

CITY OF NEWTON

IN CITY COUNCIL

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 amend Special Permit #242-09, to increase the number of employees permitted to be on site from 9 to 12, to modify Condition #7 to allow for cooking not limited to baking, and to waive an additional parking stall (§5.1.4, §5.1.13) as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

- 1) The specific site in a Business 1 (BU1) district is an appropriate location for the proposed restaurant with 12 employees and cooking not limited to baking as it is located in a mixed-use business area with on- and off- street parking facilities. (§7.3.3.C.1)
- 2) The proposed restaurant with 12 employees and cooking not limited to baking will not adversely affect the neighborhood given the mixed use nature of the surrounding area and the presence of nearby on- and off- street parking and since the petitioner would be required to install an appropriate odor control system in the event the emission of odors associated with the preparation of food onsite becomes noticeable in the surrounding area. (§7.3.3.C.2)
- 3) The proposed restaurant with 12 employees and cooking not limited to baking will not create a 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. (§7.3.3.C.4)
- 5) Literal compliance with the parking requirements per Section 5.1 that require an additional parking stall for the proposed additional three employees is impracticable due to the nature of the location and size of the lot. (§5.1.13)

PETITION NUMBER: #58-21, amending Special Permit #242-09

PETITIONER: Tatte Bakery & Cafe

ADDRESS OF PETITIONER: 101 Main Street
Cambridge, MA 02142

LOCATION: 1241 Centre Street (1239-1243 Centre Street), Ward 6, on land known as Section 64, Block 28, Lots 21 and 24, containing approximately 9,000 square feet of land

OWNER: Linear Retail Newton LLC

ADDRESS OF OWNER: 5 Burlington Woods Drive, Suite 107
Burlington, MA 01803

TO BE USED FOR: Restaurant in excess of 50 seats

EXPLANATORY NOTES: Special Permit per § 7.3.3 to:

- amend Special Permit #242-09
- waive 1 parking stall (§5.1.4, §5.1.13)

ZONING: Business 1 (BU1) district

The conditions set forth in a prior special permit for this property, Special Permit #242-09 remain in full force and effect except as modified herein.

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 the plans cited in Condition 1 of Special Permit#242-09, with the exception that the plan identified as “Proposed Panera Bread, Proposed Floor Plan, 1241 Centre Street, Newton, MA” shall be replaced with the following plan:
 - a. a floor plan entitled “Tatte Bakery, 1241 Centre St, Newton, MA 02459- Fit Plan – Option 3” (Sheet FP3.03)
2. The following replaces Condition 2 of Special Permit #242-09: The petitioner may operate a bakery/café restaurant with a maximum of 80 seats and 12 employees on the largest shift, with a parking waiver of 15 parking stalls. The petitioner may locate an additional 25 seats on an outdoor patio with an additional parking waiver of 9 parking stalls for such use, provided, however, that the total number of seats shall not exceed 105 and the total number of outdoor patio seats shall not exceed 25.

3. None of the conditions contained in this Order or in Special Permit #242-09 shall preclude the petitioner from placing additional seating on the public sidewalk, street, or other public property in accordance with any City ordinance, regulation, or program allowing such outdoor dining.
4. The first two sentences of Condition 7 of Special Permit #242-09 are deleted.
5. If, as determined by the Director of Planning and Development, in consultation with the Commissioner of Inspectional Services and the Newton Health and Human Services Department, the emission of odors associated with the preparation of food onsite becomes noticeable in the surrounding area the petitioner shall install and maintain an appropriate grease and odor control system so as to reasonably eliminate such emissions.
6. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
 - a. Recorded a certified copy of this 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 order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
7. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by an architect certifying compliance with Condition #1.
 - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a licensed architect.
 - c. Installed a bicycle rack (or racks) to accommodate at least six bicycles at such location(s) to be reviewed and approved by the Director of Planning and Development.