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#261-23
344-346 Elliott Street

CITY CLERK
NEWTON, MA. 02450

CITY OF NEWTON

IN CITY COUNCIL

August 14, 2023

ORDERED:

That the City 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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #113-23 (which granted relief to remove ten parking stalls for use as outdoor dining seats and to waive 24 parking stalls) to extend the hours of operation for outdoor dining as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site is an appropriate location for the amendment to Council Order #113-23 that extends the hours of operation for the outdoor dining patio to 10:00 P.M. because it is located in the Business Use 1 district, which allows for restaurant operations. (§7.3.3.C.1)
2. The amendment to Council Order #113-23 will not adversely affect the neighborhood because the outdoor patio is already open during evening hours, and an additional hour of service per day is unlikely to have a significant negative impact. (§7.3.3.C.2)
3. The amendment to Council Order #113-23 will not create a nuisance or serious hazard to vehicles or pedestrians because no physical changes are proposed to the site. (§7.3.3.C.3)
4. 4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because no changes are proposed to the site that would negatively impact access. (§7.3.3.C.4)

PETITION NUMBER:

#261-23

PETITIONER:

Seana Gaherin and Robert Dunn, Trustees of D&G Realty Trust

LOCATION: 344-346 Elliot Street, Ward 5, Newton Upper Falls, on land known as Section 51 Block 41 Lot 10, containing approximately 9,676 sq. ft. of land

OWNER: D&G Realty Trust

ADDRESS OF OWNER: 344 Elliot Street Newton, MA 02464

TO BE USED FOR: Restaurant with 109 seats

CONSTRUCTION: No new construction proposed

EXPLANATORY NOTE: Amendment to Council Order #113-23 to update Condition #8 and extend the hours of operation for the outdoor dining patio from 9:00 P.M. to 10:00 P.M. (§7.3.3)

ZONING: Business Use 1 (BU1) District

This Special Permit amends Council Order #113-23 by changing the allowed hours of operation for the outdoor dining patio. All other conditions of Council Order #289-18 and Council Order #215-16(2) remain in full force and effect.

Approved, subject to the following conditions:

1. Condition #8 shall be deleted and replaced with the following, "The petitioner shall not operate the outdoor dining area past 10:00 PM on the days the outdoor dining is in use."

Under Suspension of Rules
Readings Waived and Extension of Time Approved
23 yeas 0 nays 1 absent (Councilor Bowman)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on August 16, 2023. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



(SGD) CAROL MOORE

Clerk of the City Council

I, Carol Moore, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on August 16, 2023 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) CAROL MOORE

Clerk of the City Council