

CITY OF NEWTON

IN CITY COUNCIL

August 13, 2018

ORDERED:

That the Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a waiver of 243 parking stalls and to allow non-accessory parking, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for non-accessory parking because the site consists of underutilized parking facilities. (§7.3.3.C.1)
2. The non-accessory parking, as developed and operated, will not adversely affect the surrounding neighborhood because trips will occur outside of peak hours and will not impact the local road network. (§7.3.3.C.2)
3. The non-accessory parking will not create a nuisance or serious hazard to vehicles or pedestrians because all pick-up and drop-off of passengers will occur within the site. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the site is located on the Boylston Street/Route 9 corridor with sufficient ingress and egress points. (§7.3.3.C.4)
5. A waiver of 243 parking stalls is in the public interest because the site's parking facilities are underutilized and allowing non-accessory parking will allow for a new use on site without affecting the existing businesses. (§5.1.4 and §5.1.13)

PETITION NUMBER: #180-18

PETITIONER: Mall at Chestnut Hill, LLC.

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

OWNERS/ADDRESSES: Bloomingdales, Inc.
7 West Seventh Street, Cincinnati, OH 45202

TO BE USED FOR: A waiver of 243 stalls and to allow non-accessory parking to allow for a third-party shuttle service

CONSTRUCTION: Site Work Only

EXPLANATORY NOTES: §4.4.1 to allow non-accessory parking; §5.1.4 and §5.1.13 to allow a waiver of 496 parking stalls

ZONING: Business 1 District

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. Civil Plan Set, prepared by RJ O'Connell and Associates, signed and stamped by John J. Stoy, professional engineer, last revised April 25, 2018, consisting of two (2) sheets:
 - Overall Site Plan
 - Site Plan
2. Prior to an issuance of a certificate of occupancy for the improvements authorized by the Order, the shuttle operator shall obtain a bus license from the City of Newton acting by and through the City Council through its Public Safety and Transportation Committee
3. The petitioner shall install a bus shelter and a light at the bus stop.
4. The parking stalls shall only be dedicated to the third-party users Monday through Friday from 5:30 a.m. to 9:00 p.m. but shall not be dedicated to the third-party users on major shopping days during these days.
5. The parking stalls leased as part of this Order shall only be dedicated to shuttles serving the Longwood Medical and Academic Area. Any increase in the number of stalls leased, or the number of shuttles, shall require an amendment to this Special Permit/Site Plan Approval.
6. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this board order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.

- c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
7. No Final Inspection and/or Occupancy Permit for the portion of the building covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
 - c. Provided evidence of licensure from the City of Newton to the Director of Planning and Development and the Commissioner of Inspectional Services in accordance with Condition #2 above.