858 Walnut Street

#462-18

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 veterinary hospital and to waive five parking stallsas recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. Literal compliance with the parking requirements is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features because the shared parking facility will be able to accommodate the five stall waiver due to the mix of uses utilizing the facility. (§5.1.4 and §5.1.13)
2. The specific site is an appropriate location for the proposed veterinary hospital because the site is located in an area containing a mix of uses and the proposed use is compatible with that mix. (§7.3.3.C.1.)
3. The proposed veterinary hospital will not adversely affect the neighborhood given the mixed use nature of the area. (§7.3.3.C.2.)
4. The proposed veterinary hospital will not create a nuisance or serious hazard to vehicles or pedestrians because the use does not require any alterations to the site. (§7.3.3.C.3.)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4.)

PETITION NUMBER: #462-18

PETITIONER: Isaac Maxmen

LOCATION: 858 Walnut Street, Section 64, Block 05, Lot 04, containing approximately 23,250 square feet

OWNERS: 858 Walnut Street, LLC

ADDRESS OF OWNERS: 158 Greenwood Street

TO BE USED FOR: Veterinary hospital

CONSTRUCTION: Two-story, multi-tenant, commercial building

EXPLANATORY NOTES:§4.4.1 and §7.3.3 to allow a veterinary hospital, §5.1.4 and §5.1.13 to waive 5 parking stalls

ZONING: Business Use 2 District

The prior special permit for this property is as follows: Council Order #257-94, to erect a free-standing sign within the front setback. The conditions set forth in Council Order #257-94 remain in full force and effect.

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:
2. Parking Layout 858 Walnut Street, prepared by David Galler Associates, dated October 11, 1990.
3. The petitioner shall not board animals overnight nor provide outdoor space for said animals.
4. The veterinary hospital shall have no more than 6 employees on the largest shift. Should the veterinary hospital operator seek to increase the number of employees on the largest shift, it shall require an amendment to this Special Permit/Site Plan Approval.
5. All signage shall be reviewed and approved by the Urban Design Commission.
6. No building permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
   1. 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.
   2. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
   3. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
7. No occupancy permit shall be issued pursuant to this Special Permit/Site Plan approval until the petitioner has:
8. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.