

#337-21
187 North Street

CITY OF NEWTON

IN CITY COUNCIL

November 1, 2021

RECEIVED
Newton City Clerk
2021 NOV -3 AM 10:4

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 amend Council Order #140-10 to amend the site plan, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Rick Lipof:

1. The specific site is an appropriate location for the modifications to Council Order #140-10 because it is improved with commercial uses and the specific portion of the site where the awning will be located is enclosed with fencing and contains landscaping. (§7.3.3.C.1)
2. The use as developed and operated resulting from the proposed modifications to Council Order #140-10 will not adversely affect the neighborhood because the proposed awning would enclose a patio currently used for outdoor dining. (§7.3.3.C.2)
3. The modifications to Council Order #140-10 will not create a nuisance or serious hazard to vehicles or pedestrians because the changes to the site plan are restricted to an area that is inaccessible to both vehicles and 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)

PETITION NUMBER: #337-21

PETITIONER: Michael Penta and Susan Sgarzi Penta

LOCATION: 187 North Street
Newton, MA 02460

OWNER: Michael Penta and Susan Sgarzi Penta, Trustees of SMC Trust

ADDRESS OF OWNER: 483 Pleasant Street

Watertown, MA 02472

TO BE USED FOR: Awning
CONSTRUCTION: Steel

EXPLANATORY NOTES: Amend Council Order #140-10 to amend the site plan

ZONING: Manufacturing District

Approved subject to the following conditions:

This Special Permit/Site Plan Approval amends Council Order #140-10 by replacing the site plan with the site plan referenced in Condition #1(a) below. All other conditions of Council Order #140-10 remain in full force and effect.

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, prepared by VTP Associates, signed and stamped by Joe Porter, Professional Land Surveyor, dated January 19, 2021.
 - b. Fiorella's Tent Plan, prepared by Neon Company, signed and stamped by Frederick Vincent Cowen, Professional Engineer, dated October 5, 2020.
2. Prior to the issuance of any building permit, the petitioners shall obtain a variance from the Zoning Board of Appeals to reduce the side yard setback.
3. 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 council order 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. Provided a copy of the recorded variance from the Zoning Board of Appeals to the Commissioner of Inspectional Services and Director of Planning and Development in accordance with Condition #2 above.
 - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with the plans approved in Condition #1.
4. 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 professional land surveyor 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 professional land surveyor.

Under Suspension of Rules
Readings Waived and Approved
24 Yeas 0 Nays

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 November 3, 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 November 3, 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