

Department of Planning and Development



PETITION #127-16
288 WALNUT ST.

SPECIAL PERMIT/SITE PLAN
APPROVAL TO WAIVE FIVE (5)
PARKING STALLS, WAIVE THE
REQUIREMENT OF A VEGETATIVE
BUFFER, AND WAIVE THE PICK-UP
& DROP-OFF STALLS ASSOCIATED
WITH A DAY CARE FACILITY

MAY 24, 2016



Requested Relief



Special Permits per §7.3.3 of the NZO to:

- To waive five (5) parking stalls for the proposed use as stipulated in the NZO (§5.1.3.D, §5.1.4, and §5.1.13).
- To waive the screening requirements for outdoor play areas (§6.3.4.B.3.a).
- To waive the on-site drop-off and pick-up parking requirement (§5.1.4 and §6.3.4.B.3.c).

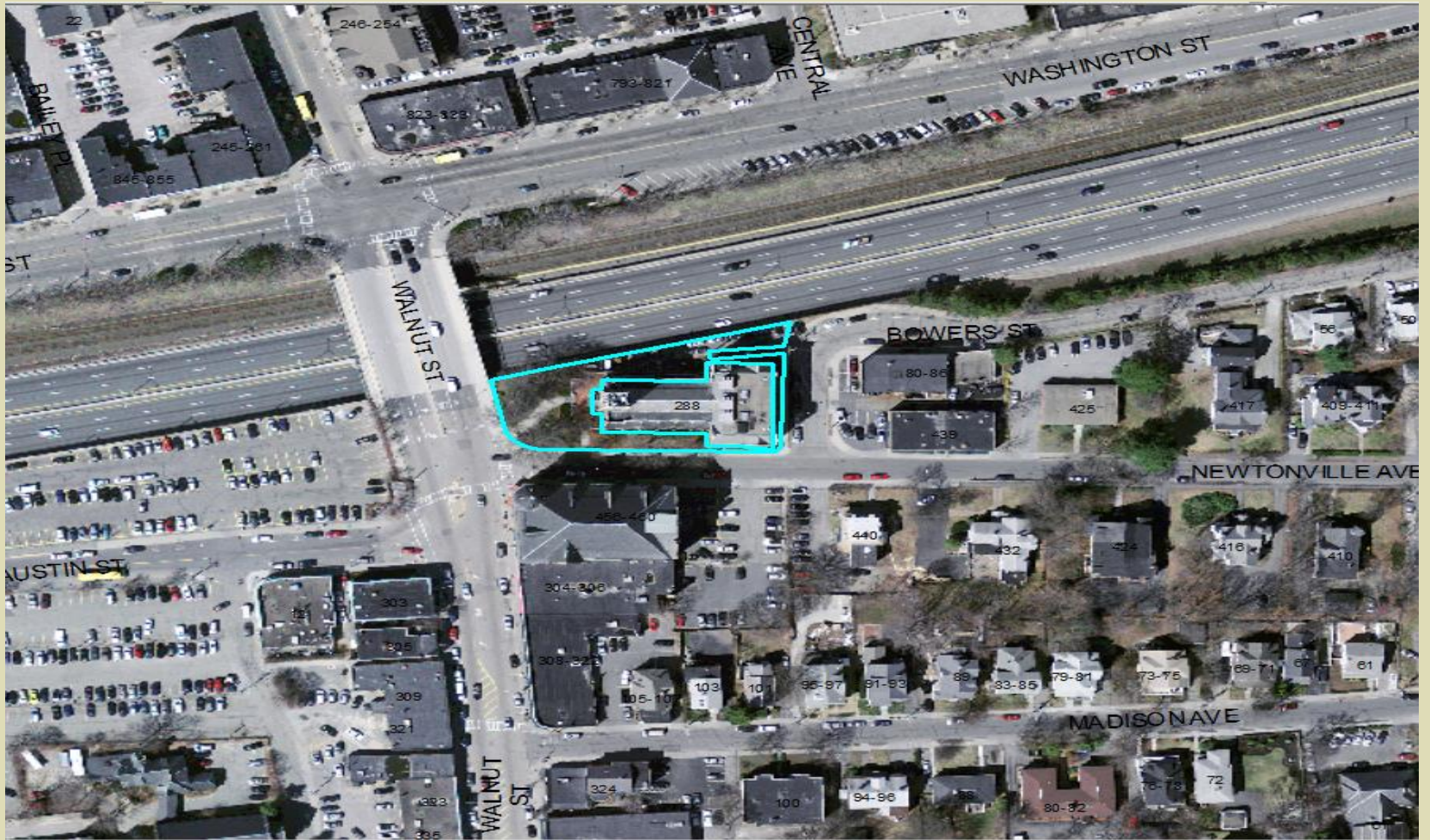
Criteria to Consider



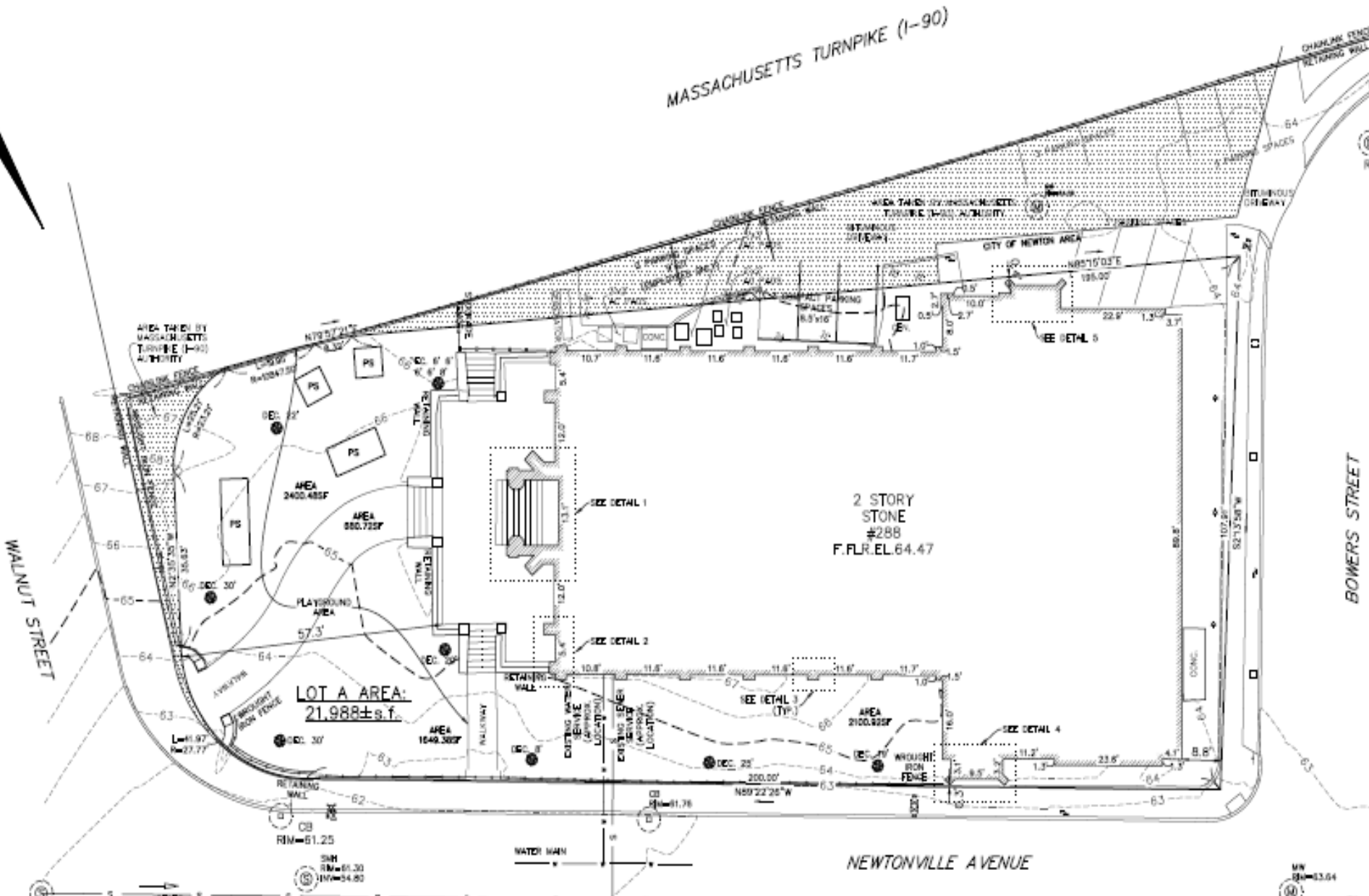
When reviewing this request, the Council should consider:

- Whether literal compliance of the number of parking stalls, vegetative buffer, and pick up/drop-off stall requirements are impractical 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 (§5.1.13).
- There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3).
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

AERIAL/GIS MAP



Revised Site Plan



Revisions



- Addition of five spaces to the northerly portion of the site between the building and Interstate 90.
- 4,700 square feet of outdoor space designated for a play area along the frontage of Walnut Street.

Concerns



- The 5 proposed new stalls on the revised site plan are nonconforming with the following sections of the Zoning Ordinance:
 - Stall dimensions (Section 5.1.7.B.1 and 5.1.7.B.2)
 - Stalls in setbacks (Section 5.1.7.A.)
 - Maneuvering aisles width (Section 5.1.7.C.1.)

- Reliance on metered spaces for pick up and drop off which may not be available in future

Findings



1. The use will not adversely affect the neighborhood.
2. The proposed waivers of parking and screening requirements will not create a nuisance or serious hazard to vehicles or pedestrians.
3. Literal compliance of the parking, vegetative buffer, and pick up/drop-off stall requirements are impractical due to the location use, therefore these exceptions will be in the public interest.

Findings (continued)



4. A day care use in this location is consistent with the 2007 *Newton Comprehensive Plan*, which supports strengthening viable businesses and services that contribute to the vitality of Newton.

Proposed Conditions



1. Plan Referencing Condition.
2. Standard Building Permit Condition.
3. Standard Final Inspection/Certificate of Occupancy Condition
4. The day care shall be limited to sixty students on-site at any one time. If the petitioner would like to increase the number of students to more than sixty they will seek an amendment to this special permit.

Proposed Conditions (continued)



5. The petitioner employ two (2) staff members to assist with drop-off and pick-up during expected peak windows.
6. Six months after receipt of a final certificate of occupancy, the petitioner shall submit an update to the Director of Planning and the Commissioner of ISD on:
 - Peak drop-off and pick-up conditions;
 - Status of employee parking demands;
 - Results of carpooling/car-sharing goals.