

CITY OF NEWTON

IN CITY COUNCIL

August 13, 2018

ORDERED:

That the City 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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to temporarily waive 153 parking stalls, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. Literal compliance with the parking requirements is in the public interest due to the short-term nature of the event and prior parking counts of similar events on site indicate the site has sufficient parking available to meet the demand during the outdoor sales event (§5.1.13).

PETITION NUMBER: #360-18

PETITIONER: Bloomingdale's, Inc.

LOCATION: 175 Boylston Street, on land known as Section 65, Block 8, Lot 100, containing approximately 19, 368 square feet of land

OWNER: Bloomingdale's, Inc.

ADDRESS OF OWNER: Bloomingdales, Inc.
7 West Seventh Street, Cincinnati, OH 45202

TO BE USED FOR: An annual sales event of not more than 15 days in duration which is to occur generally during the two weeks leading up to and including Labor Day, and which will require a temporary waiver of 153 parking spaces.

CONSTRUCTION: Temporary tent approx. 82 ft. x 246 ft.

EXPLANATORY NOTE: §5.1.13 to temporarily waiver 153 required parking stalls during operation of the temporary event.

ZONING: Business Use 1

Approved, subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features shall be located and constructed consistent with:
 - a. Site Plan, unsigned and unstamped.
2. The approval of this special permit for an annual event and the temporary waiver of 153 parking spaces for the erection of a tent during the rug sale is valid for five (5) years, allowing the petitioner to hold five events, and shall be allowed to continue to be held during the same general time period over the next five years, at the discretion of the Commissioner of Inspectional Services and the Director of the Department of Planning and Development. The petitioner must file a letter stating its intent to hold the event with the Commissioner and Director no later than three months prior to the proposed start date of the event.
3. The petitioner must obtain building permit(s) for the tent for each event approved by the Commissioner of Inspectional Services and Director of Planning and Development.
4. The use of the temporary tent is allowed for not more than 15 days, for a period generally of two weeks leading up to and including Labor Day.
5. The temporary tent shall displace no more than 81 parking spaces.
6. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the City of Newton Fire Department, Department of Planning and Development, and Department of Inspectional Services.
7. If the petitioner intends to seek permission to hold the event in 2023, the petitioner shall conduct a parking demand survey during the 2022 event. The parking demand survey shall take place during at least three full days and shall include at least one day over the Labor Day Holiday weekend. The petitioners should provide a scope of the proposed parking demand survey, including the dates, area of the parking facility that is proposed to be included in the survey, and manner in which the survey will be conducted to the Director of Planning and Development at least two weeks prior to beginning the 2023 study, for review and approval. A copy of the completed parking demand survey shall be filed with the petitioner's application for a special permit for a 2023 event.
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 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.
- d. Received approval from the applicable Departments in accordance with Condition #6 above.