



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

Ruthanne Fuller
Mayor

GENERAL PERMIT APPLICATION

Barney Heath
Director

PROJECT #: _____ ZONING DISTRICT: MU-3

DATE RECEIVED: _____

PROJECT DESCRIPTION: Amendment of Council Order #27-20 to allow changes to approved buildings, the comprehensive signage package, and text amendments to the MU-3 zoning district.

PROPERTY LOCATION INFORMATION

STREET ADDRESS: 355 Grove Street and 399 Grove Street CITY/ZIP: 02462

LEGAL DESCRIPTION (SECTION, BLOCK, LOT): 42 0011 0003, 0004, and 0004A

PROPERTY OWNER INFORMATION

NAME: MD 399 Grove Owner, LLC PHONE: N/A ALT. PHONE: N/A

MAILING ADDRESS: c/o 275 Grove Street, Suite # 2-150, Newton, MA 02466 E-MAIL ADDRESS: N/A

NAME: Ramirez Concord, LLC PHONE: N/A ALT. PHONE: N/A

MAILING ADDRESS: c/o 275 Grove Street, Suite # 2-150, Newton, MA 02466 E-MAIL ADDRESS: N/A

NAME: Massachusetts Bay Transportation Authority PHONE: N/A ALT. PHONE: N/A

MAILING ADDRESS: 10 Park Plaza, Boston, MA 02116 E-MAIL ADDRESS: N/A

PROPERTY OWNER CONSENT

I am (we are) the owner(s) of the property subject to this application and I (we) consent as follows:

1. This application for a land use permit or administrative approval for development on my (our) property is made with my permission
2. I (we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application.

MD 399 Grove Owner, LLC

X By: Stephen J. Buchbinder
Stephen J. Buchbinder, its attorney duly authorized
(Property Owner Signature)

March 8, 2021
(Date)

Ramirez Concord, LLC

X By: Stephen J. Buchbinder
Stephen J. Buchbinder, its attorney duly authorized
(Property Owner Signature)

March 8, 2021
(Date)

DocuSigned by:

Richard Henderson
Massachusetts Bay Transportation Authority

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X By: _____
Richard Henderson, duly authorized *
(Property Owner Signature)

March 8, 2021
(Date)

* The MBTA is signing in its capacity as the owner of the property to acknowledge its consent to the ground lessee filing this application.

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

APPLICANT: MD 399 Grove Owner, LLC **PHONE:** N/A **ALT. PHONE:** N/A

MAILING ADDRESS: c/o 275 Grove Street, Suite # 2-150, Newton, MA 02466

E-MAIL ADDRESS: N/A

MD 399 Grove Owner, LLC

By: Stephen J. Buchbinder March 8, 2021
 Stephen J. Buchbinder, its attorney duly authorized (Date)

APPLICANT: Ramirez Concord, LLC **PHONE:** N/A **ALT. PHONE:** N/A

MAILING ADDRESS: c/o 275 Grove Street, Suite # 2-150, Newton, MA 02466

E-MAIL ADDRESS: N/A

Ramirez Concord, LLC

By: Stephen J. Buchbinder March 8, 2021
 Stephen J. Buchbinder, its attorney duly authorized (Date)

APPLICANT (Ground Lessee): BH Normandy Riverside, LLC **PHONE:** N/A **ALT. PHONE:** N/A

MAILING ADDRESS: 53 Maple Avenue, Morristown, NJ 07960

E-MAIL ADDRESS: N/A

BH Normandy Riverside, LLC

By: Stephen J. Buchbinder March 8, 2021
 Stephen J. Buchbinder, duly authorized (Date)

AGENT: Stephen J. Buchbinder, Esquire **PHONE:** 617-965-3500 **ALT. PHONE:** 617-538-7392 (c)

MAILING ADDRESS: Schlesinger and Buchbinder, LLP, 1200 Walnut Street, Newton, MA 02461-1267

E-MAIL ADDRESS: sjbuchbinder@sab-law.com

X Stephen J. Buchbinder March 8, 2021
 (Applicant/Agent Signature) (Date)

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 regard to the application.

-----OFFICE USE ONLY BELOW THIS LINE-----

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

<input type="checkbox"/>	Zoning Review Application	<input type="checkbox"/>	Comprehensive Permit
<input type="checkbox"/>	Administrative Site Plan Review	<input type="checkbox"/>	Variance Application
<input type="checkbox"/>	Sign Permit	<input type="checkbox"/>	Historic Preservation Review
<input type="checkbox"/>	Special Permit/Site Plan Approval	<input type="checkbox"/>	Conservation Commission Review
<input type="checkbox"/>	Fence Appeal	<input type="checkbox"/>	Other, describe

Comments: _____

PERMIT INTAKE INITIALS AND DATE STAMP

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

SPECIAL PERMIT APPLICATION

TO THE NEWTON CITY COUNCIL

The undersigned hereby makes application for a 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 SECTION(S) OF THE ORDINANCES FROM WHICH RELIEF IS REQUESTED:

4.2.3; 4.2.4; 7.3.3; 7.3.5; 7.4

- PETITION FOR:**
- Special Permit/Site Plan Approval
 - Extension of Non-Conforming Use and/or Structure
 - Site Plan Approval
 - Amendment of Council Order #27-20

STREET 355 Grove Street and 399 Grove Street WARD 4

SECTION(S) 42 BLOCK(S) 011 LOT(S) 0003, 0004 and 0004A

APPROXIMATE SQUARE FOOTAGE (of property) 13.05 acres

ZONED: MU-3

TO BE USED FOR: Mixed use, transit-oriented development of residential units; laboratory/research, office, retail, personal services, restaurant, and related commercial uses; parking; and public open space not to exceed 1,025,000 square feet of gross floor area, with residential uses comprising not less than 60% of the total gross floor area.

CONSTRUCTION: Mix of concrete and steel, wood framed, and precast concrete buildings with primary masonry facades.

EXPLANATORY REMARKS: The applicant seeks to amend Council Order #27-20 and the approved site plan to allow changes to: 1) the square footage of all the approved buildings (subject to the approved maximum limit of 1,025,000 square feet for the entire development); 2) the heights of Buildings 1, 2, 3, 4, 7, 8, 9 and 10; 3) the proposed footprints of buildings as shown on the approved site plan; 4) open space as shown on the approved site plan; and 5) the comprehensive signage package as to Building 2. The applicant has proposed text changes to the Zoning Ordinance regarding the MU-3 zoning district in conjunction with this application, a summary of which are attached hereto as Schedule A.

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.

PETITIONERS (PRINT):

NAME: MD 399 Grove Owner, LLC

By: *Stephen J. Buchbinder* March 8, 2021
Stephen J. Buchbinder, its attorney duly authorized (Date)

MAILING ADDRESS: c/o 275 Grove Street, Suite # 2-150, Newton, MA 02466

NAME: Ramirez Concord, LLC

By: *Stephen J. Buchbinder* March 8, 2021
Stephen J. Buchbinder, its attorney duly authorized (Date)

MAILING ADDRESS: c/o 275 Grove Street, Suite # 2-150, Newton, MA 02466

NAME: BH Normandy Riverside, LLC (Ground Lessee)

By: *Stephen J. Buchbinder* March 8, 2021
Stephen J. Buchbinder, duly authorized (Date)

MAILING ADDRESS: 53 Maple Avenue, Morristown, NJ 07960

ATTORNEY Stephen J. Buchbinder, Esquire, Schlesinger and Buchbinder, LLP

ADDRESS 1200 Walnut Street, Newton, MA 02461-1267

TELEPHONE 617-965-3500 E-MAIL sjbuchbinder@sab-law.com

PROPERTY OWNER(S):

NAME: MD 399 Grove Owner, LLC PHONE: N/A ALT. PHONE: N/A

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By: *Stephen J. Buchbinder* March 8, 2021
Stephen J. Buchbinder, its attorney duly authorized (Date)

NAME: Massachusetts Bay Transportation Authority PHONE: N/A ALT. PHONE: N/A

DocuSigned by:

Richard Henderson
MAILING ADDRESS: 10 Park Plaza, Boston, MA 02116 E-MAIL ADDRESS: rhenderson@mbta.com

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By: Richard Henderson, duly authorized* March 8, 2021
(Date)

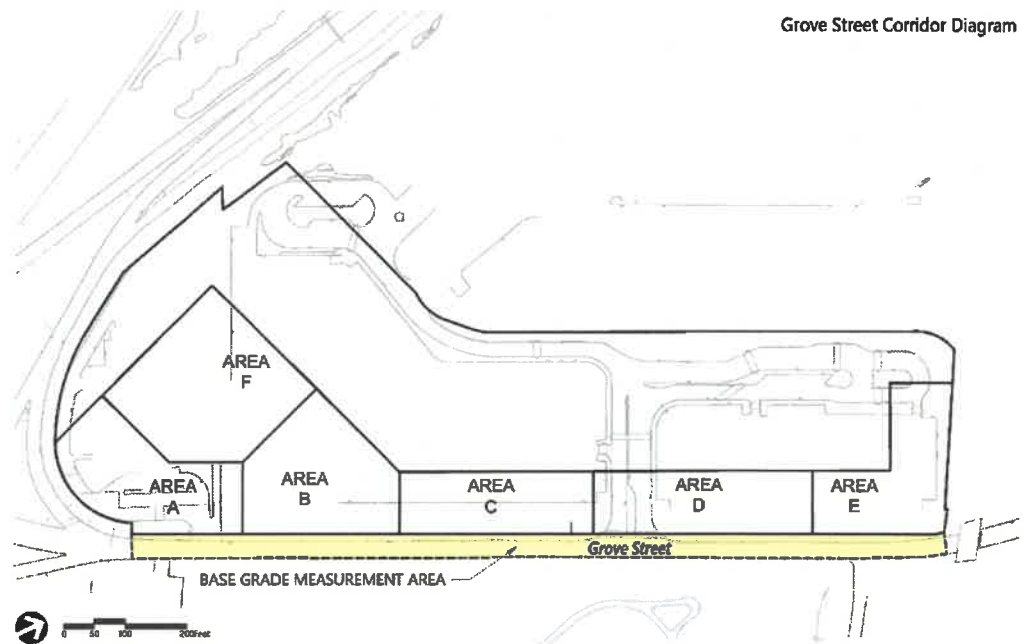
*The MBTA is signing in its capacity as the owner of the property to acknowledge its consent to the ground lessee filing this application.

SCHEDULE A

RIVERSIDE – 2021 ZONING ORDINANCE AMENDMENTS

A. Section 4.2.4

Replace the Grove Street Corridor Diagram with the following updated diagram:



B. Section 4.2.4.A.2

Area F Height. The maximum building height in Grove Street Corridor Area F is 135 feet, including rooftop mechanical equipment, whether or not enclosed.

C. Section 4.2.4.G.1

1. The development must have at least one use from Category B, one use from Category C, and one use from either Category A or D.
 - a. Category A: Office, medical office and other similar uses but excluding office uses accessory or incidental to Category B, Category C, Category D, or community uses.
 - b. Category B: Retail sales, personal services, restaurants, banking, health club, place of amusement, indoor or outdoor, theater, lodging, hotel, motel, animal services;

- c. Category C: Multi-family, live/work space, single room occupancy, single person occupancy, assisted living, nursing home, elderly housing with services; and
- d. Category D: Laboratory, research and development and business incubator.

D. Section 4.2.4.H

Maximum Gross Floor Area. The total gross floor area of all uses in the MU3/TOD district must not exceed 1,025,000 square feet. The total gross floor area of Category C uses must comprise no less than 60 percent of the total gross floor area of Categories A, B, C, and D uses. Category A uses must not exceed 300,000 square feet of gross floor area.

E. Section 4.4.1

Elderly Housing with Services is a special permit use in the MU3/TOD District.

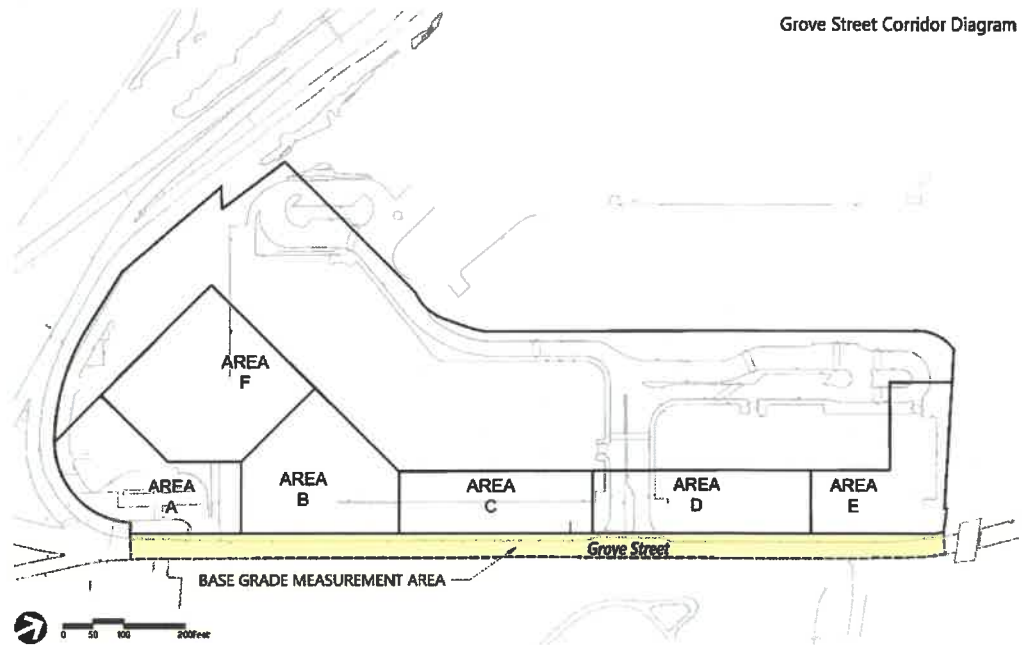
F. Section 6.2.10.A

Defined. Elderly Housing with Services means all housing with amenities and services designed primarily for elders, including residential care facilities, continuing care retirement communities (CCRCs), assisted living facilities, independent living facilities, memory care facilities, nursing homes, and congregate care facilities.

RIVERSIDE – 2021 ZONING ORDINANCE AMENDMENTS

A. Section 4.2.4

Replace the Grove Street Corridor Diagram with the following updated diagram:



B. Section 4.2.4.A.2

Area F Height. The maximum building height in Grove Street Corridor Area F is ~~70 feet~~ 135 feet, including rooftop mechanical equipment, whether or not enclosed.

C. Section 4.2.4.G.1

1. The development must have at least one use from ~~each of the three categories (A, Category B, B, and C)~~ one use from Category C, and one use from either Category A or D.
 - a. Category A: Office ~~(including research and development, business incubator, medical office, and other similar uses but excluding office uses accessory or incidental to residential)~~ Category B, retail Category C, Category D, or community uses;
 - b. Category B: Retail sales, personal services, restaurants, banking, health club, place of amusement, indoor or outdoor, theater, lodging, hotel, motel, animal services; ~~and~~
 - c. Category C: Multi-family, live/work space, single room occupancy, single person occupancy, assisted living, nursing home, elderly housing with services; and
 - d. Category D: Laboratory, research and development and business incubator.

D. Section 4.2.4.H

Maximum Gross Floor Area. The total gross floor area of all uses in the MU3/TOD district must not exceed 1,025,000 square feet. The total gross floor area of Category C uses must comprise no less than 60 percent of the total gross floor area of Categories A, B, C, and D uses. Category A uses must not exceed 300,000 square feet of gross floor area.

E. Section 4.4.1

Elderly ~~housing~~ Housing with Services is a ~~forbidden~~ special permit use in the MU3/TOD District.

F. Section 6.2.10.A

Defined. Elderly Housing with Services means all housing with amenities and services designed primarily for elders, including residential care facilities, continuing care retirement communities (CCRCs), assisted living facilities, independent living facilities, memory care facilities, nursing homes, and congregate care facilities.

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[5056964.5](#)