

TO THE HONORABLE BOARD OF ALDERMEN, CITY OF NEWTON:

The undersigned hereby makes application for a permit to build or alter a structure and/or use of a facility as described below in the proposed location in accordance with the provisions of Chapter 30 or any other sections of the City's current Ordinances.

PLEASE REFERENCE SECTION(S) OF THE ORDINANCES FROM WHICH RELIEF IS REQUESTED: 21

4.2.2.A.2; 4.2.2.B.1; 4.2.3; 4.2.5.A.2; 4.2.5.A.3; 4.2.5.A.4; 4.2.5.A.4.c; 4.2.5.A.6; 4.2.5.A.6.a; 4.2.5.A.6.b; 4.4.1; 5.1.4.A; 5.1.4.C; 5.1.8.A; 5.1.8.B; 5.1.9.B; 5.1.10; 5.1.12; 5.1.13; 5.2.13.A; 7.3; 7.4

RECEIVED
MAY 6 2016
David A. Olson, CMC
Newton, MA 02459

PLEASE CHECK ALL REQUESTED APPROVALS THAT APPLY:

- Special Permit/Site Plan
- Site Plan Only
- Extension of Non-Conforming Use(s) and/or Structure(s)
- Amendment of Board Order # _____

STREET Washington Street, Walnut Street, and Washington Terrace WARD 2

SECTION(S) 21 BLOCK(S) 029 LOT(S) 0010-0023

APPROXIMATE SQUARE FOOTAGE (of property) 123,956 ZONE BU1 and BU2 (to be rezoned to MU4)

TO BE USED FOR: a mixed use development consisting of three interconnected buildings which incorporate 171 residential units, 39,745 square feet of retail sales, service establishment, restaurant, health club and/or medical office space, and 2,150 square feet of office/community space

CONSTRUCTION: fiber cement masonry and wood-frame over steel construction

EXPLANATORY REMARKS: Special permit sought for (1) mixed use development in excess of 20,000 square feet pursuant to Section 4.2.2.B.1; (2) FAR of 1.92 pursuant to Section 4.2.3; (3) building height of 60 feet and five stories pursuant to Section 4.2.5.A.2; (4) lot area per unit of 725 square feet pursuant to Sections 4.2.2.A.2 and 4.2.5.A.3; (5) waiver of the height setback requirement of Section 4.2.5.A.4.c for buildings greater than 40' pursuant to Section 4.2.5.A.4; (6) waiver of the transparency and entrance requirements of Section 4.2.5.A.6; (7) the following uses: a) retail sales over 5,000 square feet; b) restaurants over 50 seats; c) personal service over 5,000 square feet; d) standalone ATMs; e) health club at or above ground floor; f) animal services; and g) street-level office, all pursuant to Section 4.4.1; (8) allow 1.25 parking stalls per residential unit and a parking waiver of 97 parking stalls pursuant to Section 5.1.4.A ; (9) reduction of the overall non-residential parking requirement by 1/3 pursuant to Section 5.1.4.C; (10) waivers pursuant to Section 5.1.13 as follows: a) parking stall setback requirement (Section 5.1.8.A.2); b) parking stall dimensions (Sections 5.1.8.B.1 and 2); c) maneuvering space for end stalls (Section 5.1.8.B.6); d) interior landscaping (Section 5.1.9.B.1; e) interior planting area (Section 5.1.9.B.2; f) tree planting requirement (Section 5.1.9.B.3); g) bumper overhang requirements (Section 5.1.9.B.4); h) 1-foot candle lighting requirement (Section 5.1.10.A.1); i) interior requirements (Section 5.1.10.B.3); j) surfacing and curbing requirements (Section 5.1.10.B.5); k) number of required loading bays (Section 5.1.12); (11) one or more free-standing signs pursuant to Section 5.2.13.A; and (12) waivers as to number, size, location, and height of signs pursuant to Section 5.2.13.A.

RECEIVED
MAY - 6 2016

The undersigned agree to comply with the requirements of the Zoning Ordinances and Rules of the Land Use Committee of the Board of Aldermen in connection with this application.

PETITIONER (PRINT) Mark Newtonville, LLC

SIGNATURE _____

Robert S. Korff, Manager of Amadan Management, LLC, Manager of Mark Newtonville, LLC

PHONE N/A E-MAIL N/A

ADDRESS 57 River Street, Suite 106, Wellesley, MA 02481

ATTORNEY Stephen J. Buchbinder, Esquire PHONE 617-965-3500 E-MAIL sjbuchbinder@sab-law.com

ADDRESS 1200 Walnut Street, Newton, Massachusetts 02461-1267

PROPERTY OWNER Mark Newtonville, LLC and Mark Lolich, LLC *

OWNER'S ADDRESS 57 River Street, Suite 106, Wellesley, MA 02481

SIGNATURE OF OWNER _____

Robert S. Korff, Manager of Amadan Management, LLC, Manager of Mark Newtonville, LLC and Mark Lolich, LLC

DATE May 6, 2016

PLANNING AND DEVELOPMENT
DEPARTMENT ENDORSEMENT

*Mark Newtonville, LLC and/or Mark Lolich, LLC (the "LLCs") are the current property owners of eleven of the fifteen lots that comprise the proposed project. The ownership of each lot are described below on Schedule A attached hereto. The LLCs are currently under agreement to purchase the remaining four lots (located at 6-8 Washington Terrace, 16-18 Washington Terrace, 22 Washington Terrace, and 875 Washington Street, respectively), and will close on them in the coming months. The Property Owners of these four lots hereby consent to the forgoing application below stating:

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PROPERTY OWNER Joseph A. Arcuri and Rosina Arcuri
OWNER'S ADDRESS 6-8 Washington Terrace, Newton, MA
SIGNATURE OF OWNER *Joseph Arcuri*
SIGNATURE OF OWNER *Rosina Arcuri*
DATE May 2, 2016

PROPERTY OWNER Valery Saminsky and Elena Saminsky
OWNER'S ADDRESS 16-18 Washington Terrace, Newton, MA
SIGNATURE OF OWNER _____
SIGNATURE OF OWNER _____
DATE _____

PROPERTY OWNER Siu Ming Chow and Jamie Chui Ming Chow
OWNER'S ADDRESS 22 Washington Terrace, Newton, MA
SIGNATURE OF OWNER _____
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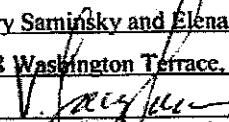
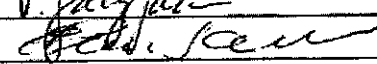
PROPERTY OWNER Sunoco, LLC
OWNER'S ADDRESS 875 Washington Street, Newton, MA
SIGNATURE OF OWNER _____
DATE _____

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SIGNATURE OF OWNER _____
DATE _____

PROPERTY OWNER Valery Saminsky and Elena Saminsky
OWNER'S ADDRESS 16-18 Washington Terrace, Newton, MA
SIGNATURE OF OWNER 
SIGNATURE OF OWNER 
DATE 05/01/2016

PROPERTY OWNER Siu Ming Chow and Jamie Chui Ming Chow
OWNER'S ADDRESS 22 Washington Terrace, Newton, MA
SIGNATURE OF OWNER _____
SIGNATURE OF OWNER _____
DATE _____

PROPERTY OWNER Sun Oil Company of Pennsylvania
OWNER'S ADDRESS 875 Washington Street, Newton, MA
SIGNATURE OF OWNER _____
DATE _____

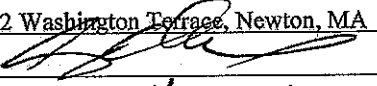
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SIGNATURE OF OWNER _____
DATE _____

PROPERTY OWNER Siu Ming Chow and Man Hee Tsang
OWNER'S ADDRESS 22 Washington Terrace, Newton, MA
SIGNATURE OF OWNER 
SIGNATURE OF OWNER Man Hee Tsang
DATE 5-5-16

PROPERTY OWNER Sunoco, LLC
OWNER'S ADDRESS 875 Washington Street, Newton, MA
SIGNATURE OF OWNER _____
DATE _____

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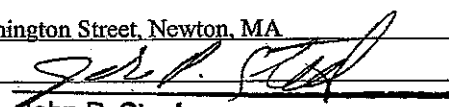
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OWNER'S ADDRESS 22 Washington Terrace, Newton, MA
SIGNATURE OF OWNER _____
SIGNATURE OF OWNER _____
DATE _____

PROPERTY OWNER Sunoco, LLC
OWNER'S ADDRESS 875 Washington Street, Newton, MA
SIGNATURE OF OWNER 
DATE 4/29/2016 John P. Steel
Vice President

SCHEDULE A

	Property Address and Square Footage	Legal Description (SBL)	Zoning District and Ward	Owner
1.	241 Walnut Street, Newton, MA 02460 7,794 sf	21029 0010	BU2 Ward 2	Mark Newtonville, LLC and Mark Lolich, LLC
2.	245-261 Walnut Street 12,788sf	21029 0011	BU1 Ward 2	Mark Newtonville, LLC and Mark Lolich, LLC
3.	845-855 Washington Street 7,478 sf	21029 0012	BU1 Ward 2	Mark Newtonville, LLC and Mark Lolich, LLC
4.	14-18 Bailey Place 9,457 sf	21029 0013	BU2 Ward 2	Mark Newtonville, LLC and Mark Lolich, LLC
5.	22 Bailey Place 6,914 sf	21029 0014	BU2 Ward 2	Mark Newtonville, LLC and Mark Lolich, LLC
6.	Unnumbered lot on Bailey Place 3,364 sf	21029 0015	BU2 Ward 2	Mark Newtonville, LLC and Mark Lolich, LLC
7.	861-865 Washington Street 17,072 sf	21029 0016	BU2 Ward 2	Mark Newtonville, LLC and Mark Lolich, LLC
8.	857-859 Washington Street 3,325 sf	21029 0017	BU1 Ward 2	Mark Newtonville, LLC and Mark Lolich, LLC
9.	867 Washington Street 3,300 sf	21029 0018	BU1 Ward 2	Mark Newtonville, LLC and Mark Lolich, LLC
10.	869 Washington Street 19,971 sf	21029 0019	BU2 Ward 2	Mark Newtonville, LLC and Mark Lolich, LLC
11.	875 Washington Street 10,760 sf	21029 0019A	BU1 Ward 2	Sunoco, LLC
12.	6-8 Washington Terrace 2,345 sf	21029 0020	BU2 Ward 2	Joseph A. Arcuri and Rosina Arcuri
13.	10-12 Washington Terrace 1,855 sf	21029 0021	BU2 Ward 2	Mark Newtonville, LLC
14.	16-18 Washington Terrace 4,200 sf	21029 0022	BU2 Ward 2	Valery Saminsky and Elena Saminsky
15.	22 Washington Terrace 4,382 sf	21029 0023	BU2 Ward 2	Siu Ming Chow and Man Hee Tsang



City of Newton, Massachusetts

Department of Planning and Development

1000 Commonwealth Avenue, Newton, Massachusetts 02459

Telephone (617) 796-1120
Telefax (617) 796-1086
www.newtonma.gov

Setti D. Warren
Mayor

GENERAL PERMIT APPLICATION

James Freas
Acting Director

PROJECT #: ZONING DISTRICT: BU1 and BU2 (to be rezoned MU4) DATE RECEIVED:

PROJECT DESCRIPTION: The applicant proposes a new mixed use development consisting of three buildings which incorporate 171 residential units, 39,745 square feet of retail sales, service establishment, restaurant, health club and/or medical office space, and 2,150 square feet of office/community space

PROPERTY LOCATION INFORMATION

STREET ADDRESS: See attached CITY/ZIP: Newton

LEGAL DESCRIPTION (SECTION, BLOCK, LOT): 21 029 0010-0023

PROPERTY OWNER INFORMATION

NAME: Mark Newtonville, LLC and Mark Lolich, LLC* PHONE: ALT. PHONE:

MAILING ADDRESS: 57 River Street, Suite 106, Wellesley, MA 02481 E-MAIL ADDRESS:

PROPERTY OWNER CONSENT

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X [Signature] (Date)
Robert S. Korff, Manager of Amadan Management, LLC, Manager of Mark Newtonville, LLC and Mark Lolich, LLC

NOTICE: The City of Newton staff may need access to the subject property during regular business hours and will attempt to contact the applicant/agent prior to any visit. Further, members of a regulatory authority of the city may visit the property as well.

APPLICANT/AGENT INFORMATION

NAME: Stephen J. Buchbinder, Esquire PHONE: 617-965-3500 (B) ALT. PHONE: 617-538-7392 (C)

MAILING ADDRESS: 1200 Walnut Street, Newton, MA 02461-1267 E-MAIL ADDRESS: sjbuchbinder@sab-law.com

X [Signature] (Date)
(Application/Agent Signature)

NOTICE: The applicant/agent is the primary contact and may be any individual representing the establishment or property owner. The applicant/agent must also be legally authorized to make decisions on behalf of the Property Owner(s) in regards to the application.

OFFICE USE ONLY BELOW THIS LINE

CHECK APPROPRIATE PERMIT OR REVIEW PROCESS (CHECK ALL BEING SUBMITTED)

Table with 2 columns: Permit/Review Process and checkboxes. Rows include Zoning Review Application, Administrative Site Plan Review, Sign Permit, Special Permit/Site Plan Approval, Fence Appeal, Comprehensive Permit, Variance Application, Historic Preservation Review, Conservation Commission Review, and Other, describe.

Comments:

PERMIT INTAKE INITIALS AND DATE STAMP

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OWNER'S ADDRESS 6-8 Washington Terrace, Newton, MA

SIGNATURE OF OWNER Joseph Arcuri

SIGNATURE OF OWNER Rosina Arcuri

DATE May 2, 2016

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SIGNATURE OF OWNER _____

SIGNATURE OF OWNER _____

DATE _____

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OWNER'S ADDRESS 22 Washington Terrace, Newton, MA

SIGNATURE OF OWNER _____

SIGNATURE OF OWNER _____

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PROPERTY OWNER Sunoco, LLC

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SIGNATURE OF OWNER _____

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SIGNATURE OF OWNER [Signature]
SIGNATURE OF OWNER [Signature]
DATE 05/01/2016

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SIGNATURE OF OWNER _____

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DATE _____

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SIGNATURE OF OWNER 

SIGNATURE OF OWNER Man Hee Tsang

DATE 5-5-16

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SIGNATURE OF OWNER _____

DATE _____

SCHEDULE A
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DATE 7/29/2011 **John P. Steel**

Vice President

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GENERAL PERMIT APPLICATION INSTRUCTIONS

LAND USE PERMITTING CHECKLIST (City staff, check all that apply)

In most instances, any development or land disturbance activity within the City of Newton will require some type of review and approval from the Planning Department and one of the City's regulatory authorities. In all cases, this General Permit Application must accompany all land use permitting applications. A checklist of permit forms, by regulatory authority, is provided below:

Administrative

- Administrative Site Plan
- Review of Accessory Apartment
- Wireless Facility

Land Use Committee

- Amendment to Special Permit/Site Plan
- Extension of Nonconforming Use or Building
- Site Plan Only
- Special Permit/Site Plan

Conservation Commission

- Request for Determination of Applicability
- Notice of Intent
- Abbreviated Notice of Resource Area Delineation

Urban Design Commission

- Fence Appeal
- Sign Permit

Historic Commission(s)

- Demolition Delay
- Historic District
- Landmark/Preservation Restriction

Zoning Board of Appeals

- Appeals of the ISD Commissioner
- Comprehensive Permit
- Variance Application

NOTE: The Planning Department has many handouts that provide useful information regarding each of the permitting processes above. Petitioners should also be aware that approvals from other City or State agencies may be necessary as well.

APPLICATION COMPONENTS

For each permit application, the submission of inaccurate information or an incomplete application may delay the review and approval process for said permit. The items needed for a complete application will vary by permitting process, but generally include:

FORMS: A completed General Application and the project-specific permit application form. The signature of the Property Owner (or the Owner's legal representative) and the Applicant/Agent are **mandatory** on the General Permit Application.

FEES: To process any land use permit application, it must be submitted with the appropriate fee. The permit fee will vary by permitting process. All fees are subject to change, please contact the Department of Planning to verify the current fee.

SUBMITTALS: Each permit should also be accompanied by the necessary supporting documentation. The items needed to explain a project may vary, please refer to the permit application for the typical documents submitted for each permit application or contact a city planner. All applications should be submitted in hard and digital formats.

SUBMITTING THE APPLICATION

Bring the complete application to the Planning Department (at Inspectional Services customer service counter), on the second floor of City Hall at 1000 Commonwealth Avenue. A planner will review the application, answer any questions you may have and explain the next step of the permitting process.

If you have questions about an application or application process, please call the Department of Planning at (617) 796-1120 or visit the Planning Department, Monday-Friday: 8:30 a.m. to 5:00 p.m., and Tuesday 8:30 a.m. to 8:00 p.m.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.