



Ruthanne Fuller
Mayor

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

Petition: #159-24
Public Hearing: 04/02/24

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

DATE: March 28, 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 #159-24**, for SPECIAL PERMIT/SITE PLAN APPROVAL to allow for a vacation day camp, which falls under the category of for-educational use school

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.



2 Wells Avenue

Project Description

Current Use: Office and daycare

Proposed Use: Office, day care and for-profit camp

Zoning: Limited Manufacturing

Lot size: 436,175 square feet

Background

The subject property consists of a 436,175 square foot lot improved with a three-story office building and 477 surface parking stalls. The project was approved by special permit in 2015 and is part of the Wells Avenue office park. The building serves as the headquarters of Bright Horizons and also has a day care center for up to 90 children. The petitioner proposes to allow a new vacation day camp in the building for the children of Bright Horizons employees.

Analysis

The Planning Department has no objection to the amendment to allow the proposed for-profit educational use. The only element of relief required is to allow a for-profit educational use, as there is sufficient on-site parking to meet the requirements of the ordinance. No changes will be made to the site except for interior work to accommodate the new use. The camp will be a convenient and useful resource for the employees of Bright Horizons and is complementary to the existing uses on the site.

The Planning Department notes that petitions like this one could serve as an example in favor of possible revisions to the ordinance to consider allowing some for-profit uses by right. Staff have observed that a number of for-profit educational providers, small operators in particular, have struggled to locate in Newton. All for-profit educational uses require a special permit including businesses like music instructors, dance schools, or vacation camps like this one. Consequently, the challenge of securing a rental space in a timely manner while also working through the special permit process often results in these smaller operators locating in other towns. Allowing the flexibility for some for-profit tenants to locate in Newton by right could remove a known hurdle for small businesses and support the city's goals of encouraging economic growth and utilizing existing infrastructure to meet the changing needs of the community.

I. Zoning Relief Requested:

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

Administrative Site Plan Review		
Ordinance		Action Required
§4.4.1 §6.3.14.B.2	To allow a for-profit educational use	S.P. per §7.3.3

II. Criteria for Consideration per §7.3.3. and/or §7.8.2.C.2:

- The site in a Limited Manufacturing district is an appropriate location for the proposed nonprofit educational use (§7.3.3.C.1)
- The nonprofit educational use will not adversely affect the neighborhood (7.3.3.C.2)
- The nonprofit educational use 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)

III. Project Proposal and Site Characteristics

A. Site

The site is located along Wells Avenue near the entrance to the office park and the intersection of the Wells Avenue loop. This parcel and other properties in the office park are primarily commercial uses, but the surrounding area includes multifamily residential, open space, and non-profit uses. The entire office park is zoned Limited Manufacturing, and the zoning in the surrounding area consists of Single Residence 1, Multi-Residence 3, and Public Use districts. Additionally, much of the land within and surrounding the office park is constrained by wetlands, flood hazard areas, and a large conservation area. Vehicular access is provided by two curb cuts on Wells Avenue, providing access to 477 surface parking stalls.

IV. Project Description and Analysis

A. Land Use

If approved the use of the site will expand from office use and daycare to office use, daycare, and for-profit educational use.

B. Parking and Operations

The petitioner proposes to introduce a for-profit educational day camp for Bright Horizons employees working on site. The camp (Steve and Kate's Camp) operates nationwide and is owned by Bright Horizons. Per sections 4.4.1 and 6.3.14.B.2, a for-profit educational use requires a special permit. Properties located on Wells Avenue are subject to a Deed Restriction that imposes a number of conditions on the development and use of these properties. However, no relief specific to the deed restriction is needed for this use.

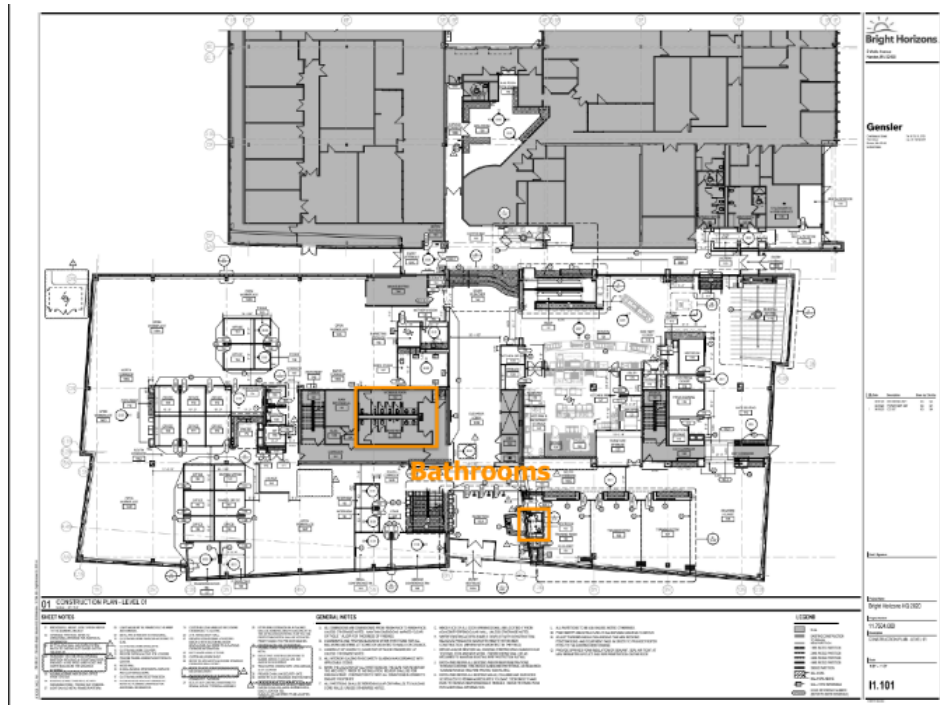
The camp will have up to 12 staff members daily. The ordinance requires that a for-profit educational use provide one on-site parking stall per each employee at the largest shift, making their parking requirement 12 stalls. The two existing uses on the site (the office and day care) plus this new use will have a combined parking requirement of 440 stalls in total. Because there are 477 stalls on site, no parking waiver is required.

The camp has a detailed plan for pickup and drop-off during peak and off-peak hours that will be clearly communicated to parents and guardians. Parents and guardians will be instructed to use the entrance located at the southwest parking lot in front of the main building entrance to enter the site and exit the parking lot at Wells Avenue.

The Planning Department thinks this use is appropriate for the site, and any traffic associated with the use will not conflict with the existing daycare on the site. The daycare and proposed camp are located on opposite sides of the building and will utilize different entrances and exits to the site. The daycare operates from 7:30 am - 5:30 pm and the camp will run from 8:00 am - 6:00 pm, so pick up and drop off times will be staggered.

The camp will occupy 1,860 square feet within the existing building in what is now training and co-working spaces. The portions of the building used for the camp will revert to the underlying office uses when camp is not in session. The camp will operate during school vacations, including summer, and will be available only to staff associated with Bright Horizons. There are no set pickup and drop-off times, but the petitioner estimates that the busiest time frames will be from 8:30 - 9:30 am and 5:00pm - 5:30 pm. The petitioner anticipates that the majority of children attending the camp will carpool with parents and guardians working at the office on site, so the increase in traffic associated with the day camp should be minimal.

Floor Plan



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: February 13, 2024

To: Anthony Ciccariello, Commissioner of Inspectional Services

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

Cc: Two Wells Ave Equity Ind. Part., Applicant
Jessica Handibode, Steve & Kate’s Camp
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Special permit to allow a for-profit school

Applicant: Two Wells Ave Equity Ind. Part.	
Site: 2 Wells Avenue	SBL: 84034 0002K
Zoning: LM	Lot Area: 436,175 square feet
Current use: Office and day care	Proposed use: Office, day care and vacation camp

BACKGROUND:

The property at 2 Wells Ave consists 436,175 square feet in the Limited Manufacturing zone in the Wells Avenue office park. It is improved with a three-story office building constructed under a special permit in 2015 and 477 surface parking stalls. The site houses the headquarters of Bright Horizons and includes a day care center for up to 90 children. The petitioner now seeks to expand to allow a vacation day camp for the children of Bright Horizons employees.

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

- Zoning Review Application, prepared by Jessica Handibode, Steve & Kate’s Camp, dated 10/26/2023
- Newton, MA Zoning Permit Prospectus, prepared by Jessica Handibode, Steve & Kate’s Camp, dated 11/1/2023, revised 2/8/2024
- Traffic Control Plan, prepared by Jessica Handibode, Steve & Kate’s Camp, submitted 2/8/2024
- Daily Activity Schedule, prepared by Jessica Handibode, Steve & Kate’s Camp, submitted 2/8/2024
- Interior Layout, submitted 2/8/2024

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner proposes to introduce a for-profit educational vacation day camp for Bright Horizons employees working on site. The camp will operate during school vacations, including summer. The camp (Steve and Kate's Camp) operates nationwide and is owned by Bright Horizons. Per sections 4.4.1 and 6.3.14.B.2, a for-profit educational use requires a special permit.
2. The camp is proposed with up to 12 staff members daily and will occupy 1,860 square feet within the existing building. The space they will occupy includes existing training, co-working spaces and a portion of a lunch seating area. The portions of the building used for the vacation camps will revert to the underlying office uses when camp is not in session. Section 5.1.4 of the Ordinance requires that a for-profit educational use provide one on-site parking stall per each employee at the largest shift. The camp has a parking requirement of 12 stalls.

To calculate the parking requirement for the site, the remaining uses in the building are examined with their respective parking requirements. The remainder of the building is occupied by 122,890 square feet of office space and a 10,500 square foot day care center. Per Section 5.4.1 office uses require one stall per every 250 square feet for the first 20,000 square feet, and one stall per every 333 square feet for the remaining square footage, resulting in a requirement of 389 stalls. The existing day care center requires one stall per every five children plus one per every employee at the largest shift. With 90 children and up to 21 staff, the day care requires a total of 39 stalls.

The three uses have a combined parking requirement of 440 stalls. There are 477 stalls on site, no waiver is required.

Administrative Site Plan Review		
Ordinance		Action Required
§4.4.1 §6.3.14.B.2	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 Chair, Councilor Andrea Kelley:

1. The site in a Limited Manufacturing district is an appropriate location for the proposed for-profit educational use because it is complementary to the existing uses on the site. The location allows for a safe and convenient childcare option for office staff located on site, and the camp is similar in use and operations to the daycare that already exists on the premises. (§7.8.2.C.1)
2. The proposed for-profit educational use will not adversely affect the neighborhood because adequate on-site parking will be provided, and the changes associated with the new use will be limited to the interior of the building. (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. (§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: #159-24

PETITIONER: Equity Industrial Partners Corp.

LOCATION: 2 Wells Avenue, Ward 8, Newton Centre, on land known as Section 84 Block 34 Lot 02K, containing approximately 436,175 sq. ft. of land

OWNER: Equity Industrial Partners Corp.

ADDRESS OF OWNER: 20 Pickering Street Suite 200
Needham, MA 02492

TO BE USED FOR: To allow for-profit educational use

RELIEF GRANTED: Special Permit per §7.3.3 to allow a for-profit educational use (§4.4.1, §6.3.14.B.2)

ZONING: Limited Manufacturing

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 site plan entitled "Detailed Site Plan-Existing Conditions Plan, 2 Wells Avenue, Newton, MA 02459" prepared by Nitsch Engineering for Studio MLA Architects, dated February 18, 2020 (Sheet EX-1.1)
 - b. Architectural plan entitled "Bright Horizons HQ 2020- Furniture Plan Level 01" prepared by Gensler, undated and unstamped (Sheet I1.401)
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.