



Ruthanne Fuller
Mayor

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

#36-19
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: February 5, 2019
Land Use Action Date: April 9, 2019
City Council Action Date: April 15, 2019
90-Day Expiration Date: May 6, 2019

DATE: February 1, 2019

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: **Petition #36-19**, for a SPECIAL PERMIT/SITE PLAN APPROVAL to waive fifteen (15) parking stalls and to waive the screening requirement of parking facilities associated with day care centers at **1440-1450 Washington Street**, Ward 3, West Newton, on land known as SBL 32, 14, 13 and SBL 32, 14, 14 containing approximately 41,051 sq. ft. of land in a district zoned Multi-Residence 1. Ref: §5.1.4, §5.1.13, §6.3.4.B.3, §6.3.4.B.3.b, §5.1.9, and §7.3.3.

The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis conducted by the Planning Department. The Planning Department's intention is to provide a balanced review of the proposed project based on information it has at the time of the public hearing. Additional information about the project may be presented at or after the public hearing for consideration at a subsequent working session by the Land Use Committee of the City Council.



1140-1450 Washington Street

EXECUTIVE SUMMARY

The subject property consists of two lots totaling approximately 41, 051 square feet of land in the Multi Residence 1 (MR-1) zone in West Newton. The site is improved with a church structure associated with the Lincoln Baptist Church that was constructed circa 1920. The petitioner seeks to establish a day care center within the church, serving up to 45 children and six staff members. Day care centers are an allowed use in all zones and are protected under M.G.L. Chapter 40A, Section 3, known as the Dover amendment. However, the Newton Zoning Ordinance (Ordinance) requires the proposed day care center to supply 15 parking stalls on site and to screen the parking facility, because it is located within a residential zone. The petitioner initially tried to establish the use under Administrative Site Plan Review, §7.5.2 of the Ordinance, which governs the review of uses protected under the Dover Amendment. However, the Commissioner of Inspectional Services did not waive the requirement from the number of parking stalls. Therefore, the petitioner is seeking a special permit to waive 15 parking stalls and to waive the screening requirement of parking facilities accessory to a day care center in a residential zone.

The Planning Department believes the day care center use will complement the existing church use without adversely affecting neighborhood because the day care center and the church use are not expected to overlap and because of the proposed circulation changes. For these reasons, staff is unconcerned with the request to waive 15 parking stalls and the request to waive the screening requirement of parking facilities accessory to day care centers located within a residential zone.

I. SIGNIFICANT ISSUES FOR CONSIDERATION:

When reviewing this request, the Council should consider whether:

- Whether literal compliance of the number of parking stalls and the screening requirement of parking facilities accessory to a day care center located within a residential zone, are impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot such that these exceptions will be in the public interest, or the interest of safety, or protection of environmental features (§5.1.4, §5.1.13, §6.3.4.B.3, §6.3.4.B.3.b, §5.1.9, and §7.3.3).

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

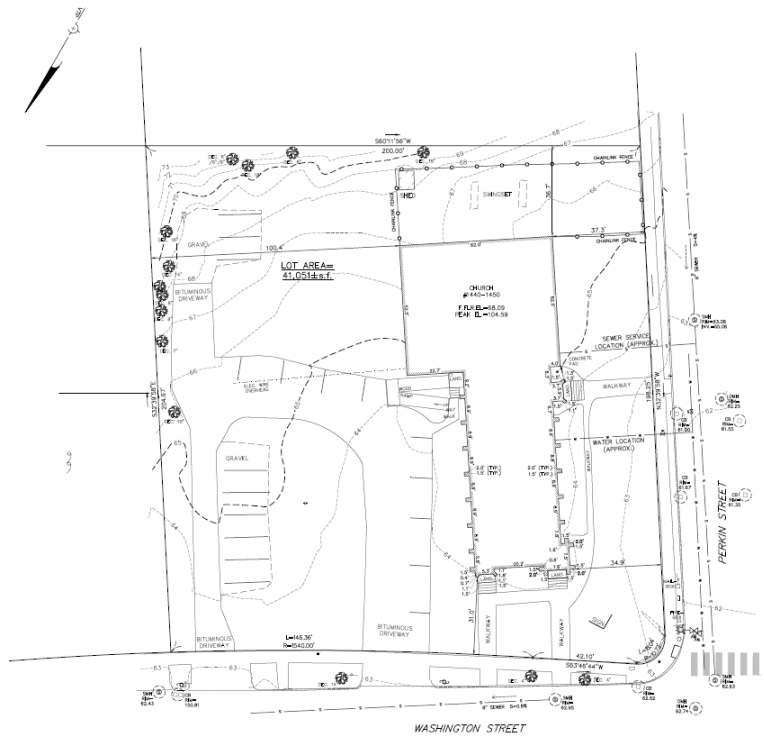
A. Neighborhood and Zoning

The subject property is a corner lot with frontages on Washington Street and Perkins Street in the MR-1 zone in West Newton. The MR-1 zone occupies the immediate area along the southern side of Washington Street, but farther south and to the west lie the

Single Residence 2 and Single Residence 3 zones, respectively. These zones contain predominantly single and multi-family uses, but they also contain nonprofit and institutional uses as well (**Attachments A and B**). On the northern side of Washington Street exist a Manufacturing zone and a Business 2 zone that contain commercial uses, helping to comprise the Washington Street Corridor.

B. Site

The site consists of 41,051 square feet of land amongst two parcels: one parcel is improved with a church structure constructed circa 1920; while the other is a vacant lot. For the purposes of zoning, the two lots are considered one. The site is predominantly flat with an outdoor play area at the southwestern corner of the site. The site is served by two curbs cuts from Washington Street providing access to a semi-circle driveway and 15 surface parking stalls.



III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The principal use of the site will be converted from a church use to a day care center. The church will continue to operate on site, but outside of the proposed day care center's hours. The petitioner provided a memorandum stating how the two uses will coexist (**Attachment C**).

B. Building and Site Design

The petitioner is not proposing any alterations to the exterior of the church. The church's interior will be reconfigured to contain three classrooms for three separate age groups. The petitioner is proposing to remove the shed from the outdoor play area and is proposing to move the location of the dumpster. The petitioner should provide updated plans prior to a Working Session.

C. Parking and Circulation

The petitioner submitted a site plan indicating that there are 15 parking stalls on site. The Ordinance requires that a day care center provide one parking stall per every five children *plus* one stall per employee. Given the petitioner's operation, the day care center requires 15 parking stalls. Additionally, the church use requires one stall per every three seats *plus* one stall per three employees *plus* one stall per every 45 square feet used for meeting function purposes. The petitioner did not provide a parking calculation for the church use, but the parking demand for the church use is considered legal nonconforming regarding the number and the design of the parking stalls. Although the church use and the day care center will not coincide, the introduction of the day care center increases the parking requirement for the property by 15 stalls. Because the petitioner is proposing to utilize the stalls on site, rather than to create the 15 stalls required, the petitioner requires a special permit to waive the requirement of 15 stalls. For a complete analysis of this petition concerning zoning, please see the Zoning Review Memorandum, dated November 24, 2018 **(Attachment D)**.

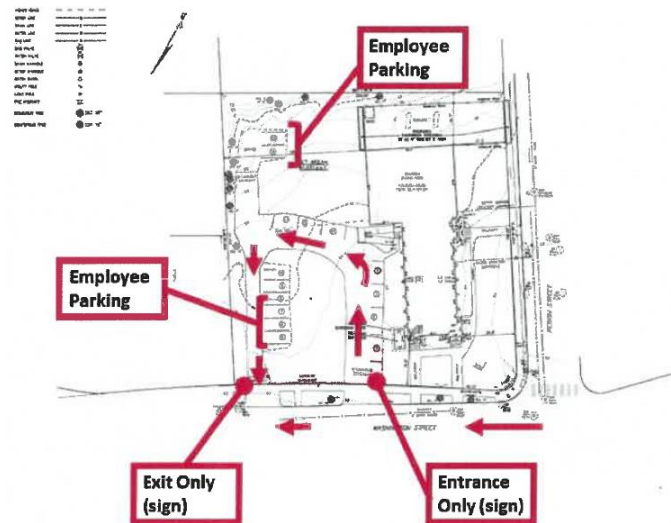
In addition to the parking requirements of §5.1, the Ordinance requires that a parking facility accessory to a day care center located within a residential zone be screened with a dense year-round vegetative buffer of at least four feet wide and six feet high. The petitioner is not proposing to screen the existing parking facility; therefore, the petitioner requires a waiver in the form of a special permit.

D. Traffic and Access

The site is located on a heavily trafficked, one-way portion of Washington Street near the on-ramp to Interstate 90 eastbound. When accessing the site from the west, there is a traffic signal at the intersection of Washington and Perkins Streets which should reduce vehicle speeds to allow for vehicles to enter and exit the site at a comfortable speed. To access the site from the east by car, vehicles must travel through West Newton Square and onto the bridge over Interstate 90, before taking a left turn at the traffic signal onto Washington Street. This stretch of road is difficult to navigate and can result in dangerous maneuvers if vehicles are not in the appropriate lane.



Due to the site's location, the petitioner is proposing to utilize the two curb cuts from Washington Street to facilitate a one-way traffic pattern through the site. Vehicles will enter the site at the westernmost curb cut before parking in one of the designated stalls; the stalls closest to the church will be reserved for parents, while staff parking will be located furthest from the entrance. After dropping off or picking up their children, parents will use the loop to exit the site at the easternmost curb cut and take a right turn out of the site onto Washington Street. The petitioner's consultant states this easternmost curb cut will provide additional site distance for a safer maneuver onto Washington Street. The petitioner proposes to install a sign stating that a left turn out of the site onto Washington Street is prohibited. Accordingly, an "Entrance Only" sign at the westernmost curb cut will be installed.



In addition to the site circulation changes, the petitioner is proposing to implement a Transportation Demand Management (TDM) Plan to decrease vehicle trips to the site (**Attachment E**). The plan calls for encouraging ridesharing/carpooling amongst parents, displaying information regarding MBTA schedules and fares, and for appointing a TDM Coordinator to be the contact person for these initiatives. The Planning Department is supportive of the proposed one-way circulation and is supportive of the initiatives, including the assignment of a TDM Coordinator, but staff suggests the following be added to the TDM Plan:

- Require a staff member to be outside during drop-off and pickup to receive the children and to manage traffic. This staff member will also ensure parents are entering and exiting the site correctly and are not parking on adjacent streets.
- Distribute the TDM Plan to parents at any events associated with the day care center such as open houses, orientations, and parent/teacher conferences.
- Explicitly state that the only entrance for drop-off and pick up is from Washington Street, and that no one may enter the building from the Perkins Street entrance.
- Compile a listserv of abutters along Washington and Perkins Street and provide the listserv with the contact information of the TDM Coordinator to address issues that may arise from day care center operation.

The Planning Department suggests that the petitioner should also advise the members of the Lincoln Baptist Church congregation of the changes to the circulation pattern because the proposed pattern is different from the pattern presently in effect. Staff believes it is not appropriate to have two different traffic patterns for the two different uses.

E. Landscaping

In addition to the number of stalls required, the Ordinance requires that a parking facility accessory to a day care center, located within a residential district, be screened with a dense year-round vegetative buffer of at least four feet wide and six feet high. The petitioner is not proposing to screen the existing parking facility, requiring a special permit. The Planning Department is unconcerned with this request because the parking facility has existed in its current condition for several years, and because the petitioner is not proposing any upgrades to the site.

Akin to the screening required of accessory parking facilities, outdoor play areas must also be screened. The play area is enclosed with a four-foot tall chain link fence and the petitioner is proposing to screen the play area from Perkins Street and from the eastern boundary, but not the southern boundary. The southern boundary does contain some mature trees, and there is a six-foot tall stockade fence on the abutter's property, but this boundary is not entirely screened. Lastly, the northern boundary is partially enclosed by the exterior wall of the church and some mature hedges that are not shown on the plan. Because the petitioner is not proposing to meet the requirements of the Ordinance, the petitioner requires a waiver from the Commissioner of Inspectional Services. This screening requirement pertains only to day care centers and is not waivable via special permit.

IV. TECHNICAL REVIEW

A. Technical Considerations (Chapter 30, Newton Zoning Ordinance):

The Zoning Review Memorandum provides an analysis of the proposal regarding zoning. Based on the completed Zoning Review Memorandum, the petitioner is seeking the following relief:

- §5.1.4, §5.1.13, and §6.3.4.B.3.a to waive fifteen parking stalls
- §6.3.4.B.3.b and §5.1.9 to waive the screening requirements of parking facilities accessory to day care centers located within a residential zone
-

B. Engineering Review

Associate City Engineer, John Daghlian, provided an Engineering Review Memorandum a briefly analyzing the petition (**Attachment F**). Mr. Daghlian encourages the petitioner to update the water service to the structure and to pave the gravel area near the eastern boundary which accommodates five surface parking stalls. The Planning Department understands Mr. Daghlian's recommendations, but staff does not suggest that the petitioner be required to pursue the improvements because the petitioner is not proposing any changes to the site or to the building.

V. PETITIONER'S RESPONSIBILITIES










The petitioner should respond to the issues raised in this memorandum and other questions raised at the public hearing as necessary. Written responses to all significant issues should be provided for analysis by the Planning Department prior to being scheduled for additional public hearings.

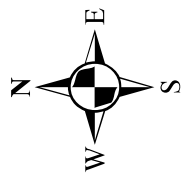
ATTACHMENTS:

- Attachment A:** Zoning Map
- Attachment B:** Land-Use Map
- Attachment C:** Shared Parking Plan, dated October 2018
- Attachment D:** Zoning Review Memorandum, dated November 24, 2018
- Attachment E:** Transportation Demand Management Plan, dated September 2018
- Attachment F:** Engineering Review Memorandum, dated October 23, 2018
- Attachment G:** DRAFT Council Order

Attachment A
Zoning Map
Washington St., 1440-1450
City of Newton,
Massachusetts

Legend

-  Single Residence 2
-  Single Residence 3
-  Multi-Residence 1
-  Business 2
-  Manufacturing
-  Public Use
-  Building Outlines
-  Surface Water
-  Property Boundaries

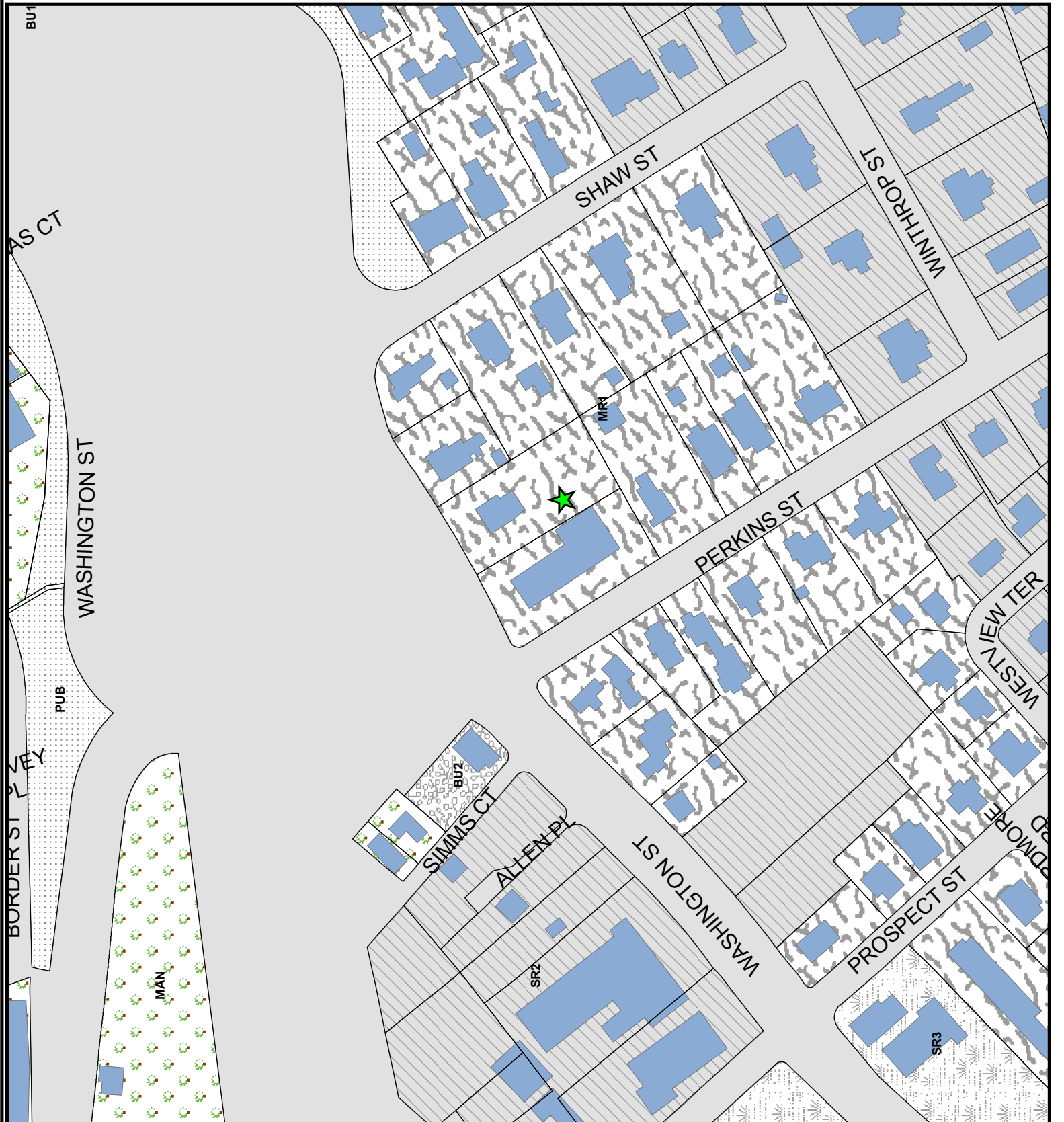


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
 Mayor - Ruthanne Fuller



Map Date: November 23, 2018



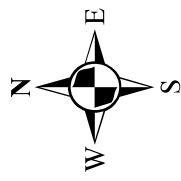
Attachment B
Zoning Map
Washington St., 1440-1450
City of Newton,
Massachusetts

Legend

Land Use

Land Use

- Single Family Residential
- Multi-Family Residential
- Commercial
- Mixed Use
- Private Educational
- Nonprofit Organizations
- Building Outlines
- Surface Water
- Property Boundaries



The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.

CITY OF NEWTON, MASSACHUSETTS
 Mayor - Ruthanne Fuller



Map Date: November 23, 2018



October, 2018

Shared Parking Plan – 1440-1450 Washington Street, Newton

Parties

Happy Munchkins Daycare (HMD)

Lincoln Park Baptist Church (LPBC)

Objective

To agree upon a methodology for sharing the parking located at 1440-1450 Washington Street in such a manner that the church and daycare will be able to operate at the site simultaneously.

Parties Expectation

The parties agree that during the week (Monday – Friday), HMD will have the exclusive use of the parking lot from 7:00 am until 7:00 pm. LPBC will have exclusive use of the parking lot after 7:00 pm and on weekends.

Funeral Service Protocol

When the LPBC schedules a funeral service (“an event”), it will inform HMD of the hours of same no less than 24 hours in advance. During the hours of the event, HMD parking will be limited to the five spaces immediately adjacent to the building. Since the events typically occur at 10:00 am, the expectation is that there will not be a conflict between drop off and pick up and event parking.

Pastors and Maintenance Personnel

Pastors visiting the office, tradesmen, inspectors, estimators and Church members coordinating maintenance, inspections, or emergency repairs will be permitted to park on the premises anytime. During peak drop off and pickup times, the HMD staff may direct Pastors, tradesmen, inspectors, estimators, and Church members to specific locations to minimize parking conflict with HMD clients.



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

Administrative Site Plan Review

Date: November 19, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Lincoln Park Baptist Church, Applicant
Katherine Adams, Attorney
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: **Site Plan Review to locate a day care center at 1440-1450 Washington Street**

Applicant: Lincoln Park Baptist Church	
Site: 1440-1450 Washington Street	SBL: 32014 0013 and 32014 0014
Zoning: MR1	Lot Area: 41,051 square feet
Current use: Church	Proposed use: Church and day care center

BACKGROUND:

The property at 1440-1450 Washington Street consists of two lots totaling 41,051 square feet in a Multi- Residence 1 zone at the corner of Washington and Perkins Streets. It is improved with the church structure, which was constructed circa 1920, and 15 surface parking stalls.

The petitioner proposes to locate a for-profit day care center for up to 45 children within the church on weekdays in a space previously occupied by a day care from 1994 to 2010.

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

- Zoning Review Application, prepared by Katherine Adams, Attorney, dated 10/7/2018
- Topographic Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 4/16/2018
- Floor Plan, prepared by JCarchitect, architect, dated 3/29/2018

ADMINISTRATIVE DETERMINATIONS:

1. The proposed day care center is subject to the administrative site plan review procedure per Section 7.5 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 3.1.6 for Single Use Institutions. As no changes are proposed to the footprint of the building, there are no issues with regard to dimensional controls for the building.
3. There are 15 parking stalls on the property, and no changes to the parking configuration or count are proposed.

The applicant is proposing up to 45 children and six 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 nine stalls for drop-off and six stalls for employees, for a total of 15 stalls. The existing 15 parking stalls are located along the paved drive loop from Washington Street, with seven paved parallel stalls along the drive and an additional eight stalls located off the drive in gravel areas, six in the front and two additional at the rear of the property.

The drive will be a one-way loop, entering at the first driveway opening heading eastbound on Washington Street and exiting at the second driveway opening. This reverses the current circulation pattern, but offers better access to the main entrance door.

The petitioner states that the church will not need any parking during the week leaving all of the onsite parking available to the day care during their proposed hours of operation. In the event of a funeral, the Church will limit the number of stalls available to the day care to five. While no parking calculation has been provided for the church, the existing parking is legally nonconforming with regard to design and number of stalls. However, the introduction of the day care use expands the parking requirement by 15 stalls per section 5.1.4. While the uses are not proposed to operate concurrently, the petitioner is required to provide parking for both uses. As there are only 15 stalls on the property, a waiver of 15 stalls for the day care use is required per sections 5.1.4, 5.1.13 and 6.3.4.B.3.b and c by either special permit or a Dover waiver.

4. Per section 6.3.4.B.3.a requires that a dense year-round vegetative buffer per section 5.1.9 must be provided around the outdoor play area. To the extent that the property does not meet the perimeter landscaping requirements found in section 5.1.9, a Dover waiver from section 6.3.4.B.3.a is required.
5. Per section 6.3.4.B.3.b requires that a dense year-round vegetative buffer per section 5.1.9 must be provided around the parking area as the property is located in a residentially-zoned district. To the extent that the property does not meet the perimeter landscaping requirements found in section 5.1.9, a Dover waiver from section 6.3.4.B.3.b is required.

Administrative Site Plan Review

Ordinance		Action Required
§7.5 §6.3.4.3	Administrative Site Plan Review for a day care use	A.S.P.R. per §7.4.5
§5.1.4 §5.1.13 §6.3.4.B.3.b	Request to waive 15 parking stalls	Dover Waiver or S.P. per §7.3.3
§6.3.4.B.3.a §5.1.9	Request to waive perimeter landscaping requirements of an outdoor play area	Dover Waiver or S.P. per §7.3.3
§6.3.4.B.3.b §5.1.9	Request to waive perimeter landscaping requirements of a parking facility associated with a day care center in a residential zone	Dover Waiver or S.P. per §7.3.3

September, 2018

Transportation Demand Management Plan (TDM)
Proposed 45-Child Day Care Center (Happy Munchkins Daycare, LLC)
1450 Washington Street
West Newton, MA

This proposed Transportation Demand Management Plan (TDM) provides that the proposed 45-child day care center at 1450 Washington Street, at the site of the Lincoln Park Baptist Church in West Newton, will include provisions to encourage carpooling, ridesharing, and MBTA usage and otherwise reduce the number of single-occupancy vehicles (SOVs) travelling to and from the site during peak hours. In addition, several site and circulation improvements to improve safety are proposed under this plan and are discussed at the end of this report

To achieve these objectives, Happy Munchkins Daycare (HMD), operator of the center, proposes the following measures:

Happy Munchkins Daycare will assign a TDM Coordinator who will be the contact and staff person responsible for implementing each of the following measures:

1. To maintain an updated on-site kiosk and/or bulletin board with information related to prospective ridesharing or carpooling arrangements for parents and staff.
2. To maintain and update the HMD website with a separate, easy-to-locate web page that will allow parents to post and seek out potential ridesharing and carpooling opportunities.
3. To promote the ridesharing and carpooling program in the HMD marketing literature and through announcements of day care activities sent to parents of the general day care population.
4. To include an invitation of solicitation for parents to consider ridesharing and carpooling as part of the official course registration application used to enroll children.
5. To provide on-site, readily-available MBTA commuter rail and bus schedules and monthly pass information for employees and parents.
6. The coordinator will provide a parking and access plan to all employees and parents that will identify at a minimum the following:
 - a. That all parental and employee vehicular access will occur along Washington Street headed eastbound using the first, furthest west site driveway as the point of entrance. This driveway will be designated for one-way traffic flow and all vehicles will exit at the second, or most easterly site driveway along Washington Street. Signage will be installed at both driveway entrances (along with pavement markings in the driveway) designating either "Entrance Only" or "Exit Only" as needed.

- b. The location of the 9 designated parental parking spaces for drop off and pick up of children. All parents will enter the building to sign in and sign out children. Live parking or the creation of a drop-off/pick up lane in the site driveway will be prohibited.
 - c. The designated locations for employee parking, shown as spaces 5-8 and 14-15 on the VTP site plan.
 - d. That the TDM Coordinator will be on site and available to assist with the drop off and pick up of children as well as to monitor adherence with the these parking policies and procedures in both the morning and afternoon peak hours on a continuing basis
7. The TDM Coordinator will work cooperatively with the Lincoln Park Baptist Church and its staff on parking arrangements for funerals and site access by other church personnel during the hours of operation of the day care facility. A copy of the agreement between HMD and Lincoln Park Baptist Church regarding this matter is attached to this report.
 8. The TDM coordinator will further maintain an ongoing record of successful ridesharing and carpool matches and record all other outreach efforts to demonstrate compliance with the TDM plan.

Site Plan Improvements and Operations

Happy Munchkins Daycare proposes to operate Monday through Friday from 7:00AM to 6:30 PM with a maximum of 45 children and 6 employees at any one time. The children will range in age from 4 months to 6 years of age. It is anticipated that the peak drop-off in the morning will occur between 8:00 and 8:45 AM and the the peak pick up will occur between 6:00 and 6:30 PM.

The site plan prepared by VTP Associates depicts the site circulation and proposed parking areas for the facility. A total of 15 parking spaces are shown on the plan, of which 9 spaces are set aside for parents for drop-off and pick up and 6 spaces are set aside for employee parking. The drop-off and pick up spaces for parents are located closest to the entrance to the building for convenience purposes. Since parental drop-off and pick up is staggered, it is fully expected that 9 parking spaces will be more than adequate to accommodate any peak period demand. This is coupled with the potential local walk in traffic and the TDM measures for carpooling and ridesharing resulting in fewer vehicle trips to the site. All parental drop-offs and pick ups occur will have parents escorting the children in and out of the building. The site driveway will not be used as a live parking area for drop-off and pick up purposes thereby eliminating any possibility that site traffic will back up onto Washington Street and create an unsafe situation.

There are several new site improvemernts incorporated into this plan and depicted on the VTP plan. They are:

1. The site driveway will become a one way loop entering (only) at the first driveway headed eastbound on Washington Street and exiting (only) at the second driveway. This reverses the

previous circulation pattern and allows for closer access to the main entrance door and improves and increases the site distance for drivers exiting onto Washington Street. Pavement markings and arrows on the driveway will identify this circulation pattern.

2. The 6 employee parking spaces (#'s 5-8 and #14-15 on the site plan) will be clearly identified by signage.
3. New signage will be posted at the first site entrance driveway described above designating "Entrance Only" and additional signage at the second driveway designating "Exit Only".

Site Driveway Entrance (from Washington Street) Also Depicting Drop-Off and Pick-Up Parking Spaces



New Site Exit at Washington Street for Increased Site Distance (Site Entrance Driveway also shown)



Building Entrance and Parent Drop-Off and Pick-Up Spaces



Parking Spaces #5-10 on Site Plan for Employee and Drop-Off and Pick-Up Parking



CITY OF NEWTON
Department of Public Works
ENGINEERING DIVISION

MEMORANDUM

To: Barney Heath, Director of Planning

From: John Daghlian, Associate City Engineer

Re: Administrative Site Plan Review – 1440-1450 Washington Street

Date: October 23, 2018

CC: Lou Taverna, P.E., City Engineer
Shawna Sullivan, Associate City Clerk
Jennifer Ciara, Chief Planner
Neil Cronin, Sr. Planner

In reference to the above site, I have the following comments for a plan entitled:

*Topographic Site Plan
Showing Proposed Conditions at
1440-1450 Washington Street
Newton, MA
Prepared by: VTP Associates Inc.
Dated: July 27, 2018*

Executive Summary:

The applicant seeks to operate a daycare center for up to 45 children within the church building, our water service records date back to the mid 1800's I strongly recommend that the water service be updated to provide a new water service for the users of the daycare.

The applicant should verify requirements by the Fire Department for any fire suppression system that the Department may require for the change in use of the facility.

The five parking stalls on the existing gravel area (see below) may be problematic during the winter as the surface is uneven and snow plowing will damage the gravel surface. Additionally during freeze-thaw cycle's ice may develop in this area since the gravel is so

densely compacted. It would be better to pave this area to provide a durable surface for parking with the addition of some on site drainage improvements.



This concludes my review, if you have any questions please feel free to call me.

CITY OF NEWTON
IN CITY COUNCIL

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 REVIEW to waive fifteen parking stalls associated with a day care center and to waive the screening requirement of parking facilities accessory to day care centers located within a residential zone, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Gregory Schwartz:

1. Literal compliance with the number of parking stalls and the screening requirement of parking facilities accessory day care centers located within a residential zone is impractical due to the nature of the use because the day care center and the church operation will not typically overlap, thereby allowing the two uses to share the parking stalls on site.
(5.1.4, §5.1.13, §6.3.4.B.3, §6.3.4.B.3.b, §5.1.9, and §7.3.3)

PETITION NUMBER: #36-19

PETITIONER: Happy Munchkins Day School, Inc.

LOCATION: 1440-1450 Washington Street on land known as SBL 32, 14, 13 and SBL 32, 14, 14 containing approximately 41, 051 square feet of land

OWNER: Lincoln Park Baptist Church

ADDRESS OF OWNER: 1440-145 Washington Street
Newton, MA 02465

TO BE USED FOR: Day Care Center

CONSTRUCTION: Wood

EXPLANATORY NOTES: §5.1.4, §5.1.13, §6.3.4.B.3, and §5.1.13 to waive fifteen parking stalls; §6.3.4.B.3.b, §5.1.9, and §7.3.3 to waive the screening requirement of parking facilities accessory to day care centers within a residential zone

ZONING: Multi-Residence 1 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. Plot Plan of Land, prepared by VTP Associates, signed and stamped by Joe Porter, Professional Land Surveyor, dated July 27, 2018.
 - b. Architectural Plan, prepared by JC Architect, dated March 29, 2018 Revised November 2, 2018 and November 6, 2018
2. The day care shall be limited to forty-five (45) students and six (6) staff members on site at any one time. If the petitioner would like to increase the number of students to more than forty-five (45) or increase the staff to more than six (6), it must seek an amendment to this special permit.
3. The petitioner shall inform the members of the Lincoln Baptist Church congregation of the changes to the circulation pattern prior to the issuance of a building permit.
4. The petitioner shall distribute the Transportation Demand Management Plan, dated September 2018 to the parents of the enrolled children bi-annually and said Plan shall be updated to include the following provisions which are conditions of this special permit:
 - a. One staff member shall be outside to assist with drop off and pick up during expected peak hours.
 - b. Explicitly state that the only entrance for drop-off and pick up is from Washington Street, and that no one may enter the building from the Perkins Street entrance.
 - c. Compile a listserv of abutters along Washington and Perkins Street and provide the listserv with the contact information of the TDM Coordinator to address issues that may arise from day care center operation.
5. 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.
6. 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.
- 7. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval 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 a statement by a registered land surveyor 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 registered architect.
- 8. The landscaping shown on the approved Final Site Plan shall be maintained in good condition. The plantings shall be inspected annually and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.