

#389-31
1631 Beacon Street

CITY OF NEWTON

IN CITY COUNCIL

December 20, 2021

ORDERED:

That the City 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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit educational use in the Business 1 zoning district, 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 zone is an appropriate location for the proposed for-profit educational use because the site is located within Waban Center, containing a mix of uses (§7.3.3.C.1).
2. The proposed for profit educational use, as developed and operated, will not adversely affect the neighborhood given the proposed operations including class size (§7.3.3.C.2).
3. The proposed for profit educational use will not create a nuisance or serious hazard to vehicles or pedestrians because the petitioner is implementing certain polices to manage the flow of students (§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).

PETITION NUMBER: #389-21

PETITIONER: Kidlink Therapy P.C. d/b/a Artistry Martial Arts

LOCATION: 1631 Beacon Street, Section 53, Block 29, Lot 2A,
containing approximately 54,198 square feet

OWNERS: The DTS Trust

ADDRESS OF OWNERS: 251 Harvard Street, Suite 12
Brookline, MA 02446

TO BE USED FOR: For Profit Educational Use

RECEIVED
2021 DEC 22 AM 11:00
CITY CLERK
NEWTON, MA 02459

CONSTRUCTION: Interior fit out only

EXPLANATORY NOTES: To allow a for profit educational use (§4.4.1, §6.3.14.B.2)

ZONING: Business 1

Approved subject to the following conditions:

1. The petitioner shall operate the for-profit educational use in accordance with the document entitled "1631 Beacon Street Project Narrative" dated December 14, 2021 on file with the City Clerk and the Department of Planning and Development.
2. The petitioner shall communicate the drop-off and pick-up policy to parents/guardians.
3. There shall be no more than two employees on site at any one time.
4. 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 Council Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Council Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
5. No Certificate of Occupancy/Final Inspection for the buildings and uses covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying substantial compliance with Condition #1.

Under Suspension of Rules
Readings Waived and Approved
23 yeas 0 nays 1 absent (Councilor Markiewicz)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council 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 22, 2021. 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) CAROL MOORE, City Clerk
Clerk of the City Council

I, Carol Moore, as the Clerk of the City Council 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 Newton City Council in the Office of the City Clerk on December 22, 2021 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) CAROL MOORE, City Clerk
Clerk of the City Council