

#36-19
1440-1450 Washington Street

CITY OF NEWTON

IN CITY COUNCIL

February 19, 2019

RECEIVED
Newton City Clerk
2019 FEB 21 PM 1:08
DAVID A. CIBON, City 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 REVIEW to waive fifteen parking stalls associated with a day care center and to partially 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 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. The petitioner has also provided a Transportation Demand Management Plan which outlines the protocols for access to and from the site as well as protocols for occasional church events such as funerals. (§5.1.4, §5.1.13, §6.3.4.B.3)
2. Complete compliance with the screening requirement of parking facilities accessory to day care centers located within a residential zone is impracticable due to the nature of the use because the parking facility has existed in its current condition for several years and because the petitioner is not proposing any changes to the site. (§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: 1440-1450 Washington Street
Newton, MA 02465

TO BE USED FOR: Day Care Center

CONSTRUCTION: Wood

EXPLANATORY NOTES: §5.1.4, §5.1.13, and §6.3.4.B.3 to waive fifteen parking stalls; §6.3.4.B.3.b, §5.1.9, and §7.3.3 to partially 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 center shall be limited to forty-five (45) students and to 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 to 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. Proof of such notification shall be provided to the Director of Planning and Development.
4. The petitioner shall distribute the Transportation Demand Management Plan, dated January 2019, on file with the City Clerk, 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. Parents will be discouraged from utilizing on-street parking stalls on Perkins Street and on other neighborhood streets in the area.
 - b. Left turns out of the site onto Washington Street are prohibited.
5. Prior to the issuance of any Building Permit, the petitioner shall obtain a waiver from the screening requirement of the outdoor play area on site from the Commissioner of Inspectional Services

6. 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, the Engineering Division of Public Works, and the Fire Department.
7. Prior to the issuance of any Building Permit, the petitioner shall provide a final Landscape Plan for review and approval by the Department of Planning and Development. Such plan shall include fencing on the eastern and the southern boundaries.
8. The final location and the screening of any dumpster(s) shall be approved by the Director of Planning and Development.
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 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 #1a.
 - 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.
11. 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.


Under Suspension of Rules

Readings Waived and Approved

19 yeas 0 nays 5 absent (Councilors Baker, Ciccone, Grossman, Kalis, and Schwartz)

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 February 21, 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.

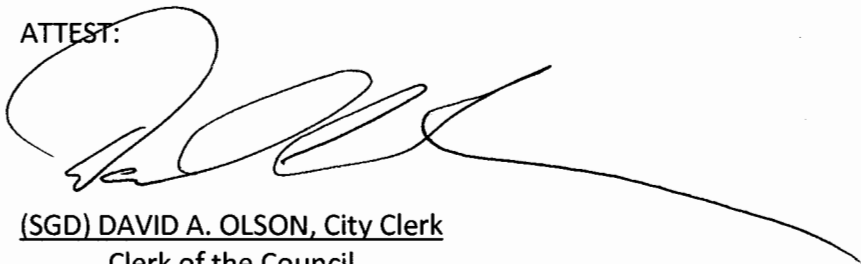
ATTEST:



(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 5/2 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