

CITY OF NEWTON
IN CITY COUNCIL

November 6, 2017

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 allow an outdoor vehicle sales and service facility and grant exceptions to literal compliance with the dimensional requirements for parking facilities of more than five stalls, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The site in a Business 2 (BU2) district is an appropriate location for an outdoor vehicle sales and service facility as the subject property and adjoining properties are currently occupied by similar automobile-related uses (§7.3.3.C.1).
2. The proposed outdoor vehicle sales and service facility will not adversely affect the neighborhood (§7.3.3.C.2).
3. The proposed outdoor vehicle sales and service facility will not create a 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).
5. Exceptions to literal compliance with the dimensional requirements for parking facilities of more than five stalls would be in the public interest as the proposed design of the parking area located in the front of the property would improve the existing conditions (§5.1.13).

PETITION NUMBER: #229-17

PETITIONER: Jose D. Junior

LOCATION: 454-458 Watertown Street, on land known as Section 14, Block 16, Lot 35 containing approximately 14,277 square feet of land

OWNER: Tee Gee LLC

ADDRESS OF OWNER: P.O. Box 81371

RECEIVED
Newton City Clerk
2017 NOV - 8 PM 4:00
David A. Olson, CMC
Newton, MA 02459

Wellesley Hills, MA 02481

TO BE USED FOR: Outdoor vehicle sales and service use

CONSTRUCTION: Single-story commercial building.

EXPLANATORY NOTES: Special permit per Sec. 7.7.3 to allow outdoor vehicle sales and service use in a Business 2 (BU2) zoning district (§4.4.1) and waive relevant requirements for parking facilities (§5.1.4; §5.1.13)

ZONING: Business 2 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 site plan entitled "Topographic Site Plan, Newton, Massachusetts, Showing Proposed Conditions at 454, 456 & 458 Watertown Street," prepared by VTP Associates Inc., dated May 10, 2017, as revised through October 19, 2017, signed and stamped by Joseph R. Porter, Professional Land Surveyor.
2. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a) Recorded a certified copy of this 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 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 Commissioner 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 Department of Planning and Development, Commissioner of Inspectional Services and the City Engineer, a final as-built survey plan in digital format.

Under Suspension of Rules
Readings Waived and Approved
22 yeas 0 nays 2 absent (Councilors Leary and Lennon)

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 November 8, 2017. 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 11/8 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
Clerk of the Council