

CITY OF NEWTON
IN CITY COUNCIL

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 Mixed Use 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 Mixed Use 1 zone is an appropriate location for the proposed for-profit educational use due to its location in Newton Highlands and the surrounding area contains 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 because the use is replacing a former office tenant and the use complies with the parking requirement due to having fewer staff members than the prior use. (§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 use operates with four to seven one on one classes depending on the day and is not anticipated to result in increased traffic to the site based on their operations. (§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: #487-22

PETITIONER: Dave Carroll

LOCATION: 49-51 Winchester Street, Newton, Section 51 Block 28 lot 30, containing approximately 79,500 sq. ft.

OWNER: The Winchester St. Trust and Cline Realty Limited Partnership

ADDRESS OF OWNER: 49 Winchester Street

Newton, MA 02461

TO BE USED FOR: For Profit Educational Use

CONSTRUCTION: Use change only

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

ZONING: Mixed Use 1

The prior special permits for this property are as follows: Council Order #134-14, which allowed a retail use, associated outdoor use and dimensional waivers for parking facilities, Council Order #134-14(2) which allowed a second free-standing sign, Council Order #132-14(2) which waived the screening requirement for an outdoor play area and Council Order 456-22 which allowed a for profit educational use. The conditions set forth in Council Orders #134-14, #134-14(2), #132-14(2), and #456-22 remain in full force and effect.

Approved subject to the following conditions:

1. The petitioner shall operate the for-profit educational use in accordance with the project narrative submitted with the special permit petition and on file with the City Clerk and the Department of Planning and Development.
2. There shall be no more than eight employees on site at any one time.
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 Special Permit/Site Plan Approval at the Middlesex South Registry of Deeds and filed proof of such recording with the City Clerk and submitted a copy with the building permit application.
 - b. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with 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 petitioner has:
 - a. Filed the building permit record a statement by a registered architect which shall include certification of the size of the tenant space.