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JUL 13 2023

#201-23

1173- 1177 Walnut Street

CITY OF NEWTON

IN CITY COUNCIL

June 20, 2023



2023 00076864

Bk: 81765 Pg: 37 Doc: DECIS

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ORDERED:

31483-322

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 restaurant with more than 50 seats, a waiver of 64 parking stalls, and administrative site plan review as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

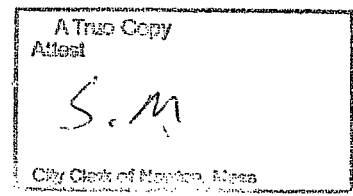
1. The specific site is an appropriate location for the proposed restaurant with 72 seats and 64-stall parking waiver because it is located in a village center with access to public transit and the area has a diverse mix of uses. (§7.3.3.C.1)
2. The proposed restaurant and parking waiver will not adversely affect the neighborhood because the site is in a walkable area that is in close proximity to public transit options. (§7.3.3.C.2)
3. There will not be a nuisance 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. (§7.3.3.C.4)
5. A waiver of 64 parking stalls is in the public interest because constructing 64 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: #201-23

PETITIONER: Haemee, Inc and Newcity Church

LOCATION: Section 52 Block 39 Lot 01, containing approximately 10,799 sq. ft. of land

OWNER: Haemee, Inc



ADDRESS OF OWNER: 1 Terrace Road
Weston, MA 02493

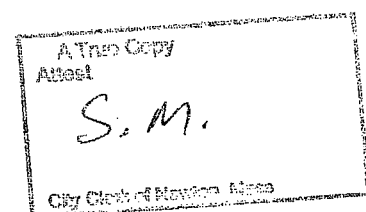
TO BE USED FOR: Use of basement level tenant space for a religious use with classroom space, a 72-seat café, waiver of 64 parking stalls, and site plan review

RELIEF GRANTED: Administrative Site Plan Review per §7.5.2 for a religious institution (§6.3.12.B.1), Special Permit per §7.3. to allow a restaurant with more than 50 seats (§4.4.1 and §6.4.29.C.1), waiver of 64 parking stalls (§5.1.4 and §5.1.13)

ZONING: Business Use 1 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. Site plan prepared by Peter Nolan Associates, LLC, signed and stamped by Peter J. Nolan, Professional Land Surveyor, dated January 25, 2023
 - b. A set of architectural drawings prepared by Glenn Knowles & Associates, signed and stamped by Glenn Knowles, Registered Architect, dated June 7, 2023:
 - i. "Existing and Demo" (Sheet A101)
 - ii. "Proposed" (Sheet A102)
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. 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 (or professional engineer) and a professional land surveyor (or professional engineer) certifying compliance with Condition #1.

Under Suspension of Rules
Readings Waived and Extension of Time Approved
22 yeas 0 nays 2 absent (Councilor Bowman and Laredo)

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 June 22, 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~~

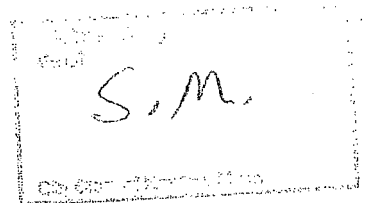
Acting Clerk of the City Council

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 June 22, 2023 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:


~~(SGD) CAROL MOORE~~

Assistant Clerk of the City Council



COMMONWEALTH OF MASSACHUSETTS.
MIDDLESEX S.S. JUL 18 2023
SOUTH DIST. REGISTRY OF DEEDS
CAMBRIDGE, MA

I HEREBY CERTIFY THE FOREGOING
IS A TRUE COPY OF A PAPER
RECORDED IN BOOK 817 65

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Maria C. Couture
REGISTER

JUL 18 2023