



Land Use Committee Report

City of Newton In City Council

Tuesday, December 8, 2020

Present: Councilors Lipof (Chair), Kelley, Greenberg, Markiewicz, Downs, Bowman,

City Staff Present: Chief Planner Neil Cronin, Associate City Solicitor Jonah Temple, Senior Planner Katie Whewell, Senior Planner Michael Gleba

All Special Permit Plans, Plan Memoranda and Application Materials can be found at http://www.newtonma.gov/gov/aldermen/special_permits/current_special_permits.asp. Presentations for each project can be found at the end of this report.

#137-18 **Petition to allow 18-unit multi family dwelling at 189-193 Adams St/19 Quirk Ct**
183-193 ADAMS STREET, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a multi-family development in a business district with greater than 20,000 gross floor area, with a four-story structure 41' in height, containing an 18-unit dwelling with ground floor units, to allow an FAR of 1.31, to allow a density bonus to reduce the lot area per unit and increase the number of inclusionary units, to allow a reduction of the requirement for parking to 1.25 stalls per unit, to allow parking in the front setback, to allow parking within 5' of a building containing dwelling units, to allow a reduction in the minimum width of an entrance/exit drive, to allow a reduction in the minimum width of maneuvering aisles and to waive lighting requirements in Ward, 1, Newton, at 189-193 Adams Court, Section 14 Block 15 Lot 39, Section 14 Block 15 Lot 39 and 19 Quirk Court Section 14 Block 15 Lot 44, containing a combined lot area of approximately 19,349 sq. ft. of land in a district zoned BUSINESS USE 2.Ref: 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 5.1.4, 5.1.13, 5.1.8.A.1, 5.1.8.A.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.8.D.1, 5.1.10.A, 5.11.4, 5.11.15, 4.1.2 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved Withdrawal without Prejudice 6-0 (Councilor Greenberg not Voting)**

Note: The Committee reviewed the request to withdraw petition #137-18 without prejudice. Committee members expressed no concerns relative to the request to withdraw and voted 6-0 (Councilor Greenberg not Voting) in favor of approval.

#440-20 **Petition to extend nonconformities at 45-47 Forest Street**
ELORA CHOWDHURY AND ALOK KAPOOR petition for SPECIAL PERMIT/SITE PLAN APPROVAL to replace an existing screen porch of the rear of the dwelling, extending the non-conforming two-family use in the SR2 district and increasing the nonconforming lot coverage at 45-47 Forest Street, Ward 6, Newton Highlands, on land known as Section 52 BLOCK 05 Lot 01A, containing approximately 10,469 sq. ft. of land in a district zoned SINGLE

RESIDENCE 2. Ref: Sec. 7.3.3, 7.4, 3.4.1, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0; Public Hearing Closed 12/08/2020**

Note: Petitioners Elora Chowdhury, Alok Kapoor and Architect Bob Fizek presented the request to extend nonconformities at 45-47 Forest Street to allow the replacement of an open porch with a closed porch at the rear of the dwelling. Mr. Fizek explained that the petitioners are seeking to replace the porch, which is in poor condition, with a slightly larger, screened porch. The proposed porch will be constructed over an existing, concrete paved path and no additional impervious surface will be added.

Senior Planner Katie Whewell presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. The Public Hearing was Opened. No member of the public wished to speak. Councilor Laredo motioned to close the public hearing which carried unanimously. The Committee expressed no concerns relative to the petition. Councilor Bowman motioned to approve the item. Committee members reviewed the draft findings and conditions as shown on the attached presentation and voted 7-0 in favor of approval.

#441-20 **Petition to waive 5 parking stalls and dimensional standards at 66 Winchester Street**
WINCHESTER 66 LLC., petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a waiver of five parking stalls and reconfiguration of the parking area, to allow parking within the front and side setbacks and to waive the minimum driveway widths at 66 Winchester Street, Ward 5, Newton Highlands, on land known as Section 83 Block 03 Lot 46, containing approximately 20,059 sq. ft. of land in a district zoned MULTI USE 2. Ref: Sec. 7.3.3, 7.4, 5.1.4.A, 5.1.13, 4.2.3, 5.1.7.A, 5.1.7.C of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 4-0-3 (Councilors Kelley, Bowman and Downs abstaining); Public Hearing Closed 12/08/2020**

#24-20 **Petition to allow for-profit educational use at 66 Winchester Street**
OLYMPIA FENCING CENTER, INC/WINCHESTER 66 LLC., petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit educational use in 6,750 sq. ft. of the existing building at 66 Winchester Street, Ward 5, Newton Highlands, on land known as Section 83 Block 03 Lot 46, containing approximately 20,059 sq. ft. of land in a district zoned MULTI USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 6.3.14.B.2 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0; Public Hearing Closed 12/08/2020**

Note: The Committee discussed items #24-20 and #70-20 together. The Committee was joined by Attorney Steve Buchbinder, with law offices at 1200 Walnut Street, to present petition #441-20 at 66 Winchester Street on behalf of Winchester Street, LLC/Alan Starr and Attorney Peter Harrington, with law offices at 505 Waltham Street, presenting details of petition #24-20 at 66 Winchester Street on behalf of the proposed tenant, Olympia Fencing Center, LLC. Atty. Buchbinder presented the request for a waiver of parking stalls and dimensional standards as shown on the attached presentation. Atty. Buchbinder noted that the property owner, Winchester 66, LLC. Is owned by Boston Showcase, who sells kitchen equipment on an appointment-only basis. The site abuts the Newton Highlands Playground and is adjacent to approximately 90 free parking spaces which are located at the rear of the site. As a result of relocating shipping operations from the site to a new site in Randolph, space is available within the

building at 66 Winchester Street. The petitioner proposes to lease approximately 6,750 sq. ft. of former warehouse space to Olympia fencing. Because the fencing school is for-profit, a special permit is required.

Atty. Buchbinder noted that the proposed conditions include 2 parallel stalls on the southern portion of the parking area at the front of the site for use by Boston Showcase (reduced from 7 stalls). The new configuration provides one-way traffic aisle where cars enter at the southern end of the site and exit through the northern curb cut with signage to direct the one-way traffic flow. Atty. Buchbinder noted that the proposed changes represent a significant improvement over what has been in effect for the last fifty years. At the rear of the site, there are nine parking stalls for use by the Olympia Fencing Center. The petitioners propose the installation of signage to ensure that visitors understand and adhere to the proposed one-way traffic configuration and pick-up/drop-off proposal.

Senior Planner Michael Gleba presented the requested relief, criteria for consideration, land use and zoning for the petitions as shown on the attached presentations.

The Public Hearing was Opened.

The Committee noted that the “loading zone” marked on the plan will not be used as a loading zone. The Committee noted that removal of the two parking stalls at the front of the site would create safer conditions for pedestrians. It was noted that the orientation of the stalls is such that users of those spaces have limited space to maneuver. The Committee emphasized the concerns relative to safety and asked the petitioner to reconsider relocation of the spaces as well as other options for the front of the site.

Understanding that the two parking stalls at the front of the site are intended for use by the Boston Showcase property owners, Committee members noted that the property owners are familiar with the parking configuration and can carefully maneuver in and out of the parking stalls. Additionally, it was noted that the two parking stalls will be occupied all day and the existing stalls conform to standard parking dimensions (9’x21’). It was noted that the petitioner has worked to respond to other concerns raised by the Council but that removal of the two parking stalls could create a strain on the small business’ ability to lease the available space in the building.

In response to questions from the Committee, Atty. Buchbinder confirmed that deliveries to the site can be restricted from 7:00 am – 4:00 pm. He noted that communications and written directions will inform visitors how to circulate. Atty. Buchbinder confirmed that the petitioner could paint on the driveway to demarcate the sidewalk from the driving area.

With that, Councilor Laredo motioned to close the public hearing for item #441-20 which carried unanimously. The Committee reviewed the draft findings and conditions as shown on the attached presentation and voted 4-0-3 in favor of approval of a motion from Councilor Laredo (Councilors Kelley, Bowman and Downs abstaining).

Councilor Laredo motioned to close the public hearing for item #24-20 which carried unanimously. Councilor Markiewicz motioned to approve the petition. Committee members reviewed the draft findings and conditions as shown on the attached presentation and voted 7-0 in favor of approval.

#70-20 Petition to amend Special Permit Order #106-07 at 349 Dedham Street

CHABAD LUBAVITCH, INC./BETH MENACHEM CHABAD petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Order #106-07 to increase the number of allowable nursery students to 41, to allow parking in the front setback and to reduce the minimum open space at the site at 349 Dedham Street, Ward 8, on land known as Section 83 Block 36A Lot 01, containing approximately 33,697 sq. ft. of land in a district zoned SINGLE RESIDENCE 1. Ref: Sec. Dover Waiver, 7.3.3, 7.4, 5.1.8.A.1, 5.1.13, 3.1.6 of the City of Newton Rev Zoning Ord, 2017.

Action: **Land Use Approved 7-0; Public Hearing Closed 12/08/2020**

Note: Atty. Joel Sowalsky represented Chabad Lubavitch/Beth Menachem Chabad to present the request to amend Special Permit Board Order #106-07 at 349 Dedham Street to allow for an expansion of the nursery program from 16 to 41, to allow parking in the front setback and to reduce the minimum open space at 349 Dedham Street. Atty. Sowalsky noted that the space proposed for use by the expanded program was constructed after approval of the special permit in 2007. The site was originally characterized as uninhabitable space and the Commissioner of Inspectional Services granted a consistency ruling to allow the space to be used for mechanical equipment. The petitioner presented the request to expand the preschool into the space in February 2020. After hearing concerns raised by the Committee, the petitioner has revised the plans to include increased plantings around the parking spaces, relocation of some of the light posts on the island to illuminate the new stalls, and a revised Comprehensive Traffic Management plan satisfactory to DPW transportation (with staggered drop offs, a one-way driveway, and the presence of traffic coordinator at all times during drop-offs and pick-ups). Atty. Sowalsky noted that there will be no impact on Rachel Road or Dedham Street and stated that families will be encouraged to carpool, use public transportation and bicycle. The petitioner will explicitly discourage parking on Rachel Road by parents or staff.

Chief Planner Neil Cronin presented the requested relief, criteria for consideration, land use, zoning and proposed plans as shown on the attached presentation. Mr. Cronin noted that there are some mature trees on the Dedham Street landscape island. If there is any damage or loss of these trees due to the installation of the parking stalls, the Director of Urban Forestry recommends compliance with the Tree Ordinance in consultation with the Direction of Planning and Development and the Director of Urban Forestry.

Public Comment

David Yu, 22 Rachel Road, is a member of the Chabad Neighborhood Area Council. He noted that the neighbors are opposed to the expansion of the preschool program due to the impact of the increased traffic. Mr. Yu noted that many neighbors believe there will be significantly more traffic, congestion and safety issues. He requested that the City and Chabad have a plan for if the traffic becomes an issue and the Traffic Management Plan is unsuccessful (i.e. use of a police detail to alleviate traffic problems and ensure safety as needed).

Leon Semonian, 373 Dedham Street, noted that a big problem is backing out of his driveway, on Dedham Street. He noted that the expansion of the facility will significantly increase the number of visits to the site and he does not believe the program fits in the neighborhood.

Committee Discussion

Councilors noted the demand for a nurse program but acknowledged that the increase from 16 to 41 children is significant. The Committee emphasized the need to discourage parking on Rachel Road and require compliance with posted signs. The Committee questioned whether there might be a need for additional traffic lights/signage at the intersection of Rachel Road and Dedham Street. Committee members noted that there is a set of stairs off of Rachel Road but no accessible way to access the site. Architect Ron Jarek stated that there is access from Dedham Street and confirmed that a 4' pedestrian path can safely be created within the space of the 20' driveway. The Committee questioned whether a crosswalk can be added on Rachel Road to increase safe access to the site.

Committee members stated that the site is surrounded by residences and noted that high plantings and landscaping are important for shielding abutters from the additional parking within the setback. Committee members noted that some plantings recommended during the 2007 permitting process were not installed. It was noted that after several iterations of a landscape plan, the Planning Department and Inspectional Services Department were comfortable issuing a Certificate of Occupancy without the planting. The Committee questioned where additional trees will be placed upon damage to the mature trees in the Dedham Street island. Mr. Jarek noted that trees can be replaced within the Rachel Road sloped area and along the Dedham Street berm.

Councilor Kelley motioned to close the public hearing which carried unanimously. Councilor Markiewicz motioned to approve the petition. The Committee reviewed the draft findings and conditions as shown on the attached presentation and voted 7-0 in favor of approval.

The Committee adjourned at 9:10 pm.

Respectfully Submitted,

Richard Lipof, Chair

Department of Planning and Development



**PETITION #440-20
45 FOREST STREET**

SPECIAL PERMIT/SITE PLAN
APPROVAL TO EXTEND THE NON-
CONFORMING TWO-FAMILY USE IN
AND INCREASE THE
NONCONFORMING LOT COVERAGE
BY REPLACING AN EXISTING REAR
PORCH

DECEMBER 8, 2020



Requested Relief



Special Permit per §7.8.2.C.2 of the NZO to:

- To further extend a nonconforming two-family dwelling (§3.4.3 and §7.8.2.C.2)
- To further increase the nonconforming lot coverage (§3.1.3 and §7.8.2.C.2)

Criteria to Consider



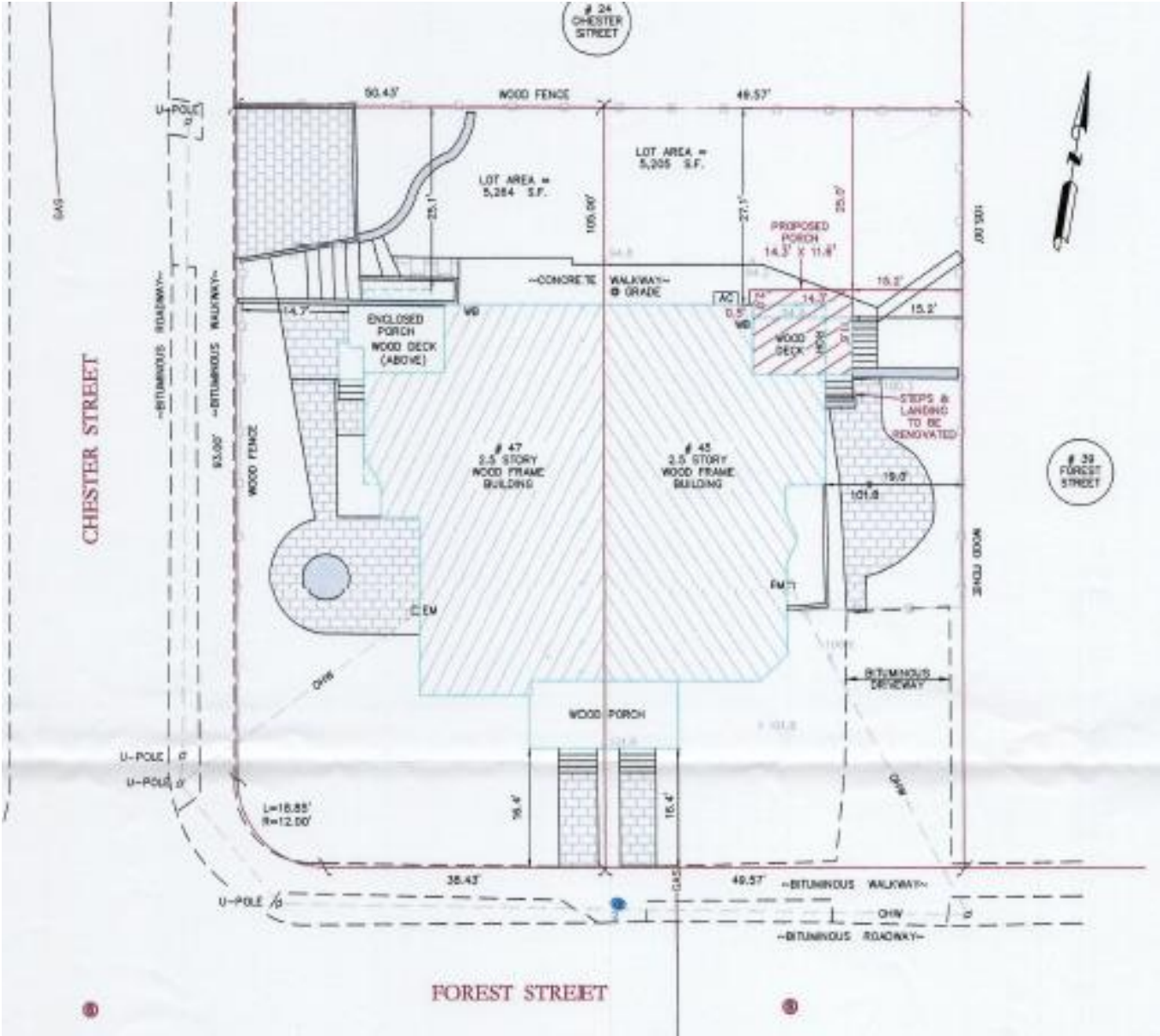
When reviewing this request, the Council should consider whether:

- The proposed porch that would further increase the nonconforming lot coverage is not substantially more detrimental than the existing nonconforming porch is to the neighborhood. (§3.1.3 and §7.8.2.C.2)
- The proposed porch that would further extend the nonconforming two-family dwelling is not substantially more detrimental than the existing nonconforming porch is to the neighborhood. (§3.4.1 and §7.8.2.C.2)

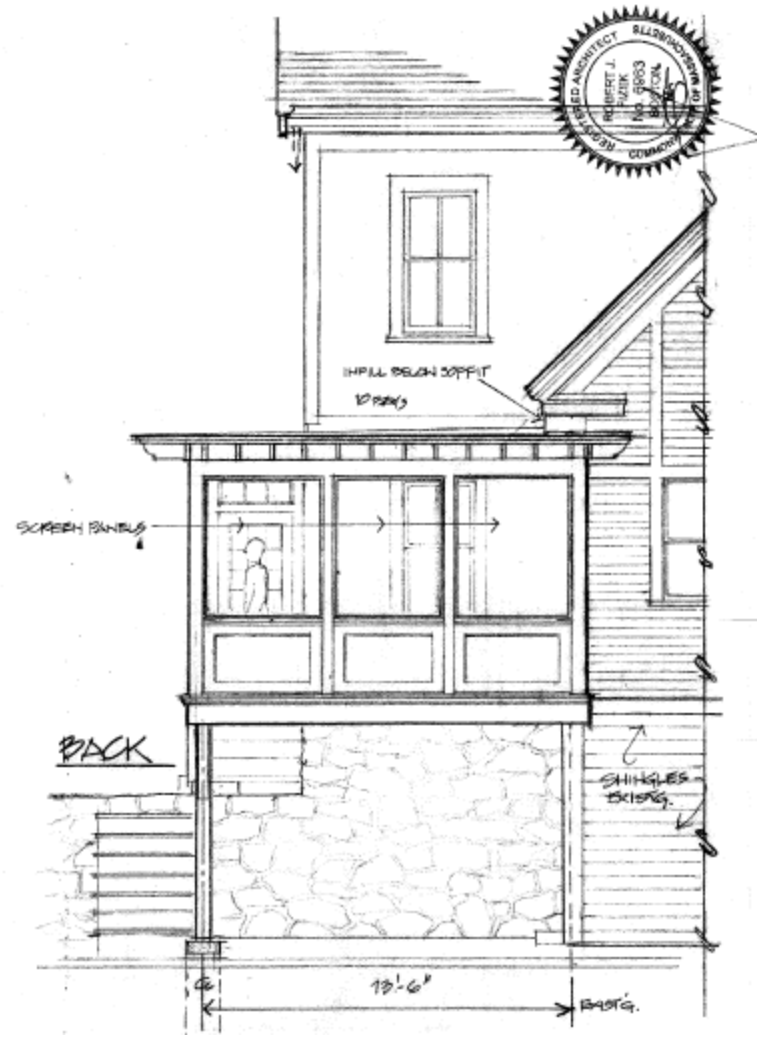
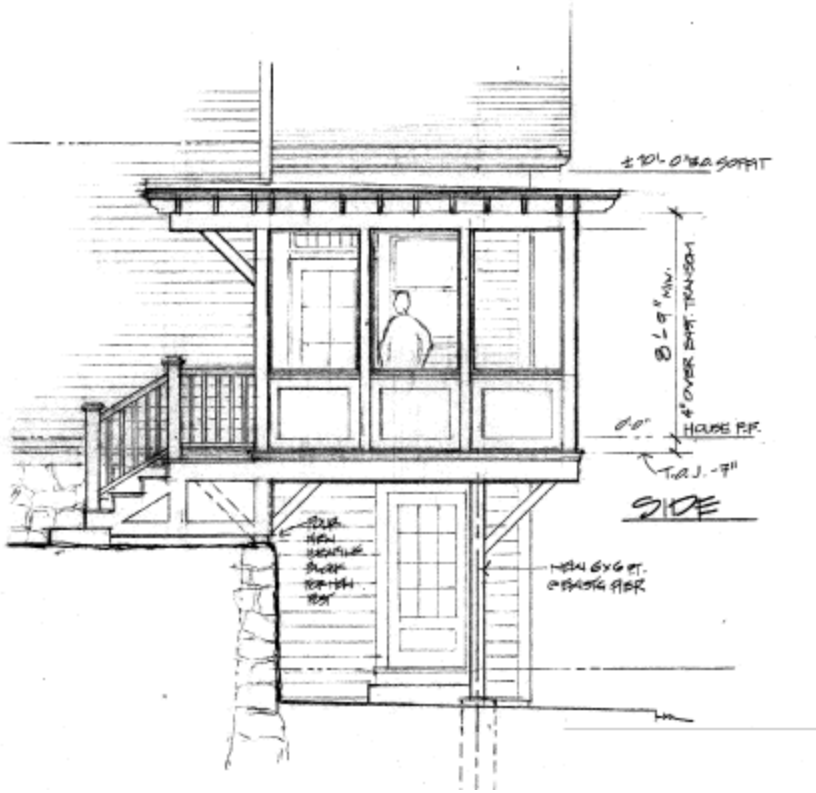
Aerial/GIS Map



Site Plan



Side and Rear Elevations



Proposed Findings



1. The proposed porch that would further increase the nonconforming lot coverage is not substantially more detrimental than the existing nonconforming porch is to the neighborhood because of its location to the rear of the structure and replacing an existing deck in the same location. (§3.1.3 and §7.8.2.C.2)
2. The proposed porch that would further extend the nonconforming two-family dwelling is not substantially more detrimental than the existing nonconforming porch is to the neighborhood because of its location to the rear of the structure and replacing an existing deck in the same location. (§3.4.1 and §7.8.2.C.2)

Proposed Conditions



1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Occupancy Condition

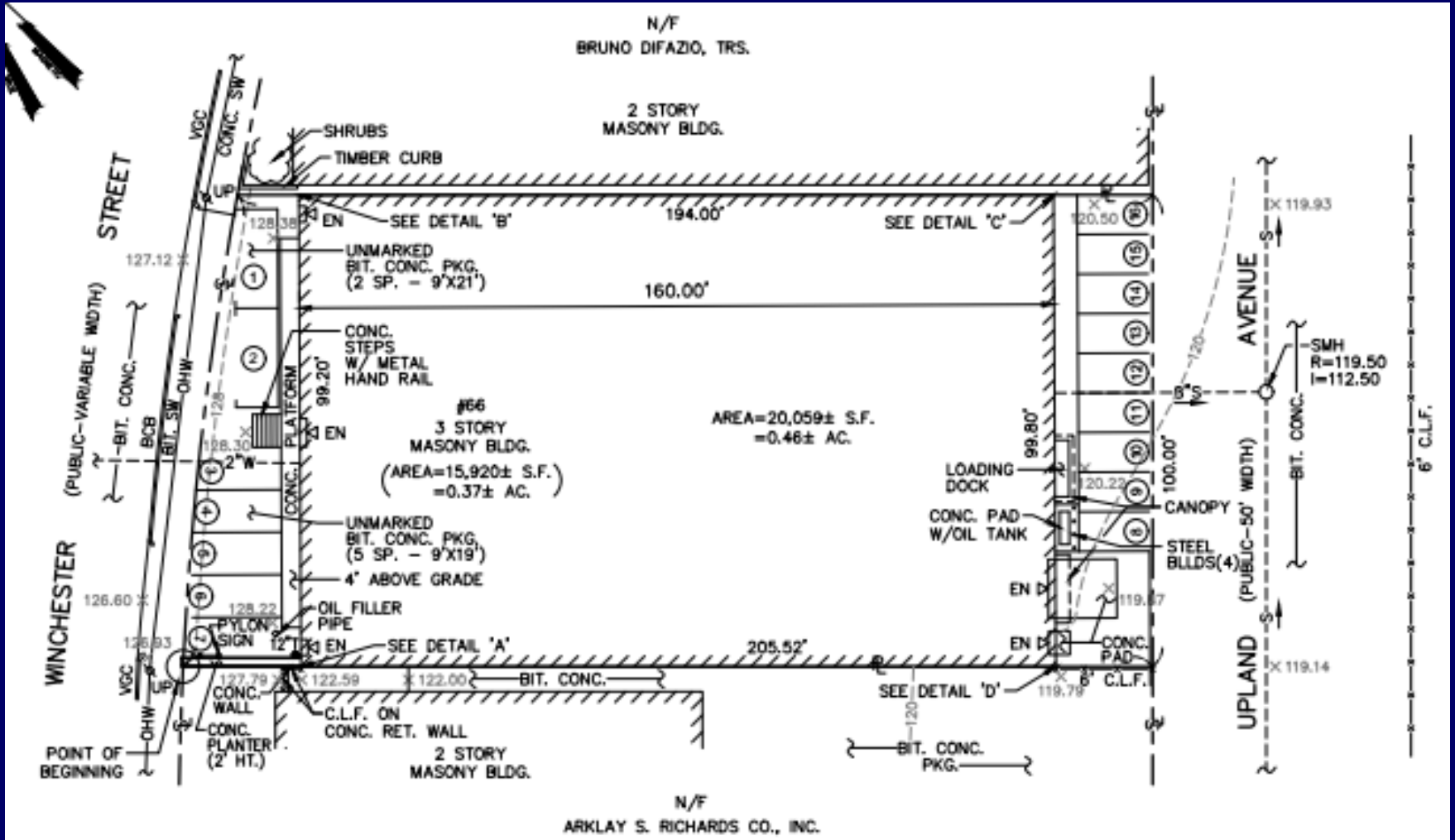


66 Winchester Street Land Use Hearing December 8, 2020

Aerial View



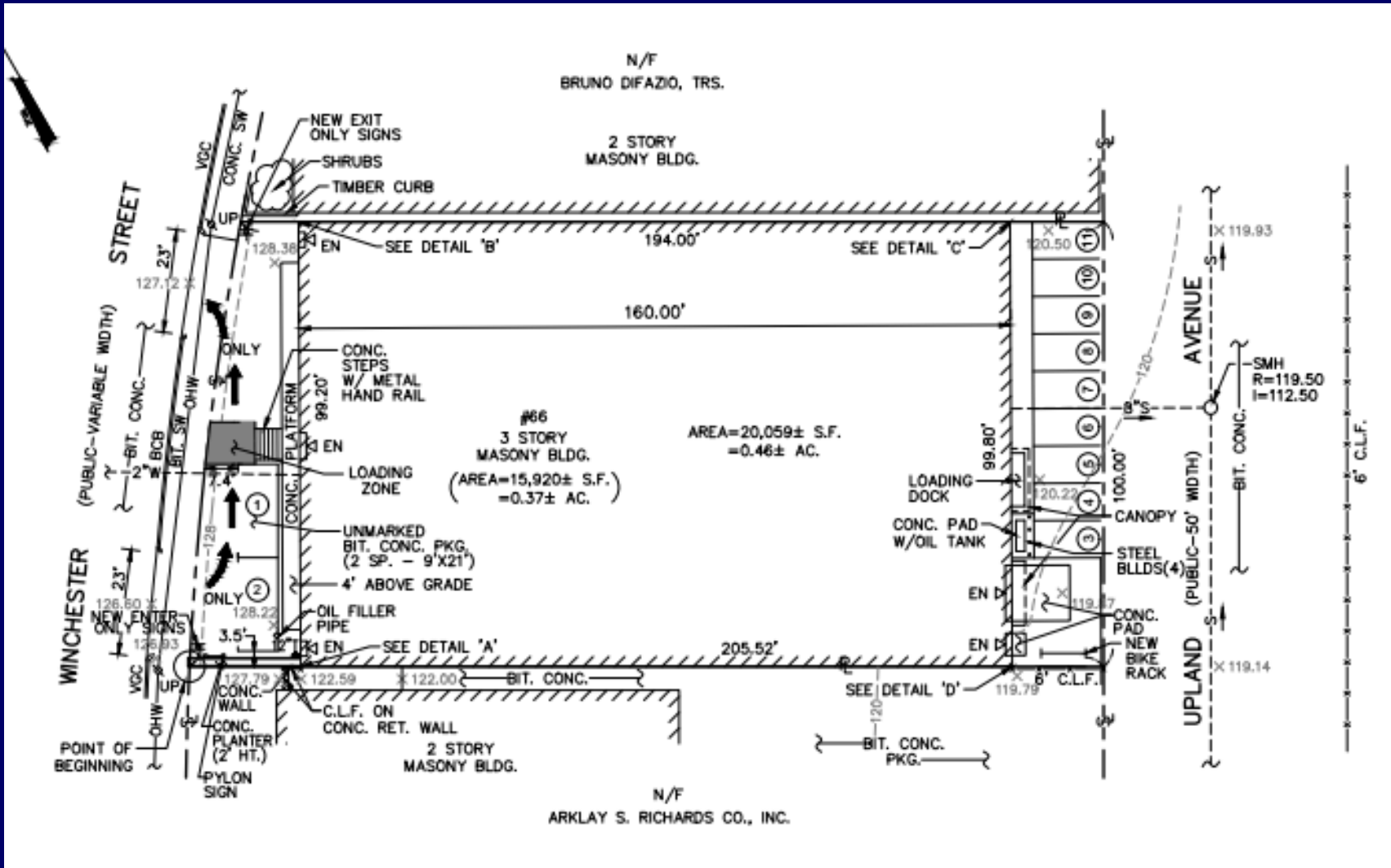
Existing Conditions



Front Parking Area



Proposed Conditions



Rear Entrance



Rear Parking



Public Parking Behind Property

View from property looking North

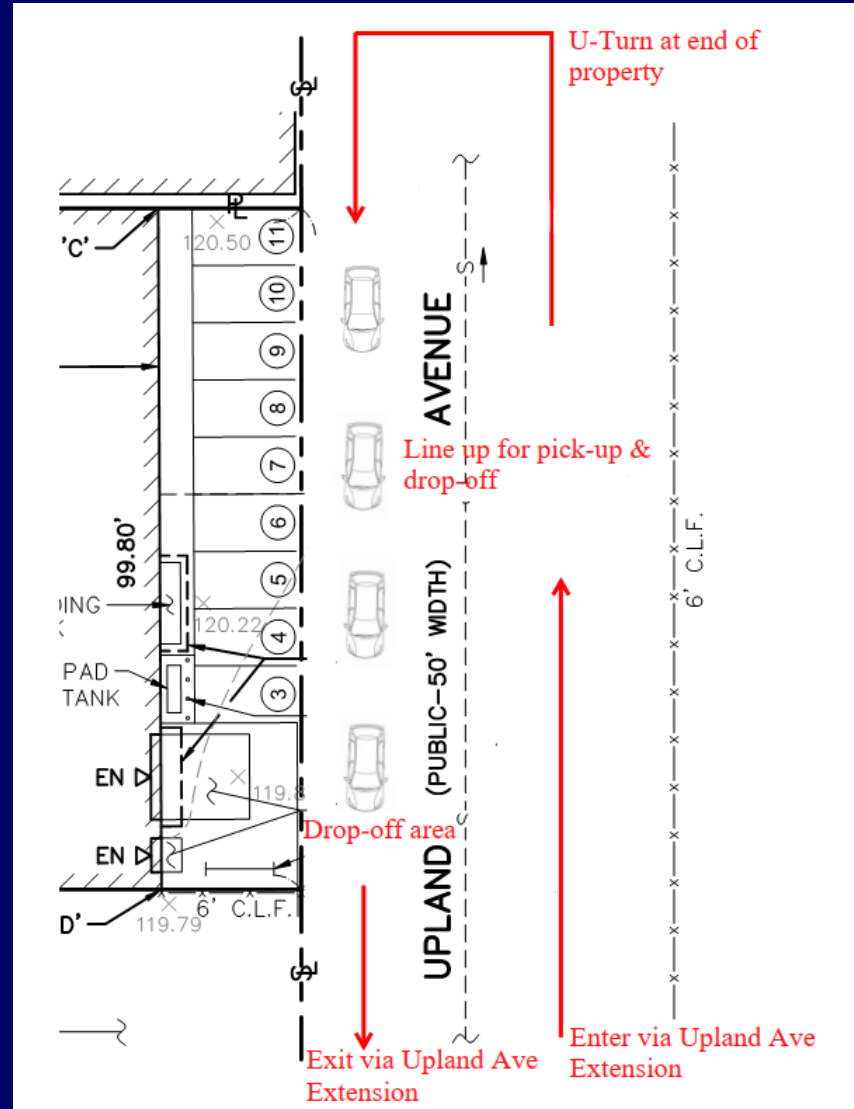


View from property looking South



- Approximately 90 free public parking spaces located behind the property along the Newton Highlands Playground.

Rear Traffic Flow



Zoning Relief

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§5.1.4.A §5.1.13	Request to waive five parking stalls	S.P. per §7.3.3
§4.2.3 §5.1.7.A §5.1.13	Request to allow parking within the front and side setbacks	S.P. per §7.3.3
§5.1.7.C §5.1.13	Request to waive the minimum driveway width requirement	S.P. per §7.3.3



BSC
Since 1912
BOSTON SHOWCASE COMPANY
66 Winchester Street | Newton Highlands, MA 02451

Boston Showcase

Department of Planning and Development



PETITION #441-20

66 WINCHESTER STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW A WAIVER
OF FIVE PARKING STALLS AND
RECONFIGURATION OF THE
PARKING AREA, TO ALLOW
PARKING WITHIN THE FRONT
AND SIDE SETBACKS AND TO
WAIVE THE MINIMUM
DRIVEWAY WIDTHS

DECEMBER 8, 2020



Requested Relief



Special Permit per §7.3.3 to:

- waive five parking stalls (§5.1.4.A, §5.1.13)
- allow parking within the front and side setbacks (§4.2.3, §5.1.7.A, §5.1.13)
- waive the minimum driveway width requirement (§5.1.7.C, §5.1.13)

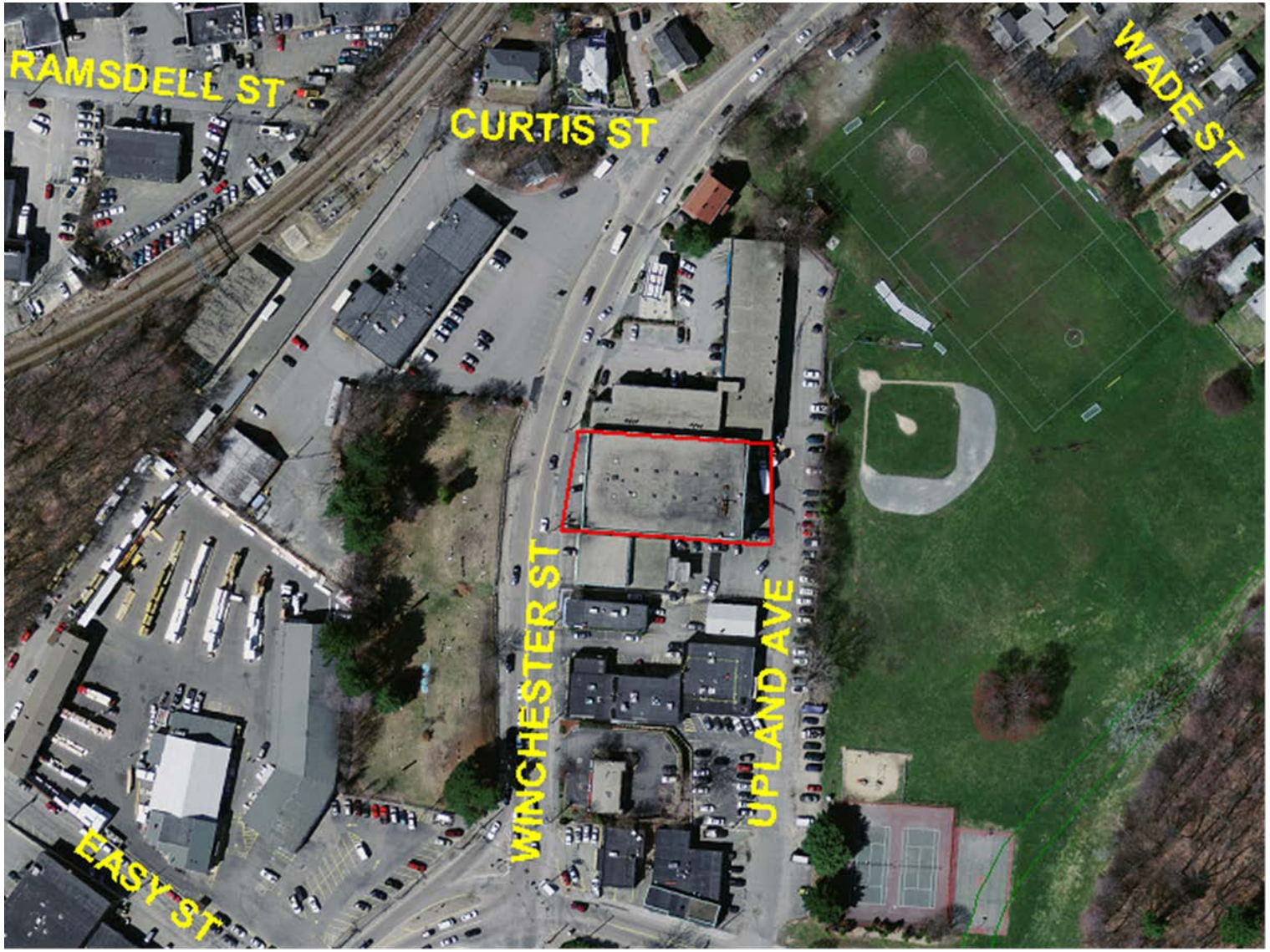
Criteria to Consider



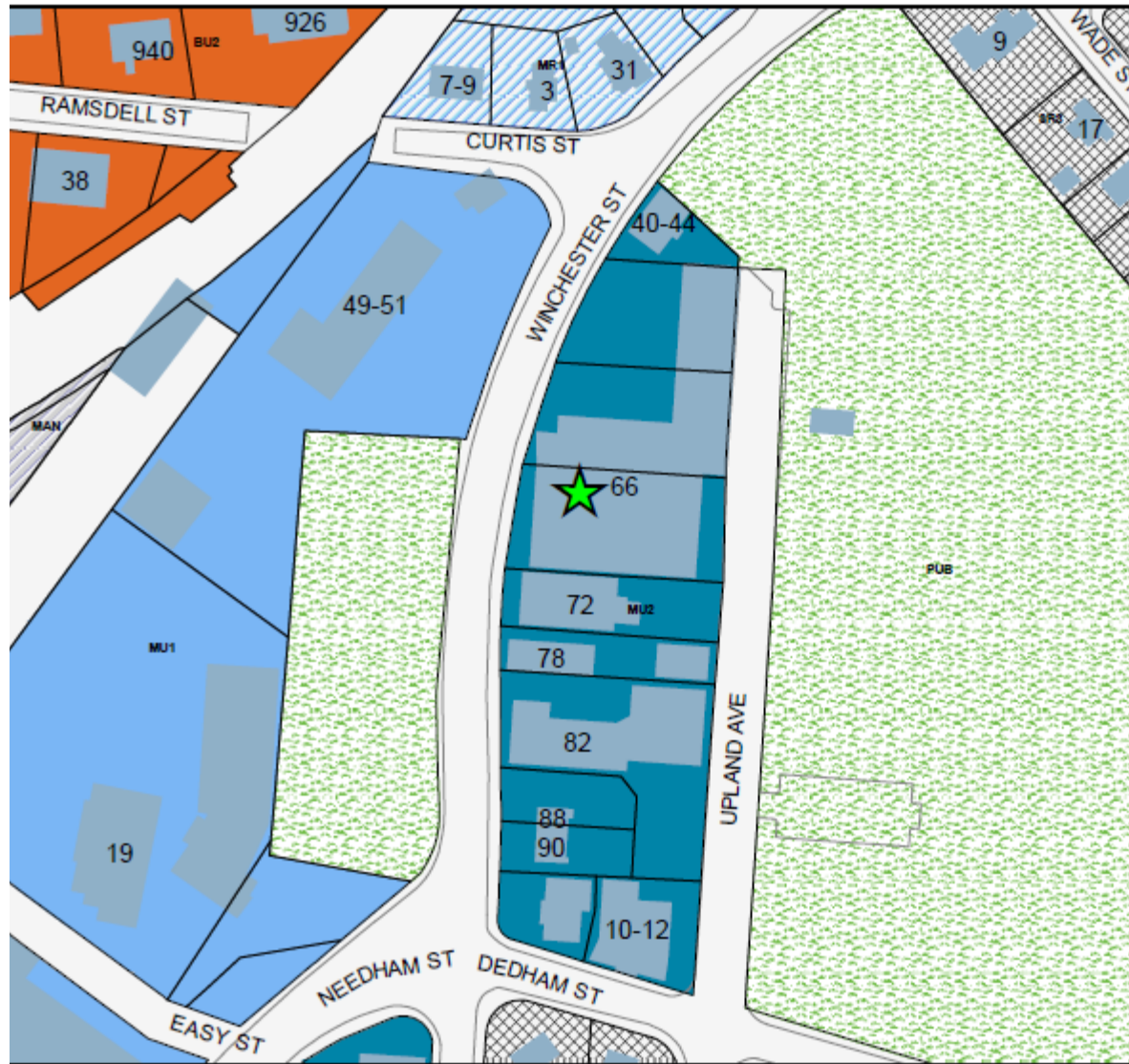
When reviewing the requested special permits the Council should consider whether:

- literal compliance with the parking facility requirements related to the required number of parking stalls 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)
- literal compliance with parking facility requirements related to the location of parking stalls in front and side setbacks 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)
- literal compliance with the parking facility requirements requiring the width of entrance and exit drives to be a minimum of 12 feet wide 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)

AERIAL/GIS MAP



Zoning



ATTACHMENT B

Zoning

66 Winchester St.

*City of Newton,
Massachusetts*

Legend

- Single Residence 3
- Multi-Residence 1
- Business 2
- Manufacturing
- Mixed Use 1
- Mixed Use 2
- Public Use



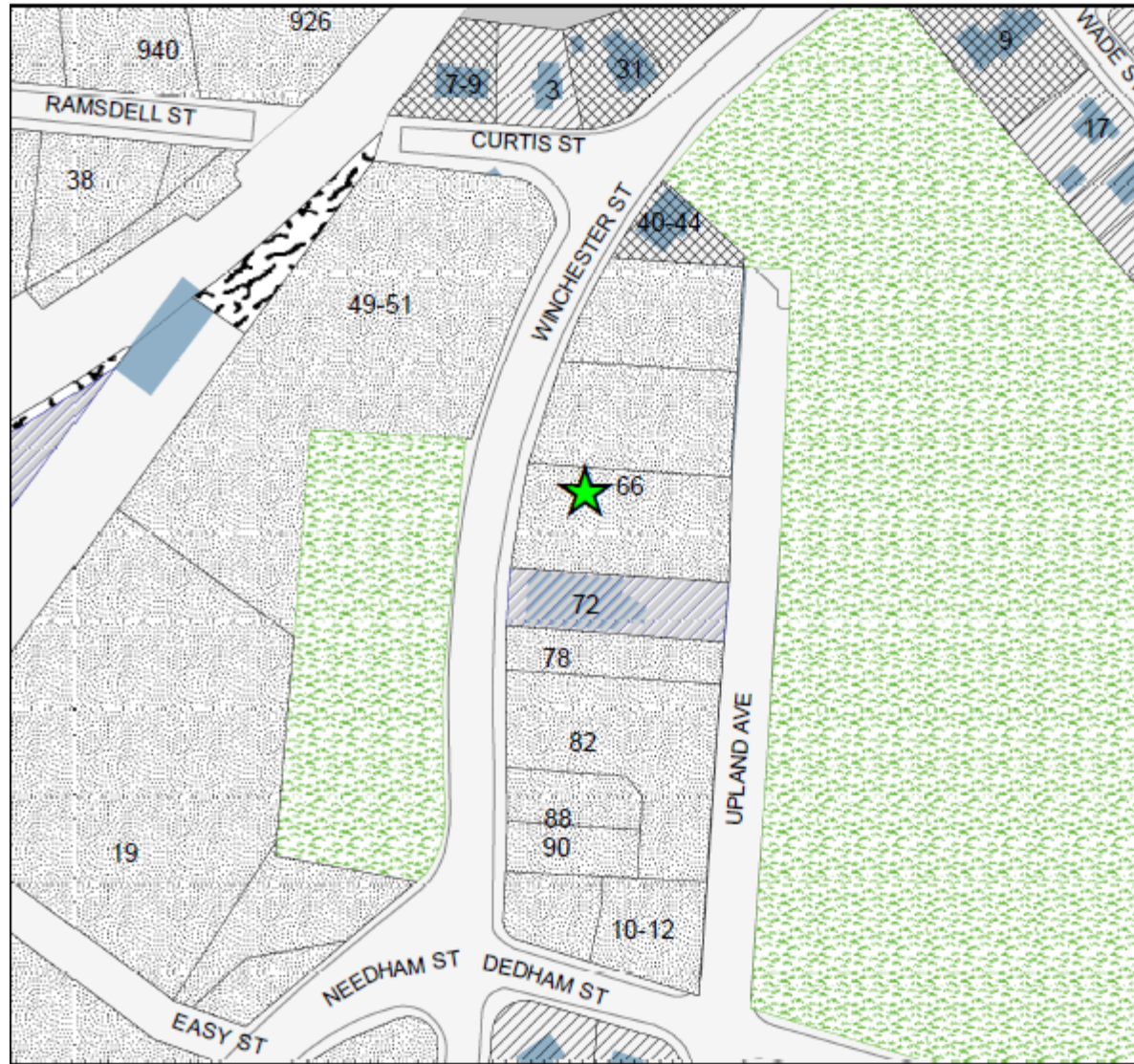
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

0 12.5 25 50 75 100 125 150 175
Feet

Map Date: December 02, 2020

Land Use



ATTACHMENT A

Land Use

66 Winchester St.

*City of Newton,
Massachusetts*

Land Use

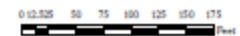
Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Industrial
-  Open Space
-  Nonprofit Organizations
-  Vacant Land



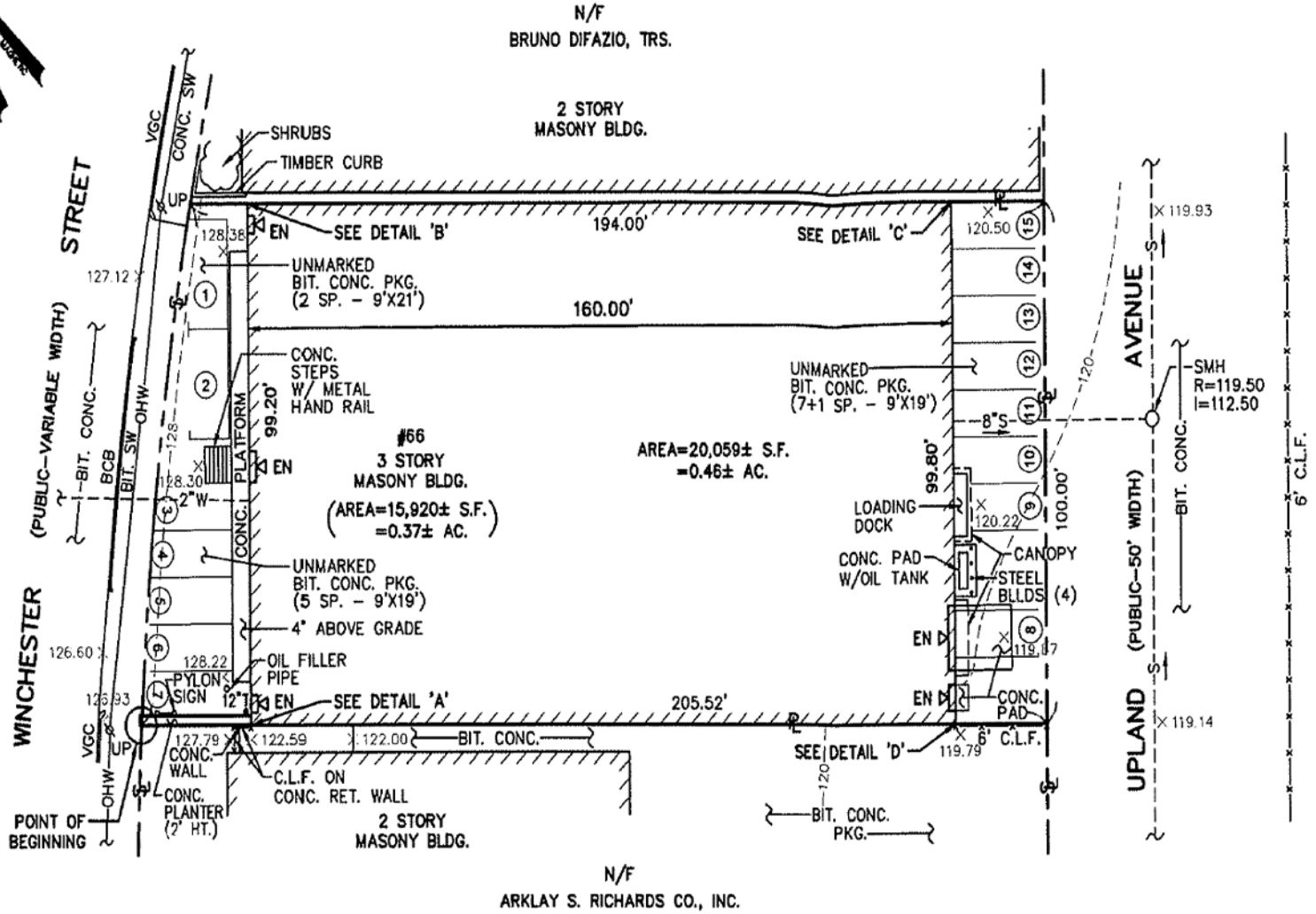
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CITY OF NEWTON, MASSACHUSETTS
Mayor - Ruthanne Fuller
GIS Administrator - Douglas Greenfield

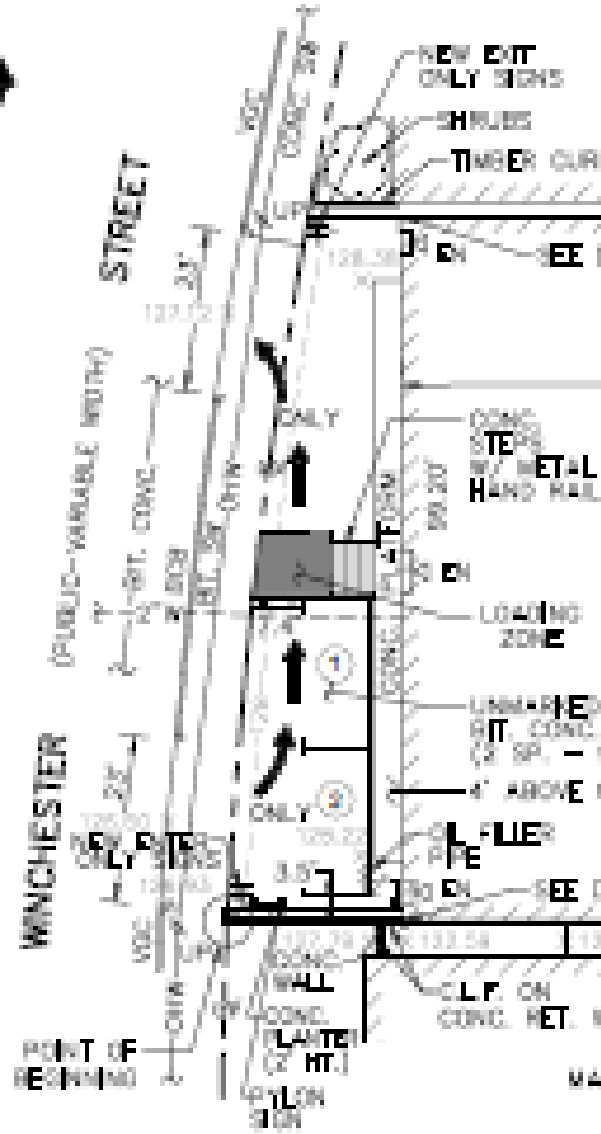
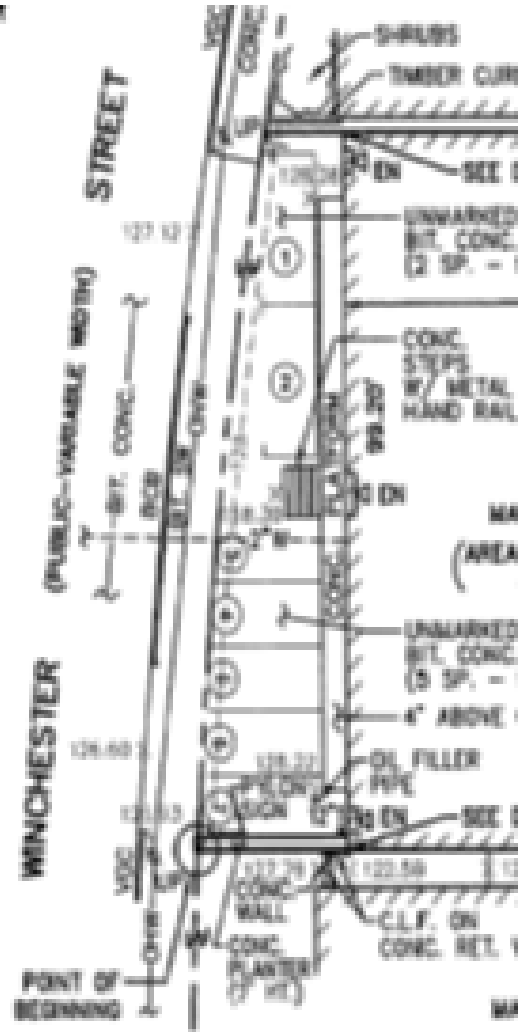


Map Date: December 02, 2020

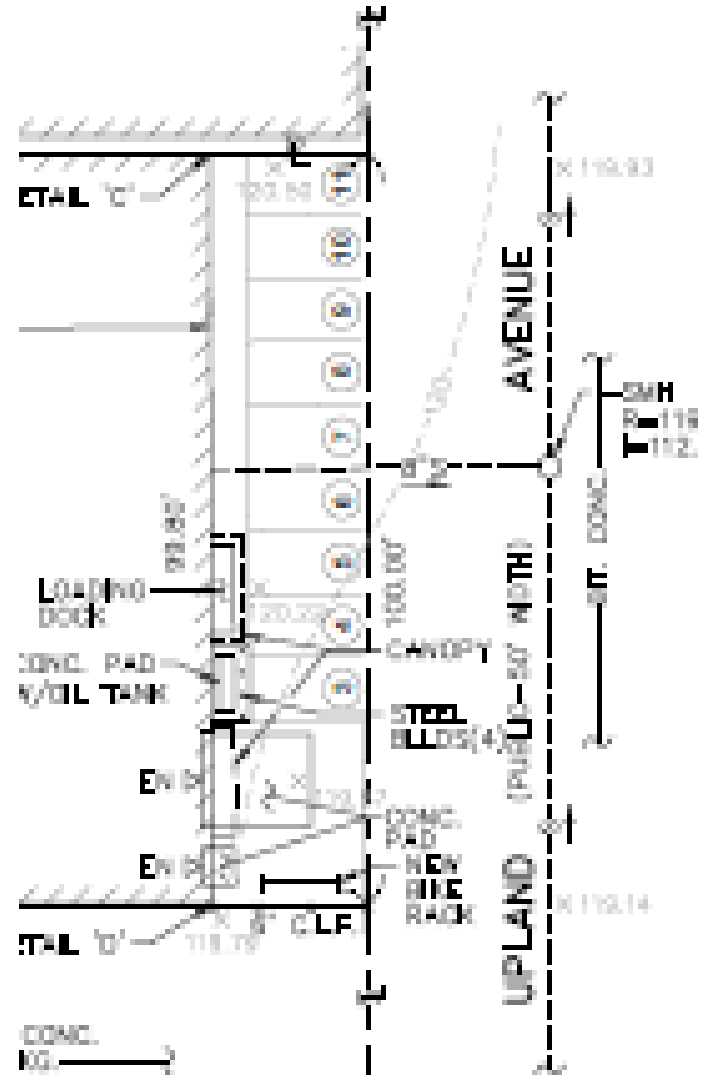
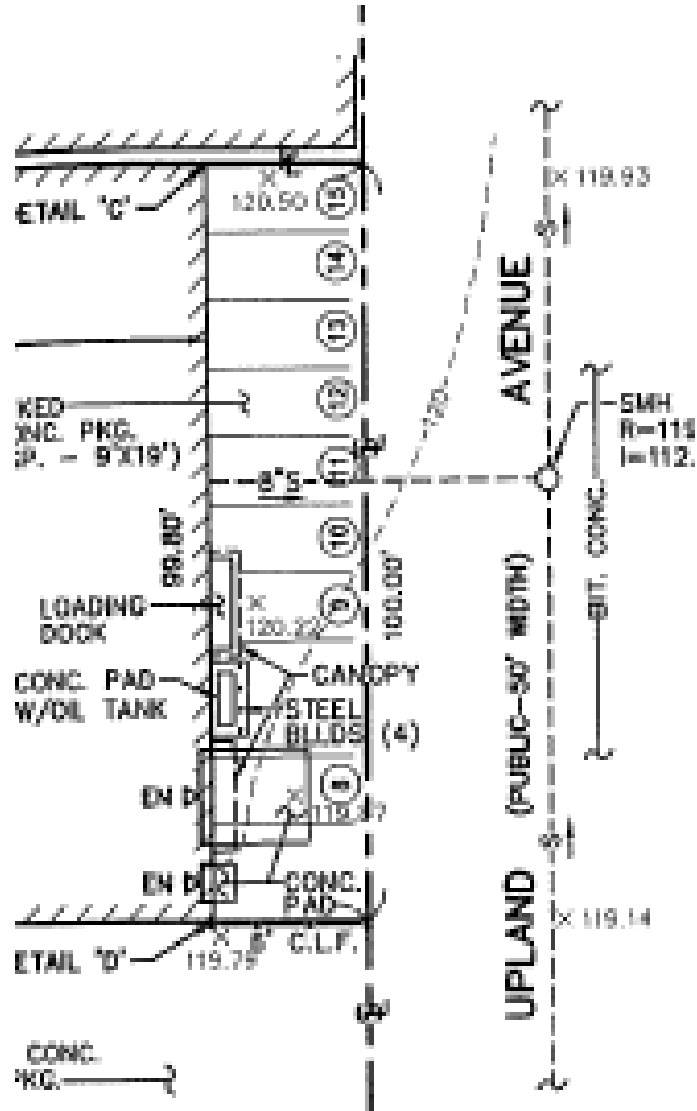
Site Plan



Site Plan- comparison (front)



Site Plan- comparison (rear)



Photos



Photos



Photos



Photos



Proposed Findings



1. Exceptions to literal compliance with the parking facility requirements related to the required number of parking stalls would be in the interest of safety as existing vehicular access and egress conditions would be improved by the proposed elimination of five on-site parking stalls located within the Winchester Street frontage (§5.1.13)
2. Exceptions to literal compliance with parking facility requirements related to the location of parking stalls in front and side setbacks is would be in the interest of safety as the location and configuration of the proposed stalls would eliminate the need for vehicles to back out directly into the adjacent sidewalk and roadway
3. Exceptions to literal compliance with the parking facility requirements requiring the width of entrance and exit drives to be a minimum of 12 feet wide would be in the interest of safety as the proposed location and configuration of the entrance and exit drive would eliminate the need for vehicles to back out directly into the adjacent sidewalk and roadway

Proposed Conditions



- Plan Referencing Condition
 - “Site Plan, 66 Winchester Street, Newton, MA, prepared for Olympia Fencing Center, Inc.” prepared by Mistry Associates, Inc., signed and stamped by Nalin M. Mistry, Professional Engineer, dated September 23, 2020
- Standard Building Permit Condition.
- No Certificate of Occupancy for the buildings and uses covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
 - Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a professional engineer or surveyor certifying substantial compliance with Condition #1
 - ~~Filed a statement by a registered architect certifying substantial compliance with Condition #1b.~~

Department of Planning and Development



PETITION #24-20

66 WINCHESTER STREET

SPECIAL PERMIT/SITE PLAN
APPROVAL TO ALLOW A
FOR-PROFIT SCHOOL IN THE
EXISTING BUILDING

DECEMBER 8, 2020



Requested Relief



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

Criteria to Consider



When reviewing the requested special permits the Council should consider whether:

- The site located a Mixed Use 2 (MU2) zoning district is an appropriate location for the proposed for-profit school (§7.3.3.C.1);
- The proposed for-profit school will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed for-profit school will 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).

Update



In its January 31, 2020 memorandum, the Planning Department noted several concerns related to:

- parking conditions on Winchester Street (front) side
- pick-up/drop-off operations associated with proposed use

Several steps have been taken to address these concerns:

Update (cont.)



- *Regarding Winchester Street side parking concerns:*
 - Property owner filed SP petition #441-20:
 - seeks waiver of five required parking spaces so to allow reduction of number of spaces on site to 11 (incl. those within Winchester Street frontage from seven to two).
 - response to changes being made to Winchester Street right-of-way and curb configuration pursuant to MassDOT Needham Street project that will include limiting of vehicular access/egress to two curb cuts, rather than along full width of parcel's frontage.

Update (cont.)



- *Regarding concerns related to entry and exit and associated drop-off/pick-up activities:*
 - entrance to the fencing school is now proposed to be located through the building's rear door along Upland Street
 - property owner installed canopy above rear door and intends to install a bike rack to mark/encourage use of this entry
 - pick-up/drop-off activity would be encouraged to use this area
 - employees of the fencing school would utilize spaces in the rear of the building

Proposed Findings



1. The specific site is an appropriate location for the proposed for-profit educational use as it is located in an active commercial area with a mix of retail, service, office and residential uses (§7.3.3.C.1);
2. The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood as the site is located in a mixed-use area with active commercial uses and has adequate on- and off- site parking to meet the projected parking demand for the proposed uses (§7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§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).

Proposed Conditions



- Plan Referencing Condition
 - “Site Plan, 66 Winchester Street, Newton, MA, prepared for Olympia Fencing Center, Inc.” prepared by Mistry Associates, Inc., signed and stamped by Nalin M. Mistry, Professional Engineer, dated **September 23, 2020**
- The educational use staff is limited to four employees on the largest shift.
- Standard Building Permit Condition.
- No Certificate of Occupancy for the buildings and uses covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
 - Filed a statement by a professional engineer or surveyor certifying substantial compliance with Condition #1a
 - Filed a statement by a registered architect certifying substantial compliance with Condition #1b.

Department of Planning and Development



**PETITION #70-20
349 DEDHAM STREET**

**SPECIAL PERMIT/SITE PLAN
APPROVAL TO AMEND COUNCIL
ORDER #106-07 TO ALLOW A FULL-
TIME NURSERY SCHOOL, TO ALLOW
PARKING WITHIN THE SETBACK
DISTANCES, AND TO REDUCE THE
MINIMUM OPEN SPACE**

DECEMBER 8, 2020



Requested Relief



Special Permit per §7.3.3 of the Newton Zoning Ordinance to:

- Amend Council Order #104-07 to allow a full-time nursery school with up to 41 students.
- §5.1.8.A.1 and §5.1.13 of Section 30, to allow parking within the front setback.
- §3.1.6 of Section 30, to reduce the minimum open space

Criteria to Consider



When reviewing this request, the Council should consider whether:

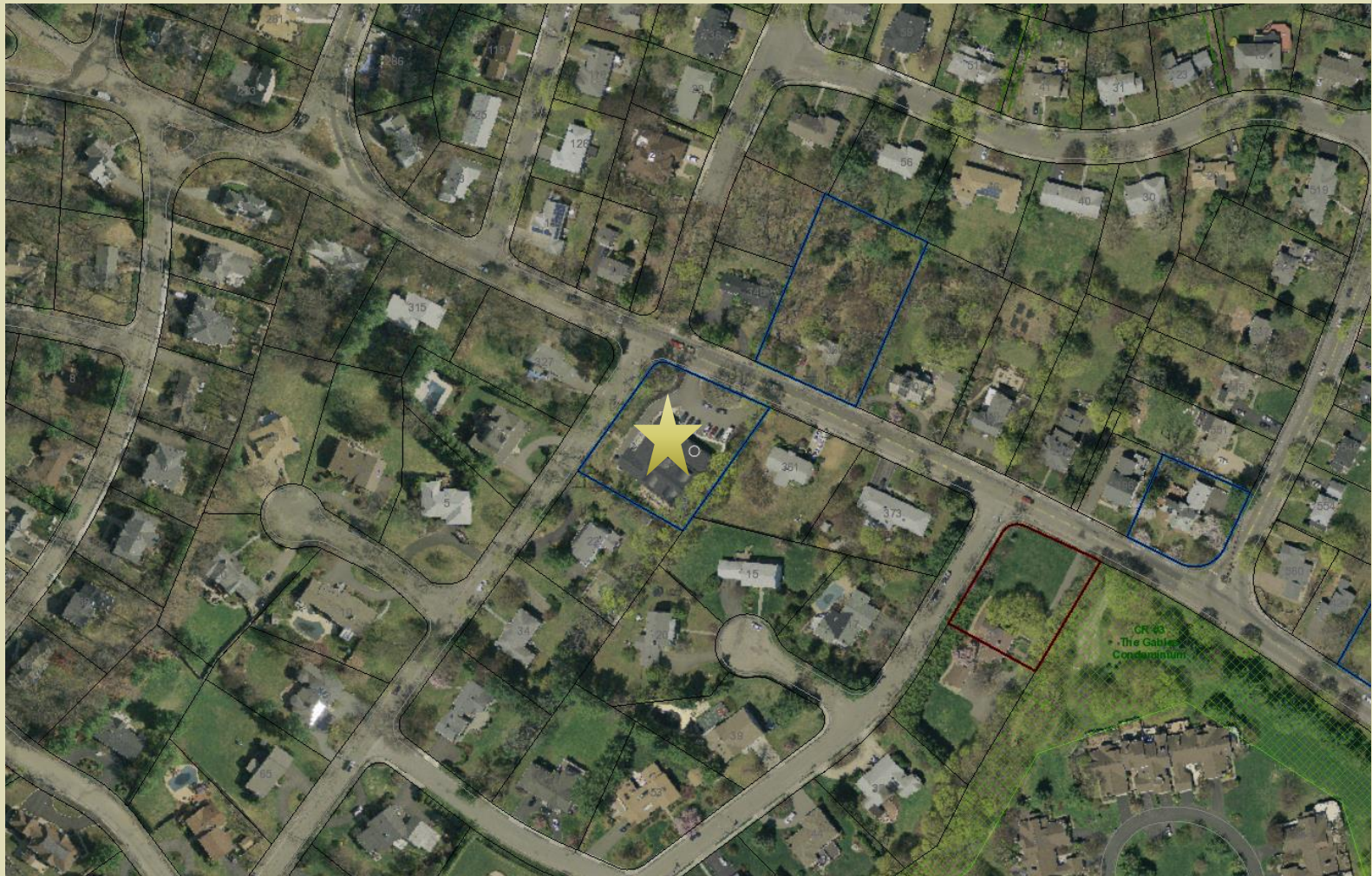
- The specific site is an appropriate location for the proposed amendments to Council Order #106-07 (§7.3.3.1).
- The use, as developed and operated, due to the proposed amendments to Council Order #106-07 will adversely affect the neighborhood (§7.3.3.2).
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.3).
- Access to the site is appropriate for the types and numbers of vehicles involved (§7.3.3.4).

Criteria to Consider Continued

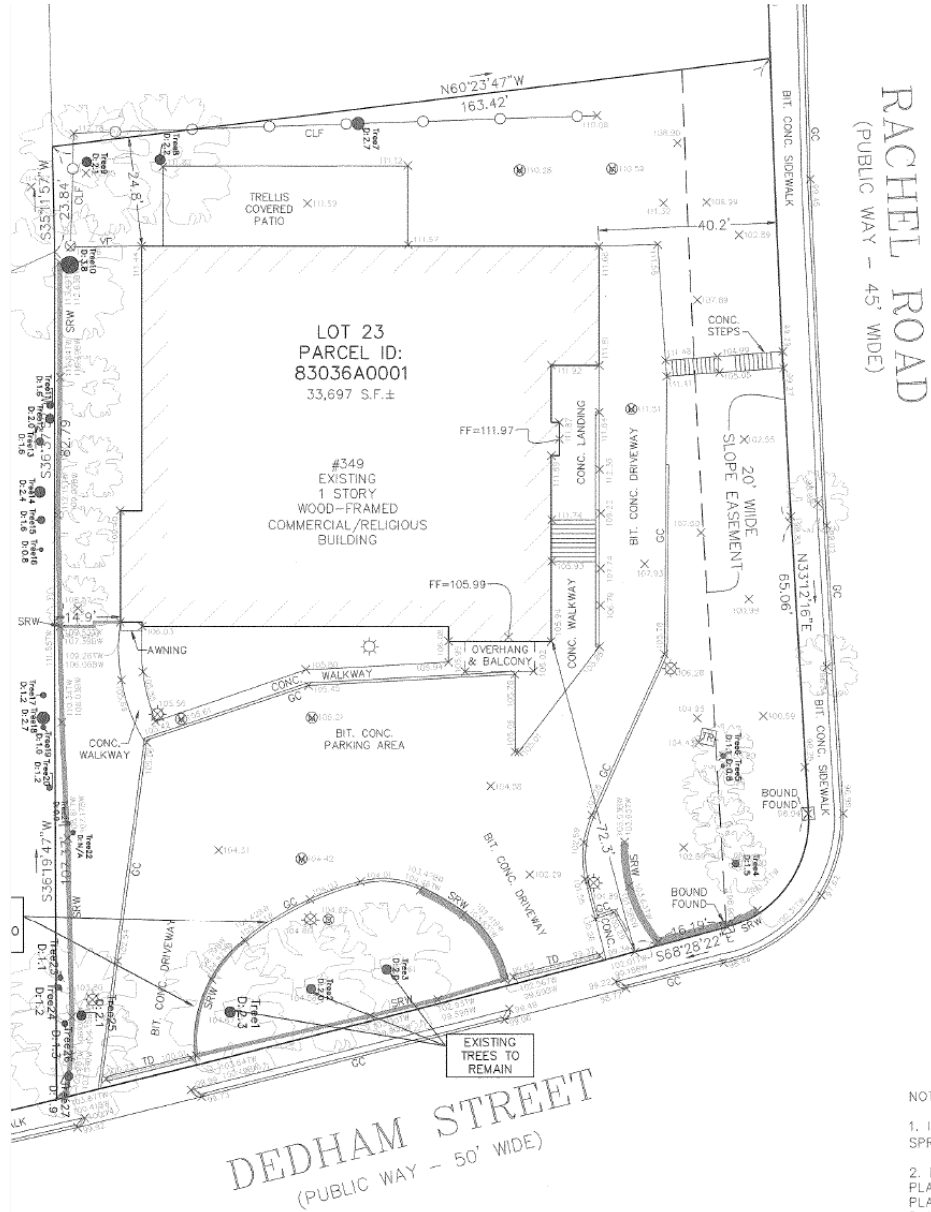


- Literal compliance with the requirements of parking facilities containing more than five stalls are impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest or in the interest of safety or protection of environmental features (§5.1.8.A.1 and §5.1.13.)

Aerial/GIS Map



Existing Site Plan



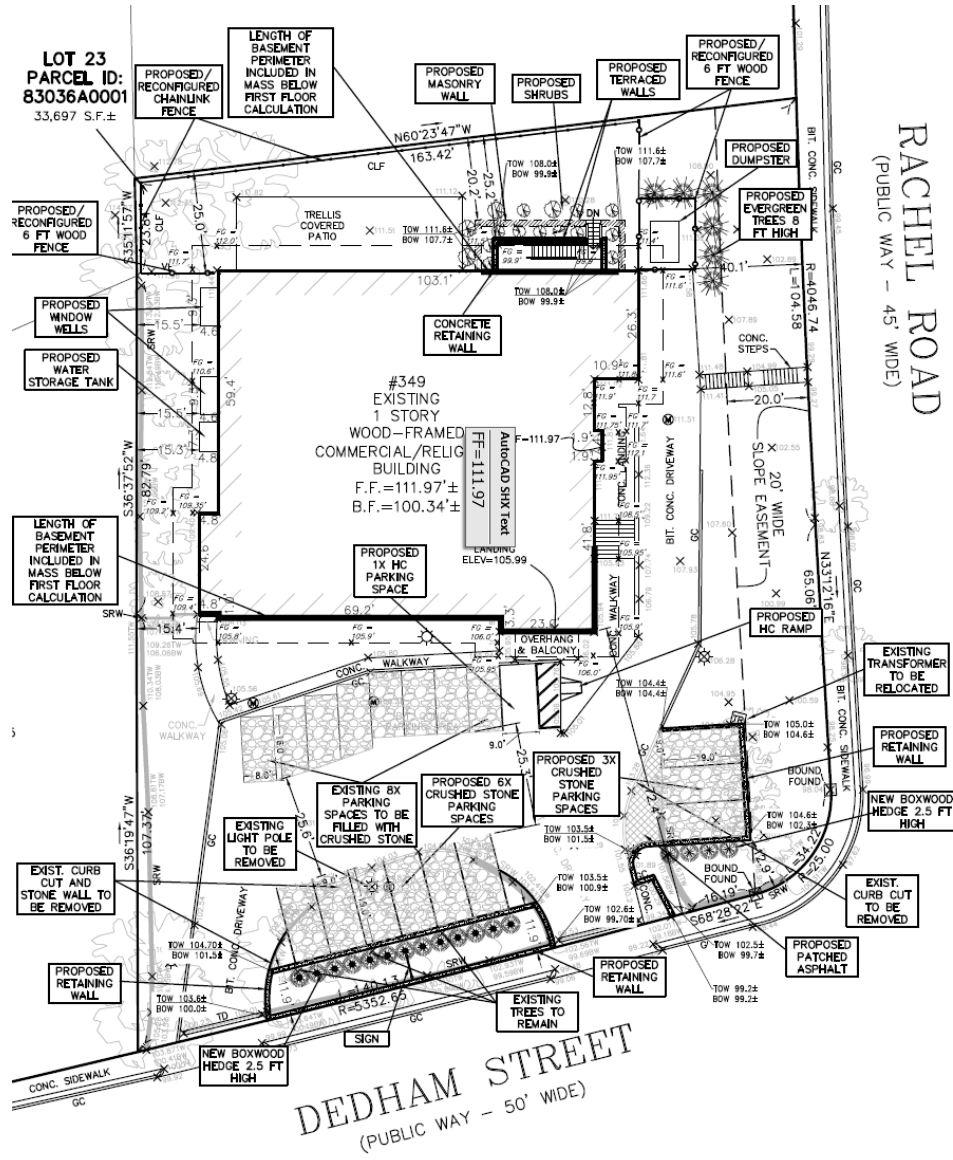
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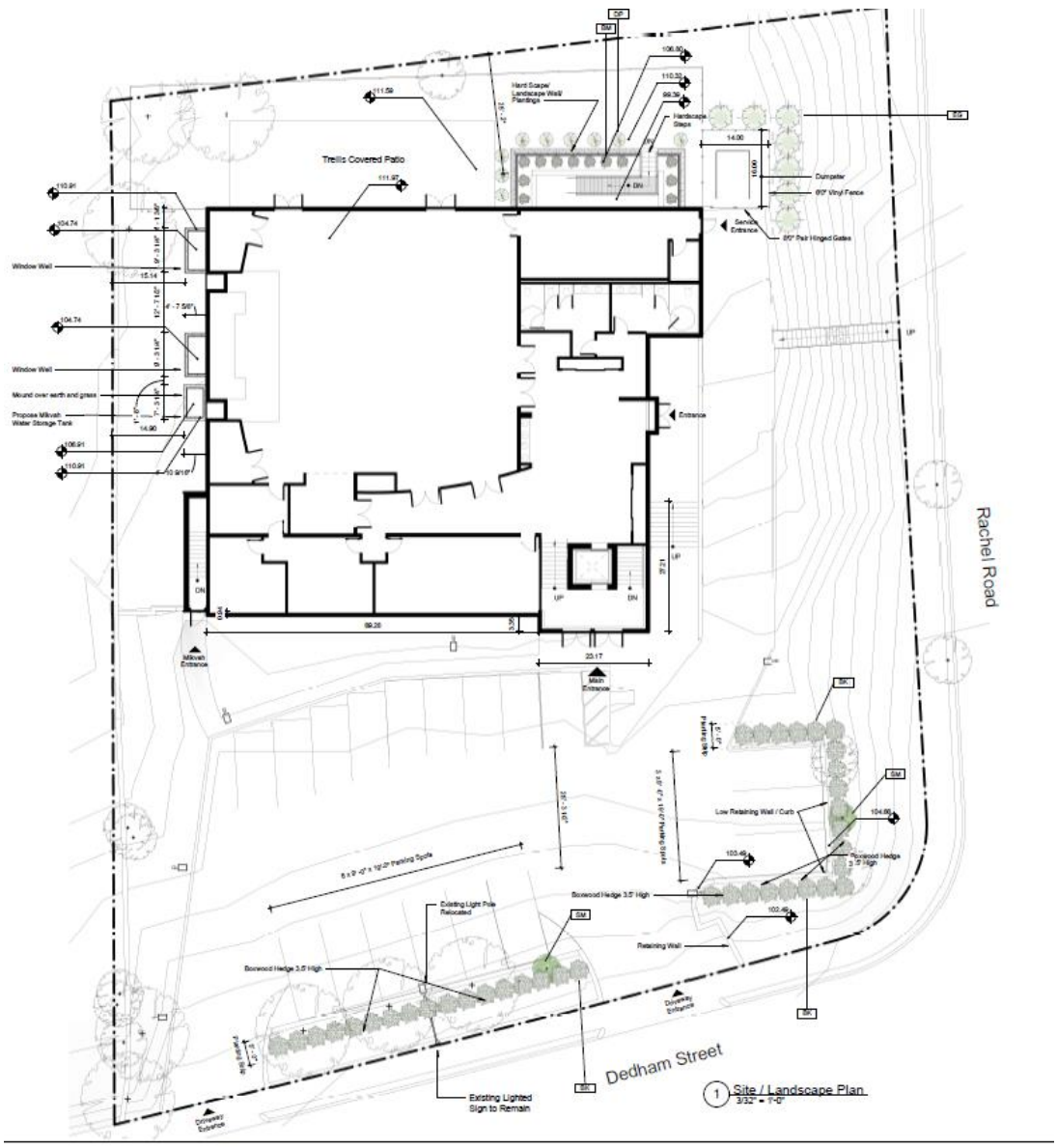


- Council Order #106-07 waived 61 parking stalls associated with the institution use.
- The structure received waivers from the Commissioner of Inspectional Services under M.G.L 40A Section 3, for Floor Area Ratio and side setback.
- The petitioner was prohibited from operating a full-time nurse school but could operate a nursery school part-time for no more than four hours per day and no more than 16 students.
- The petitioner is seeking to amend Council Order #106-07 to allow a full-time nursery school with two additional teachers and up to 41 students.

Proposed Site Plan



Proposed Landscape Plan



Traffic Management Plan



- Traffic Management Plan included site observations in May of 2018.
- Additional site observations on Tuesday, September 15th and Thursday September 17th.
- Petitioner will implement certain strategies to manage activity such as appointing a transportation coordinator, assigning parents certain windows to drop-off and pick-up, requiring staff members to be present during drop-off and pick-up, and discouraging parking on Rachel Road.