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2015 00022033

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Page: 1 of 3 02/19/2015 01:31 PM

#475-14

CITY OF NEWTON  
IN BOARD OF ALDERMEN

January 20, 2015

RECEIVED  
Newton City Clerk  
2015 JAN 23 PM 3:40  
David A. Olson, Clerk  
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/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE to allow a restaurant with 27 seats, including 17 indoor seats and ten outdoor seats, and to waive four parking stalls, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The proposed restaurant use will not be substantially more detrimental than the existing nonconforming retail use is to the neighborhood because the existing business will remain, and the proposed addition of seating will not significantly impact the amount of noise and traffic generated by the use. (§30-21(b))
2. The proposed restaurant, as developed and operated, will not adversely affect the neighborhood because the petitioner will construct a sight-obscuring fence along the northern (side) property line, and because there is an existing sight-obscuring fence along the eastern (rear) property line. (§30-24(d)(2))
3. The waiver of up to four parking stalls is appropriate for the following reasons:
  - a. Literal compliance with the parking requirements is impracticable due to the size of the lot and its location adjacent to residential land uses. (§30-19(m))
  - b. There is adequate parking on Watertown Street proximate to the site to accommodate the parking demand of the proposed use. (§30-19(m))

PETITION NUMBER: #475-14

PETITIONER: Thomas Enselek 55228 - 390

LOCATION: 665 Watertown Street, on land known as SBL 23, 2, containing an approximate total of 6,839 square feet of land

OWNER: S&H Newton Realty ✓

ADDRESS OF OWNER: 21 Old Farm Road  
Norwood, MA 02062

TO BE USED FOR: Restaurant

RECEIVED  
Newton City Clerk  
2015 FEB 19 PM 2:09  
David A. Olson, Clerk  
Newton, MA 02459

THOMAS P. ENSELEK  
28 DAVIS AVE  
WEST NEWTON MA 02465

A True Copy  
Attest  
[Signature]  
City Clerk of Newton, Mass.

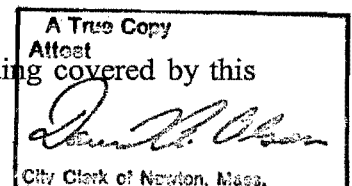
CONSTRUCTION: Stucco

EXPLANATORY NOTES: §30-21(b), to allow a restaurant with 27 seats, including 17 indoor seats and ten outdoor seats; §30-19(d)(13), and (m) to allow a parking waiver for 4 stalls;

ZONING: Multi Residence 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:
  - a. Proposed Site Plan, prepared by Romanelli Associates Inc., signed and stamped by Curt A. Nunes, Professional Land Surveyor, dated June 9, 2014.
  - b. Proposed Site Plan, prepared by Mark S. Lewis Architectural Design, dated July 14, 2014.
  - c. Proposed Floor Plan, prepared by Mark S. Lewis Architectural Design, dated July 14, 2014.
2. The petitioner shall construct a sight-obscuring fence along the property lines that abut residential lots.
3. In October of 2015, which is approximately one year from the initial operation of the petitioner's business, the Director of Planning and Development will review the site plan and determine whether additional landscaping should be planted along the northern property line (side property line) and along the front of the lawn area along Edinboro Street, in order to further mitigate the impacts of the outdoor seating on abutting properties.
4. The petitioner shall screen the dumpster.
5. The petitioner shall use best efforts to recycle all materials used in connection with the restaurant.
6. The petitioner shall place trash receptacles proximate to the outdoor seating areas, and shall remove debris and litter from the outdoor seating areas after the close of business every day.
7. 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.
8. 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 registered architect or engineer.
  - 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.
9. Notwithstanding the provisions of Condition #8c. above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

Under Suspension of Rules

Readings Waived and Approved

20 yeas 0 nays 4 absent (Aldermen Baker, Cote, Gentile, and Sangiolo)

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 January 23, 2015. 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.

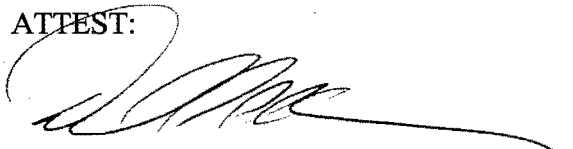
ATTEST:



(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 1/23 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

