



Ruthanne Fuller  
Mayor

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

Telephone  
(617) 796-1120  
Telefax  
(617) 796-1142  
TDD/TTY  
(617) 796-1089  
www.newtonma.gov

Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: January 2, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Jennifer Caira, Chief Planner for Current Planning

Cc: James Boyd, Junior Warden of the Parish  
Parish of the Good Shepherd  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Associate City Solicitor

RE: **Special permit to waive parking requirements for a day care use**

Applicant: Parish of the Good Shepherd	
Site: 1671 Beacon Street	SBL: 55010 0057
Zoning: SR2	Lot Area: 26,530 square feet
Current use: Church	Proposed use: Church and day care center

### BACKGROUND:

The property at 1671 Beacon Street consists of a 26,530 square foot lot in a SR2 zone in Waban improved with the Parish of the Good Shephard church. The site is at the intersection of Beacon Street, Waban Avenue and Collins Road. The church is situated between the MBTA tracks to the east, and the Angier School to the west. Access to the property's six on-site parking spaces is over a driveway on the Angier School property.

A day care operated on the church property from 1994 to 2014, and closed when construction on the Angier School began. The church would like to introduce a new day care use on the property with 20 children and four employees. The day care will run from 7:30 a.m. to 6:00 p.m. weekdays. Due to the limited parking on the property, a special permit to waive the number of required parking stalls is necessary.

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

- Zoning Review Application, prepared by James Boyd, dated 11/29/2017
- Proposed Plan of Land, signed and stamped by Bruce Bradford, surveyor, dated 11/3/2017
- Letter to Commissioner Lojek, signed by James Boyd, submitted 11/29/2017

## ADMINISTRATIVE DETERMINATIONS:

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1. The proposed day care center is subject to the administrative site plan review procedure per Section 7.4.5 and the standards for day care centers found in Section 6.3.4.3 of the Newton Zoning Ordinance. These procedures govern the review of uses protected under MGL Chapter 40A, section 3, also known as the “Dover Amendment”.
2. The subject site is located in the Single Residence 2 zoning district and must comply with the dimensional standards of Section 3.1.6. As no changes are proposed to the footprint of the building, there are no issues with regard to dimensional controls for the building.
3. Per section 6.3.4.B.3.a, a dense year-round vegetative buffer at least four feet in height must be provided around the perimeter of an outdoor play area associated with a day care use. There is an existing play space at the eastern corner of the property that is fully fenced, but no vegetative buffer is shown on the plan. To the extent that the play space is not adequately screened per section 6.3.4.B.3.a, a Dover waiver from the Commissioner of Inspectional Services is required.
4. There are six parking stalls on the property, and no changes to the parking configuration or count are proposed. Per section 6.3.4.B.3.b, a day care center must provide a dense year-round vegetative buffer around the parking if located in a residential district. The day care center is proposed in the Single Residence 2 zoning district, and thus requires the vegetative buffer. No vegetation is shown on the plans around the parking areas. To the extent that the parking is not adequately screened per section 6.3.4.B.3.b, a Dover waiver from the Commissioner of Inspectional Services is required.
5. The petitioner proposes 20 students and 4 staff members for the day care facility, operating weekdays between 7:30 a.m. and 6:00 p.m.. Sections 5.1.4 and 6.3.4.B.3.d of the Ordinance requires that a day care center provide one on-site parking stall per each five students for drop-off, and one stall per each employee. Per the Ordinance, the applicant is required to provide 4 stalls for drop-off and 4 stalls for employees, for a total of 8 stalls. The Church has access to six parking stalls on site, with additional space for up to four vehicles across Beacon Street at the church’s rectory.

As section 5.1.4 dictates, the Ordinance requires a religious use to provide one stall for every three employees, plus one stall for every three seats. As the church use requires more stalls than is available, there are no stalls available to satisfy the parking requirement for the proposed day care. However, as the day care will operate on weekdays, and the bulk of the church parking is required on weekends, the two uses will rarely overlap, and parking should be sufficient for staff. A parking management plan for drop-off and pick-up of the children is required per section 6.3.4.B.3.d.

To satisfy the parking requirements of sections 5.1.4 and 6.3.4.B.3.d, the day care use must seek a special permit to waive the required eight stalls.

<b>Administrative Site Plan Review</b>		
<b>Ordinance</b>		<b>Action Required</b>
§7.4.5 §6.3.4.3	Administrative Site Plan Review for a day care use	A.S.P.R. per §7.4.5
§6.3.4.B.3.a	To waive the screening requirements for an outdoor playspace for a day care use	Dover waiver
§6.3.4.B.b	To waive the screening requirements for parking for a day care use	Dover waiver
§5.1.4 §5.1.13 §6.3.4.B.3.d	To waive eight parking stalls	S.P. per §7.3.3

**Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

**The following must be included when filing a Special Permit Application:**

7. Two (2) copies of the completed Special Permit Application (signed by property owner)
8. Filing Fee (see Special Permit Application)
9. Two (2) copies of the Zoning Review Memorandum
10. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
11. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
12. One (1) copy of any previous special permits or variances on the property (as applicable)
13. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
14. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

**Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners?      Y/N