



## Land Use Committee Agenda

City of Newton

In City Council

December 15, 2016

7:00 pm  
Chamber

- # 261-16(2) Special Permit Petition to allow site and building improvements at “The Street”**  
CHESTNUT HILL SHOPPING CENTER LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to ALTER A NONCONFORMING STRUCTURE to construct new buildings to allow for existing and new commercial uses including banking, office, medical office, theatre, health club, retail, restaurant and parking, to allow buildings in excess of 20,000 sq. ft., allow a building up to 60’ in height, site plan review for buildings within 300’ of a great pond, allow parking within a setback, extend Farmers Market special permit 230-14, update signage special permit 417-12, allow some parking stalls on portions of the site to be reduced size and in garage to be reduced stall depth, allow reduced parking facility lighting and grant exceptions for parking stall size and interior landscaping requirements at 1-55 Boylston Street, Ward 7, Chestnut Hill, on land known as SBL 63037 0025, 63037 0026, containing approximately 859,444 sq. ft. in a district zoned BUSINESS USE 4. Ref. 7.3.3, 7.4, 4.1.2.B.1, 4.1.2.B.2, 4.1.2.B.3, 5.6, 5.1.8, 5.1.13, 6.4.22, 5.8.2.C, 5.1.8.B, 5.1.10.A of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.  
***Please see the attached request to withdraw without prejudice portions of the petition.***
- #180-16 (2) MARK NEWTONVILLE, LLC** petition for a change of zone to Mixed Use 4 for land located at 22 Washington Terrace, 16-18 Washington Terrace, 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Street, 869 Washington Street, 867 Washington Street, 861-865 Washington Street, 857-859 Washington Street, 845-855 Washington Street, 245-261 Walnut Street (a/k/a 835-843 Washington Street), 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, and an unnumbered lot on Bailey Place, also identified as Section 21, Block 29, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, and 23, Ward 2, currently zoned Business 1, Business 2, and Public Use, further described as follows:  
Beginning at a point on the northerly line of Washington Street, running thence;  
Along the northerly line of Washington Street, south 89 degrees - 04 minutes - 40 seconds west, a distance of 433.14 feet to a point; thence

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The location of this meeting is accessible and reasonable accommodations will be provided to persons with disabilities who require assistance. If you need a reasonable accommodation, please contact the city of Newton’s ADA Coordinator, Jini Fairley, at least two business days in advance of the meeting: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city’s TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.

Along the easterly line of Washington Terrace north 02 degrees - 03 minutes - 34 seconds west, a distance of 278.34 feet to a point, thence, the following four (4) courses along the existing zone lines of MR-1 and MR-3:

North 86 degrees - 11 minutes - 41 seconds west, a distance of 15.07 feet to a point; thence

North 01 degrees - 52 minutes - 35 seconds west, a distance of 3.01 feet to a point; thence

South 86 degrees - 11 minutes - 41 seconds east, a distance of 85.43 feet to a point; thence

North 88 degrees - 31 minutes - 34 seconds east, a distance of 370.56 feet to a point on the westerly line of Walnut Street; thence

Along the westerly line of Walnut Street, south 04 degrees - 12 minutes - 48 seconds east, a distance of 261.82 feet to a point of curvature; thence

Along a curve to the right having a radius of 17.00 feet, a central angle of 93 degrees - 17 minutes - 28 seconds, an arc length of 27.68 feet, a chord bearing of south 42 degrees - 25 minutes - 56 seconds west, a chord length of 24.72 feet to the point and place of beginning.

Containing 123,765 square feet, or 2.84 acres, more or less.

**#179-16****Special Permit Petition for Orr Building at Walnut St. and Washington St.**

MARK NEWTONVILLE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use, transit oriented development in excess of 20,000 sq. ft. consisting of three interconnected buildings with building heights of 60 feet and five stories, total gross floor area of 238,075 sq. ft., incorporating 171 residential units, approximately 39,745 sq. ft. of commercial space to permit office use, medical use, retail and personal establishment of more than 5,000 sq. ft., eating and drinking establishments of more than 5,000 sq. ft. retail banking and financial services and health club establishments, and approximately 2,030 sq. ft., of office/community space; 346 on-site parking stalls within a below-grade garage and surface parking, and to allow an FAR of 1.92; waive the setback and façade transparency, waiver of 97 parking stalls and dimensional requirements for parking stalls, interior landscaping, lighting, curbing, wheel stops, guard rails and bollards, waive entrance and end stall maneuvering space requirements, waive number of signs and allow for free-standing signs and loading bay at 241-261 Walnut Street, 845-875 Washington Street, 0-22 Bailey Place, 6-22 Washington Terrace, Ward 2, Newtonville, on land known as SBL 21029 0010, 21029 0011, 21029 0012, 21029 0017, 21029 0016, 21029 0018, 21029 0019, 21029 0019A, 21029 0013, 21029 0014, 21029 0015, 21029 0020, 21029 0021, 21029 0022, 21029 0023, containing approximately 123,956 sq. ft. of land in a district zoned BUSINESS USE 1 and BUSINESS USE 2. Ref: 7.3.3, 7.4, 4.2.3, 4.2.5.A.2, 4.2.5.A.4.c, 4.2.5.A.4, 4.2.5.A.6.a, 4.2.5.A.6, 4.2.5.A.6.b, 4.2.5.A.6, 4.4.1, 5.1.4.A, 5.1.4.C, 5.1.4, 5.1.13, 5.1.8.A.2, 5.1.8.B.1, 5.1.8.B.2, 5.1.10.B.3, 5.1.8.B.6, 5.1.9.B, 5.1.10.A.1, 5.1.10.B.5, 5.1.12, 5.2.13 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

**Public Hearing Opened on June 7, 2016 and continued to July 12, September 13, October 6, 2016, November 1, 2016 and November 29, 2016.**

**Respectfully submitted,**

**Marc C. Laredo, Chair**

Frank G. Stearns  
(617) 854-1406  
frank.stearns@hklaw.com

December 8, 2016

Councilor Marc Laredo  
Chairman, Land Use Committee  
City of Newton  
1000 Commonwealth Avenue  
Newton, MA 02459

Re: Special Permit/Site Plan Review Petition # 261-16(2)  
The Street at Chestnut Hill  
1-55 Boylston Street

Petitioner: Chestnut Hill Shopping Center, LLC

Dear Councilor Laredo:

Pursuant to published legal notices and legal notices to abutters, the public hearing on this special permit/site plan review petition # 261-16 was opened on September 20, 2016. That hearing remains open. Following that hearing, some changes were made to the proposed site plan which necessitated a request for additional zoning relief. As a result, a subsequent legal notice (# 261-16 (2)) was published and mailed to legal abutters and the open public hearing continued on December 6, 2016.

The special permit and site plan review relates to different portions of the property as more fully described in the requisite legal notices. The proposed construction requested in the special permit/site plan review application relates to (i) the existing building at 55 Boylston Street and site improvements related to that building; (ii) the construction of a replacement building at 27 Boylston Street and site improvements related to that building; and (iii) two new proposed buildings between 27 Boylston Street and Hammond Pond referred to as the "Pond Buildings" and site improvements related to the Pond Buildings.

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As explained to the Land Use Committee at the public hearing on December 6, 2016, the Petitioner desires to continue the public hearing related to the 55 Boylston Street building and its related site improvements under Docket Item # 261-16 (2). Attached to this letter is an Overall Site Plan C-104 by Tighe & Bond with the 55 Boylston Street project site shown in cross-hatch on the Plan.

The Petitioner also desires to remove from the special permit/site plan review application under docket item # 261-16 (2) the 27 Boylston Street replacement building and its related site improvements and the Pond Buildings and their related site improvements. Accordingly, the Petitioner requests that the Land Use Committee vote to recommend to the City Council serving as Special Permit Granting Authority that it approve the withdrawal **without prejudice** from the petition of the 27 Boylston Street replacement building and its related site improvements and the Pond Buildings and their related site improvements. Such request for withdrawal **without prejudice** is made pursuant to GL c. 40A section 16.

The relief being requested to be removed from the petition is as follows:

1. Special permit and site plan approval to construct a new building for 27 Boylston Street and the Pond Buildings. NZO section 4.1.
2. Special permit and site plan approval for development of 20,000 square feet of new gross floor area for 27 Boylston Street and the Pond Buildings. NZO section 4.1.2.B.
3. Special permit and site plan approval to allow a building up to 60 feet in height for 27 Boylston Street. NZO section 4.1.3.
4. Site plan approval for 27 Boylston Street and the Pond Buildings associated with proximity to a Great Pond. NZO section 5.6.
5. Special permit and site plan approval to allow parking within a setback associated with the Pond Buildings. NZO section 5.1.8.
6. Extension of time to exercise special permit/ site plan approval # 230-14 for a Farmers Market. NZO section 7.4.5.D.
7. Extension of time and modification of special permit/site plan approval # 417-12 for a comprehensive signage package for the Site. NZO section 5.2.13.
8. Request for exceptions to the parking stall dimensional requirements for 27 Boylston Street and the Pond Buildings. NZO section 5.1.13.
9. Request for exceptions to the parking lot lighting requirements for the Site. NZO section 5.1.13.

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10. Request for exceptions to the parking lot interior landscaping requirements for the Site. NZO section 5.1.13.

The relief being requested to remain in the petition is as follows:

1. Special permit and site plan approval to add in excess of 10,000 square feet of gross floor area to the 55 Boylston Street building. NZO section 4.1.B.

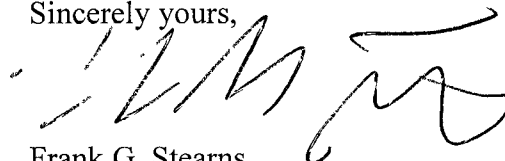
2. Site plan approval for 55 Boylston Street associated with proximity to a Great Pond. NZO section 5.6.

3. Special Permit to alter and extend a nonconforming structure for the 55 Boylston Street building NZO section 7.8.2.c.

We request that this request to approve a withdrawal **without prejudice** of a portion of this special permit/site plan review application be (i) put on the agenda of the Land Use Committee for consideration next week, and (ii) be acted upon by the City Council at its regularly scheduled meeting on December 19, 2016.

Upon the City Council's approval of the request to withdraw **without prejudice** from the petition the 27 Boylston Street replacement building and its related site improvements and the Pond Buildings and their related site improvements, the Petitioner reserves all of its rights and intends to file new applications for zoning relief for the 27 Boylston Street replacement building and its related site improvements and the Pond Buildings and their related site improvements.

Sincerely yours,



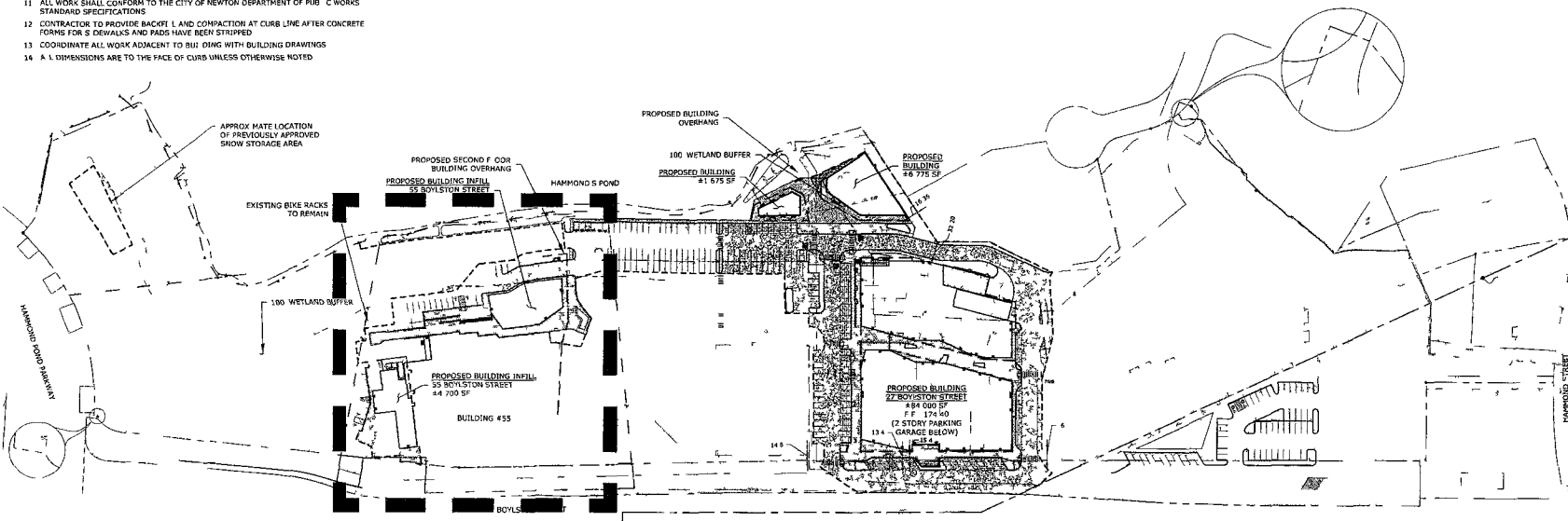
Frank G. Stearns  
Counsel to Chestnut Hill Shopping Center, LLC

FGS:ham

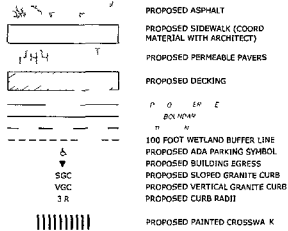
cc: Nadia Khan, Committee Clerk  
Katie Wetherbee, WS Development  
Howard A Levine, K&L Gates  
Alexandra Ananth, Planning Department  
Neil Cronin, Planning Department  
Robert Waddick, Law Department  
Land Use Committee Members  
Councilor Lisle Baker  
Councilor Ruthanne Fuller

**SITE NOTES**

- 1 STRIPE PARKING AREAS AS SHOWN INCLUDING PARKING SPACES STOP BARS ADA SYMBOLS PAINTED ISLANDS CROSS WALKS ARROWS LEGENDS AND CENTERLINES (ALL MARKINGS EXCEPT CENTERLINE AND MEDIAN ISLANDS TO BE CONSTRUCTED USING WHITE TRAFFIC PAINT CENTERLINE AND MEDIAN ISLANDS TO BE CONSTRUCTED USING YELLOW TRAFFIC PAINT ALL TRAFFIC PAINT SHALL MEET THE REQUIREMENTS OF ASTM D 4418 TYPE "1")
- 2 ALL PAVEMENT MARKINGS AND SIGNS TO CONFORM TO MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS AND THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS LATEST EDITIONS
- 3 SEE DETAIL S FOR PARKING STALL MARKINGS ADA SYMBOLS SIGNS AND SIGN POSTS
- 4 CENTERLINES SHALL BE FOUR (4) INCH WIDE YELLOW LINES STOP BARS SHALL BE EIGHTEEN (18) INCHES WIDE
- 5 PAINTED ISLANDS SHALL BE FOUR (4) INCH WIDE DIAGONAL LINES AT 30° C B ORDERED BY FOUR (4) INCH WIDE LINES
- 6 THE CONTRACTOR SHALL EMPLOY A MASSACHUSETTS LICENSED ENGINEER/SURVEYOR TO DETERMINE ALL LINES AND GRADES
- 7 CLEAN AND COAT VERTICAL FACE OF EXISTING PAVEMENT AT SAWCUT LINE WITH RS 1 EMISSION IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE
- 8 ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE FEDERAL STATE AND/OR TOWN CODES & SPECIFICATIONS
- 9 CONTRACTOR TO SUBMIT AS BUILT PLANS ON REPRODUCIBLE MYLARS AND IN DIGITAL FORMAT (DWG FILE) ON DISK TO THE OWNER AND ENGINEER UPON COMPLETION OF THE PROJECT AS BUILTS SHALL BE PREPARED AND CERTIFIED BY A MASSACHUSETTS LICENSED LAND SURVEYOR OR PROFESSIONAL ENGINEER
- 10 SEE ARCHITECTURAL DRAWINGS FOR ALL CONCRETE PADS & SIDEWALKS ADJACENT TO BUILDING
- 11 ALL WORK SHALL CONFORM TO THE CITY OF NEWTON DEPARTMENT OF PUBLIC WORKS STANDARD SPECIFICATIONS
- 12 CONTRACTOR TO PROVIDE BACKFILL AND COMPACTION AT CURB LINE AFTER CONCRETE FORMS FOR SIDEWALKS AND PADS HAVE BEEN STRIPPED
- 13 COORDINATE ALL WORK ADJACENT TO BUILDING WITH BUILDING LINE DRAWINGS
- 14 ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED



**LEGEND**



**PERMIT DRAWINGS**  
**The Street Redevelopment**

Chestnut Hill Shopping Center LLC

27 & 55 Boylston Street  
 Chestnut Hill, Massachusetts

REV	NO	DATE	BY	CHKD	DESCRIPTION
1	30	2016	REV	GH	REVISED PER PLAN
2	25	2016	REV	GH	REVISED PER PLAN
3	28	06	REV	GH	REVISED PER PLAN
4	20	2016	REV	GH	REVISED PER PLAN

**OVERALL SITE PLAN**  
 SCALE AS SHOWN  
**C-104**

TIGHE & BOND ENGINEERS ARCHITECTS PLANNERS SURVEYORS  
 100 WETLAND DRIVE, SUITE 200, NEWTON, MASSACHUSETTS 02459  
 TEL: 617.552.1000 FAX: 617.552.1001 WWW.TIGHEANDBOND.COM