



Setti D. Warren  
Mayor

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

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

Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: July 6, 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, restaurant, 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.

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.

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.

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.2, 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.

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 Board 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.

<b>BU4 Zone</b>	<b>Required/Allowed</b>	<b>Existing</b>	<b>Proposed</b>
Lot Size	10,000 square feet	859,444 square	No change
Maximum FAR	1.5	.48	.49
<b>Setbacks – 27 Boylston St</b>			
• 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
<b>Setbacks – 55 Boylston Street</b>			
• Front	21 feet		No change
• Side	21 feet		No change
• Rear	21 feet		No change
<b>Setbacks – 27 Boylston Street Pond Buildings</b>			
• 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:

<b>Zoning Relief Required</b>		
<b>Ordinance</b>		<b>Action Required</b>
§ 4.1.2.B.1	To allow a building 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