

CITY OF NEWTON

IN BOARD OF ALDERMEN

December 17, 2012

RECEIVED
Newton City Hall
2012 DEC 20 AM 11:50
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 legalize the existing parking area including waivers from the dimensional requirements, lighting, curbing, surface and maintenance requirements as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Alderman Ted Hess-Mahan:

1. There will be no nuisance or serious hazard to vehicles or pedestrians as a result of the legalization of the noncompliant parking facility, which has existed and functioned adequately since at least 1985.
2. Literal compliance with parking requirements is impracticable because the site was developed prior to the adoption of the parking ordinance and the site cannot accommodate additional compliant on-site parking.
3. Waivers for lighting, curbing, surfacing and maintenance requirements are in the public interest and will help the petitioner maximize the number of spaces available for employees of the building in this parking area.
4. The petitioner submitted a parking study which shows that there appears to be sufficient parking within a reasonable walk of the site to meet the actual parking demand for the proposed use.

PETITION NUMBER: #306-12

PETITIONER: Evelyn P. Greenspan Trust, Paul I Feinberg, Trustee

LOCATION: 35-41 Lincoln St, Ward 6, on land known as Section 52, Block 8, Lot 18, containing approximately 15,000 sq. ft. of land

OWNER: Evelyn P. Greenspan Trust

ADDRESS OF OWNER: 13 Holly Avenue, Cambridge, MA, 02138

TO BE USED FOR: Multi-tenant retail building including retail uses, salon, and ATM

CONSTRUCTION: Brick building, interior fit-out only

EXPLANATORY NOTES: Sections 30-19(h)(2)a), (2)b), (2)c), and (2)e); 30-19(h)(3); 30-19(h)(4); 30-19(h)(5); and 30-19(m), to waive the required stall dimensions, maneuvering aisle widths, end-stall maneuvering space, minimum entrance and exit driveway widths, and number of handicap parking stalls and to allow tandem parking; Section 30-19(j); and 30-19(m), to waive or comply with the lighting, curbing, surfacing and maintenance requirements.

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. Topographic Site Plan, Newton MA, Showing Existing Conditions at #35-41 Lincoln St. prepared by VTP Associates, Newton MA and stamped and signed by Joseph R. Porter, Professional Land Surveyor, and dated October 8, 2012
2. The petitioner shall comply with the Sign Ordinance.
3. The handicap stall shall be brought up to current standards.
4. The dumpster shall be kept closed and the area free of debris.
5. The petitioner shall turn off the lights in the parking area one-half hour after the last tenant closes.
6. 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. Submitted a plan to the Planning Department showing the handicap stall meets current standards.
7. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
- a. Striped and signed the handicap stall to meet current standards.

Under Suspension of Rules

Readings Waived and Approved

21 yeas 0 nays 2 absent (Aldermen Kalis and Merrill) 1 recused (Alderman Laredo)

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 December 20, 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 12/20 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