

#141-91(2)

CITY OF NEWTON  
IN BOARD OF ALDERMEN

December 26, 1991

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action 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, the following SPECIAL PERMIT/SITE PLAN APPROVAL is hereby granted in accordance with the recommendation of the Land Use Committee and based upon the following specific findings, facts and conclusions, and the reasons given by the Committee therefor through its Chairman, Susan M. Basham:

1. The Board finds that the proposed automotive use will occupy vacant commercial space.
2. The Board finds that by removing 15 parking spaces at the front of the building, which require the motorists to back out onto Needham Street, the proposed development will improve vehicular safety.
3. The Board finds that pedestrian safety will be improved by the installation of a sidewalk and curbing.
4. The Board finds that the proposed development will improve the streetscape by the planting of additional trees and landscaping.
5. The Board finds that the parking waiver will not result in congestion of the site.

Petition number: 141-91(2)

Petitioner: NTW, Inc./Sally Starr & Carol Donovan,  
Trustees

Location: 21 Needham Street, Ward 6, Section 51,  
Block 28, Lot 25, containing  
approximately 109,399 square feet of land

Owner: Sally Starr & Carol Donovan, Trustees

6. That the Petitioner shall remove fifteen (15) parking spaces in front of the site and replace them with a landscaped area, a sidewalk for pedestrians and granite curbing along the Needham Street frontage.
7. That a landscape plan which includes street trees along the front of the premises be submitted for review and approval by the Director of Planning and Development.
8. That employees shall park in an area designated at the rear of the site.
9. That there shall be no outside staging or storage of tires or display of other products to be sold.
10. That there shall be no outside storage of used tires or other refuse material, and that all such materials be disposed of in accordance with applicable laws.
11. That the location and screening of any new dumpster shall be reviewed and approved by the Director of Planning and Development.
12. That the free-standing sign and planter at the corner of Easy Street may be relocated for greater site distance for motorists and better visibility of the property.
13. That no building permit shall be issued in pursuance of the SPECIAL PERMIT/SITE PLAN APPROVAL until:
  - a. A final landscape plan including lighting and fixture design, and indicating the location, number, size and type of landscaping and landscape materials to be installed shall have been submitted to and approved by the Director of Planning and Development and a statement certifying such approval shall have been filed with the City Clerk and the Inspectional Services Department.
  - b. The City Engineer has reviewed and approved plans for the installation of sidewalks and curbing.
  - c. The Petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County a certified copy of this Board Order granting this SPECIAL PERMIT/SITE PLAN APPROVAL with appropriate reference to the book and page of the recording of the Petitioner's title deed or notice of lease endorsed thereon.
  - d. A certified copy of such recorded notice shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development.

14. That no building or structure or portion therefore subject to this SPECIAL PERMIT/SITE PLAN APPROVAL shall be occupied until:
- a. The Petitioner shall have filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development a statement by a registered architect or registered engineer certifying that condition 1 has been complied with.
  - b. There shall have been filed with the City Clerk, the Inspectional Services Department and the Department of Planning and Development a statement by the City Engineer certifying that the final construction details of the sidewalks and curbing installation have been constructed to standards of the City of Newton Engineering Department.
  - c. There shall have been filed with the City Clerk, the Commissioner of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials and final landscape features, parking areas, and lighting installation.
  - d. Notwithstanding the provisions of section 14c., hereof, the Commissioner of Inspectional Services may issue one or more certificates for temporary occupancy of all or portions of the building prior to installation of final landscaping provided that the Petitioner shall first have filed with the Director of Planning and Development 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

18 yeas 5 nays (Ald. Bauckman,


Bryson, Kraus, Mansfield and Taglienti)

1 absent (Ald. Balser)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT and SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the CITY CLERK on December 26, 1991. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT and

SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the Planning and Development Board and the City Clerk.

ATTEST:

  
(SGD) EDWARD G. ENGLISH, City Clerk  
Clerk of the Board of Aldermen

I, Edward G. English 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 certifies 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 December 26, 1991 and that NO APPEAL to said decision pursuant to M.G.Laws Chapter 40, Section 17 has been filed thereto.

ATTEST   
EDWARD G. ENGLISH, City Clerk