eliminate 201 stalls, however 289 stalls will be created in the two new levels of underground parking at the newly reconstructed 27 Boylston Street, resulting in a total of 1,407 stalls. This amount does not include 114 parking stalls located on the Frontage Road. The existing and anticipated uses on site will result in a parking demand of 2,329 stalls, which leaves 97 stalls remaining before reaching the limit of 2,425. The stalls on the Frontage Road are not counted toward the shared parking special permit. At this time, no relief for the minimum number of parking stalls is required.

5. The Site Plan shows certain parking stalls being altered by the Project that do not have a minimum of 5' setback to the street and lot lines under section 5.1.8 A.1. A parking waiver is required for this condition related to new parking spaces being created.

6. Special Permit Order #230-14 was issued in August 2014 allowing for a seasonal farmer's market on the property. The applicant has not yet had the opportunity to exercise the rights of the special permit and requests an extension of time to do so.

7. Special Permit Order #161-11(2) and prior orders allowed restaurant uses with over 50 seats on the property. This special permit use shall be allowed in the proposed buildings, as well as existing.

8. Special Permit Order #417-12 authorized a comprehensive site wide signage program across the property. The applicant has exercised some aspects of this signage program. The applicant requests an update to this signage program relative to the proposed improvements.

BU4 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	859,444 square	No change
Maximum FAR	1.5	.48	.49
Setbacks – 27 Boylston St			
• Front	15.4 feet	16 feet	15.4 feet
• Side	27.5 feet	> 27.5 feet	> 27.5 feet
• Rear	27.5 feet	> 27.5 feet	32.2 feet
Setbacks – 55 Boylston Street			
• Front	21 feet		No change
• Side	21 feet		No change
• Rear	21 feet		No change
Setbacks – 27 Boylston Street Pond Buildings			
• Front	10.1 feet	N/A	±350 feet
• Side	15 feet	N/A	16.5 feet
• Rear	15 feet	N/A	15 feet
Stories (55 Boylston Street)	3	2	No Change
Height (55 Boylston Street)	36 feet	42 Feet	No Change
Stories (27 Boylston Street)	3	2	No Change
Height (27 Boylston Street)	36 feet	54 Feet	57 Feet
Stories (27 Pond)	1	N/A	1
Height (27 Pond)	36 Feet	N/A	20.2 feet

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
§ 4.1.2.B.1	To allow buildings in excess of 20,000 square feet of gross floor area	S.P. per §7.3.3
§ 4.1.2.B.2	Site Plan Review	S.P.R. per § 7.4

§ 4.1.2.B.3	Allow a Building up to 60' in height	S.P. per § 7.3.3
§5.6	Allow Construction within 300 feet of a Great Pond	S.P.R. per § 7.4
§ 5.1.8	Allow parking stalls within setback	S.P. per § 7.3.3
§ 6.4.22	Extend Farmer's Market Special Permit #230-14	S.P. per § 7.3.3
§5.8.2.C	Extension of a nonconforming structure	S.P. per § 7.3.3
§5.2.13	Update signage program of Special Permit Order #417-12	S.P. per § 7.3.3

Zoning Map 1-55 Boylston Street

City of Newton,
Massachusetts

Legend

- Single Residence 1
- Multi-Residence 3
- Business 1
- Business 4
- Public Use
- Building Outlines

ATTACHMENT H



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield








0225 50 75 10(123)5(1732)(22325(27530(823350
 Feet

Map Date: September 16, 2016

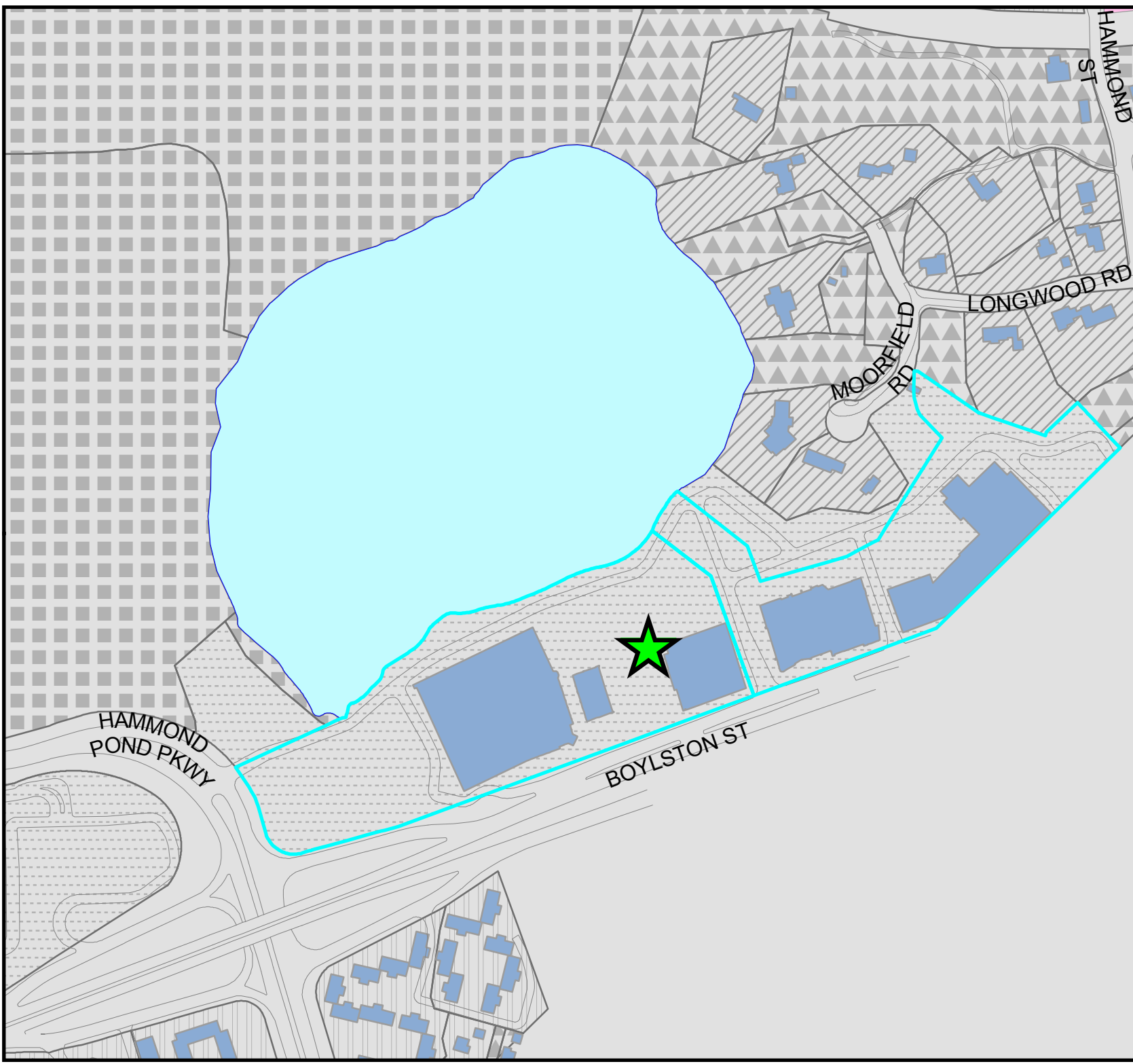
Land Use Map 1-55 Boylston Street

*City of Newton,
Massachusetts*

Legend


-  Building Outlines
- Land Use**
-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Nonprofit Organizations
-  Vacant Land

ATTACHMENT I



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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
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