

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #332-65 and to waive 25 parking stalls 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 25 stall parking waiver due to the mix of uses on site and their hours of operation. (§7.3.3.C.1)
2. The specific site is an appropriate location for the proposed amendment to Council Order #332-65, to allow parking on Sundays at the Elliot Street/River Avenue parking lot because the site is currently used for parking all other days of the week and has been in existence for over 57 years. (§7.3.3.C.1)
3. The 25 stall parking waiver will not adversely affect the neighborhood because the use operates on Sundays, when other uses on site are closed. (§7.3.3.C.2)
4. There will be no nuisance or serious hazard to vehicles or pedestrians because there are no changes to the site plan proposed. (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)
6. A waiver of twenty-five parking stalls is in the public interest because the proposed religious use does not create additional parking demand during peak hours and only operates on Sundays. (§5.1.13)

PETITION NUMBER: #160-22

PETITIONER: Echo Bridge LLC

LOCATION: 381 Elliot Street, Section 51, Block 01, Lot 06 containing approximately 186,883 square feet of land

OWNER: Echo Bridge LLC

ADDRESS OF OWNER: 34 Washington Street, Wellesley, MA 02481

TO BE USED FOR: Expansion of religious use

CONSTRUCTION: Internal Modifications

EXPLANATORY NOTES: §5.1.4, §5.1.13, §7.3.3 to allow a parking waiver of 25 stalls and to amend Special Permit #332-65 which allowed the office park to use the accessory parking facility at Elliot Street and River Ave

ZONING: MAN

The prior special permit for this property is Special Permit #332-65. This special permit supersedes, consolidates, and restates provisions of the prior special permit to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this Special- Permit #160-22 are null and void.

Approved subject to the following conditions:

***Conditions associated with this Special Permit/Site Plan Approval, #160-22:***

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 the following plans:
  - i. "Topographic Site Plan -Echo Bridge Office Park" dated December 7, 2004
  - ii. Architectural Plans prepared by D.W. Arthur Associates Architecture, signed and stamped by Dogan W. Arthur, dated July 8, 2021, revised August 2, 2021 consisting of eight sheets.
2. This Special Permit/Site Plan Approval governs both 365-381 Elliot Street and 25 River Avenue (Elliot Street/River Avenue parking facility). As such, this Special Permit/Site Plan Approval shall be recorded against both lots at the Middlesex South Registry of Deeds.
3. The parking waiver of 25 stalls shall only apply to the religious use, any change in use seeking to use the parking waiver, requires an amendment to this Council Order. Any change in ownership shall require the petitioner contact the Planning Department to ensure the site operations still justify the granted relief.
4. In the event the accessory parking is no longer available, the property owner shall contact the Planning Department to ensure compliance with this special permit and to determine if an amendment to this special permit is required.

5. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
  - a. Recorded a certified copy of this council order for the approved Special Permit/Site Plan with the Registry of Deeds for the Southern District of Middlesex County for both parcels.
  - b. Filed a copy of such recorded council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
6. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect.
  - b. Submitted to the Department of Inspectional Services, the Department of Planning and Development, and the Engineering Division final as-built survey plans in paper and digital format.

***Conditions incorporated from Special Permit #332-65 governing the Elliot Street/River Avenue parking facility consisting of 62 surface parking stalls:***

7. Vehicular and pedestrian ingress and egress to and from the site shall be limited to the two driveway openings on Elliot Street shown on the site plan referenced in Condition 1.
8. Use Elliot Street/River Avenue parking facility shall be limited to the parking of private passenger vehicles of employees and guests of the owner of 365-381 Elliot Street.
9. Parking on the Elliot Street/River Ave parking facility shall be prohibited before 7 AM and after 8 PM on Monday through Sunday of each week.
10. The petitioner shall maintain the parking area, trees, shrubbery and fencing in good order and repair and shall engage such personnel as may be necessary to enforce compliance with this Council Order and to prevent the use of the site for any purpose other than parking. The Police Department in its discretion may require the owner to install appropriate gates to be used in closing off Elliot Street openings when the premises are not open for parking.