

CITY OF NEWTON

IN CITY COUNCIL

January 22, 2019

RECEIVED  
Newton City Clerk  
2019 JAN 24 PM 1:56  
David A. Olson, Clerk  
Newton, MA 02459

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 grant exceptions to the requirement to provide seventeen (17) parking stalls as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. Granting the requested exceptions to literal compliance with the requirement to provide seventeen (17) parking stalls is in the public interest as it would protect existing environmental features and maintain the existing character of the property and neighborhood and the reconfiguration of the parking area and addition of a second entrance is in the interest of safety as it would enhance the pick-up/drop-off on site (§5.1.13)

PETITION NUMBER: #482-18

PETITIONER: Artisan Child Care/Curtis House, LLC

LOCATION: 2330 Washington Street, on land known as Section 42, Block 31, Lot 18, containing approximately 27,277 square feet of land

OWNER: Curtis House, LLC

ADDRESS OF OWNER: 2330 Washington Street  
Newton, MA 024262

TO BE USED FOR: Day Care Center

CONSTRUCTION: Wood frame

## EXPLANATORY NOTES:

Special permit per §7.3.3:

- to waive seventeen (17) parking stalls (§5.1.4, §6.3.4.B.3.c)

## ZONING:

Business 1 (BU1) zoning district

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 "As-Built Plan, 2330 Washington St., Newton, MA 02458," prepared by Chess Engineering LLC, signed and stamped by Paul S. Campbell, Registered Professional Engineer and Professional Land Surveyor, dated July 30, 2014, as modified by the Site Plan attached to the Parking Management Plan attached as Exhibit A.
  - b. Architectural plans entitled "Artisan Child Care Center, 2330 Washington Street, Newton Lower Fall (*sic*), Massachusetts, prepared by Hresko Associates, Inc., signed and stamped by Philip Hresko, Registered Architect:
    - i. Basement Plan (A 1.00), dated January 27, 2014, as revised through January 29, 2014;
    - ii. 1<sup>st</sup> Floor Plan (A 1.01), dated January 27, 2014;
    - iii. 2nd Floor Plan (A 1.02), dated January 27, 2014, as revised through February 3, 2014
    - iv. 3rd Floor Plan (A 1.03), dated January 24, 2014, as revised through February 3, 2014.
2. The day care use pursuant to this special permit/site plan approval shall be limited to 106 children and 21 employees on-site at any one time. The increase in student enrollment shall be in two phases: enrollment may be increased up to a maximum of 85 students within six months from issuance of this special permit. After six months, enrollment may be increased up to maximum of 106 students, subject to the conditions set forth herein. Any further increase in the number of children and/or employees shall require an amendment to this special permit.
3. The petitioner shall institute and implement the Parking Management Plan ("PM Plan") appended hereto and on file with the Planning and Development Department, the Inspectional Services Department and the City Clerk. The petitioner shall be obligated to continue such PM Plan for the life of the project and bear any and all costs associated with said plan.
4. At its sole expense, the petitioner shall conduct the following parking and shuttle utilization studies as provided for in the PM Plan:

- a. At 6 months after issuance of a final certificate of occupancy allowing 66-85 students;
- b. At 6 months after issuance of a final certificate of occupancy allowing 86-106 students.

The scopes of the studies, which shall be consistent with the PM Plan and approved by the Director of Planning and Development in consultation with the Director of Transportation and the petitioner, shall include but not be limited to the following:

- **Parking Monitoring:** Monitoring shall include video-based accumulation data for rear/lower lot and front/upper lot parking over a 5-day weekday period under normal Site operations and specified enrollment level between the hours of 7 AM and 7 PM. Parking demand for the property shall be reported for each hour of the 5-day monitoring period with summary histograms/tabulations that indicate parking vacancy level within the property throughout the daily monitoring period of 7AM to 7 PM. Reported parking occupancy data shall be correlated to staffing/employment and enrollment levels at the property that existed at the time the monitoring was conducted.
- **Shuttle Monitoring:** The petitioner shall maintain a log of daily shuttle use from inception of the service and average daily ridership shall be tabulated and reported as part of the monitoring reports to the City. Such logs will identify participating staff by means of a unique employee number and shall identify daily employee use for each scheduled shuttle run to/from the Woodland Station lot.

The Director of Planning and Development shall have the sole discretion to delay these post-occupancy studies if the petitioner has not reached a level of enrollment sufficient in the opinion of the Director to provide accurate information for the on-site parking study.

If the results of either of the studies suggest the PM Plan is insufficient and/or elements of the PM Plan should be modified or expanded in order to provide additional on-site parking stalls dedicated to 'pick up/drop off' during peak hours (7:30 AM to 9:00 AM and 5:00 PM to 6:00 PM), the Director of Planning and Development shall, in consultation with the Director of Transportation and the petitioner, identify revisions to the PM Plan and/or reasonable additional measures to be implemented in a timely fashion by the petitioner to the satisfaction of the Director of Planning and Development and the Director of Transportation, including but not limited to dedicating additional on-site parking stalls to 'pick up/drop off' and/or increasing the number of full time staff required to use the dedicated Woodland Station shuttle described in the PM Plan.

In the event the petitioner is ever required to revise the PM Plan and/or implement additional measures, the petitioner shall be required to meet with the Director of Planning and Development and the Director of Transportation (or their designee) 12 months after the implementation of such revisions and/or additional measures to assess the effectiveness of such changes and identify, if necessary, any further PM Plan revisions or additional measures to be undertaken by the petitioner, including but not limited to including, but not limited to, identification of additional off-street parking options,

additional staggering of class schedules, and possible adjustments to the intensity of the site use at certain times of day to the extent any such measures are reasonable.

5. The petitioner shall maintain daily records of the operation and ridership of the "private staff shuttle" described in and to be operated as a part of the approved PM Plan. Such records shall include the times of operation and the number of riders for each trip. Such records shall be made available to the Planning Department and Inspectional Services Department staff upon request.
6. Whenever the petitioner applies for an annual periodic inspection with the Inspectional Services Department it shall also file a statement with the Director of Planning certifying that it is operating the "private staff shuttle" in accordance with the terms of the PM Plan and that said shuttle is being used on a daily basis by the number of employees required by the relevant provisions of PM Plan and this Council order.
7. In the event sufficient parking is no longer available at the MBTA Woodland Station described in the PM Plan, and/or the "private staff shuttle" is no longer in operation for any reason(s) whatsoever, the petitioner shall immediately notify the Director of Planning of such and shall within 30 days either secure substitute parking or file a petition to amend the special permit.
8. Prior to the issuance of any Building Permit, the petitioner shall provide a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
9. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
  - a. Recorded a certified copy of this board order for the approved Special Permit/Site plan with the Registry of Deeds for the Southern District of Middlesex County.
  - b. Filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
  - c. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
10. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval allowing 66 to 85 children shall be issued until the petitioner has:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development statements by a registered land surveyor and/or registered architect, as appropriate, certifying compliance with Condition #1.
  - b. Submitted to the Director of Planning and Development and Commissioner of Inspectional Services final as-built plans in paper and digital format signed and stamped by a professional land surveyor.
  - c. Submitted to the Director of Planning and Development evidence of current valid licensure by the Office for Child Care Services.

- d. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Director of Planning and Development stating that the petitioner is adequately implementing the PM Plan.
11. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval allowing 86 to 106 children shall be issued until the petitioner has:
- a. Submitted to the Director of Planning and Development evidence of current valid licensure by the Office for Child Care Services.
  - b. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Director of Planning and Development stating that the petitioner is adequately implementing the PM Plan.

Under Suspension of Rules  
Readings Waived and Approved  
22 yeas 0 nays 2 absent (Councilors Kalis & Norton)

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on January 24, 2019. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk  
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 1/24 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Council

## APPENDIX

### PARKING MANAGEMENT PLAN- 2330 Washington Street

Parking management policies and practices will be implemented by the Petitioner to ensure sufficient on-site parking is available to support school operations throughout the week including special provisions to be implemented to facilitate peak pick-up/drop-off period operations and student circulation. Key aspects of the Parking Management Plan are annotated on the attached EXHIBIT and include the following elements:

#### *Staff Parking Policies and Incentives*

- *Artisan Staff Parking Policies and Incentives.* Prior to enrollment of more than 65 students, Artisan shall implement as a requirement of employment that a minimum of eight (8) staff agree to utilize a private shuttle service to/from the MBTA Woodland Station (as described below) as part of the normal daily commute to the property. Artisan shall further incentivize participating staff by offering pre-paid monthly parking passes for the Woodland Station lot for employees choosing to drive and park; or alternatively a transit subsidy equivalent to the monthly cost of a MBTA pass for employees choosing to use public transportation for their commute. This policy and requirement of employment for participating staff will effectively reduce the on-site parking demands by a net minimum of 7 spaces relative to existing observed utilization (8 staff vehicles minus one parked shuttle and the property).

Artisan shall further increase the minimum number of staff required to utilize the private shuttle service to ten (10) following employment of 15 or more staff at the Site and a minimum of twelve (12) following employment of 20 or more staff at the Site. This policy and requirement of employment for participating staff will effectively reduce the on-site parking demands by a net minimum of 9 to 11 spaces relative to existing observed utilization (10 to 12 staff vehicles minus one parked shuttle and the property).

- *Private Staff Shuttle.* Prior to enrollment of more than 65 students, Artisan will purchase or lease a minimum 12-person capacity van that will be operated by a designated staff member to shuttle staff to/from the Woodland MBTA Station parking lot. The shuttle schedule will include two morning pick-ups at Woodland Station to accommodate each full-time staff shift and two afternoon drop-offs to accommodate the return to Woodland Station for these shifts. The van shall be parked at the Site in a designated space to the rear of the building in the lower parking lot.

#### *Additional Building Entry, Parking Designation and Staffing*

- *Rear Building Entrance.* Currently, Artisan utilizes a single front building entry for child drop-off-pick-up. Artisan will activate the rear building entrance with appropriate staff

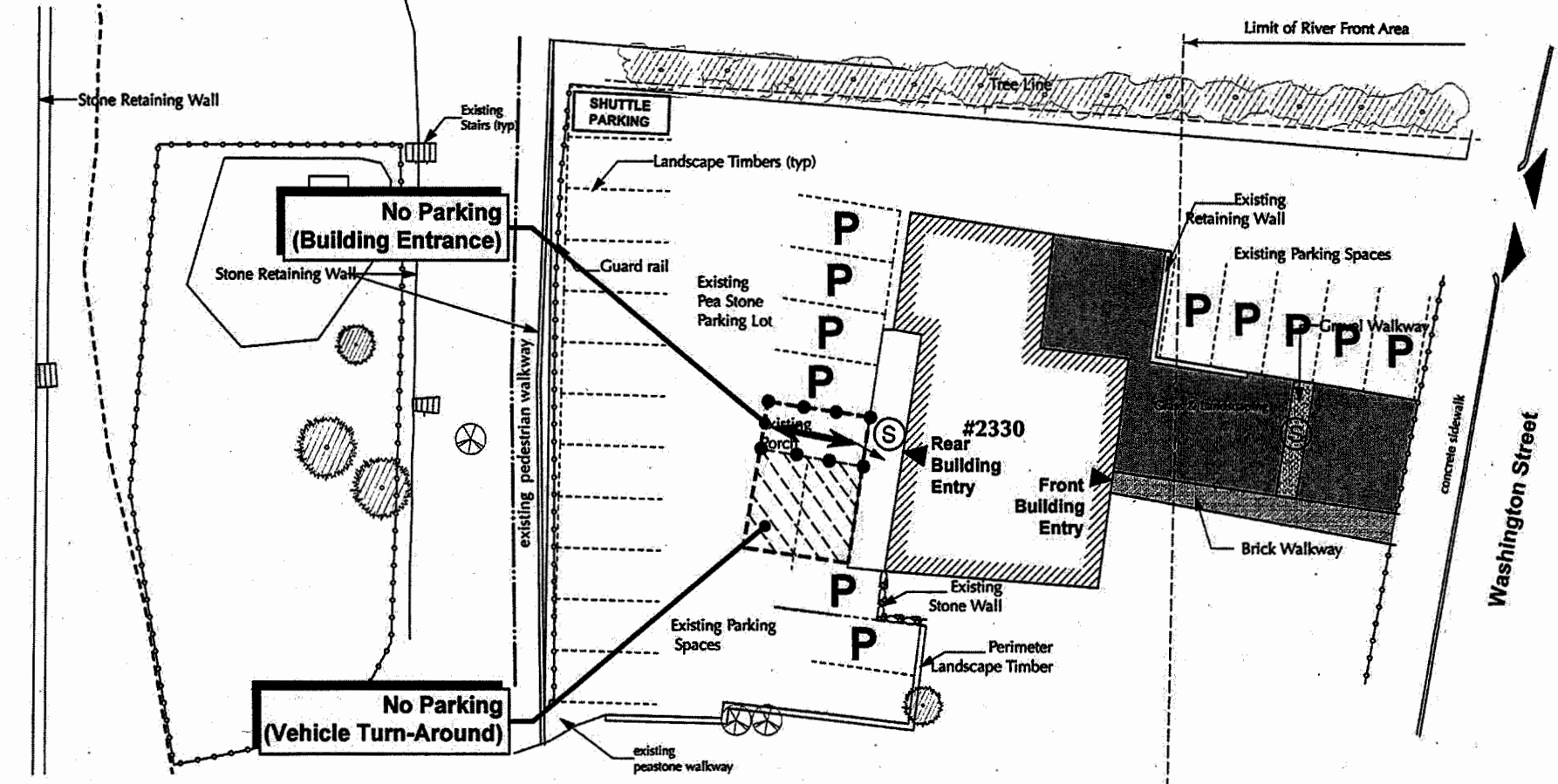
and biometric security features that will allow students and their parents/guardians immediate building access from the lower parking field. This feature will vastly improve drop-off/pick-up efficiency, eliminating the need for parents/guardians that currently park to the rear of the building to traverse the site to access the front building entrance when dropping off or retrieving children.

- *Pick-up/Drop-off Parking Designation.* A total of eleven (11) parking spaces will be designated for pick-up/drop-off use only for the peak AM (7:30 AM to 9:00 AM) and peak PM (5:00 PM to 6:00 PM) periods. These shall comprise five (5) spaces nearest the front building entry and six (6) spaces in the lower parking area immediately adjacent to the building and rear entrance. Remaining spaces shall be for general use to either augment the designated spaces as required or to accommodate authorized staff, special instructors for the music program or visitors. The proximity of these spaces to the building and entrances will minimize conflicts with vehicle circulation within the Site, allowing direct building access.
- *Staff Assistance.* Each of the two building entrances will be staffed during peak pickup/drop-off periods (7:30 to 9:00 AM and 5:00 to 6:00 PM) to facilitate child pickup/drop-off, including accompanying a child directly from a vehicle to the school and thereby reducing the amount of time a vehicle is parked.

#### ***Special Event Programming and Restrictions***

- *Special Event/Conference Scheduling.* Special event programming including special holiday events, etc. that would require extended parent/guardian stays with parking demands in excess of on-site parking supply will be controlled with a pre-arranged offsite parking arrangement.

Traffic & Parking Memorandum  
 Newton, Massachusetts



- P** = Reserved for pick-up/drop-off use only  
7:30 - 9 AM ; 4:30 - 6 PM
- (S)** = Staff Assistance Location

North  
 Scale: Not to Scale

Site Plan Source: Hresko Associates, Inc.

**MDM** TRANSPORTATION CONSULTANTS, INC.  
 Planners & Engineers

Exhibit 3

Parking Management Plan

Date: November 2018  
 Dwg No. 971 Parking Management Plan.dwg  
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EXHIBIT