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Mayor

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Candace Havens
Director

PUBLIC HEARING MEMORANDUM

Public Hearing Date: August 13, 2013
Land Use Action Date: October 15, 2013
Board of Aldermen Action Date: October 21, 2013
90-Day Expiration Date: November 11, 2013

DATE: August 9, 2013

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Alexandra Ananth, Chief Planner Current Planning
Stephen Pantalone, Senior Planner

SUBJECT: Petition **#231-13**, James Koert, CU, Inc. dba MyGym/Dan Wooley & John Finley III, Trustees c/o Creative Development Co., LLC for a Special Permit/Site Plan Approval to locate a for-profit physical educational use for children at **30 Ossipee Road/70 Linden Street**, Ward 5, Newton Upper Falls, on land known as SBL 51, 34 and 35, 1 and 2, in a district zoned MANUFACTURING. Ref: Sec 30-24, 30-23, 30-5(b)(2) of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



30 Ossipee Road

EXECUTIVE SUMMARY

The property at 30 Ossipee Road consists of a 4,800 square foot space in an 183,000 square foot building on a 93,480 square foot lot. The site includes street-level and underground parking, and there is additional parking available across the street at 70 Linden Street. The petitioner is proposing to use the site for MyGym, which is a for-profit educational business providing physical education to children ages 1-8. The petitioner is requesting a special permit to allow for a for-profit educational use in a Manufacturing zone. The space was previously used as an office for Microfluidics Corporation.

The proposed for-profit educational use is allowed in all zoning districts, but by special permit only in a Manufacturing zone. The petitioner will have six employees in total and approximately three employees on-site at any time. The petitioner is expecting a maximum of 15 students on-site at one time during the week and up to 24 students at one time on weekends. There are six parking spaces required for the proposed use, which is calculated as one parking space per employee. The petitioner is proposing to allot 20 parking spaces for the proposed use. There are 178 parking stalls associated with the building between the parking lot on the site and the parking lot on Linden Street, which are under the same ownership.

The Planning Department does not expect the proposed use or associated parking demand to have a more adverse impact on the surrounding neighborhood than the existing use. Furthermore, the project's peak parking demand is on the weekends when the majority of the rest of the building and parking areas are not heavily used.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Board should consider whether:

- The site is an appropriate location for the proposed for-profit educational use.
- The use as developed and operated will not adversely affect the neighborhood.
- Access to parking is appropriate for the number of vehicles involved.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located in the Newton Upper Falls Historic District, just north of Needham Street at the corner of Chestnut Street and Oak Street. The subject property is the only site zoned Manufacturing in the immediate neighborhood. Other zoning districts in the area include Multi-Residence to the north, Mixed Use to the south and

Business to the West. The residential neighborhood is a mix of one- and two-family residences.

B. Site

The 93,480 square foot lot contains a 183,000 square foot building and associated parking. The abutting property to the east is also owned by the same property owner and contains an 1,800 square foot building and additional parking for both sites. Between the two lots the property has 178 parking stalls. The building is a multi-tenant commercial building containing mostly manufacturing and office uses.

III. PRIMARY PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner is a for-profit educational use and will be replacing an office.

B. Building and Site Design

The petitioner is not proposing any external alterations to the building or the site.

C. Parking and Circulation

No changes to the parking area are proposed. The site has 178 parking stalls associated with the building between the two lots including behind the building, in a below-grade garage, and in a lot across Linden Street. There are also a significant number of on-street parking spaces on the south side of Chestnut Street directly across the street from the subject property.

The proposed use has a similar parking requirement as the previous use and does not require any parking relief. The petitioner is allotting 20 spaces for this use, which exceeds the zoning requirement and where the estimated capacity will be 15 students and three staff members during the week.

Due to sufficient parking on-site and in the immediate area the Planning Department does not believe that the proposed use would create a parking problem in the neighborhood, nor would it generate a significant increase in vehicular traffic.

IV. COMPREHENSIVE PLAN

The *2007 Comprehensive Plan* asserts that Newton's economic development success depends upon the City succeeding as both an attractive residential living environment and as a desirable location for business: "Newton thrives when it optimizes the interaction between its residential and commercial constituents" (6-1). The location of this proposed

educational use in a Multi-Residence zone appears to further the goals of the *Newton Comprehensive Plan*, which generally encourages developments and uses that foster active neighborhood and village centers by providing services that complement existing ones.

V. TECHNICAL REVIEW

A. Technical Considerations.

The Zoning Review Memorandum, (**ATTACHMENT A**), provides an analysis of the proposal with regard to zoning. The petitioner is requesting a special permit for a nonconforming use.

VI. ZONING RELIEF SOUGHT

Based on the completed Zoning Review Memorandum the petitioner is seeking approval through or relief from:

- Section 30-5(b)(2) for a special permit to allow for a for-profit educational use in the Manufacturing zone.

VII. PETITIONER'S RESPONSIBILITIES

At the public hearing or prior to being scheduled for a working session:

- The petitioner should consider ways to reduce parking demand by patrons and employees, so as to minimize any impacts on the surrounding neighborhood.
- The petitioner should consider installing a bike rack on-site if there isn't one already.

ATTACHMENTS

ATTACHMENT A:	ZONING REVIEW MEMORANDUM
ATTACHMENT B:	ZONING MAP
ATTACHMENT C:	LAND USE MAP



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Attachment A

Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: June 25, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Jim Koert, C.U. Inc, dba My Gym of Newton
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow a for-profit education use

Applicant: My Gym of Newton	
Site: 30 Ossipee Road	SBL: 93480 34200
Zoning: MAN	Lot Area: 93,480 square feet / 34,200 square feet
Current use: Biotechnology	Proposed use: For-profit education use

BACKGROUND:

The property at 30 Ossipee Road is a 4,800 square foot space within a larger building at 1238 Chestnut Street. The proposed space was previously occupied by the Microfluidics Corporation (a biotechnology corporation). The applicant proposes to use the site for a for-profit educational use providing physical education to children ages 1-8.

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

- Zoning Review Application, prepared by James Keort, dated 6/25/13
- Description of My Gym of Newton, prepared by James Keort, undated
- Plot Plan, signed and stamped by Andrew John Browne, surveyor, dated 7/27/12
- Aerial Map/Parking Plan
- Interior Floor Plan

ADMINISTRATIVE DETERMINATIONS:

1. The applicant provides for-profit educational services, which are allowed in all districts by special permit per section 30-5(b)(2).
2. My Gym of Newton employs six staff members in total. On weekdays, the applicant proposes a maximum number of three employees on site at one time during classes, and an estimated maximum of 15 students. On weekends, the staff remains at three, but there can be up to 24 students.
3. There are 178 parking stalls available between the two commonly held lots for the site in total. The building owner has allotted 20 parking stalls to the space proposed to be used by My Gym of Newton. According to Section 30-19, the use of the property for My Gym of Newton will require six parking stalls for its employees. With an excess of 14 stalls, no waiver from the parking requirements is necessary.
4. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-5(b)(2)	Special permit to allow a for-profit education use	S.P. per §30-24

231-13 Zoning Map 30 Ossipee Rd

City of Newton,
Massachusetts

Legend

- Building Outlines
- Streets - Pavement Edge

Zoning

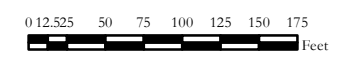
- Multi-Residence 1
- Business 1
- Business 2
- Manufacturing
- Mixed Use 1

ATTACHMENT B

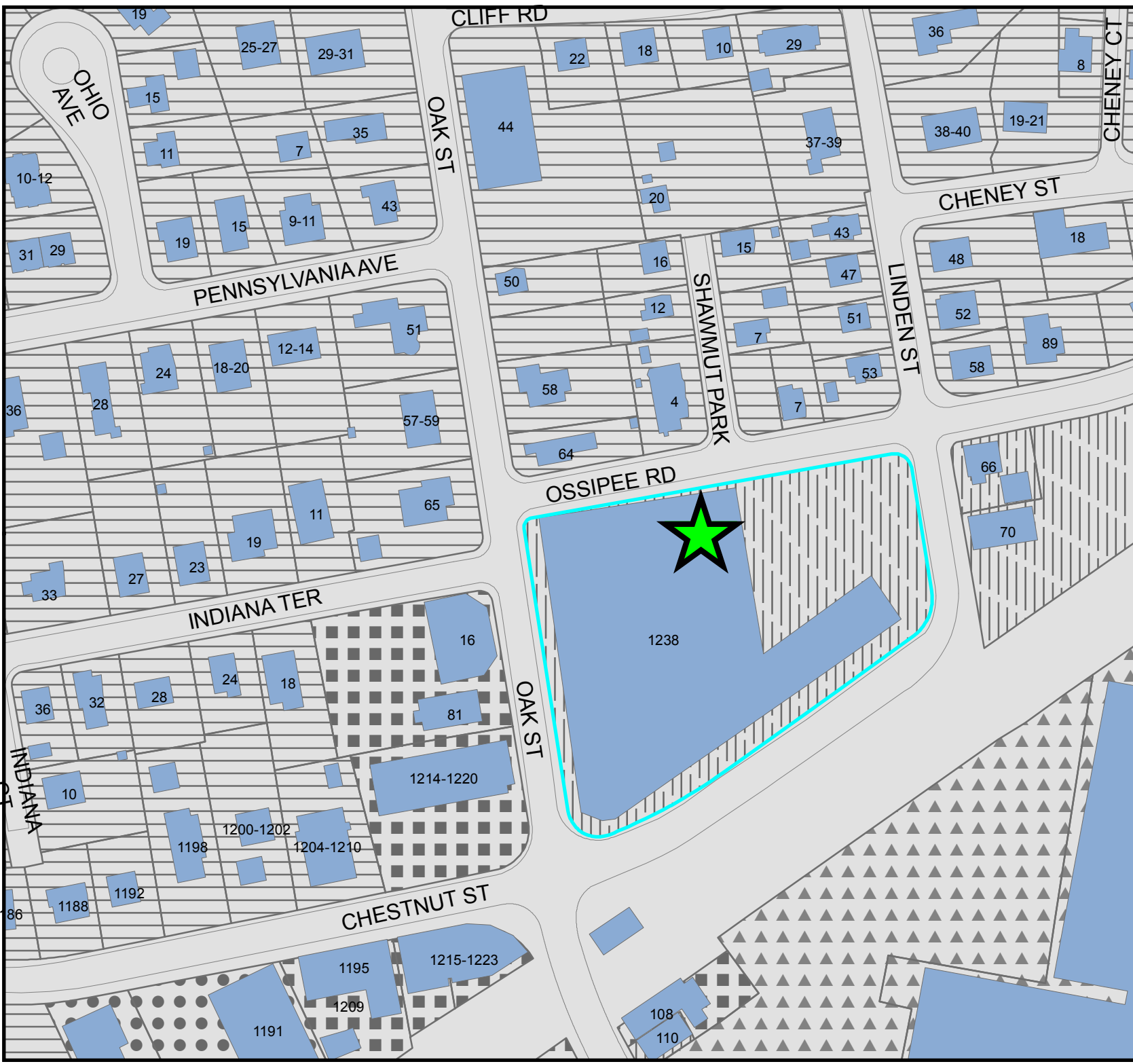


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas Greenfield



Map Date: August 07, 2013



231-13 Land Use Map 30 Ossipee Rd

City of Newton,
Massachusetts

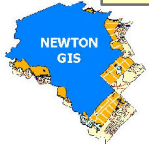
Legend

- Building Outlines
- Streets - Pavement Edge

Land Use

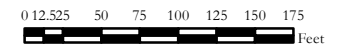
- Single Family Residential
- Multi-Family Residential
- Commercial
- Industrial
- Mixed Use
- Private Educational
- Nonprofit Organizations
- Vacant Land

ATTACHMENT C



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