

City of Newton, Massachusetts

Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459
617-796-1120

Ruthanne Fuller
Mayor

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: December 8, 2023

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Alyssa Sandoval, Deputy Chief Planner for Current Planning

SUBJECT: **Petition #390-23** Request to allow for-profit educational use at 84-94 Rowe Street, Ward 4, Auburndale, on land known as Section 44 Block 23 Lot 01, containing approximately 163,426 sq. ft. of land in a district zoned MANUFACTURING. Ref: Sec. 7.3.3, 4.4.1 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



84-94 Rowe Street

Project Description

Background

The subject property consists of 163,426 square feet lot and is improved with a multi-use light industrial building as well as a large surface parking lot. The property also has frontage on Crescent Street, with portions of the parcel on both sides of the private way.

The surrounding neighborhood is primarily industrial and is directly adjacent to Interstate-90. There is a residential area to the north of the site along Rowe Street which has a variety of one and two-family homes. Located within the Manufacturing (MAN) Zone, the property abuts Single-Residence (SR-3) zone properties to the west and north along Rowe Street and Business Use 2 (BU-2) zone to the east.

The petitioner seeks to convert 7,972 square feet of vacant office space within the existing industrial building to an adult day health center. The petitioner requires special permit relief to allow a for-profit educational use.

Planning notes a concern with the access to the business to ensure that the ADA access ramp is constructed and installed prior to the business opening and recommends a condition to this effect. In addition, the outdoor recreational area is located adjacent to the drop off area. Operationally, the petitioner should ensure that extra care is taken with pick up and drop off adjacent to the playground area to ensure the safety of elderly adults is always maintained. Overall, the Planning Department does not have major concerns with the proposed adult daycare use (for profit educational use) as no additional waivers for parking or dimensional standards are required for the use at this location. The business will be occupying a former office space, there is adequate parking, and a new ADA ramp is proposed to improve accessibility for older adults.

I. Zoning Relief Requested:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
4.4.1	Request to allow a for-profit educational use	S.P. per §7.3.3

For more details around the zoning analysis please refer to **Attachment A**.

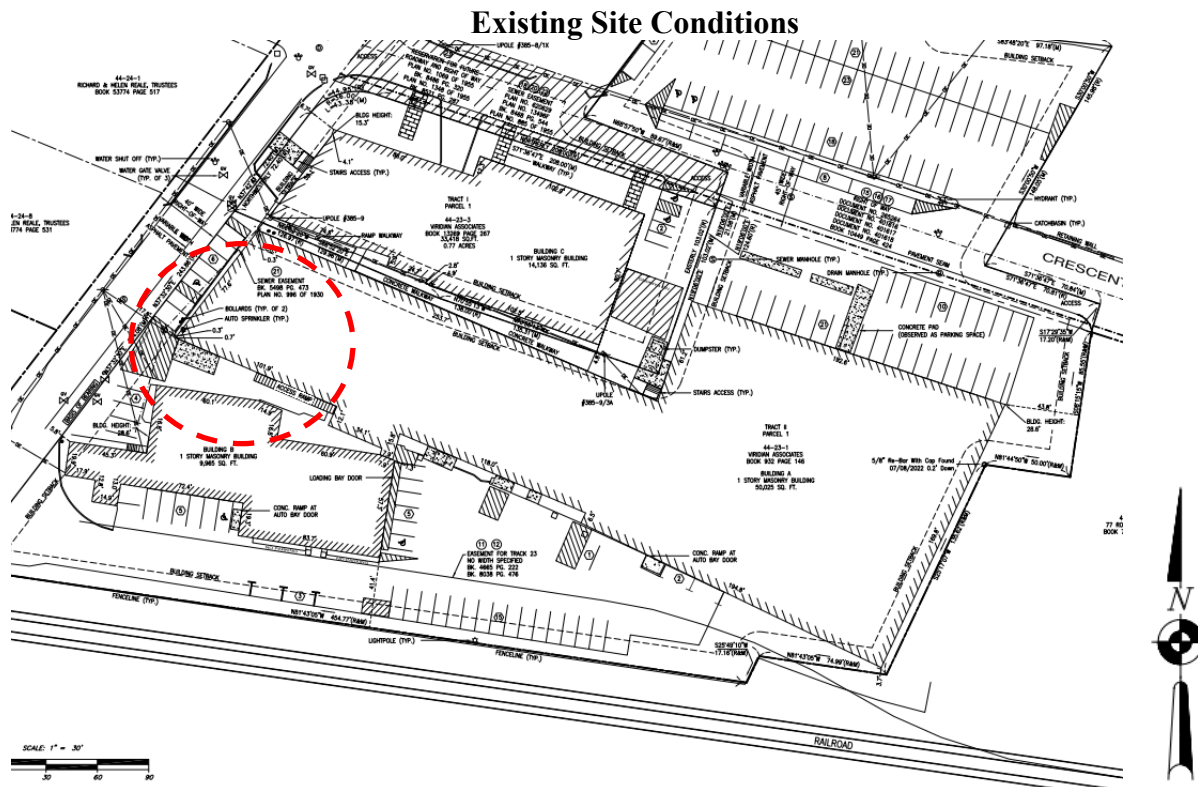
II. Criteria for Consideration per §7.3.3 and/or §5.1.13:

- The site is an appropriate location for the for-profit educational use. (§4.4.1 and §7.3.3.C.1)
- The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood. (§7.3.3.C.2)
- There will not be a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3)
- Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4)

III. Project Proposal and Site Characteristics

A. Site

The subject property consists of 163,426 square feet lot and is improved with a large multi-use light industrial building as well as a large surface parking lot. The site is accessed from Rowe Street where the street is flush with the parking located at the front of the building and business. The site is largely impervious and contains 162 parking stalls on the property. The red hatched circle indicates the general area of the proposed adult daycare business.



IV. Project Description and Analysis

A. Land Use

The current use of the site is office. If approved, the use would be for profit educational use.

B. Overview of Adult Day Care Use

The petitioner provided a description of the proposed operations of the business at 84 Rowe Street. The facility would serve a maximum capacity of 108 adults and employ 25 staff. Staff will include aids, drivers, nursing staff, service, coordination staff, a therapeutic activity director, a program director, and an activity planner.

Clients would be transported to the facility via 5 dedicated vans which would pick up directly from the clients' homes to the facility. There would be a staggered schedule for arrivals and departures to allow each van to be unloaded.

Staff would arrive beginning at 7:00 am, and clients would arrive between 7:30 am and 8:30 pm. Departures of clients would occur between 1:00 pm and 2:00 pm, and the business would close at 2:30 pm.

To facilitate the entry to the facility, particularly for those using wheelchairs, a new

entrance ramp is proposed along the side of the building. The petitioner has reserved 47 parking stalls as part of its tenancy and does not plan any upgrades to the parking.

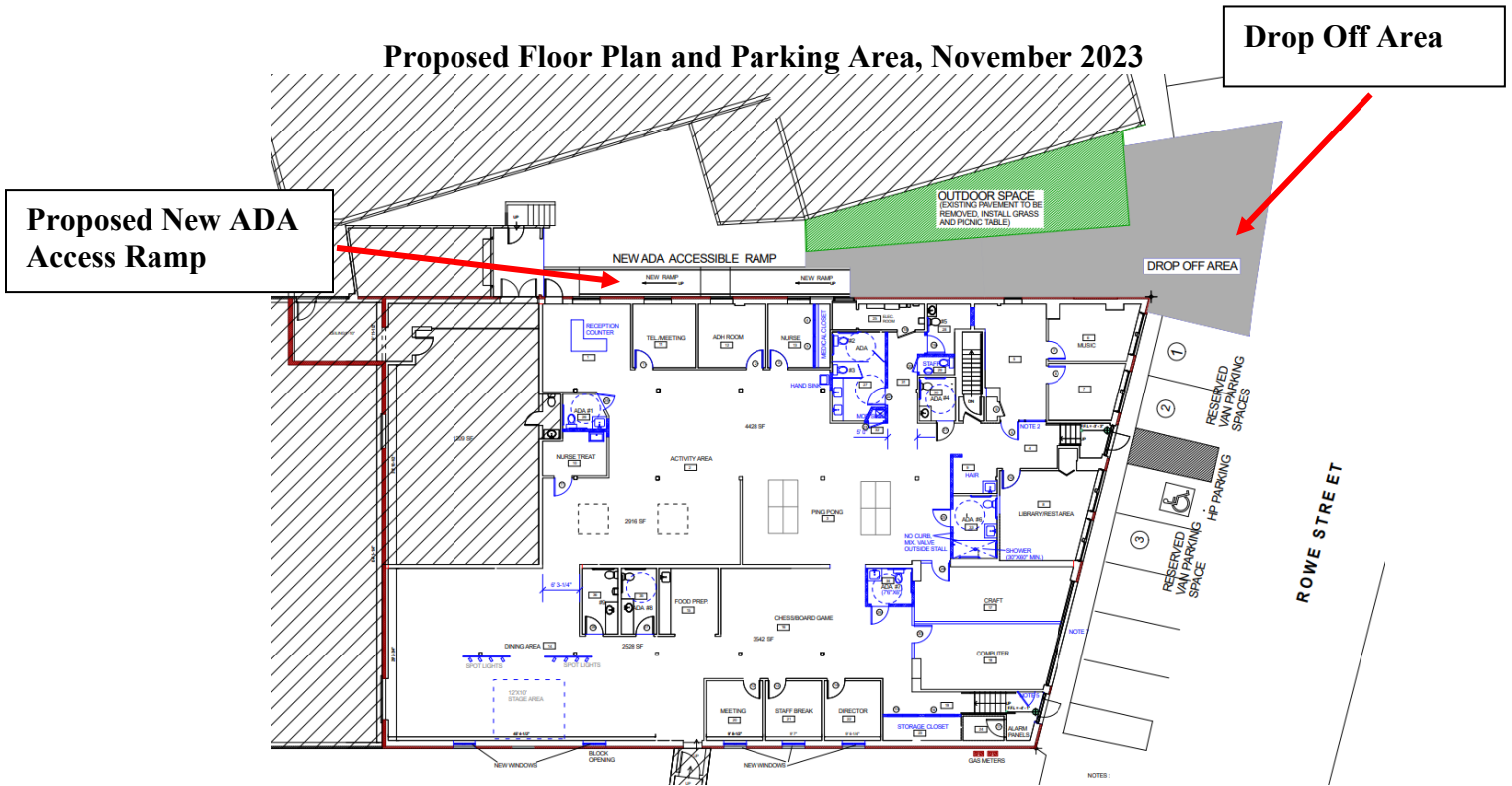
C. Site Layout and Floor Plan

The petitioner submitted an updated Floor Plan on December 5, 2023, which included additional details on the outdoor space and parking. According to the petitioner, there are no proposed exterior changes to the building aside from the new ADA Access Ramp as well as new windows. These improvements would need to be comply with building code standards and would undergo review during the building permit process.

There would be an outdoor space dedicated to the adult day care that would include grass and picnic tables, which is noted in the floor plan below. There was no additional detail or landscape plan provided.

Planning recommends that a condition related to the construction of the access ramp according to building code standards prior to occupancy. The existing access ramp at this location is in ill repair and is not ADA accessible. According to the petitioner, there are no building façade changes proposed, however, the petitioner should be aware that any new signage would need Urban Design Commission (UDC) approval.

Proposed Floor Plan and Parking Area, November 2023



D. Parking and Circulation

There are 162 parking stalls provided on the property and an additional shared parking lot with the commonly held lot at 72-76 Rowe Street, which provides an additional four stalls, totaling 166 stalls between the two sites. Per section 5.1.4, 144 parking stalls are required for the existing and proposed uses, and thus no parking waiver is required.

Planning notes that parking is easily accessible at the front of the building and across the street in the large surface parking lot on the same property. There would be three dedicated parking stalls for vans in front of the building, which will be helpful for short-term parking and could be available for any visitors while not in use by the vans. Employees would park in the large surface parking lot and walk across Rowe Street to the building. The outdoor recreational area is located adjacent to the drop off area. Operationally, the petitioner should ensure that extra care is taken with pick up and drop off adjacent to the outdoor recreational area to ensure the safety of elderly adults is always maintained.

The main access to the building is from Rowe Street where the street is flush to the parking in front of the building. Rowe Street lacks sidewalks in this area and it is

anticipated that most customers and visitors will arrive by car.

V. INTERDEPARTMENTAL REVIEW

- A. Engineering Review: No review is required at this time.
- B. UDC – The petitioner would need approval for any exterior by right signs.

VI. PETITIONER'S RESPONSIBILITIES

This petition is considered complete.

ATTACHMENTS:

Attachment A: Zoning Review Memorandum

Attachment B: DRAFT Council Order

Attachment A



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: December 5, 2023
To: Anthony Ciccariello, Commissioner of Inspectional Services
From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning
Cc: 72-94 Rowe Street LLC C/O Calare, Applicant
Katherine Adams, Attorney
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor
RE: **Request to allow for-profit educational use**

Applicant: 72-94 Rowe Street LLC C/O Calare	
Site: 84-94 Rowe Street	SBL: 44023 0001
Zoning: MAN	Lot Area: 163,426 square feet
Current use: Mixed use	Proposed use: Mixed use and Adult day care

BACKGROUND:

The property located at 84-94 Rowe Street consists of 163,426 square feet and is improved with a multi-use light industrial building and associated surface parking. The property includes a section of Crescent Street, with portions of the parcel on both sides of the private way. The petitioner seeks to convert 7,972 square feet of vacant office space into an adult day health center.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Katherine Adams, attorney, submitted 10/16/2023
- Parking Calculation, prepared by Katherine Adams, attorney, submitted 10/16/2023
- Floor Plans, prepared by KTH Architect LLC, submitted 10/16/2023

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner seeks to convert 7,972 square feet of vacant office space to be used for an adult day health program with 108 clients and 23 staff members. An adult day health program is classified as a for-profit educational use, which requires a special permit per section 4.4.1.
2. There are 162 parking stalls on the property. The parking is shared with the commonly held lot at 72-76 Rowe Street, which provides an additional four stalls, totaling 166 stalls between the two sites. Per section 5.1.4, 144 parking stalls are required for the existing and proposed uses. No waiver is required.

Use	Square Footage	Clients	Staff	Parking Requirement	Required
Warehouse	48,194 sf		31	1 per 2,500 sf 1 per 4 employees	28
Dance school	5,376 sf		4	1/employee	4
Adult Day Health	7,972 sf	108	23	1 per 5 clients 1 per employee	45
Office	2,018 sf		4	1 per 250 sf	8
Office (72-76 Rowe St)	14,636 sf		13	1 per 250 sf	59
TOTAL					144

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
4.4.1	Request to allow a for-profit educational use	S.P. per §7.3.3

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, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the for-profit educational use because the due to its location in the Manufacturing (MAN) zoning district occupying a former office space. The site can also accommodate the pick up and drop off operations of the use. (§4.4.1 and §7.3.3.C.1)
2. The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood because the business is located in a large office and light industrial building with other business uses and has adequate parking. (§7.3.3.C.2)
3. There will not be a nuisance or serious hazard to vehicles or pedestrians because there is a plan for the transportation of clients to and from the facility by van and a new ADA ramp will be constructed. (§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: #390-23

PETITIONER: 72-94 Rowe Street LLC

LOCATION: 84-94 Rowe Street, Ward 4, Auburndale, on land known as Section 44 Block 23 Lot 01, containing approximately 163.426 sq. ft. of land

OWNER: 72-94 Rowe Street LLC

ADDRESS OF OWNER: 30 Speen Street
Framingham, MA 01701

TO BE USED FOR: For profit educational use

RELIEF GRANTED: Special permit to allow a for profit educational use (§4.4.1)

ZONING: Manufacturing (MAN) 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 floor plan entitled "Adult Health Day Care, 84 Rowe Street, Newton, Massachusetts," prepared by KTH Architect, dated November 30, 2023.
2. No building permit and unless otherwise specified shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the Petitioner has:
 - 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/sign off from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
3. The adult day care shall have no more than 108 clients and 25 employees. Any increase to the number of clients or employees shall require an amendment to this special permit/site plan approval.
4. No certificate of occupancy (temporary or final) shall be issued by the City pursuant to this Special Permit/Site Plan Approval unless all applicable terms and conditions have been complied with and the petitioner has:
 - a. Filed with the building permit record statements by a registered architect, professional land surveyor, or professional engineer, certifying compliance with Condition #1.
 - b. Completed construction of the new ADA accessible ramp as detailed in plans noted in Condition 1a.
 - c. Submitted final as-built survey plans in digital format, stamped and signed by a professional land surveyor or professional engineer, as applicable.
 - d. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, landscape features, fencing and parking areas related to or for the portion of the Project for which a certificate of occupancy is requested.