



CITY OF NEWTON  
IN BOARD OF ALDERMEN

June 18, 2012

RECEIVED  
Newton City Clerk  
2012 JUN 20 PM 4: 14  
David A. Olson, CMC  
Newton, MA 02459

ORDERED:

That the Board, 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 for a waiver of up to 11 parking stalls as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

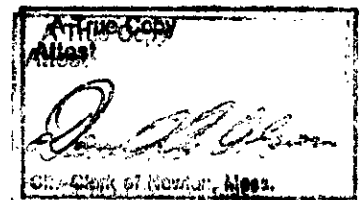
1. The waiver of up to 11 parking stalls from the required number of 20 parking stalls is appropriate for the following reasons:
  - a. Literal compliance is impracticable because the site does not have space to provide any parking associated with it.
  - b. The site is located close to four municipal parking lots and an MBTA Green Line train station, and recent studies of Newton Centre indicate there is sufficient parking to accommodate the requested waiver.
  - c. There will be no adverse effects on parking, traffic, and circulation in the Newton Centre commercial district or on adjacent residential streets as a result of this petition.
2. The location of a restaurant use in this location (Business 1 zone) is consistent with the 2007 *Newton Comprehensive Plan*, which supports viable businesses that contribute to the vitality of Newton's village centers, and the 2008 *Newton Centre Task Force Final Report*, which encourages a diverse mix of retail and restaurant uses in infill locations to enliven Newton Centre.

PETITION NUMBER: #134-12

PETITIONER: David Punch (Tenant-Petitioner, "Petitioner")  
B & E Beacon Realty, LLC (Owner-Petitioner "Owner")

LOCATION: 753A-755 Beacon Street, Section 61, Block 27, Lot 20  
containing approximately 8,007 square feet of land

OWNER: B & E Beacon Realty, LLC



Resubmits from Wilder  
276 main st  
New m 02460

T. A. 388)3.295

ADDRESS OF OWNER: c/o Rosenberg Freeman & Goldstein LLP,  
246 Walnut Street  
Newton, MA 02460

TO BE USED FOR: 48-seat restaurant with approximately 10-12 employees on  
the largest shift. Serving dinner from 5:30 to midnight with  
option to serve lunch but restricted to by-right number of  
seats at lunch based on a 9 stall grandfathered parking  
credit based upon the prior use of the property

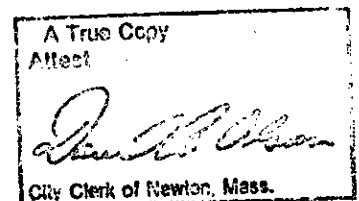
CONSTRUCTION: Interior renovations only

EXPLANATORY NOTES: §30-19(d)(13) and §30-19(m) to waive up to 11 parking  
stalls from the required number of 20 parking stalls (which  
number includes a 9 stall grandfathered parking credit  
based upon the prior use of the property); §30-23 for site  
plan approval; and §30-24(d) for special permit approval

ZONING: Business 1 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 the following plans :
  - a. "Area Plan of Land" prepared by VTP Associates, Inc., dated March 21, 2012;
  - b. "Site Plan" prepared by VTP Associates, Inc., dated March 21, 2012
  - c. Architectural Plans, unsigned and unstamped by HUTH Architects, dated 3/14/12
    - i. A0.0 – Location and Views
    - ii. A1.0 – First Floor Plan showing 48 seats
    - iii. A1.1 – Basement Plan
2. The petitioner may operate a restaurant with a maximum of 48 seats and up to 12 employees on the largest shift between 5:30 PM and closing.
3. If the establishment is open before 5:30 PM, it is limited to the by-right number of seats resulting from a 9 stall grandfathered parking credit based upon the prior use of the property.
4. Any dumpsters relating to the subject property will be maintained and kept closed by the petitioner so that they are clean and the area is free of debris and odors.
5. Any changes to signage shall be subject to review by the Urban Design Commission and approval of the Director of Planning and Development.



6. The petitioner shall use best efforts to recycle all materials used in connection with the restaurant.
7. The petitioner and/or owner agrees to make a voluntary donation of \$2,000 to be used by the City for parking improvements and/or pedestrian accessibility or circulation improvements in the Newton Centre vicinity to help mitigate parking impacts on the neighborhood.
8. 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 Board Order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County;
  - b. filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development;
  - c. obtained a statement from the Director of Planning and Development that all plans are consistent with Condition #1.
9. 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 a statement by a registered architect or registered engineer certifying compliance with Condition #1; and
  - b. donated \$2,000 to the City in accordance with Condition #7.

Under Suspension of Rules

Readings Waived and Approved

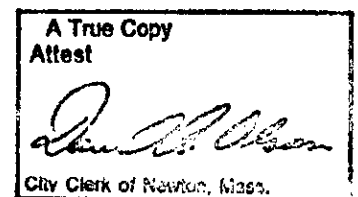
21 yeas 0 nays 3 absent (Aldermen Fischman, Merrill, and Swiston)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 June 20, 2012. 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) DAVID A. OLSON, City Clerk  
Clerk of the Board of Aldermen

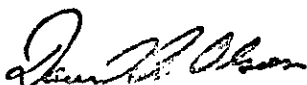


I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 6/30 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Board of Aldermen

A True Copy  
Attest  
  
City Clerk of Newton, Mass.