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#207-24
1173- 1177 Walnut Street

CITY CLERK
NEWTON, MA. 02459

CITY OF NEWTON

IN CITY COUNCIL

May 20, 2024

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 waiver of 15 parking stalls by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Andrea Kelley:

1. The site in BU-1 is an appropriate location for the requested parking waivers of 15 spaces because the site is located in a village center with access to public transit and the area has a diverse mix of uses with varying parking demands. (§7.3.3.C.1)
2. The requested parking waiver will not adversely affect the neighborhood because the site is in a Village Center with close proximity to public transit options and public parking. (§7.3.3.C.2)
3. The requested parking waiver will not create a nuisance or serious hazard to vehicles or pedestrians because the existing curb cuts and driveway access are being maintained. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved as parking demand is mitigated by proximity to public transit and by the different peak demand for parking between uses on the site. (§7.3.3.C.4)
5. A waiver of 15 parking stalls is in the public interest because constructing 15 additional parking stalls would require a substantial increase in impervious paving on the site and the site is within a Village Center with access to public transit. (§5.1.13)

PETITION NUMBER:

#207-24

PETITIONER:

Hunter Guarino

LOCATION:

Section 52 Block 39 Lot 01, containing approximately 10,921 sq. ft. of land

OWNER: Haemee, Inc

ADDRESS OF OWNER: 1 Terrace Road
Weston, MA 02493

TO BE USED FOR: Office use of basement level tenant space

RELIEF GRANTED: Special Permit per §5.1.4 and §5.1.13 for a waiver of 15 parking stalls

ZONING: Business Use 1

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. Site plan prepared by Peter Nolan Associates, LLC, signed and stamped by Peter J. Nolan, Professional Land Surveyor, dated October 24, 2022
2. No building permit (other than a demolition permit) and unless otherwise specified 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. Any change in use with a higher parking requirement shall require an amendment to this special permit.
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 for the portion of the project for which occupancy is requested and the Petitioner has:
 - a. Filed with the building permit record statements by a registered architect certifying compliance with Condition #1.

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

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 May 22, 2024. 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:

Acting

(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 March 22, 2024 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