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#159-22

1241 Centre Street (1239-1241)

CITY CLERK
NEWTON, MA. 02459

CITY OF NEWTON

IN CITY COUNCIL

March 21, 2022

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 Permits #242-09 and #52-21 to increase the number of restaurant seats allowed onsite to 124 seats (99 interior and 25 outdoor) and to waive an additional seven parking stalls 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 a restaurant with 124 seats (99 interior and 25 outdoor) 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 124 seats (99 interior and 25 outdoor) 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. (§7.3.3.C.2)
- 3) The proposed restaurant with 124 seats (99 interior and 25 outdoor) 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 that require seven parking stalls for the proposed 124 total restaurant seats is impracticable due to the restaurant's location near transit and within a Village Center. (§5.1.13)

PETITION NUMBER: #159-22

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 Permits #242-09 and #58-21
- waive seven parking stalls (§5.1.4, §5.1.13)

ZONING: Business 1 (BU1) district

The conditions set forth in a prior special permit for this property, Special Permits #242-09 and #58-21, 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- Job No. 2020-3903, First Floor Plan (A100)," prepared by McMahan Architects, undated, Signed and stamped by David R. McMahan, Registered Architect
2. The following replaces Condition 2 of Special Permit #58-21: The petitioner may operate a bakery/café restaurant with a maximum of 99 interior seats and 12 employees on the largest shift, with a parking waiver of 22 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 124 and the total number of outdoor patio seats shall not exceed 25.

3. Condition 10 of Special Permit #242-09 is deleted.
4. 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.
5. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have made a one-time payment of \$6,000 to the City of Newton to be applied to the maintenance of the Newton Centre green.
6. 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.

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.

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 March 23, 2022. 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 March 23, 2022 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

A handwritten signature in black ink, appearing to read 'Carol Moore', with a stylized flourish extending to the right.

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