



2014 01686827

Bk: 01246 Pg: 80 Cert#: 223230
Doc: DECIS 12/02/2014 11:18 AM

#132-14(2)

CITY OF NEWTON
IN BOARD OF ALDERMEN

October 20, 2014

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 a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a second free-standing sign as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The erection of a second free-standing sign is in the public interest as it will improve way-finding along the Winchester Street corridor for customers of the establishment. (§30-20(1))
2. The site is an appropriate location for the proposed free-standing sign, since the establishment is separate from the other uses in the principal building and the proposed sign will further enhance the streetscape. (§30-24(d)(1))
3. The location of the proposed free-standing sign will not create a nuisance or serious hazard to pedestrians or vehicles, since the proposed sign will not impede the movement or visibility for pedestrians or vehicles. (§30-24(d)(3))

PETITION NUMBER: #132-14(2)

PETITIONER: Stone Gallery / Cline Realty Limited

LOCATION: 49-51 Winchester Street on land known as SBL 51, 28, 30 containing a total of 79,500 square feet of land

OWNER: Cline Realty Limited

ADDRESS OF OWNER: 49 Winchester Street
Newton, MA 02461

TO BE USED FOR: Free-standing Sign

CONSTRUCTION: Sign board and a stone veneered block wall

Record Owner:
Winchester Street Realty Trust

LOT 1+2

223230-1246-80

RECEIVED
Newton City Clerk
2014 OCT 23 PM 4:13
David A. Olson, CMC
Newton, MA 02459

RECEIVED
Newton City Clerk
2014 DEC -8 AM 10:17
David A. Olson, CMC
Newton, MA 02459

A True Copy
Attest

City Clerk of Newton, Mass.

EXPLANATORY NOTES: §30-20(f)(9) and §30-20(l), to allow the erection of a second free-standing sign.

ZONING: Mixed Use 1

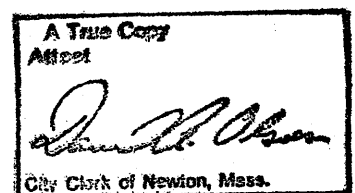
Prior special permits for this property include: Board of Alderman approvals #219-05 and #132-14.

This special permit supersedes the prior special permit and consolidates and incorporates herein those conditions and provisions from such prior special permits that remain applicable, are still in full force and effect, and are set forth in this special permit. Any conditions in such prior special permit not set forth in this special permit are null and void.

Approved subject to the following conditions:

Conditions associated with this Special Permit/Site Plan Approval, Board Order 132-14(2):

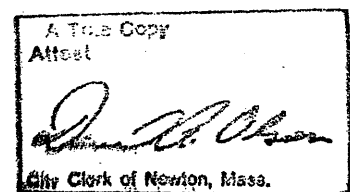
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. Site plan, entitled "Plan of Land in Newton, MA for 49-53 Winchester Street, signed and stamped by Bruce Bradford, Professional Land Surveyor, dated July 13, 2005 and revised on September 29, 2013, May 6, 2014, and September 23, 2014.
 - b. Plan set, entitled "Double Sided Dimensional Monument Wall Signs," for Stone Gallery, prepared by Countryside Signs, dated August 6, 2014, including two (2) drawings:
 - i. Page 1 of 2 - Indicating the signage on the stone veneered block wall; and
 - ii. Page 2 of 2 - Indicating the dimensions of the proposed signage.
 - c. Photo set, prepared by the petitioner, undated, and including two (2) images:
 - i. Photo 1 - Indicating the finished free-standing sign with landscaping; and
 - ii. Photo 2 - Indicating the placement and design of the display bed surrounding the free-standing sign.
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 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 written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No Final Inspection and/or Occupancy Permit for the free-standing sign 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 engineer certifying compliance with Condition #1.
- b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.

Conditions incorporated from Board Order #132-14:

4. All landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. Landscape Plan for Display Area, prepared by Landscape Studio 7 LLC, dated June 4, 2013, consisting of two sheets.
5. The petitioner shall install a bicycle rack on the site at a location approved by the City's Planning Department and Transportation Department.
6. Prior to the issuance of a Building Permit, the petitioner shall submit a tree removal plan to the City's Tree Warden for review and approval, and shall submit a copy of such plan to the Director of Planning and Development.
7. At such time in the future that the existing buildings are enlarged or demolished and the site is redeveloped, the site shall comply with the parking requirements in effect at the time, and the waivers of parking design controls, including waivers of dimensional, lighting, and landscaping requirements, granted by this special permit shall terminate.
8. The outdoor display and sale of goods permitted hereunder applies to the continued use of the outdoor display area for the display of natural and man-made stone for architectural and landscaping purposes and goods of a like nature only. In the event that the use of the outdoor display area for the display of such goods is abandoned, then the outdoor display use granted under this special permit shall terminate. For as long as the use of the outdoor display area continues, it shall be maintained in a neat and orderly condition and without unsightly debris and broken or damaged display materials, and in a manner similar to that shown in the approved site plan, landscaping plan, and rendering.
9. In the event that the use of the outdoor display area is abandoned, then the outdoor display area shall be returned to its natural and vegetated state.
10. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
11. No Final Inspection and/or Occupancy Permit for the portion of the building 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 engineer certifying compliance with Condition #1.



- b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
- c. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.

Conditions incorporated from Board Order #219-05:

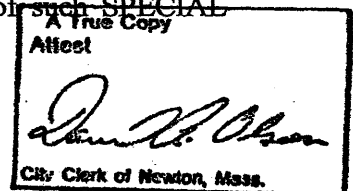
13. The petitioner in Board Order #219-05 shall install and maintain concrete wheel stops for existing parking stalls as follows: four(4) stops at the reserved parking stalls located in front of the building and approximately sixteen (16) stops for the parking stalls abutting the public sidewalk along Winchester Street.
14. Should the cooking school use cease to operate at this property, the waiver of that provision of the zoning ordinance that prohibits reserved parking shall cease for the four parking stalls reserved for the cooking school use, and the signs at such reserved parking spaces shall be removed.
15. If the type of cooking appliances and equipment or the types of food ingredients change such that health, fire or other safety codes would require an upgrade in such health, fire or other safety safeguards, equipment or other protections (e.g., fire suppression equipment over cooking area, or additional sinks), then the applicant shall obtain any and all necessary permits and licenses and install such upgrades
16. The petitioner shall comply with the following provisions when establishing the class schedules:
 - a. The weekday classes for children shall start no earlier than 9:30 a.m.,
 - b. There shall be no more than 12 students or guests in a single class or birthday party session,
 - c. No more than two classes shall be scheduled at any given time, one in each of the two classrooms,
 - d. There shall be a minimum of 1 hour between classes scheduled within a given classroom, when classes are scheduled in both classrooms, there shall be a 15 minute stagger in the start and end times of the overlapping classes to assure that there is sufficient access to the designated pick-up and drop-off spaces for the students, and
 - e. The weekday adult evening classes shall begin no earlier than 6:00 p.m.

Under Suspension of Rules

Readings Waived and Approved

23 yeas 0 nays 1 absent (Alderman Harney)

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 October 23, 2014. 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 10/25 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.

①

Doc 01686827

Southern Middlesex LAND COURT
Registry District

RECEIVED FOR REGISTRATION

On: Dec 02, 2014 at 11:18A

Document Fee 75.00

Receipt Total: \$75.00

NOTED ON: CERT 223230 BK 01246 PG 80

ALSO NOTED ON:

STONE GALLEY 978-735-6180
NAME W. NEHESTER ST
SOUTHERN MIDDLESEX
NEWTON MASS
CITY OR TOWN ZIP

-----*
 Official Receipt for Recording In:

Middlesex South Registry of Deeds
 208 Cambridge St.

Cambridge, Massachusetts 02141

Issued To:
 WALKIN

Recording Fees

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Document Description	Number	Cert Number	Recording Amount
-----*			
DECIS	01686827	223230	\$75.00
			<u>\$75.00</u>

Collected Amounts

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Payment Type	Amount
-----*	
Cash	\$100.00
	<u>\$100.00</u>

Total Received :	\$100.00
Less Total Recordings:	\$75.00
	<u>\$25.00</u>
Change Due :	\$25.00

Thank You
 MARIA C. CURTATONE - Register of Deeds

By: Christine D

Receipt# Date Time
 1759821 12/02/2014 11:18a