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#561-22

624-628 Commonwealth Avenue

CITY CLERK  
NEWTON, MA. 02459

CITY OF NEWTON

IN CITY COUNCIL

January 17, 2023



2023 00015389


Bk: 81246 Pg: 86 Doc: DECIS  
Page: 1 of 3 02/13/2023 02:54 PM

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 allow the conversion to a commercial prep kitchen in the Single Residence 2 zoning district, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site in a Single Residence 2 zone is an appropriate location for the proposed commercial prep kitchen use due to the fact that the building already features existing nonconforming commercial uses and the site's proximity to Newton Centre. (§7.3.3.C.1)
2. The proposed commercial prep kitchen use as developed and operated will not adversely affect the neighborhood because the proposed use complies with the parking requirement due to having fewer staff members than the prior use. (§7.3.3.C.2)
3. The proposed commercial prep kitchen use will not create a nuisance or serious hazard to vehicles or pedestrians because only staff members will be using the space, so the impact on traffic and parking will be minimal. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles Involved. (§7.3.3.C.4)
5. The change from the nonconforming spa use to the nonconforming commercial prep kitchen shall not be substantially more detrimental than the existing nonconforming spa use to the neighborhood because members of the general public will not be parking to visit the site. (§7.8.2.A.1. D)

A True Copy  
Attest



City Clerk of Newton, Mass.

PETITION NUMBER: #561-22

PETITIONER: Alice Speck

LOCATION: 624-628 Commonwealth Avenue, Newton, Section 61 Block 01 Lot 05, containing approximately 3,164 sq. ft. of land

OWNER: Donald Malkin 28592-446

ADDRESS OF OWNER: PO Box 81240  
Wellesley Hills, MA 02481

TO BE USED FOR: Commercial Prep Kitchen Use

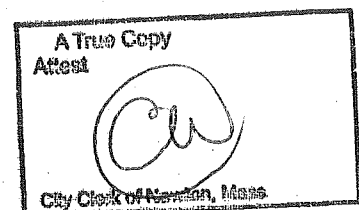
CONSTRUCTION: Use change only

EXPLANATORY NOTE: Special permit to allow the conversion of a nonconforming personal service use to a nonconforming commercial prep kitchen use (§3.4.1, §7.8.2.C.2)

ZONING: Single Residence 2

Approved, subject to the following conditions:

1. The petitioner shall operate the commercial prep kitchen use in accordance with the project narrative submitted with the special permit petition and on file with the City Clerk and the Department of Planning and Development.
2. There shall be no more than two employees on site at any one time.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
  - a. Recorded a certified copy of this Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
  - b. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
  - a. Filed the building permit record a statement by a registered architect which shall include certification of the size of the tenant space.



Under Suspension of Rules  
Readings Waived and Extension of Time Approved  
24 Yeas, 0 Nays

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 January 19, 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:

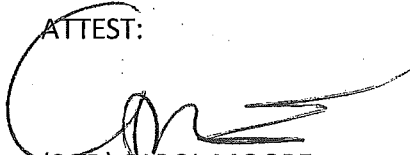


(SGD) CAROL MOORE

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 January 19, 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

