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ZONING REVIEW MEMORANDUM

Date: May 21, 2013

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning

Cc: Stephen J. Buchbinder, attorney for the applicant
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Request to amend the conditions of the 2006 Site Plan Approval/Special Permit Board Order #325-06 , to install a circular driveway connecting two parking lots, and to install a shed and play area onsite**

RECEIVED
 Newton City Clerk
 2013 JUN - 6 PM 2:4
 DAVID A. OLSON, CM
 NEWTON, MA 02459

Applicant: Russian Math School	
Site: 200 Wells Ave	SBL: 84 034A 0002
Zoning: LMD	Lot Area: 87,120 square feet
Current use: For-profit education center	Proposed use: No change

BACKGROUND:

The property at 200 Wells Avenue consists of a 87,120 square foot lot improved with a structure built in 1979. The applicant has run an afterschool and weekend mathematics program on the premises since 2006, when the Board of Aldermen issued Board Order #325-06, granting a special permit and site plan approval for the for-profit educational use. The Board Order waived requirements of the parking provisions, and approved the installation of two free-standing signs. The Board Order was also specific as to limitations on the applicant's operation at the site with respect to class size, maximum number of students and employees allowed onsite at any given time, and when and how frequently classes could start. A parking and drop-off plan was also approved, calling for parents to use one of the two onsite parking lots (known as "Lot B") exclusively for drop-off. A concurrent Board Order (#324-06) was issued for Dance Fever (a dance program for children and adults located at the premises) with similar conditions. In 2006, both the applicant and Dance Fever were located on the first floor of 200 Wells Avenue, and the second floor of the building was used as commercial office space.

Over the past seven years, the applicant's program has grown to its current enrollment of approximately 200 children. The office use in the building has shrunk from 16,516 square feet to 1,211 square feet, with the remaining 15,305 now occupied by the math school.

The previous Board Order contained several conditions for the operation of the school. This application proposes to amend the following conditions:

- No more than ten students per class
- No more than ten employees on site at any time
- No more than one weekday class is scheduled to begin concurrently, between 3:30 pm and 6:00 pm, and there is no less than 15 minutes between the scheduled start time of such classes
- The maximum number of students on-site, at any given time, cannot exceed 100 students, of which no more than 14% of the total students may be over 14 years of age.
- Parents and guardians park within a delineated parking stall to drop off or pick up students
- Drop-off and pick-up activities occur only on-site, within delineated parking stalls, and no such activities take place within maneuvering aisles, driveways, or designated "No Parking" areas on site and may not occur on Well Avenue
- Vehicles are permitted to park for a maximum of 15 minutes within Lot B, and that Lot B is limited for use by parents and guardians of the mathematics school students only, for the pick-up and drop-off of such students
- Freestanding sign details, consisting of two sheets:
 - Free standing directory, dated 11/30/2006
 - Free standing directory, dated 10/9/2006
- Parking lot and pedestrian lighting plans and details, consisting of 3 sheets:
 - "Existing Site Lighting Calc"
 - "Partial Plan Showing Proposed Bollard Lighting"

In January 2013, the Inspectional Services Department cited the applicant for violations of the Board Order, as follows:

- Parents were not using Lot B for drop-off and pick-up (Lot B had been closed)
- Parents were parking on Wells Avenue for drop-off and pick-up
- There were at times more than 10 students per class
- There were at times more than 100 students on site
- A shed had been constructed illegally on site
- The school was not conducting annual inspections, as required by the State Building Code

To accommodate the current intensity of the use on the site, the applicant proposes to amend the current site plan to include a circular driveway attaching Lot B and Lot A. The driveway will allow for curbside drop-off of students, and will eliminate the need for parents to park and walk their children into the building. Parents may still park in Lot A when they are picking up the children. The applicant is also proposing to construct a new fenced-in play area and storage shed onsite, and seeks to legalize an existing storage shed.

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

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, dated 4/16/13
- Topographic Site Plan, Existing Conditions, stamped by Joseph R. Porter, surveyor, VTP Associates, dated 3/25/2013, revised 5/9/2013
- Site Plan, Proposed Conditions, stamped by Joseph R. Porter, surveyor, VTP Associates, dated 3/25/2013
- Architectural Plans, created by Donald Lang Architects, Inc. dated 3/4/2013, revised 3/18/2013
 - Existing ground floor plan
 - Existing second floor plan
 - Existing ground floor reflected ceiling plan
 - Existing second floor reflected ceiling plan
 - Proposed ground floor plan
 - Proposed second floor plan
 - Proposed ground floor reflected ceiling plan
 - Proposed second floor reflected ceiling plan
- Parking calculation, undated
- Correspondence between Donald Lang, architect and William Forte, Newton Zoning Enforcement Agent, dated 4/3/2013 regarding capacity of 200 Wells Avenue

ADMINISTRATIVE DETERMINATIONS:

1. The School obtained a special permit (Board Order #325-06) in 2006 to operate a for-profit after-school/weekend math program with no more than 100 students in the building at a time. As the enrollment has increased significantly, the School needs to amend the special permit to allow the current enrollment and enrollment capacity. The applicant seeks to allow up to 200 children in the school at any given time.
2. The Board Order limits the class size to ten students per class. Due to current enrollment, the applicant seeks to increase the class size limit to 15 students.
3. The Board Order currently limits the number of classes to ten at a time. Due to current enrollment, the applicant seeks to increase the number of classes to up to 17 at a time.
4. The Board Order currently limits the number of employees on site at any given time to no more than ten. The applicant seeks to amend the Board Order to allow up to 28 employees on site at a time.
5. The Board Order currently requires that all students be dropped off in Lot B, and permits parking for no more than 15 minutes. The applicant seeks to amend the Board Order to allow a revised parking, drop-off and pick-up plan which will include Lot B as well as a new proposed driveway connecting Lots A and B, with pick-up to continue to occur in Lot A only.
6. A revised lighting plan must be approved to include lighting along the proposed driveway connection Lots A and B.
7. A revised directional and signage package must be approved to address the change in traffic flow. The directional signs must be in compliance with the dimensional standards set forth in the Newton Zoning Ordinance section 30-20(f)(8).
8. The Russian School and Dance Fever require a combined total of 56 parking stalls. There are currently 62 stalls on site. Therefore, no parking waiver is required.

9. The deed restriction for the site requires site plan approval for changes made to the property. The applicant seeks approval to construct a fenced-in play area and shed on-site, as well as to legalize an existing storage shed.

10. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-23	Amend site plan approval #325-06	S.P. per §30-24
§30-24	Amend Board Order #325-06	S.P. per §30-24