



Petition: #115-24
Public Hearing:
02/27/24

Ruthanne Fuller
Mayor

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

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: February 22, 2024

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Katie Whewell, Chief Planner for Current Planning
Cat Kemmett, Senior Planner

SUBJECT: **Petition #115-24**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a non-profit educational use and to waive 3 parking stalls

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.



14 Collins Road

Project Description

Background

The subject property consists of a 41,302 square foot lot improved with a church constructed in 1911. In 1983, the Union Church received a special permit to operate a nursery school in the basement of the Church. The property was granted approval for an additional special permit in 2013 that granted relief to increase student enrollment and waive eight parking stalls, which allowed the Riverside Childcare Program to operate out of the building.

The property is located in Waban at the intersection of Beacon Street and Collins Road. The Church is located across the street from Parish of the Good Shepherd, and southeast of the Angier Elementary School. The majority of this area including the subject parcel is zoned SR-2, with a mix of BU-1, Public Use, and MR-3 zones in the vicinity as well. The surrounding land use of the neighborhood is a mix of single family residential, commercial, religious, and educational uses and open space. The property abuts the Waban MBTA station on the east side.

Special Permit

The petitioner proposes to allow the Winchester School of Chinese Culture (WSCC), a non-profit educational use, to operate an after-school program on the site. This requires an amendment to the existing special permit to allow a nonprofit educational use requiring parking waivers, and an additional waiver of three parking stalls for the use.

Analysis

The Planning Department is not concerned with the proposed educational use or waiver of three parking stalls. An additional nonprofit use on the site is complementary to the primary use of the building, and allowing for the flexibility to have multiple uses in the building helps support small businesses and educational programs. The building is very close to a walkable village center and the site directly abuts the Waban MBTA stop. Parking is available on the site and on nearby streets, and because the different uses on the site operate mostly at different times that do not overlap, a waiver of three stalls seems reasonable and appropriate.

I. Zoning Relief Requested:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.4.1 §6.3.14.B.1.b	Request to allow non-profit educational uses requiring a parking waiver	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive three required parking stalls	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 §7.8.2.C.2:

- The site in SR-2 is an appropriate location for the proposed nonprofit educational uses and waiver of three parking stalls (§7.3.3.C.1)
- The requested parking waivers will not adversely affect the neighborhood (7.3.3.C.2)
- The requested parking waivers will not create 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)
- Literal compliance with the required amount of parking 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 (§5.1.13)

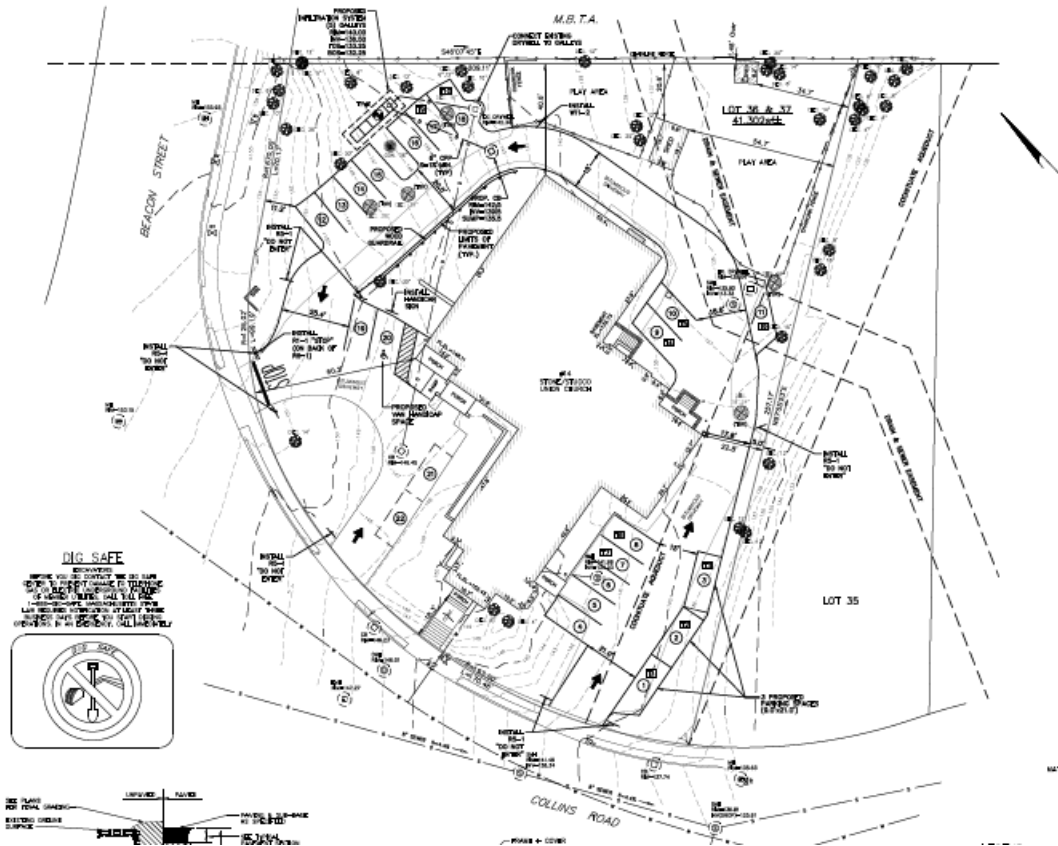
III. Project Proposal and Site Characteristics

A. Site

The subject property consists of a 41,302 square foot corner lot improved with a church constructed in 1911 with classroom additions constructed in 1926 and 1950. The site abuts the MBTA Waban Station and the Cochituate Aqueduct.

The site has three curb cuts off of Collins Road and 22 parking stalls in total. The southernmost curb cut leads to an eight-stall parking area south of the church, and a paved access road that circles behind the building and exits at the northern end of the site. Several stalls are located around this access road with an additional parking area

containing eight stalls north of the church building. There is a third curb cut in the middle of the property just north of the front entrance of the church, leading to several parking stalls and one accessible stall.



IV. Project Description and Analysis

A. Land Use

If approved the use of the site will expand from religious use and a preschool to religious use, a preschool, and a non-profit education use.

B. Site Design

The petitioner seeks to amend their existing special permit to allow a non-profit educational program for Chinese language and culture. A special permit is required to allow non-profit educational uses requiring a parking waiver in the SR-2 zoning district. No new structures or parking are proposed in this petition.

C. Parking and Circulation

When determining the parking requirement for a site, the zoning ordinance does not consider the scheduling of uses but rather calculates the requirement as if all uses on site occur concurrently. Based on the narrative and schedule provided by the petitioner, it appears that the two existing uses up to 51 students and three staff will be present at the after-school program.

The petitioner has stated that the teachers will park off-site along Collins Road and Waban Ave, where stalls are typically available in later afternoon hours. If necessary, it may also be possible to coordinate with church staff to allow teachers to park on-site. The proposed program operates according to the Newton Public School schedule. A typical school day has teachers and students arriving between 3:10 pm and 3:40 pm (or from 12:40 pm and 1:10 pm on Wednesdays).

Student pickup will begin from 5:00 pm to 6:00 pm. The petitioner reports that on average there are 13 to 14 families making a pickup each school day, and their two options for pickup are from two options for picking up: A) Parents pick up Angier playground or from the church site. Parents are instructed to call in advance to inform the teacher, who will prepare the students for pickup. The petitioner anticipates that guardians picking up students can park their cars on Collins Road in front of the church or drive up to the building for pickup. The school has a policy of communicating with families to arrange for a staggered pick up and drop off scheme which they observe has been effective at managing traffic and parking concerns.

The other uses on the site are a day care and the church. The day care hours run from 7:45 am-6:00 pm, and the church has Sunday services in addition to other events throughout the week related to the religious use. On site parking is available for these uses, and off-site street parking and public transit is also available.

Should this petition be approved, the Planning Department encourages the petitioner to communicate with the day care staff and guardians of children in the afterschool program to avoid potential parking conflicts and overlapping pick up and drop off times.

V. Interdepartmental Review:

No interdepartmental review is required at this time.

VI. PETITIONER'S RESPONSIBILITIES

The petition is considered complete.

ATTACHMENTS:

Attachment A: Zoning Review Memorandum
Attachment C: DRAFT Council Order



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

Attachment A

(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: September 13, 2023

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Frank Laski, Union Church in Waban
Union Church in Waban Trustees, Applicant
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request to amend Special Permit #178-13 to allow a non-profit educational use and to waive 3 parking stalls

Applicant: Union Church in Waban Trustees	
Site: 14 Collins Road	SBL: 55048 0036 and 55048 0037
Zoning: SR2	Lot Area: 41,302 square feet
Current use: Religious use and preschool	Proposed use: Religious use, preschool and non-profit education

BACKGROUND:

The property at 14 Collins Road consists of a 41,302 square foot lot in a SR2 zone improved with a church constructed circa 1911 with classroom additions constructed in 1926 and 1950. The church houses the Riverside Childcare Program, which received a parking waiver via special permit in 2013. The petitioner seeks to allow the Winchester School of Chinese Culture (WSCC), a non-profit educational use, to operate an after-school program, requiring an amendment to the existing special permit and an additional waiver of required parking stalls.

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

- Zoning Review Application, prepared by Frank Laski, dated 8/2/2023
- Topographic Site Plan, signed and stamped by Joseph R. Porter, surveyor, and Matthew J. DiStefano, engineer, dated 5/8/2013, revised 6/20/2013, 7/23/2013

ADMINISTRATIVE DETERMINATIONS:

1. The Church was granted Site Plan Approval # 704-83 in 1983 to allow for a day care with up to 15 children. Special Permit #178-13 was granted in 2013 waiving eight parking stalls to accommodate an increase in enrollment to 55 children. The Church seeks to amend the special permit to allow a non-profit educational after-school program for Chinese language and culture.
2. There are 22 surface parking stalls on the property. Special Permit #178-13 waived eight parking stalls to accommodate the increase in day care students. The petitioner proposes to introduce a non-profit after-school education program to the site, operating with three staff at the busiest shift and up to 51 students. Per section 5.1.4 one parking stall per employee is required, necessitating three stalls. The petitioner seeks a waiver of three additional stalls to accommodate the educational use per section 5.1.13.

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.4.1 §6.3.14.B.1.b	Request to allow non-profit educational uses requiring a parking waiver	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive three required parking stalls	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 non-profit educational uses requiring a parking waiver and to further extend the nonconforming parking on site by waiving 11 total parking stalls as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. The site is an appropriate location for the proposed nonprofit educational use and parking waiver of three additional stalls because the site has historically accommodated a mix of complementary uses with the current parking configuration. The uses proposed mostly operate out of the site at different times, thus resulting in a lesser parking demand than the Ordinance requires. (§7.8.2.C.1)
2. The proposed educational use and parking waivers will not adversely affect the neighborhood because there is adequate parking on site and in the vicinity to accommodate the proposed use and the nonprofit education use is complementary to the primary religious use. (7.3.3.C.2)
3. There will not be a nuisance to vehicles or pedestrians because the existing conditions of the site will be maintained, and pick up and drop off times will be staggered. (§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)
5. A waiver of an additional three parking stalls is in the public interest because constructing additional parking stalls would require an increase in impervious paving on the site and street parking and public transit options are also available. (§5.1.13)

PETITION NUMBER: #115-24

PETITIONER: Trustees of the Union Church in Waban

LOCATION: 14 Collins Road, Ward 5, Waban, on land known as Section 55 Block 48 Lots 36 and 37, containing approximately 41,302 sq. ft. of land

OWNER: Trustees of the Union Church in Waban

ADDRESS OF OWNER: 14 Collins Road
Newton, MA 02468

TO BE USED FOR: To allow a non-profit educational use requiring parking waivers and a waiver of three parking stalls.

RELIEF GRANTED: Special Permit per §7.3.3:

- To allow non-profit educational use requiring a parking waiver (§4.4.1, §6.3.14.B.1.b)
- To waive three parking stalls (§5.1.4, §5.1.13)

ZONING: Single Residence 2

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 set of floor plans signed and stamped by Matthew J. Distefano, Professional Engineer, and Joseph R. Porter, Professional Land Surveyor, dated May 8, 2013 and revised June 20, 2013 and July 23, 2013
2. No building permit (other than a demolition permit) or certificate of occupancy 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.