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#212-18
180 Needham Street

CITY OF NEWTON

IN CITY COUNCIL

May 7, 2018

2018 MAY -9 AM 10:28

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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit #91-15 and allow a for-profit educational use in the Mixed Use 1 zoning district (§4.4.1; §6.3.14.B.2) and amend Board Order 182-09(2) to the extent necessary to implement this Special Permit, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

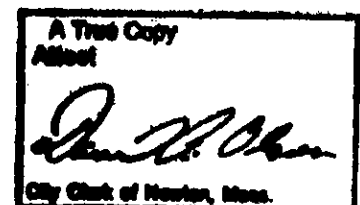
1. The specific site is an appropriate location for the proposed for-profit educational use as it is located in an active commercial corridor with a mix of retail, service, office and residential uses. (§7.3.3.C.1)
2. The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood as the site is located in a mixed-use area with active commercial uses and has adequate off-site parking to meet the projected parking demand for the proposed uses, and the petitioner will implement a Site Access and Parking Management Plan to regulate customer access and parking at the site. (§7.3.3.C.2)
3. There will be no 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 as the site is located on a major commercial corridor with access to highways and public transportation, and the proposed project will not significantly affect the levels of service at surrounding intersections. (§7.3.3.C.4)

PETITION NUMBER: #212-18

PETITIONER: CP Needham Street, LLC

180 Needham Street, Newton

15/18



LOCATION: 180 Needham Street, on land known as SBL 83, 28, 1, containing approximately 8,960 square feet of land

OWNER: CP Needham Street, LLC

ADDRESS OF OWNER: 300 Third Avenue, Suite 2
Waltham, MA 02451

TO BE USED FOR: Restaurant with 105 seats (85 inside, 20 outside) on the first floor and a for-profit educational use

EXPLANATORY NOTES: Special permit per §7.3.3 to allow a for-profit educational use in the Mixed Use 1 zoning district (§4.4.1; §6.3.14.B.2)

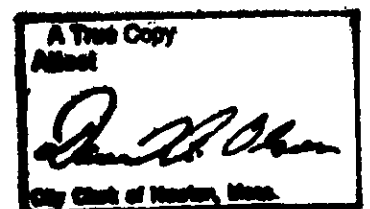
ZONING: Mixed Use 1(MU1) district

This Special Permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this Special Permit #212-18 are null and void.

Approved subject to the following conditions:

Conditions associated with this Special Permit/Site Plan Approval, Order #212-18:

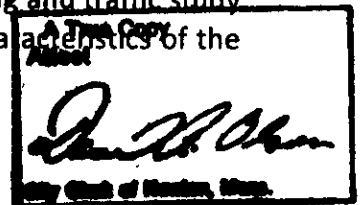
1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - a. a plan entitled "As-Built Site Plan, Crosspoint Associates, 180, 188 & 210 Needham Street, Newton Massachusetts," prepared by Kelly Engineering Group, Inc., dated June 30, 2017 (Sheet No. 1);
 - b. a plan entitled "Second Floor Tenant Fit-Out, 180 Needham Street, 180 Needham Street, Newton, MA," prepared by Form + Place, signed and stamped by John M. Rufo, Registered Architect, dated January 16, 2018.
2. The for-profit educational use shall be operated consistent with the provisions of a letter from Kerry McCormack, Director of Development, Crosspoint Associates, Inc. addressed to Neil Cronin, Senior Planner, City of Newton, dated March 30, 2018, and the exhibits:
 - a. Exhibit A- Access Plan (180 Needham Street);
 - b. Exhibit B- Parking Plan (180 Needham Street).
3. 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 Approval 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 Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
4. No Certificate of Occupancy for the buildings and uses 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 surveyor certifying substantial compliance with Condition #1.

Conditions incorporated from Board Order #91-15:

5. 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 Development Plans, prepared by Kelly Engineering Group, stamped and signed by Steven M. Horsfall or David Noel Kelly, Professional Engineer; dated April 10, 2015 and revised on June 1, 2015, consisting of the following eight (8) sheets.
 - ii. Sheet 1 - Cover Sheet
 - iii. Sheet 2 – Vicinity Plans
 - iv. Sheet 3 – Existing Conditions Plan
 - v. Sheet 4 – Layout and Zoning Plan
 - vi. Sheet 5 – Layout and Landscaping Plan
 - vii. Sheet 6 – Site Plan
 - viii. Sheet 7 - Detail Sheet
 - ix. Sheet 8 – Detail Sheet
 - b. Elevations, prepared by Form + Place, dated April 10, 2015
 - c. Landscape Plan for Courtyard, prepared by Shadley Associates, dated June 23, 2015
6. The petitioner shall maintain all landscaping associated with this Special Permit/Site Plan Approval in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
7. At its sole expense, the petitioner shall complete a post occupancy parking and traffic study to document the actual parking conditions and operations and traffic characteristics of the



Project and to assess traffic volumes and operating conditions at the one access point to 180 Needham Street and the two access points to 188-210 Needham Street. The parking and traffic study, with a scope of work to be defined by the Planning and Development Department, shall be conducted by a qualified professional firm selected by the petitioner and approved by the Director of Planning and Development. The petitioner shall coordinate with the Planning and Development Department within three months after the site has reached full occupancy to determine the exact dates for conducting the traffic study. The results of the parking and traffic study shall be provided to the Director of Planning and Development, the Director of the Transportation Division of Public Works and the MassDOT for review.

If the parking and traffic study indicates that the project has created an unsafe environment or hazardous conditions for vehicles or pedestrians within the segment of Needham Street adjacent to the project site, as determined by the City or the MassDOT, then the petitioner shall, at its sole expense, implement mitigation measures required by the City or the MassDOT such as lane striping, the addition of medians, restrictions on turning movements through signage, and other such measures as may be required, or the petitioner, at its sole expense, shall restore the access drive at the northeast corner of 188 Needham Street to its prior one way (exit) configuration, if required by the City or the MassDOT.


8. The petitioner shall use dispose of its trash in the dumpster on the adjacent site at 188-210 Needham Street. The trash enclosures shall be maintained in a sanitary condition with the gate remaining closed at all times when not in use.
9. At the written request of the Director of Planning and Development, the petitioner shall submit funds in the amount of \$8,755.00 to be paid towards undergrounding of utilities along Needham Street at such time as either the City of Newton or the Commonwealth commences a project of undergrounding the utility lines with sufficient funding in place or committed from governmental or private sources to undertake the project for at least a distance of a quarter mile, inclusive of the section of Needham Street fronting the subject property at 180 Needham Street. This obligation shall run with the land for a period of 25 years from the date of this special permit. These funds shall be used by the City or the Commonwealth for the purpose of undergrounding utilities on Needham Street within the 25 year time period identified above. Any funds collected under this condition and not spent in accordance with this condition at the end of this time period shall be returned to the petitioner or its successors or assigns.

Under Suspension of Rules

Readings Waived and Approved

21 yeas 0 nays 3 absent (Councilors Baker, Ciccone, and Danberg)

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 May 9, 2018.

A True Copy
Albert

City Clerk of Newton, Mass.

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 5/9/18 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



acting (SGD) DAVID A. OLSON, City Clerk
Clerk of the Council

