

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, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #179-15 to allow additional paved area, to allow the location of parking stalls within five feet of a front lot line, and waive certain parking facility perimeter screening and lighting requirements, 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 approximately 188 square feet of additional paved area and parking stalls within five feet of a front lot line and to waive certain parking facility perimeter screening and lighting requirements given its location along a commercial section of Centre Street. (§7.3.3.C.1)
2. The approximately 188 square feet of additional paved area and parking stalls within five feet of a front lot line and waiver of certain parking facility perimeter screening and lighting requirements will not adversely affect the neighborhood given the site's location along a commercial section of Centre Street. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§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. Granting exceptions to certain provisions of Sec. 5.1 to locate parking within five feet of a front lot line and waive certain parking facility perimeter screening and lighting requirements is appropriate because literal compliance is impracticable due to the location and size of the lot and that such exceptions would be in the public interest as allows for the creation of an accessible parking stall in close proximity to the commercial building and avoids the installation of excessive lighting on the site. (§5.1.13)

PETITION NUMBER: #264-23

PETITIONER: Myrtha W. Chang

LOCATION: 1349 Centre Street, Ward 6, Newton Centre, on land known as Section 51 Block 04 Lot 03, containing approximately 10,579 sq. ft. of land

OWNER: Myrtha W. Chang

ADDRESS OF OWNER: 226 Winchester St.
Newton, MA 02461

TO BE USED FOR: Commercial use

RELIEF GRANTED: Special permit per §7.3.3 to amend Special Permit #179-15 to modify the associated approved site plan to include additional paved area and to allow parking within five feet of a front lot line (§5.1.8.A.1, §5.1.13), waive the perimeter screening requirement (§5.1.9.A, §5.1.13) and to waive the lighting requirement (§5.1.10.A, §5.1.13)

ZONING: Business 2 (BU2)

Approved subject to the following conditions:

1. All conditions set forth in Special Permit/Site Plan Approval #179-15 shall remain in full force and effect with the exception that the plan identified in Condition 1(b) of that order is replaced by the following plan:
 - a. A site plan entitled "Plan Showing Proposed Parking, 1349 Centre Street, Newton, MA, Middlesex County," prepared by D. O'Brien Land Surveying, dated June 15, 2021, signed and stamped by Dennis O'Brien, Professional Land Surveyor, October 26, 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. 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 and the petitioner has:
 - a. Filed with the building permit record statements by a registered architect, professional engineer, or professional land surveyor certifying compliance with Condition #1.

- b. Submitted final as-built survey plans in digital format, stamped and signed by a professional engineer or professional land surveyor.
 - c. Consulted with the Department of Public Works to visually demarcate areas between vehicles and pedestrians with a priority on pedestrian safety along Trowbridge and Centre Streets, and implemented any such measures as recommended by the Department of Public Works.
 - d. Stripped the parking lot in accordance with the plan referenced in Condition 1(a).
5. There shall be no tandem parking in the parking facility and the petitioner shall take steps to ensure that customers and visitors comply with this Condition.