

RECEIVED

#189-22
858 Walnut Street

2022 MAY -4 AM 8: 09

CITY CLERK
NEWTON. MA. 02459

CITY OF NEWTON

IN CITY COUNCIL

May 2, 2022

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 waive five parking stalls and allow single-level, non-accessory parking as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- The specific site is an appropriate location for the five-stall parking waiver and single-level non-accessory parking because the religious use generally operates when other uses on-site are closed and the single-level, non-accessory parking agreement has been in existence for over 30 years. (§7.3.3.C.1)
- The five stall parking waiver and single-level non-accessory parking will not adversely affect the neighborhood because the use does not create additional parking demand during peak weekday hours, and the single-level, non-accessory parking agreement has been in existence for over 30 years. (§7.3.3.C.2)
- There will not be a nuisance or serious hazard to vehicles or pedestrians because the driveway locations are being maintained. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved because the site is not being altered. (§7.3.3.C.4)
- A waiver of five parking stalls is in the public interest because the use does not create additional parking demand during peak weekday hours. (§5.1.13)

PETITION NUMBER:

#189-22

PETITIONER:

858 Walnut Street LLC

LOCATION: 858 Walnut Street, Section 64, Block 05, Lot 04 containing approximately 25,250 square feet of land

OWNER: 858 Walnut Street LLC

ADDRESS OF OWNER: 158 Greenwood Street
Newton, MA 02459

TO BE USED FOR: Establish religious use

CONSTRUCTION: Internal Modifications

EXPLANATORY NOTES: §4.4.1, §5.1.4, §5.1.4.A, §5.1.13, §6.3.12.B.2.a, §7.3.3 to allow a parking waiver of 5 stalls, and to allow single-level, non-accessory parking

ZONING: BU-2

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 the following plans:
 - i. "Plot Plan" dated January 15, 1958, signed and stamped by James G. Noonan
 - ii. Usage Plan (floor plans), Newton Minyan, 858 Walnut Street, dated March 4, 2022, prepared by Malcolm A. Blier
2. The parking waiver of five 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.
3. The petitioner shall designate a single individual to communicate with neighbors for the purpose of addressing neighborhood concerns. The designated individual shall also coordinate a meeting with interested neighbors within three months of commencing operations and shall thereafter meet as necessary to address concerns. The petitioner shall work in good faith to implement measures to address identified concerns.
4. In the event the petitioner intends to make the tenant space available to a third party for a use other than the approved religious institution use, the petitioner shall notify the Planning Department to ensure that the use is an allowed use and that the parking requirements for such use can be met on-site.

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.
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 certifying compliance with Condition #1.

Under Suspension of Rules
Readings Waived and Approved
22 yeas 0 nays 2 absent (Councilors Noel and Grossman)

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 4, 2022. 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, City Clerk
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 May 4, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

(SGD) CAROL MOORE, City Clerk
Clerk of the City Council