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ZONING REVIEW MEMORANDUM
Administrative Site Plan Review

Date: February 15, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Larisa Bankovsky, applicant
Margarita Druker, agent
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Site Plan Review to locate a day care center at 45-47 Bryon Road

Applicant: Larisa Bankovsky	
Site: 45-47 Bryon Road	SBL: 82043 0007
Zoning: MR1	Lot Area: 10,050 square feet
Current use: Family day care	Proposed use: Day care center

BACKGROUND:

The applicant currently operates two family child care facilities on the property (one in each residential unit) with ten children each, while living in one of the units. The applicant proposes to terminate the residential use of the property and use it in its entirety for a day care center enrolling 34 children. The day care center will be staffed with seven employees, including the owner.

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

- Zoning Review Application, prepared by Margarita Druker, agent, dated 9/21/2016
- Proposed parking area plan, signed and stamped by Peter J. Nolan, surveyor, dated 9/9/2016, revised 11/04/2016
- Pick-up and Drop-off Procedure Details, submitted 9/21/2016

ADMINISTRATIVE DETERMINATIONS:

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 Multi Residence 1 zoning district and must comply with the dimensional standards of Section 3.2.3. As no changes are proposed to the footprint of the building, there are no issues with regard to dimensional controls for the building.
3. The applicant is proposing 34 students and seven staff members for the day care facility. Section 5.1.4 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 seven stalls for drop-off and seven stalls for employees, for a total of 14 stalls. There are 10 stalls on the site. A waiver of four stalls is required per Section 5.1.4.A.
4. Section 5.1.8.A.1 states that no parking stall shall be located within any setback distances from streets and side lot lines, and may not be located within five feet of a street. The applicant's parking is located directly on the front lot line, as well within the side setback, requiring a Dover waiver.
5. Section 5.1.8.B.1 and 2 requires that parking stalls measure 9 feet wide by 19 feet long. Typical measurements shown on the plan have parking stalls at 8 feet wide. To the extent that the stalls do not meet the dimensional requirements of Section 5.1.8.B.1 and 2, a Dover waiver from the Commissioner of Inspectional Services is required.
6. Section 5.1.8.C.2 requires a minimum width of 24 feet for a two-way maneuvering aisle with 90 degree parking. The plans show an aisle width of 21 feet at the shortest distance. A Dover waiver from the Commissioner of Inspectional Services is required to waive the aisle width for two-way traffic from 24 feet to 21 feet.
7. No lighting is shown on the plans, per Section 5.1.10. Presuming that children will be picked up after dark in the winter months, a waiver from the lighting requirements of Section 5.1.10 is necessary from the Commissioner of Inspectional Services.
8. Section 6.3.4.B.3.a requires a year-round vegetative buffer at least four feet wide and six feet high along the perimeter of any outdoor play area. One outdoor play area is shown on the proposed plans, however no vegetative buffers are shown. The applicant must either meet these requirements or seek a Dover waiver.
9. Per Section 6.3.4.B.3.d, the operator of a day care center must submit to the Director of Planning and Development a parking and drop-off management plan addressing employee parking, as well as alleviation of congestion during peak hours.

10. Before the issuance of a final Occupancy Permit, the operator of a day care shall provide to the Director of Planning and Development a current valid license by the Office of Child Care Services per Section 6.3.4.B.3.f.

Administrative Site Plan Review		
Ordinance		Action Required
§7.4.5 §6.3.4.3	Administrative Site Plan Review for a day care use	A.S.P.R. per §7.4.5
§5.1.4.A §5.1.13	To waive four parking stalls	S.P. per 7.3.3 or Dover Waiver
§5.1.8.A.1	To allow parking within a setback	S.P. per 7.3.3 or Dover Waiver
§5.1.8.B.1 §5.1.8.B.2	To waive the parking stall dimensional requirements	S.P. per 7.3.3 or Dover Waiver
§5.1.8.C.2	To waive the minimum aisle width for two-way traffic	S.P. per 7.3.3 or Dover Waiver
§5.1.10	To waive the lighting requirements for a parking facility	S.P. per 7.3.3 or Dover Waiver
§6.3.4.B.3.a	To waive the vegetative buffer for outdoor play areas at a day care	S.P. per 7.3.3 or Dover Waiver