

CITY OF NEWTON
IN CITY COUNCIL

May 21, 2018

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to AMEND Council Order #474-14 to allow a waiver of 496 parking stalls and to allow non-accessory parking, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for non-accessory parking because the site consists of underutilized parking facilities based on the traffic and parking study submitted by the Petitioner. (§7.3.3.C.1)
2. The non-accessory parking, as developed and operated, will not adversely affect the surrounding neighborhood because the shuttle trips will occur outside of peak hours and will not impact the local road network based on the traffic and parking study submitted by the Petitioner. (§7.3.3.C.2)
3. The non-accessory parking will not create a nuisance or serious hazard to vehicles or pedestrians because all pick-up and drop-off of passengers will occur within the site. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the site is located on the Boylston Street/Route 9 corridor with sufficient ingress and egress points based on the traffic and parking study submitted by the Petitioner for shuttles serving the Longwood Medical Center and St. Elizabeth's Medical Center . (§7.3.3.C.4)
5. A waiver of 496 parking stalls is in the public interest because the site's parking facilities are underutilized and allowing non-accessory parking will allow for a new use on site without affecting the existing businesses on site. (§5.1.4 and §5.1.13)

PETITION NUMBER: #180-18

PETITIONER: Mall at Chestnut Hill, LLC.

LOCATION: 199 Boylston Street, Chestnut Hill, on land known as SBL 65,8,1, containing approximately 324,691 sf of land

OWNERS/ADDRESSES: Mall at Chestnut Hill, LLC.
P.O. Box 6120, Indianapolis, IN 46206-6120

Bloomingdales, Inc.
7 West Seventh Street, Cincinnati, OH 45202

The May Department Stores Company / C&R Realty Trust
P.O. Box 6120, Indianapolis, IN 46206 6120

TO BE USED FOR: A waiver of 496 stalls and to allow non-accessory parking to allow for a third-party shuttle service

CONSTRUCTION: Site Work Only

EXPLANATORY NOTES: §4.4.1 to allow non-accessory parking; §5.1.4 and §5.1.13 to allow a waiver of 496 parking stalls

ZONING: Business 1 District

This special permit amends the superseding Special Permit/Site Plan Approval Order #474-14. All conditions in Order #474-14 remain in full force and effect except to the extent amended by this Order to permit the site to be used for a park and ride shuttle service.

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. Civil Plan Set, prepared by RJ O'Connell and Associates, signed and stamped by John J. Stoy, professional engineer, last revised April 25, 2018, consisting of two (2) sheets:
 - Overall Site Plan
 - Site Plan
2. The petitioner shall use best efforts to install a bus shelter and/or light at the bus stop.

3. The parking stalls shall only be dedicated to the third-party users Monday through Friday from 6 a.m. to 7 p.m.
4. The parking stalls leased as part of this Order shall only be dedicated to shuttles serving the Longwood Medical Center and St. Elizabeth Medical Center. Any increase in shuttles or the change in routes shall require an amendment to this Special Permit/Site Plan Approval.
5. Any increase in leased parking stalls shall require an amendment to this Special Permit/Site Plan Approval.
6. 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.
7. No Final Inspection and/or Occupancy Permit for the portion of the building covered by this Special Permit/Site Plan approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.