



# Memorandum

To: Board of Aldermen  
From: Ted Hess-Mahan, Chair, Land Use Committee  
Re: #214-10 & #214-10(2) Chestnut Hill Square  
Date: December 3, 2010

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Attached hereto is a summary of the Chestnut Hill Square rezoning and special permit Board Orders, which will be reported out of the Land Use Committee for the Board's consideration on Monday, December 6, 2010. The summary was prepared by the petitioner's attorneys, at my request, to assist you in reviewing the rezoning and special permit Board Orders. As you will see, this summary briefly describes the background of the project, the relief requested, and the conditions agreed to by the petitioner.

Please feel free to contact me if you have any questions.

## CHESTNUT HILL SQUARE BOARD ORDER SUMMARY

### Chestnut Hill Square Project Background

- The Project proposes to rezone to the Business 4 zoning district (“BU-4”) and redevelop this existing underutilized site along Route 9 into a mixed-use development of up to 245,000 square feet of commercial space and up to 100 residential units. The Project is anticipated to include approximately 154,000 square feet of retail and restaurant space, 61,000 square feet of medical office space and/or 30,000 square feet of health club space. Phase 1 of the Project will consist of three buildings, for the retail, restaurant, office space, and health club or other by-right uses permitted in the BU-4 District. Phase 2 of the Project will consist of one residential building with commercial space and a parking garage.
- After due notice the Board held a public hearing on September 28, 2010. At the close of the public hearing, the application was duly referred to the Board’s Land Use Committee, which held working session meetings on the application on October 19<sup>th</sup>, November 4<sup>th</sup>, November 23<sup>rd</sup> and November 30<sup>th</sup>, 2010. At the conclusion of the working session meetings, the Land Use Committee voted to (i) recommend approval of the Special Permit/Site Plan Approval and Map Amendment to the Board; and (ii) forward draft written Board Orders for consideration.

### Relief Requested

- Zoning Map Amendment to change the Project site, now in a Business 1, Limited Manufacturing and Multi-Residence 2 to BU-4.
- Special Permit/Site Plan Approval in the Business 4 Zoning District is requested to allow for:
  - Project uses (multi-family dwelling, multi-level parking facility, restaurants with greater than 50 seats and open-air businesses);
  - Dimensional relief (height, number of stories and building square footage);
  - Retaining walls in setbacks;
  - Necessary Parking Facility design accommodations (quantity of parking spaces, driveway size managed/valet parking, parking stall design); and
  - Comprehensive signage package.

### Proposed Conditions

- Administrative Matters– The Order contains standard conditions requiring the completion of and/or conformity with certain administrative procedures and/or protocols and consistency determinations. Such administrative matters are set forth in Conditions 1 (Project construction/implementation in accordance with the plans submitted to and reviewed by the Board), 18 (consistency determinations), 19 (condominium compliance), 20 (consolidation of existing lots on the Project site), 28 (relocation of easements), 31 (compliance with laws and standard City conditions regarding blasting), 32 (no-contest of Florence Street parking restrictions), 35 (recording and filing requirements) and 36 (certificate of occupancy issuance/compliance).
- Phasing and Occupancy Requirements – The Order contains conditions to allow the Project to be developed in two phases, with buildings constructed and occupied prior to completion of each phase; provided that the Petitioner can demonstrate that, prior to the issuance of the requested certificate of occupancy, adequate parking, landscaping and transportation improvements are provided or acceptable alternative measures are proposed. Such matters are specifically enumerated in Conditions 2 (special permit exercise/vesting), 3 (building phasing submittal requirements prior to certificate of occupancy), 8 (transportation phasing submittal requirements prior to certificate of occupancy) and 16 (bonding requirement for uncompleted landscaping, hardscape/open space areas and Florence Street sidewalk).
- Construction/Operational Considerations– To ensure that the construction and operational procedures and protocols are consistent with the information submitted to the Board, the Order contains conditions allowing the City to receive and review appropriate construction and operational information. Such construction/operational matters are specifically enumerated in Conditions 4 (construction management plan), 14 (parking management plan), 15 (snow removal plan and requirements), 17 (plant material replacement), 26 (stormwater operations and maintenance plan and construction measures), 27 (underground utility installation), 29 (trash removal behind retaining wall) and 30 (trash and waste disposal).
- Transportation and Other Proposed Mitigation– The Petitioner has proposed extensive mitigation measures in connection with the Project, including, but not limited to, the installation of a continuous Florence Street sidewalk, the closure of Florence Street Project access and the implementation of more than \$15 million of transportation improvements to improve vehicular travel along the Route 9 corridor and pedestrian and bicycle access to the Project. The implementation of such mitigation measures is provided for through Conditions 6 (proposed transportation improvement program), 7 (proposed transportation demand management measures, including shuttle bus connection), 9 (Hammond Pond Parkway signal construction), 10 (Florence Street sidewalk construction), 11 (Route 9 sidewalk widening), 12 (post development traffic monitoring), 13 (accessibility accommodations), 21 (Route 9 crosswalk installation), 22 (MBTA bus stop), 23 (transportation demand management measure monitoring), 24 (Hammond Pond Parkway ramp channelization), 25 (Florence Street access closure), 33 (contribution to fats oil and grease study) and 34 (Parker Street signal design analysis).
- Signage – To accommodate the mix of uses within the Project, the complex nature of the building layout and the unique architecture of the Project, the Order grants signage relief subject to final review and approval of the signage program by the Director of Planning and Development. Condition 5 provides that the Petitioner must submit a final Comprehensive Signage Package to the Director of Planning and Development for review and approval, in consultation with the Newton Urban Design Commission, prior to implementation of the Project signage program. The Director of Planning and Development will review the signage program to ensure that it is in generally in harmony with the findings, safeguards and conditions set forth in the Order and substantially consistent with the Comprehensive Signage Package submitted by the Petitioner in support of the application for the Special Permit/Site Plan Approval.