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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: February 4 , 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Neil Cronin, Chief Planner for Current Planning

Cc: Stephen J. Buchbinder, Attorney  
Joel Kadis, Linear Retail Newton 1 LLC  
Brendan Boyle, Tatte Bakery and Café  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Assistant City Solicitor

RE: **Request to amend Board Order #242-09 and to waive one parking stall**

Applicant: Tatte Bakery and Café	
Site: 1241 Centre Street (1239-1243 Centre St)	SBL: 64028 0024
Zoning: BU1	Lot Area: 9,000 square feet
Current use: Restaurant	Proposed use: No change

### BACKGROUND:

The property at 1241 Centre Street consists of a 9,000 square foot lot improved with a multi-tenant commercial building constructed in 1920. Special Permit #242-09 was granted in 2009 to allow a waiver of 23 parking stalls, a restaurant with more than fifty seats and to expand a nonconforming structure. A new restaurant is trying to lease the space and is seeking to amend two conditions of the special permit and to waive one additional parking stall.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared Stephen J. Buchbinder, attorney, dated 12/29/2020

## ADMINISTRATIVE DETERMINATIONS:

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1. Condition #7 of Special Permit #242-09 requires that “cooking on the premises shall be limited to baking, which may occur at any hour unless otherwise prohibited by the Ordinance. The use of panini presses, egg steamers and similar items are permitted but no grilling or frying equipment may be installed or utilized.” The petitioner seeks to remove Condition #7 to allow for expanded cooking equipment and methods.
2. Condition #2 of Special Permit #242-09 limits the number of employees on the largest shift to nine, with a parking waiver of 14 stalls from November through April, and a waiver of 23 stalls from May through October to accommodate outdoor seating. Condition #8 requires that there are six on-site parking stalls available for use by employees and two on-site parking stalls available for short-term parking for the retail customers. The petitioner seeks to amend Condition #2 to allow for up to 12 employees at the largest shift.
3. Per section 5.1.4, a restaurant requires one stall per every three employees at the largest shift; in this case increasing the parking requirement by one stall with the three additional employees. An amendment is required to increase the number of employees on the largest shift to 12, and to waive an additional stall resulting in 15 stalls waived from November through April, and 24 stalls waived from May through October.

See “Zoning Relief Summary” below:

Zoning Relief Required		
Ordinance		Action Required
	Request to amend Special Permit #242-09	
§5.1.4 §5.1.13	Request to waive 1 parking stall	S.P. per §7.3.3