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August 28, 2019

BY EMAIL AND BY HAND

Newton City Council
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Petition #179-19/Washington Place Owner, LLC/Washington Place, Newtonville

Dear Councilors,

As you know, the City Council will be voting on this matter on Tuesday, September 3, 2019. With that vote in mind, I wanted to address one additional issue.

The original Council Order on the Washington Place project (#96-17) contained a prohibition against commercial banks. The petitioner is seeking an amendment which would permit a commercial bank not exceeding 3,800 square feet. In consideration of the proposed bank use, the petitioner proposed a condition requiring that 10,000 square feet of ground floor space be reserved for "non-formulaic retail" businesses. In the commercial real estate world, the term "non-formulaic retail" is construed as applying to all non-office commercial space, including retail, restaurant, and personal service uses. The Planning Department suggested that restaurant use be specified as part of the "non-formulaic" definition, which suggestion was incorporated into the Council Order.

The topic of personal service use was not addressed by the Land Use Committee in its deliberation of this matter. The petitioner had always intended for personal service use, such as a cobbler, tailor, chiropractor, yoga studio, or other similar uses, to be within the ambit of "non-formulaic retail" businesses. There would not seem to be any logical distinction between the sale of goods and the sale of services.

For this reason, the petitioner requests that the proposed Council Order be amended to expressly include personal service uses within the permitted class of non-formulaic tenants.

SCHLESINGER AND BUCHBINDER, LLP

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Thank you for your consideration of this matter.

Sincerely,



Stephen J. Buchbinder

SJB/mer

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