

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 the following SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit educational use in a 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 is an appropriate location for the proposed for-profit educational use as it is located in an active commercial area with a mix of retail, service, office and residential uses. (§7.3.3.C.1)
2. The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood as the site is located in a mixed-use area with active commercial uses and has adequate off-site parking to meet the projected parking demand for the proposed uses. (§7.3.3.C.2)
3. There will be no 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)

PETITION NUMBER: #415-22

PETITIONER: Yumio Saneyoshi

LOCATION: 1221-1227 Centre Street, on land known as Section 64, Block 28, Lot 22, containing approximately 2,829 square feet of land

OWNER: Centre-Pelham Realty Trust,  
Judith Locke & Scott Bernstein Trustees

ADDRESS OF OWNER: 28 Louis Farley Drive

Framingham, MA 01702

TO BE USED FOR: For-profit educational use

EXPLANATORY NOTES: Special permit per §7.3.3 to allow a for-profit educational use (§4.4.1; §6.3.14.B.2)

ZONING: Business 1 (BU1) district

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:
  - a. a plan entitled "Interior Floor Plan (Proposed)," as submitted by the petitioner as a sheet in a five page document entitled "1223 Centre St, Newton, Petitioner, Yumio Saneyoshi, Owner, Penguin Coding School, LLC"
2. The educational use staff is limited to four employees on the largest shift, and the petitioner shall discourage double-parking by its patrons.
3. Any changes to signage shall be subject to review by the Urban Design Commission and approval of the Commissioner of Inspectional Services.
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 Board 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 Board 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 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 or surveyor certifying substantial compliance with Condition #1.