

RECEIVED

#390-23  
84-94 Rowe Street

2023 DEC 20 PM 4: 22

CITY CLERK  
NEWTON, MA. 02459

CITY OF NEWTON

IN CITY COUNCIL

December 18, 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 allow a for profit educational use, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the for-profit educational use due to its location in the Manufacturing (MAN) zoning district occupying a former office space. The site can also accommodate the pick up and drop off operations of the use. (§4.4.1 and §7.3.3.C.1)
2. The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood because the business is located in a large office and light industrial building with other business uses and has adequate parking. (§7.3.3.C.2)
3. There will not be a nuisance or serious hazard to vehicles or pedestrians because there is a plan for the transportation of clients to and from the facility by van and a new ADA ramp will be constructed. (§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)

PETITION NUMBER: #390-23

PETITIONER: 72-94 Rowe Street LLC

LOCATION: 84-94 Rowe Street, Ward 4, Auburndale, on land known as Section 44 Block 23 Lot 01, containing approximately 163.426 sq. ft. of land

OWNER: 72-94 Rowe Street LLC

ADDRESS OF OWNER: 30 Speen Street  
Framingham, MA 01701

TO BE USED FOR: For-profit educational use

RELIEF GRANTED: Special permit to allow a for profit educational use (§4.4.1)

ZONING: Manufacturing (MAN) district


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. A floor plan entitled "Adult Health Day Care, 84 Rowe Street, Newton, Massachusetts," prepared by KTH Architect, stamped by Registered Architect, Kiang-Tay Huang, dated December 11, 2023.
2. No building permit shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
  - 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/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
3. The adult day care shall have no more than 108 clients and 25 employees. Any increase to the number of clients or employees shall require an amendment to this special permit/site plan approval.
4. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the petitioner has:
  - a. Filed with the building permit record a statement by a registered architect, professional land surveyor, or professional engineer, certifying compliance with Condition #1.
  - b. Completed construction of the new ADA accessible ramp as detailed in plans noted in Condition 1a.
  - c. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.
  - d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, landscape features, fencing and parking areas related to or for the portion of the Project for which a certificate of occupancy is requested.

Under Suspension of Rules  
Readings Waived and Extension of Time Approved  
22 yeas 0 nays 2 absent (Councilors Downs and Ryan)


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 December 20, 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 December 20, 2023 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

  
(SGD) CAROL MOORE  
Acting Clerk of the City Council