

#191-12



Bk: 60153 Pg: 245 Doc: DECIS
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CITY OF NEWTON
IN BOARD OF ALDERMEN

September 4, 2012

RECEIVED
Newton City Clerk
2012 SEP -6 PM 2:54
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 Petition #191-12 for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive seven parking stalls required as a result of expanding a restaurant from 12 to 37 seats and to waive the associated design standards for parking facilities with greater than five stalls, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

- 1) The site is an appropriate location for a restaurant of 37 seats because it will increase the vitality of a village center in accordance with the recommendations of the *2007 Comprehensive Plan*.
- 2) Literal compliance with parking requirements is impracticable due to the size of the site which cannot accommodate additional on-site parking.
- 3) A waiver for up to seven required parking stalls is appropriate given the site's proximity to public transportation and the availability of parking within the village at the peak hours of operation.
- 4) An exception to the dimensional standards for on-site parking stalls, given the public interest as the parking lot to the rear of the building has operated without conflict for over two decades.

RECEIVED
Newton City Clerk
2012 OCT -2 PM 1:04
David A. Olson, CMC
Newton, MA 02459

PETITION NUMBER: #191-12

PETITIONER: Maximillian Candidus/337 Washington Street Realty Trust

LOCATION: 323-333 Washington Street, SBL 71,3,7 containing 7,635 sq. ft. of land

OWNER: Steven Donato Realty Trust

ADDRESS OF OWNER: 1211 Washington Street, West Newton, MA 02465

owner of record: Steven J. Donato, Trustee 337 Washington Street Realty Trust
Bk 17128 Pg 457

A True Copy
Attest

City Clerk of Newton, Mass.

TO BE USED FOR: Restaurant

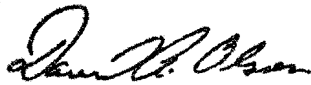
CONSTRUCTION: Masonry

EXPLANATORY NOTES: Section 30-19(c)(3), 30-19(d)(13), 30-19(m) to waive seven required parking stalls, Section 30-19(h), 30-19(i), 30-19(k), 30-19(m) to waive required design standards for parking facilities with greater than five stalls

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:
 - a. "Max and Leo's Artisan Pizza, Floor/Ceiling Plans" dated May 6, 2012 signed and stamped by Lennard A. Roberts Architect.
2. The petitioner agrees to make a donation of \$2,500 to be used by the City for parking improvements and/or pedestrian accessibility or circulation improvements in the Newton Corner vicinity to help mitigate parking impacts on the neighborhood.
3. With the property owner's consent, the tenant has agreed to stripe the parking lot in the rear so as to provide a compliant handicap parking stall. Prior to the issuance of a permit to stripe the lot, the petitioner shall submit a proposed conditions plan to the Commissioner of Inspectional Services and the Director of Planning and Development for review and approval. The plan shall be reviewed for compliance with handicap parking regulations and shall optimize the number of dimensionally compliant parking stalls in accordance with the requirements of the City's Zoning Ordinance, Section 30-19 in so far as practicable.
4. The petitioner agrees to post information on their website and in their restaurant on the availability of parking in the immediate neighborhood, including the location of the Richardson Street municipal parking lot.
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 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.

A True Copy
Attest

City Clerk of Newton, Mass.

6. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - 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. contributed \$2,500 to the City to be used for pedestrian, bicycle, and vehicular safety and improvement projects within the Newton Corner Village Center.
 - c. Restriped the on-site parking lot in accordance with Condition #3.

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

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 September 6, 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.

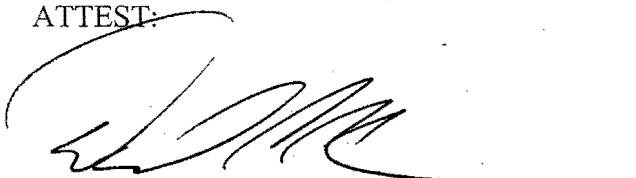
ATTEST:



(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 9/6 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

