

CITY OF NEWTON

IN CITY COUNCIL

February 19, 2019

RECEIVED  
Newton City Clerk  
2019 FEB 21 PM 1:34  
David A. Olson, Clerk  
Newton, MA 02459

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 a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a hotel use with eight sleeping rooms, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for the hotel use given the site's location within the Newton Highlands Village Center and the use will further diversify the uses within the Center. (§7.3.3.C.1)
2. The hotel use as developed and operated will not adversely affect the neighborhood because the petitioner is renovating an existing historic structure, thereby preserving the Village Center's scale. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians because the petitioner will limit access and parking on site by charging for parking separately from the cost of a room and by providing guests with transit passes. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved due to the site's location within the Newton Highlands Village Center. (§7.3.3.C.4)

PETITION NUMBER: #37-19  
PETITIONER: 1170 Walnut Street, LLC/Stas Gavronsky  
ADDRESS OF PETITIONER: 39 Wayland Hills Road  
Wayland, MA 01778  
LOCATION: 1170-1176 Walnut Street  
OWNER: 1170 Walnut Street, LLC/ Stas Gavronsky

ADDRESS OF OWNER: 39 Wayland Hills Road  
Wayland, MA 01778

TO BE USED FOR: A hotel use with eight sleeping rooms

EXPLANATORY NOTES: Special permit per §4.4.1 and §7.3.3 to allow a hotel use

ZONING: Business Use 2

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. Plan of Land, prepared by Hayes Engineering Inc., signed and stamped by Thomas F. Winslow, Professional Land Surveyor, dated December 17, 2018.
  - a. Architectural Plans prepared by C.B. Quinn, consisting of three sheets dated October 25, 2018.
  - b. Architectural Plans, signed and stamped by Peter L. Sandorse, Registered Architect, consisting of six sheets, dated September 1, 2018.
2. The petitioner may operate a hotel with no more than eight sleeping rooms and a café with no more than 24 seats. Should the petitioner seek to increase the number of rooms or to increase the number of seats, it shall seek an amendment to this Special Permit/Site Plan Approval.
3. The petitioner shall screen any dumpsters with a wooden fence, or similar material as approved by the Director of Planning and Development.
4. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking and shall comply with the City's Noise Control Ordinance.
5. The petitioner shall limit on site parking to two (2) stalls that shall be available to hotel guests only. The petitioner shall charge for the cost of a parking stall separately from the cost of a room. The petitioner shall also provide weekly transit passes to hotel guests to disincentivize parking on site.
6. At six months and at twelve months after receipt of a certificate of occupancy, the petitioner shall provide the Department of Planning and Development and the Transportation Planning Staff of the Department of Public Works with the records of the number of hotel guests, the number of parking stalls on site rented by guests, and the number of transit passes issued. After such period has lapsed, the petitioner shall file a statement attesting to compliance with this condition during the annual inspection conducted by the Inspectional Services Department.

7. Prior to the issuance of any building permit for the Project, the petitioner shall provide a Final Site Plan for review and approval by the Department of Planning and Development, the Engineering Division of Public Works, the Fire Department, and the Inspectional Services Department.
8. No building permit for the construction of the Project shall be issued pursuant to this Special Permit/Site Plan approval until the Petitioner has:
  - a. Recorded a certified copy of this Council order with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded Council order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
9. No temporary 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 Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.
  - b. Filed with the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that all engineering details for the project site have been constructed to standards of the City of Newton Public Works Department.
  - c. The Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for portions of the buildings, prior to installation of required on-site landscaping/ exterior hardscape improvements required per the approved plans, provided all other conditions of this order have been met. Prior, however, to issuance of any temporary certificate of occupancy pursuant to this condition, the Commissioner of Inspectional Services shall require that the Petitioner first file a bond, letter of credit, cash or other security in the form satisfactory to the Law Department in an amount not less than 135% of the value of the aforementioned remaining improvements.

Under Suspension of Rules

Readings Waived and Approved

18 yeas 0 nays 1 recused (Councilor Laredo) 5 absent (Councilors Baker, Ciccone, Grossman, Kalis, and Schwartz)

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 February 21, 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.

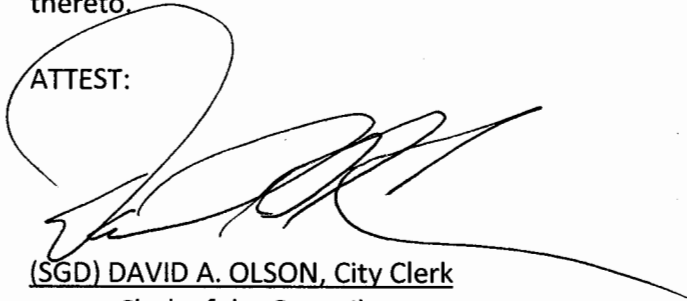
ATTEST:



(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 2/2 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