

SPECIAL PERMIT APPLICATION

TO THE NEWTON CITY COUNCIL

The undersigned hereby makes application for permit to erect and use, to alter and use, or to make such uses as may be hereinafter specified of a building or buildings at the location and for the purpose hereinafter specified under the provisions of Chapter 30 of the Revised Ordinances, 2015, as amended, or any other sections

PLEASE REFERENCE SECTIONS OF THE ORDINANCES FROM WHICH RELIEF IS REQUESTED:

Sections 5.11, 7.3, 7.4

PETITION FOR: Special Permit/Site Plan Approval
 Extension of Non-conforming Use and/or Structure
 Site Plan Approval

STREET 179 Kessler Way WARD 8
SECTION(S) 82 BLOCK(S) 037 LOT(S) 0095
APPROXIMATE SQUARE FOOTAGE (of property) 640,847 s.f. ZONED MR-3
TO BE USED FOR: Special Permit #102-06(15) Amendment

CONSTRUCTION: N/A

EXPLANATORY REMARKS: See attached narrative

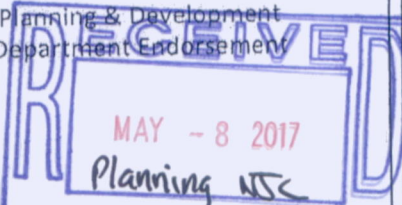
The undersigned agree to comply with the requirements of the Zoning Ordinance and rules of the Land Use Committee of the City Council in connection with this application.

PETITIONER (PRINT) Kessler Woods LLC
SIGNATURE By Counsel: [Signature]
ADDRESS 300 Independence Drive, Chestnut Hill, MA
TELEPHONE 617-469-6500 Email mlevin@chestnuthillrealty.com

ATTORNEY Frank G. Stearns
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PROPERTY OWNER Kessler Woods LLC
ADDRESS 300 Independence Drive, Chestnut Hill, MA
TELEPHONE 617-469-6500 Email mlevin@chestnuthillrealty.com
SIGNATURE OF OWNER [Signature]
Dir. of Development

Planning & Development
Department Endorsement



ATTACHMENT TO SPECIAL PERMIT APPLICATION FOR REQUEST TO AMEND
BOARD ORDER # 102 -06 (15)

KESSELER WOODS MULTI FAMILY PROJECT

179 Kessler Way

The Kessler Woods Project is an 88 unit multi-family building under construction pursuant to Special Permit Board Order # 102-06 (15). The Board Order Condition # 2 requires that the 15% Inclusionary Zoning requirement (NZO sec. 5.11.) be met at the project site. This Zoning Review Application requests that the City Council amend Board Order # 102- 06 (15) to allow the Inclusionary Zoning requirement to be met using the alternative provision of NZO sec. 5.11.6.

With the concurrence of the City Council through the special permit amendment, the Proponent intends to contribute cash to perform an off-site rehabilitation of the building at 219 Commonwealth Avenue so that the inclusionary dwelling units at 219 Commonwealth Avenue can be permanently income and rent restricted to comply with the Inclusionary Zoning. The project proponent will enter into a Development Agreement with a non-profit housing development organization as stipulated by NZO sec. 5.11.6. The building at 219 Commonwealth Avenue is an existing multi-family apartment building constructed in 1899, prior to zoning in Newton. The rehabilitation of the building at 219 Commonwealth Avenue will be "by right" as it will be limited to improvements to the existing units and common areas in the building. There will be no change in use of the 219 Commonwealth Avenue building and there will be no extension, enlargement or reconstruction of the building or the use.