

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 #172-98(2) to waive 25 required 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 in a Mixed Use 2 (MU-2) district is an appropriate location for the amendment to Special Permit #172-98(2) and requested parking waiver because adequate parking is available to meet the needs of the site without constructing additional stalls, and public transportation is available. (§7.3.3.C.1)
2. The requested amendment and parking waiver will not adversely affect the neighborhood because allowing some of the parking stalls on the site to be used for outdoor dining will activate the streetscape. (§7.3.3.C.2)
3. The requested amendment and parking waiver will not create a nuisance or serious hazard to vehicles or pedestrians because the existing curb cuts will remain unchanged (§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. Literal compliance with the required amount of parking is in the public interest because constructing 25 additional parking stalls would require a substantial increase in impervious paving on the site. (§5.1.13)

PETITION NUMBER: #313-23

PETITIONER: Walcott Corporation

LOCATION: 9-13 Kenneth Street, 29 Kenneth Street, 118 Needham Street, and 122 Needham Street, Ward 8, Newton Highlands and Newton Upper Falls, on land known as Section 83 Block 12 Lots 03, 04, 05, and 06 containing

approximately 35,000 sq. ft. of land

OWNER: Walcott Corporation

ADDRESS OF OWNER: 1050 Commonwealth Avenue  
Boston, MA 02215

TO BE USED FOR: Amend the prior Special Permit with site plan modifications to remove eight parking stalls to be used for outdoor dining seats and to waive 25 parking stalls.

CONSTRUCTION: No new construction proposed

RELIEF GRANTED: Special Permit per §7.3 to waive 25 parking stalls (§5.1.4, §5.1.13) and amend Special Permit #172-98(2)

ZONING: Mixed Use 2 District

This Special Permit/Site Plan Approval amends Council Order #172-98(2) by amending the site plan and increasing the parking waiver by 25 stalls up to 35 parking stalls. All other conditions of Council Order #172-98(2) remain in full force and effect except as modified below.

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. A site plan prepared by Selwyn & Kirwin Associates, signed and stamped by Paul J. DiSimone, professional land surveyor, dated 11/17/2003
  - b. Compiled Existing Conditions Plan, prepared by Tetra Tech, unsigned and unstamped, dated 7/15/2009
2. The petitioner shall not operate the restaurant with more than 148 seats.
3. The petitioner shall consult with the Planning Department and seek the approval of measures to direct parking elsewhere on the site and encourage alternative transportation by its employees. These measures may include, but are not limited to, by right signage, posting on the restaurant's website and other measures that do not conflict with City Ordinances.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit shall be issued until the petitioner has:
  - a. Recorded a certified copy of this council order for the approved Special Permit with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.