

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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to waive five required parking stalls (§5.1.4.A), allow parking within the front and side setbacks (§4.2.3, §5.1.7.A), and waive the minimum driveway width requirement (§5.1.7.C), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. Exceptions to literal compliance with the parking facility requirements related to the required number of parking stalls is in the interest of safety as existing vehicular access and egress conditions will be improved by the proposed elimination of five on-site parking stalls located within the Winchester Street frontage. (§5.1.13)
2. Exceptions to literal compliance with parking facility requirements related to the location of parking stalls in the front and side setbacks is in the interest of safety as the location and configuration of the proposed stalls will eliminate the need for vehicles to back out directly into the adjacent sidewalk and roadway. (§5.1.13)
3. Exceptions to literal compliance with the parking facility requirements requiring the width of entrance and exit drives to be a minimum of 12 feet wide is in the interest of safety as the proposed location and configuration of the entrance and exit drive will eliminate the need for vehicles to back out directly into the adjacent sidewalk and roadway. (§5.1.13)

PETITION NUMBER: #441-20

PETITIONER: Winchester 66 LLC

LOCATION: 66 Winchester Street, on land known as Section 83, Block 03, Lot 46, containing approximately 20,059 square feet of land

OWNER: Winchester 66 LLC

ADDRESS OF OWNER: 66 Winchester Street
Newton, MA 02461

TO BE USED FOR: Commercial Building

EXPLANATORY NOTES: Special permit per §7.3.3 to allow exceptions to certain provisions of §5.1 per §5.1.13 to:

- waive five required parking stalls (§5.1.4.A),
- allow parking within the front and side setbacks (§4.2.3, §5.1.7.A), and
- waive the minimum driveway width requirement (§5.1.7.C),

ZONING: Mixed Use 2 (MU2) district

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 plan entitled "Site Plan, 66 Winchester Street, Newton, MA, prepared for Olympia Fencing Center, Inc." prepared by Mistry Associates, Inc., signed and stamped by Nalin M. Mistry, Professional Engineer, dated September 23, 2020;
2. 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 Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
3. No Certificate of Occupancy for the buildings and uses 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 a statement by a professional engineer or surveyor certifying substantial compliance with Condition #1(a) and a statement by a registered architect certifying substantial compliance with Condition #1(b).

- b. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and digital format.
- c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.
- d. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location and number of parking stalls and the installation of appropriate markings indicating the location and extent of the sidewalk right-of-way along the property's Winchester Street frontage.