

# SPECIAL PERMIT APPLICATION

## TO THE NEWTON CITY COUNCIL

The undersigned hereby makes application for permit to erect and use, to alter and use, or to make such uses as may be hereinafter specified of a building or buildings at the location and for the purpose hereinafter specified under the provisions of Chapter 30 of the Revised Ordinances, 2015, as amended, or any other sections

### PLEASE REFERENCE SECTIONS OF THE ORDINANCES FROM WHICH RELIEF IS REQUESTED:

Please see attached Exhibit A.

Note: This is an amendment to the original special permit application.

- PETITION FOR:  Special Permit/Site Plan Approval  
 Extension of Non-conforming Use and/or Structure  
 Site Plan Approval

STREET 940 Boylston Street WARD 5

SECTION(S) 51 BLOCK(S) 26 LOT(S) 3

APPROXIMATE SQUARE FOOTAGE (of property) 14,608 SF ZONED BU2


TO BE USED FOR: Dunkin' Donuts store

CONSTRUCTION: Woodframe construction

EXPLANATORY REMARKS: Please see attached Exhibit A.

The undersigned agree to comply with the requirements of the Zoning Ordinance and rules of the Land Use Committee of the City Council in connection with this application.

PETITIONER (PRINT) Mildred K. McMullin, Trustee of MIL MAC TRUST

SIGNATURE  (See enclosed authorization).

ADDRESS 169 Dickerman Rd, Newton, MA

TELEPHONE see below atty info. Email \_\_\_\_\_

ATTORNEY Laurance S.L. Lee, of Rosenberg, Freedman & Lee LLP

ADDRESS 246 Walnut Street, Suite 201, Newton, MA 02460

TELEPHONE 617-964-7000 Email LLEE@RFL-LAW.COM

PROPERTY OWNER Mildred K. McMullen, Trustee

ADDRESS 169 Dickerman Rd, Newton, MA

TELEPHONE \_\_\_\_\_ Email \_\_\_\_\_

SIGNATURE OF OWNER 

Planning & Development  
Department Endorsement

Exhibit A to Special Permit Application (amended)  
 Property Address: 940 Boylston Street, Newton, Massachusetts  
 Section: 51, Block: 26, Lot: 3

Special Permit Relief Requested:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.4.1 §6.4.11	Request to allow a drive-in establishment	S.P. per §7.3.3
§5.1.9.A §5.1.13	Request to waive the perimeter screening requirements	S.P. per §7.3.3
§5.10.A §5.1.13	Request to waive the outdoor lighting requirements	S.P. per §7.3.3

Petitioner further requests relief from Section 5.2.13 of City of Newton Zoning Ordinances for a free-standing sign (menu board) to be installed on the Premises.

Petitioner further requests relief from Sections 7.3 and 7.4 of City of Newton Zoning Ordinances as the City Council may deem appropriate and necessary.

Project Description:

The site is located at 940 Boylston Street, (a/k/a Route 9), Newton, Massachusetts. It is on the southerly side of Route 9 – eastbound lane towards Boston. The site is currently improved with an existing Dunkin Donuts store that has a parking lot and seating within the restaurant.

The proposal will involve changes to the site whereby a drive-through will be installed at the southerly and easterly side of the building with drive-through circulation starting at the westerly side of the site and ending at the easterly side of the site. A new drive-through order board and ordering station will be installed at the southerly side of the building; a new pick-up window will be installed at the easterly side of the building. The existing building size of 2,040 SF will be reduced to 1,625 SF. New fencing will be installed along the easterly and southerly sides of the site for screening and safety.

The existing non-conforming curbcut on Boylston Street will be improved by creating two separate curbcuts, each being 24 feet in width. The existing curbcut to Ramsdell Street will be eliminated. The existing parking lot will be reconfigured and will have a total of nine (9) parking spaces, including 1 HP parking space. There will be no seats in the store.

One lighting pole will be installed at each of the four sides of the site. A lighting plan is provided with this Petition.