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ZONING REVIEW MEMORANDUM
Administrative Site Plan Review

Date: March 28, 2016

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Terry Morris, attorney
James Freas, Acting Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Site Plan Review to locate a day care at 227 Washington Street, special permit to waive five parking stalls

Applicant: 288 Walnut Street Realty Trust	
Site: 288 Walnut Street/ 449 Newtonville Ave	SBL: 22004 0015
Zoning: Business 1	Lot Area: 21,288 square feet
Current use: Vacant (formerly office space)	Proposed use: For-profit day care center

BACKGROUND:

The applicant is proposing to locate a day care center at 288 Walnut Street, a 21,288 square foot parcel located within the Business 1 district. The property is an island created by I-90, Walnut Street, Newtonville Avenue and Bowers Street. The building at 288 Walnut Street was originally constructed as the Methodist Episcopal Church in 1863, and converted into office and restaurant space in the early 1980s.

The applicant is proposing to lease 4,870 square feet of space within the building for use as a day care center in space formerly occupied by an office use. The day care will be staffed by 12 employees and enroll 60 children.

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

- Zoning Review Application, prepared by Terrence P Morris, dated 2/6/2016
- Topographic Site Plan, prepared by VTP Associates, Inc, surveyor, dated 10/12/2015

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 Business 1 zoning district and must comply with the dimensional standards of Section 4.1.3. 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 60 students and 12 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 12 stalls for drop-off and 12 stalls for employees, for a total of 24 stalls. There are six stalls on the site shared among all of the tenants of the 40,000 square foot building.

The previous use of the 4,870 square foot space for office use required a total of 19 parking stalls per Section 5.1.4. The proposed use of the space as a day care requires 24 stalls. The applicant requires a waiver of five parking stalls per Section 5.1.3.D.

The applicant must provide one accessible parking stall with an 8 foot wide access aisle on the property, or seek a variance from the Architectural Access Board.

4. 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. No outdoor play space is shown on the proposed plans, however any proposed outdoor play space must either meet these requirements or seek a Dover waiver.
5. Section 6.3.4.B.3.c states that in addition to meeting the parking requirements of Section 5.1, a day care center shall provide for drop-off and pick-up at least one on-site parking space for each five children. The parking stalls must comply with the applicable parking standards. As the applicant is seeking a waiver from the requirements for the number of stalls needed to meet Section 5.1.4, it is assumed that no parking stalls are dedicated on site for drop-off and pick-up. The City Council should make the determination that the requested waiver of the requirements of Section 6.3.4.B.3.c are satisfied by the requested special permit to meet the parking requirements of Section 5.1.4.
6. 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.
7. The operator of a day care must also submit to the Director of Planning and Development a trash location and screening plan per Section 6.3.4.B.3.e.

8. 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 §5.1.3.D §5.1.13	To waive five parking stalls	S.P. per §7.3.3
§6.3.4.B.3.a	To waive the screening requirements for outdoor play areas	Dover Waiver
§5.1.4 §6.3.4.B.3.c	To waive on-site drop-off and pick-up parking requirement	S.P. per §7.3.3