

CITY OF NEWTON

IN CITY COUNCIL

March 18, 2019

RECEIVED
Newton City Clerk
2019 MAR 20 PM 4: 29
David A. Olson, Clerk
Newton, MA 02445

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 allow a for-profit educational use in a Business 2 (BU2) zoning district (§4.4.1; §6.3.14.B.2), as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the proposed for-profit educational use as it is located in an active commercial area with a mix of retail, service, office and residential uses (§7.3.3.C.1);
2. The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood as the site is located in a mixed-use area with active commercial uses and has adequate off-site parking to meet the projected parking demand for the proposed use (§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).

PETITION NUMBER: #70-19

PETITIONER: SSDS MA Studio 4, LLC

LOCATION: 739 Beacon Street, on land known as Section 61, Block 27, Lot 17, containing approximately 10,498 square feet of land

OWNER: Equity Realty, LLC

ADDRESS OF OWNER: 825 Beacon Street
Newton, MA 02459

TO BE USED FOR: For-profit educational use

EXPLANATORY NOTES: Special permit per §7.3.3 to allow a for-profit educational use (§4.4.1; §6.3.14.B.2)

ZONING: Business 2 (BU2) 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 "ALTA/ACSM Land Title Survey in Newton, Mass., Owner: 739 Beacon Corporation, Deed Reference: Book 24786, Page 99, Recorded with the Middlesex South Registry of Deeds," prepared by Hayes Engineering, Inc., signed and stamped by Thomas F. Winslow, Professional Land Surveyor, dated May 21, 1996;
 - b. a plan entitled "Floor Plan," prepared by CID Associates Inc., dated May 9, 1995, as revised through July 21, 1995;
 - c. a plan entitled "Kung Fu School, 739 Beacon Street, Newton, MA 02459," prepared by DLA Architecture, signed and stamped by Donald Lang, Registered Architect, dated December 10, 2018.
2. The educational use staff is limited to no more than two employees on the largest shift.
3. The petitioner shall discourage double-parking by its patrons on Beacon street and encourage patrons to use the on-site parking facility for drop off and pick up.
4. Any changes to signage shall be subject to review by the Urban Design Commission and approval of the Commissioner of Inspectional Services.
5. 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 Approval 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 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.

6. No Certificate of Occupancy for the buildings and uses covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
- Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or surveyor certifying substantial compliance with Condition #1.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Councilor Markiewicz)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council 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 March 20, 2019. 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.

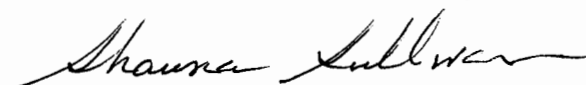
ATTEST:



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

I, David A. Olson, as the Clerk of the City Council 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 Newton City Council in the Office of the City Clerk on 3/20/19 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
acting Clerk of the Council