

CITY OF NEWTON

IN CITY COUNCIL

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, which grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow a drive in establishment, waive perimeter screening requirements, waive outdoor lighting requirements, and to allow two free-standing, principal signs as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site in a Business-2 (BU-2) zoning district is an appropriate location for the proposed drive-in business due to its location in a Business zone and mix of commercial uses nearby. The site is an appropriate location for the proposed and two free standing, principal signs because the menu board associated with the use is considered a free-standing sign, from the Boylston Street public way, the site will present as having one free standing, principal sign. (§7.3.3.C.1)
2. The proposed drive-in business will not adversely affect the neighborhood as it will provide an overall improvement in appearance and add landscaping where none exists to the site. (§7.3.3.C.2)
3. The proposed drive-in business as designed will not create a nuisance or serious hazard to vehicles or pedestrians as there will be additional pedestrian accommodations provided to the front and rear of the property. In addition, the drive-in business may enhance access for individuals with disabilities using a vehicle. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved as there will be a more organized, demarcated site layout for vehicles and pedestrians. (§7.3.3.C.4)
5. Literal compliance with the perimeter landscaping requirements for parking facilities is in the public interest because there will be an overall increase in landscaping from the existing conditions. (§5.1.13)
6. Literal compliance with the outdoor lighting requirements for parking facilities is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that exceptions to one or more of said requirements would be

in the public interest, or in the interest of safety, or protection of environmental features. (§5.1.13)

7. The two free standing signs and oversized directional signs should be permitted and are appropriate due to the site's location on Route 9 as well as the nature of the use as a drive through business. (§5.2.13)

PETITION NUMBER: #204-23

PETITIONER Mildred McMullin

LOCATION: 940 Boylston Street, on land known as Section 51, Block 26, Lot 3, containing approximately 14,608 square feet of land

OWNER: Mildred McMullin

ADDRESS OF OWNER: 169 Dickerman Road
Newton, MA 02461

TO BE USED FOR: Drive in establishment

RELIEF GRANTED: Special Permit per §7.3.3 to allow a drive-in establishment §4.4.1, §6.4.11, waive perimeter screening requirements §5.1.9.A, §5.1.13, waive outdoor lighting requirements §5.1.10.A, §5.1.13, and to allow two free-standing, principal signs §5.2.3, §5.2.13A

ZONING: Business Use 2 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. Concept Plan - C1.0, "Dunkin Development" at 940 Boylston Street, prepared by PARE, dated July 27, 2021, most recently revised June 7, 2023.
 - b. Architectural Plans and Elevations prepared by Aharonian Associated Inc.:
 - i. A-3.1 Proposed Exterior Elevations, north and west
 - ii. A-3.2 Proposed Exterior Elevations, south and east
2. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.

3. The petitioner shall install a sign on Ramsdell Street indicating the location of deliveries to prevent larger vehicles associated with the use from making deliveries on Route 9.
4. The petitioner shall be responsible for snow storage.
5. 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.
 - c. Provided a snow storage plan for review and approval by the Planning Department and Inspectional Services.
6. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the building permit application statements by a registered architect and a professional land surveyor certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.