

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 extend a nonconforming residential use to allow for-profit and non-profit educational uses and to waive 19 parking stalls as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the proposed educational uses and 19-stall parking waiver because it is located close to a commuter rail station, and the site has historically accommodated both religious and educational uses. The uses proposed are unlikely to operate all at the same time, thus resulting in a lesser parking demand than the Ordinance requires. (§7.8.2.C.1)
2. The proposed educational uses and parking waiver will not adversely affect the neighborhood because peak traffic demand will not be impacted. (7.3.3.C.2)
3. There will not be a nuisance to vehicles or pedestrians because the existing curb cuts and driveway access will be 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 19 parking stalls is in the public interest because constructing additional parking stalls would require an increase in impervious paving on the site, contrary to the City's climate goals. (§5.1.13)

PETITION NUMBER: #286-23

PETITIONER: The Second Church in Newton

LOCATION: 60 Highland Street, Ward 3, West Newton, on land known as Section 32 Block 04 Lot 01, containing approximately 108,768 sq. ft. of land

OWNER: The Second Church in Newton

ADDRESS OF OWNER: 60 Highland Street
Newton, MA 02465

TO BE USED FOR: To allow for-profit educational use and non-profit educational use requiring parking waivers, and a waiver of 19 parking stalls.

RELIEF GRANTED: Special Permit per §7.3.3:

- To waive 19 parking stalls (§5.1.4, §5.1.13)
- To allow non-profit educational uses requiring a parking waiver and for-profit educational uses (§4.4.1, §6.3.14.B.1.b, §6.3.14.B.2)

ZONING: Multi Residence 1

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 Framingham Survey Consultants, signed and stamped by William E. Tirrell, Professional Land Surveyor, dated August 29, 2022
 - b. A set of floor plans prepared by Richard T. Hardaway, architect, signed and stamped, dated May 27, 2021
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.