

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 because the site is located in Newton Highlands, 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 because there is sufficient parking to meet the projected demand for the proposed uses. (§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 class sizes are small. (§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: #456-22

PETITIONER: Clare Sullivan

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

OWNER: Joni Cline

ADDRESS OF OWNER: 49 Winchester Street
Newton, MA 02461

TO BE USED FOR: For Profit Educational Use

CONSTRUCTION: Use change only

EXPLANATORY NOTES: Special Permit 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, and Council Order 132-14(2) which waived the screening requirement for an outdoor play area. The conditions set forth in Council Orders #134-14, 134-14 (2), and 132-14 (2) 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. The petitioner shall communicate the drop-off and pick-up policy to caretakers and students parking on the site.
3. There shall be no more than one employee on site at any one time.
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 council 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 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 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 petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered architect certifying compliance with Condition #1.