



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
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**#217-18**

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Barney Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date:	May 15, 2018
Land Use Action Date:	July 24, 2018
City Council Action Date:	August 6, 2018
90-Day Expiration Date:	August 13, 2018

DATE: May 11, 2018

TO: City Council

FROM: Barney Heath, Director of Planning and Development  
Jennifer Caira, Chief Planner for Current Planning  
Valerie Birmingham, Planning Associate

SUBJECT: **Petition #217-18**, FUSION EDUCATION INC./320 NEEDHAM DE, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Orders #275-14 to allow a for-profit learning center in the existing office space at **320 Needham Street**, Ward 8, Newton Upper Falls, on land known as Section 83, Block 31, Lot 26, containing approximately 97,600 sq. ft. of land in a district zoned MULTI USE 1. Ref: 7.3, 7.4, 4.4.1, 6.3.14 of the City of Newton Rev Zoning Ord, 2015.

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The purpose of this memorandum is to provide the City Council and the public with technical information and planning analysis which may be useful in the special permit decision making process of the City Council. 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 City Council will want to consider in its discussion at a subsequent Working Session.



**320 Needham Street**

### **EXECUTIVE SUMMARY**

The property at 320 Needham Street consists of a 97,600 square foot lot in a Mixed Use 1 (MU1) zoning district, improved with a two-story, approximately 41,780 square foot multi tenanted building built in 1961. The property received Special Permit #275-14 in 2014 to allow for an (up to) 23 stall parking waiver for a day care center (Bright Horizons) which occupies approximately 11,060 square feet of the building. The petitioner, Fusion Academy, is requesting to allow a for-profit educational use within 10,924 square feet of existing office space. Per §4.4.1 and §6.3.14.B.2 of the Newton Zoning Ordinance (NZO) a special permit is required to allow a for-profit educational use in the MU1 zoning district; and an amendment to the site's existing special permit is necessary.

The existing uses on site require 163 parking stalls, for which there are 143 existing stalls and a waiver of 23 stalls, allowed by Special Permit #275-14, for a total of 166 stalls available to the site. The proposed change from office to for-profit education decreases the site's parking requirement by one stall, from 163 to 162. Thus, the existing parking waiver satisfies the parking requirements for the proposed use and no further waiver is required.

The Planning Department does not have any particular concerns regarding the operation of the proposed use as there appears to be sufficient parking on the site, as well as adequate traffic movement due to the parking lot's satisfactory circulation patterns. In addition, the site cannot be accessed via Needham Street. Visitors are required to enter and exit the site off of Christina Street, which experiences much lower traffic volume in comparison to Needham Street.

#### **I. SIGNIFICANT ISSUES FOR CONSIDERATION:**

When reviewing this request, the Board should consider whether:

- The specific site is an appropriate location for the proposed for-profit educational use (§7.3.3.C.1);
- The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood (§7.3.3.C.2);
- 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).

## II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

### A. Neighborhood and Zoning

The site is located in the Needham Street commercial corridor at the corner of Needham and Christina Streets and is zoned MU1 along with the majority of the surrounding area, except for condominiums directly across the street which are zoned Business Use 2 (BU2). The land use of the site and areas to the east, north, and lower portion of the northwest is commercial, the condominiums across the street to the west is multi family residential, and the property to the upper portion of the northwest is industrial (**Attachments A & B**).

### B. Site

The site consists of a 97,600 square foot lot improved with a two-story commercial building with office space and an existing daycare; and two separate asphalt parking areas that combine for a total of 143 parking stalls. The existing building is approximately 41,780 square feet, of which 30,720 square feet is currently being used as office space. The site is a corner lot that is abutted by the Charles River to the south and an office building to the east. Mature vegetation surrounds the site to the east and south. The site is located within the 200-foot riverfront buffer, thereby subjecting most site changes to review by the Conservation Commission. A fence enclosed outdoor playground that is accessory to the daycare is located to the northeast of the building, adjacent to the parking lot, with surrounding barriers for added safety.

Due to the significant change in the grade of the site, the entrance at the front of the building is on the second floor while the entrances at the rear of the building are on the first floor. There is a small parking lot directly off of Christina Street, and a large parking lot behind the building that is accessed by a private right of way through the parking lots of the adjacent office building.

## III. PROJECT DESCRIPTION AND ANALYSIS

### A. Land Use

The applicant proposes to introduce a for-profit educational use to 10,924 square feet of the first floor commercial space on site. The petitioner has indicated that the proposed use would involve 25 tutor rooms, 4 group learning rooms, and 2 homework cafes. Individual tutor rooms would entail of 1 student and 1 teacher at

a time. A group learning room would consist of a maximum of 8 students and 1 teacher at a time and classes designated to this space are only offered on Fridays. A homework cafe is a lunch and break area where no instruction occurs, with seating for up to 20 students; students will occupy these areas in between classes and for an hour once a day to complete their homework. The proposed for-profit school is requesting the City allow a maximum of up to 65 students, between grades 6-12, and 32 staff members at one time; however, has stated that when a school at one of their other locations has matured, there is typically only 45-55 students in the space during peak hours.

As described by the petitioner, the proposed use's operation provides the flexibility for students to create their own schedule, and students can start classes at any point during the weekday starting at 7:30 a.m. and ending at 8:30 p.m.; and students can enroll at any point of the school year. Classes are self-paced, and materials are suited to meet the individual needs of the students. A significant portion of the student population is full time, and do not attend traditional schools, and thus are on location the entirety of the day. In addition, the petitioner is proposing to offer part time enrollment for students, as well as single course and tutoring options. The applicant has stated that the busiest time is typically between the hours of 9:00 a.m. and 3:00 p.m. with a drop off and pick up rate of 5-10 students per hour.

The Planning Department does not have any particular concerns with the type of use, as Needham Street is a large commercial corridor with a variety of active businesses.

B. Building and Site Design

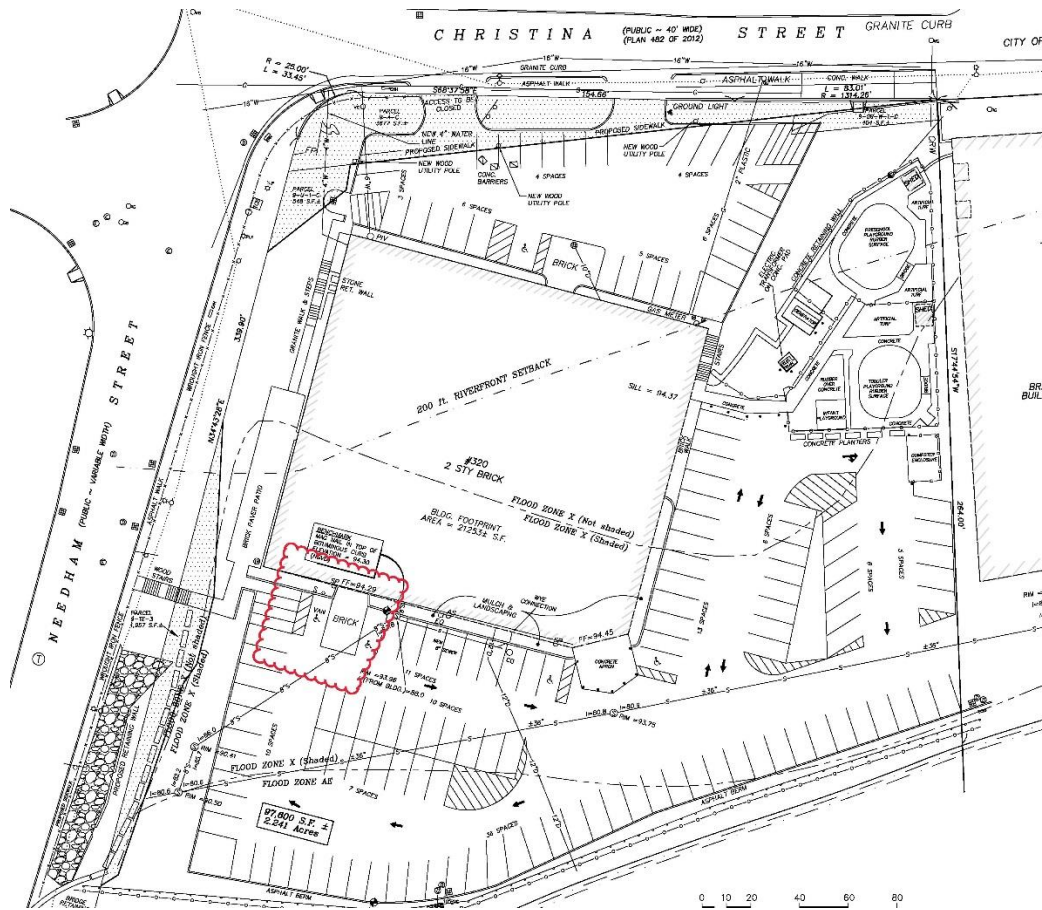
The petitioner is not proposing any modifications to the exterior of the building or the site plan. Access to the space would be via an at grade entry on the rear, lower level adjacent to the site's larger parking lot. The site plan on the next page outlines the proposed entry location.

C. Traffic and Parking

Currently there are 143 parking stalls on the site where 163 would be required for the existing use, and 162 for the proposed. When the Bright Horizons Day Care was permitted in 2014, 23 stalls were eliminated from the parking lot to create a playground for the children, leaving the 143 available parking stalls. The site received a waiver per Special Permit #275-14 for up to 23 parking stalls to make up for those stalls eliminated to create the playground, for a total of 166 stalls available to the site today.

The space intended to be occupied by Fusion Academy was previously occupied by a business office. Per §5.1.4 the parking requirement for a business office is one stall

per every 333 square feet in a building over 20,000 square feet. The space to be used by Fusion Academy is 10,924 square feet, which created a requirement of 33 stalls for an office use. The petitioner has stated that Fusion Academy anticipates having 25 teachers and 7 full time staff serving approximately 65 students. Per §5.1.4, a for-profit educational use is required to provide one stall for each employee, or 32 stalls in this case. The proposed change of use from office to for-profit education decreases the parking demand by one stall. The existing parking waiver satisfies the parking requirement and no further waiver is required.



The site consists of two levels of parking. There is a small parking lot directly off of Christina Street, and a large parking lot situated behind the building that is accessed by a private right of way through the parking lots of the adjacent office building. The entrance to the proposed for-profit school is located in the building's rear, adjacent to the large parking lot (outlined on the site plan above).

There is efficient traffic circulation throughout the rear, large parking lot. On the eastern end of the lot traffic circulation is two way, and on the western end traffic flows in one direction around additional parking spaces in middle aisles. The proposed entrance to the for-profit school is located by the western end of the parking lot improved with one way traffic flow, which would be beneficial during the for-profit school's pick up and drop off periods. Two handicapped spots, one of which is van accessible, are located directly in front of the proposed entrance. The existing day care is accessed via a corner entrance in the back towards the eastern end of the large lot surrounded by protective bollards. The daycare has its own designated active drop off and pick up parking stalls located directly adjacent to the building with its own walkway. The proposed for-profit school should not impact the existing daycare's parking system as they are located on opposite ends of the parking lot. The larger parking lot is accessed via a two way private right of way through the parking lot of the adjacent building with multiple speed bumps to control traffic speed. The parking lot of the adjacent building is accessed solely via Christina Street. Both sites cannot be accessed from Needham Street. In addition, there is a four way stop light at the intersection of Needham, Christina, and Oak Streets to minimize traffic impacts.

The Planning Department believes there to be sufficient parking for the proposed use, and there would be minimal impact to traffic circulation or patterns due to the parking lot's existing configuration and location away from Needham Street.

D. Landscaping

No new landscaping is proposed.

IV. TECHNICAL REVIEW

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

The Zoning Review Memorandum provides an analysis of the proposal with regard to zoning (**Attachment C**). Based on the Memorandum, the petitioner is seeking the following relief:

- Amend Board Order #275-14
- Special permit per §7.3.3 to allow a for-profit educational use in the Mixed Use 1 zoning district (§4.4.1; §6.3.14.B.2)

B. Engineering Review

No Engineering review is required at this time.

V. PETITIONER'S RESPONSIBILITIES

The petition is considered complete at this time.






**ATTACHMENTS:**

- Attachment A:** Zoning Map
- Attachment B:** Land Use Map
- Attachment C:** Zoning Review Memorandum
- Attachment D:** Special Permit #275-14
- Attachment E:** DRAFT Council Order

# Attachment A Zoning Map Needham St., 320

*City of Newton,  
Massachusetts*

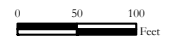
## Legend

-  MU1
-  BU2
-  Building Outlines
-  Surface Water
-  Property Boundaries

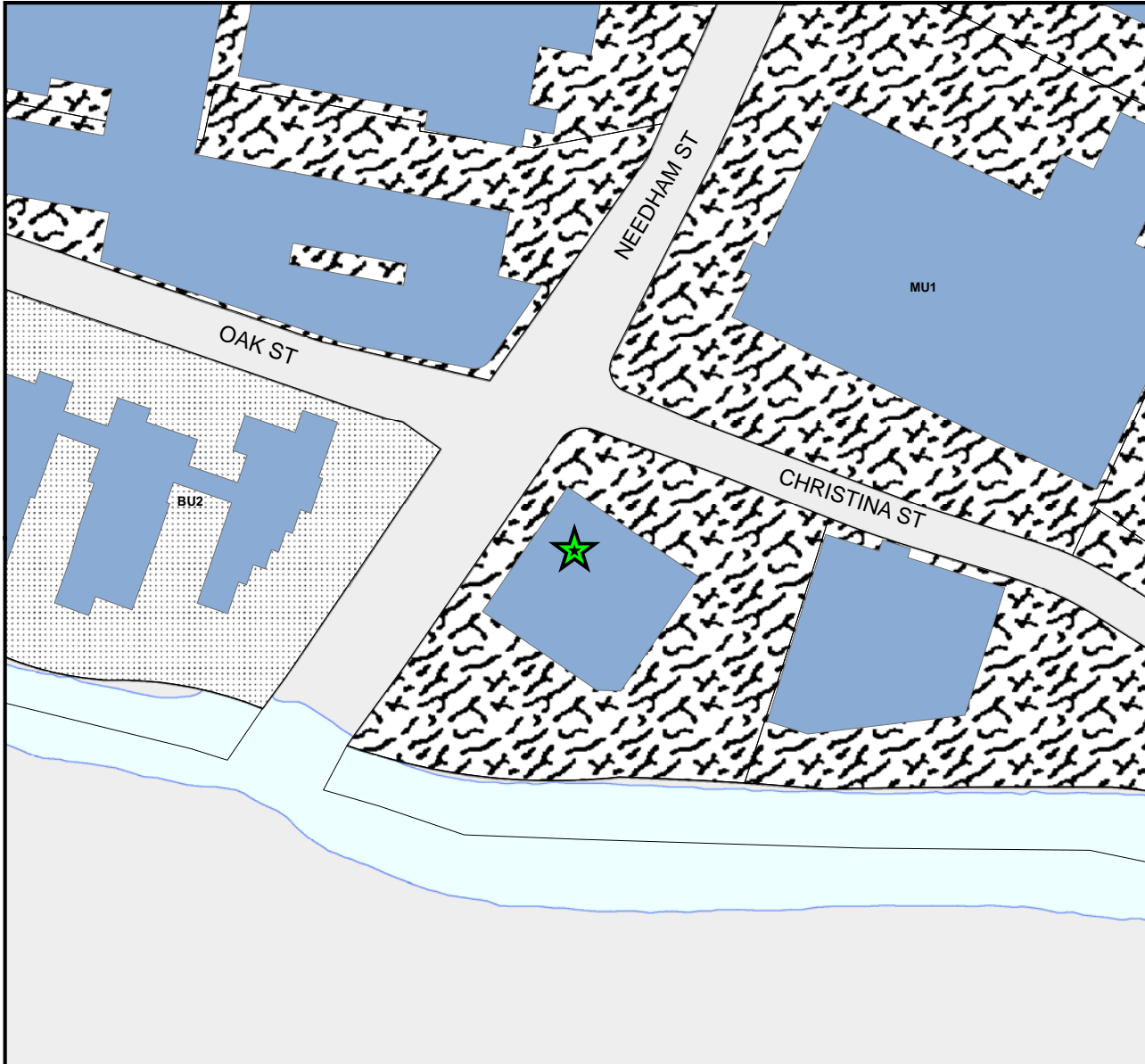


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne B Fuller  
GIS Administrator - Douglas Greenfield



Map Date: May 04, 2018








# ATTACHMENT B

## Land Use

### Needham St., 320

*City of Newton,  
Massachusetts*

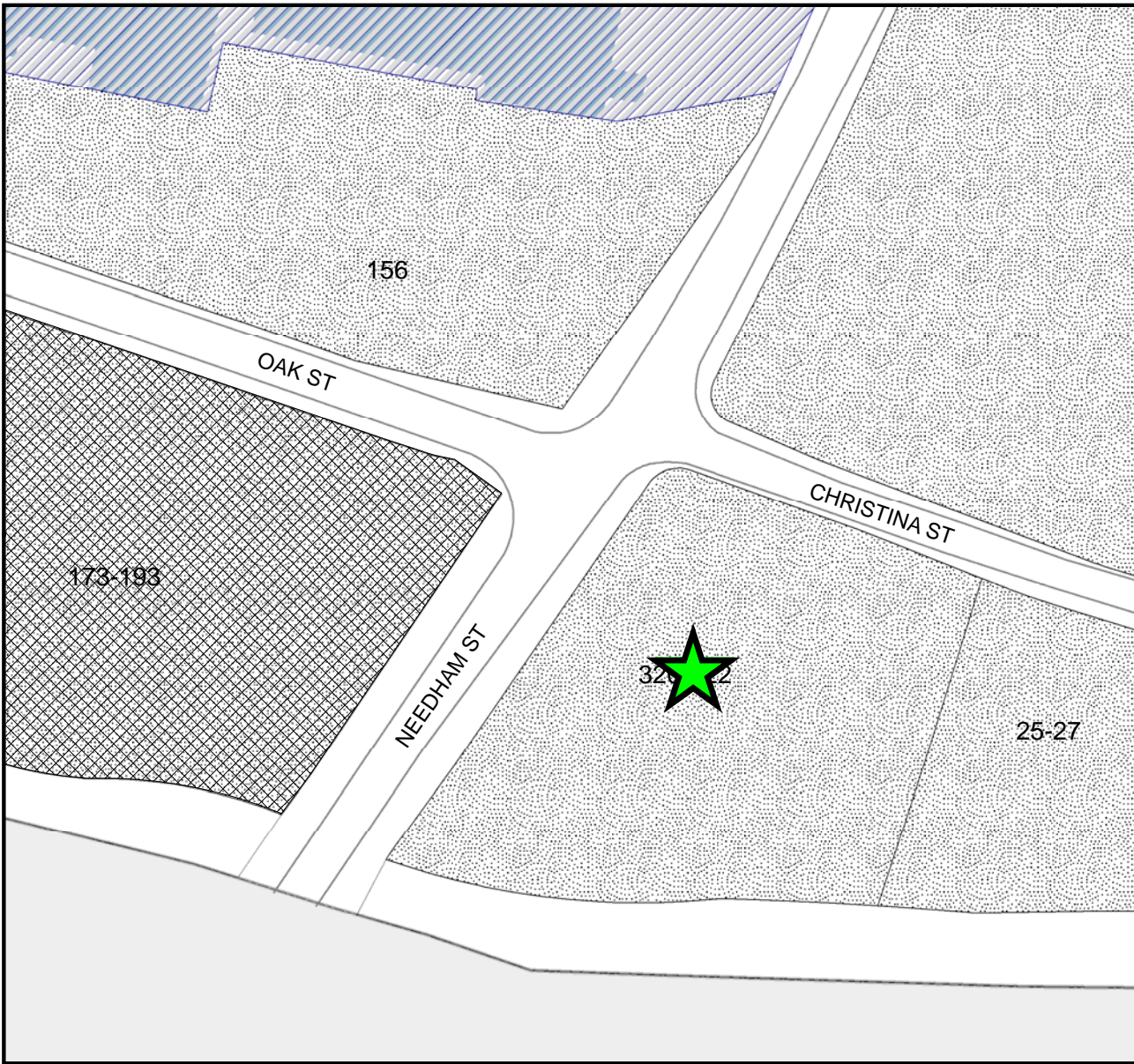
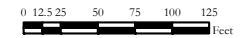
#### Land Use

-  Commercial
-  Industrial
-  Multi Family Residence



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CITY OF NEWTON, MASSACHUSETTS  
Mayor - Ruthanne B Fuller  
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Ruthanne Fuller  
Mayor

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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: April 9, 2018

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Jennifer Caira, Chief Planner for Current Planning

Cc: Alan J. Schlesinger, Attorney  
320 Needham DE, LLC, Applicant  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Acting City Solicitor

**RE: Request to allow a for-profit educational use and to amend Special Permit #275-14**

Applicant: 320 Needham DE, LLC	
<b>Site:</b> 320 Needham Street	<b>SBL:</b> 83 31 26
<b>Zoning:</b> MU1	<b>Lot Area:</b> 97,600 square feet
<b>Current use:</b> Office and day care center	<b>Proposed use:</b> Office, day care and for-profit educational use

### BACKGROUND:

The property at 320 Needham Street consists of a 97,600 square foot lot improved with a multi-tenanted 41,780 square foot office building built in 1961. The property is reached by an access easement over the adjacent parcel at 25-27 Christina Street along the Charles River. There are 143 parking stalls available on the property between two levels of parking. The property received Special Permit #275-14 in 2014 to allow for an (up to) 23-stall parking waiver and nonconforming parking for a day care center.

The petitioner is proposing to locate a for-profit educational use within 10,924 square feet of existing office space. The proposed use requires a special permit, as well as an amendment to the existing special permit.

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

- Zoning Review Application, prepared by Alan Schlesinger, attorney, dated 3/1/2014

- Easement agreement, Middlesex County Reg of Deeds book 14243, page 402, filed 3/18/1981
- As-Built Site Plan, prepared by R.E. Cameron & Associates, Inc, surveyor, dated 11/9/2015, revised 2/27/2018
- Floor Plan, prepared by Acheson Doyle Partners, architect, dated 1/16/2018, revised 1/17/2018
- Parking calculation, dated 3/1/2018

**ADMINISTRATIVE DETERMINATIONS:**

1. The petitioner proposes to repurpose 10,924 square feet of office space to be used by Fusion Academy, a for-profit educational use serving children in grades six through 12. Per section 4.4.1, a special permit is required for a for-profit educational use in the Mixed Use 1 zoning district.
2. When the Bright Horizons Day Care was permitted, 23 stalls were eliminated from the parking lot to create a playground for the children, leaving 143 available stalls. The site received a waiver from dimensional nonconformities within the parking lot, as well as a waiver of up to 23 parking stalls to make up for those stalls eliminated to create the playground.

The petitioner states that Fusion Academy anticipates having 25 teachers and seven full time staff serving approximately 65 students. The most approximate parking requirement for a “for-profit educational use” found in section 5.1.4 is the requirement set forth for a “school serving children under 14 years of age”, which is one stall for each employee, or 32 stalls in this case.

The space intended to be occupied by Fusion Academy was previously occupied by a business office. Per section 5.1.4 the parking requirement for a business office is one stall per every 333 square feet in a building over 20,000 square feet. The space to be used by Fusion Academy is 10,924 square feet, which creates a requirement of 33 stalls for an office use.

The existing uses on site require 163 parking stalls, for which there are 143 existing stalls and a waiver of 23 stalls (for a total of 166 stalls available to the site). The proposed change of use from office to for-profit education decreases the parking demand by one stall, from 163 to 162. The existing parking waiver satisfies the parking requirement and no further waiver is required.

3. While the applicant has not indicated any signs, all signs are subject to the permitting requirements established in Section 5.2.
4. See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
	Request to amend Special Permit #275-14	
§4.4.1 §6.3.14	Request to allow a for-profit educational use	S.P. per §7.3.3

Middlesex South Registry of Deeds  
Electronically Recorded Document

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Recording Information

Document Number	: 167746
Document Type	: DECIS
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Recorded Time	: 03:17:30 PM
Recorded Book and Page	: 64452 / 516
Number of Pages(including cover sheet)	: 4
Receipt Number	: 1750363
Recording Fee	: \$75.00

**Middlesex South Registry of Deeds**  
**Maria C. Curtatone, Register**  
208 Cambridge Street  
Cambridge, MA 02141  
617-679-6300  
[www.cambridgedeeds.com](http://www.cambridgedeeds.com)

#275-14

CITY OF NEWTON  
IN BOARD OF ALDERMEN

October 6, 2014

RECEIVED  
Newton City Clerk  
2014 OCT -8 PM 4:18  
David A. Olson, CM  
Newton, MA 02459

**ORDERED:**

That the Board, 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 APPROVAL to grant a waiver of 23 parking stalls and to legalize an existing nonconforming parking facility, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The waiver of up to 23 parking stalls is appropriate, as there is adequate parking on the site for the proposed day care use, as well as other uses on the site. (§30-19(c)(3),(d)(13) and (m))
2. The site is an appropriate location for the proposed day care use, as it is located within an existing commercial corridor and there is adequate parking on the site. (§30-24(d)(1))
3. There will be no nuisance or serious hazard to vehicles or pedestrians. (§30-24(d)(3))
4. Access to the site over streets is appropriate for the types and number of vehicles involved. (§30-24(d)(4))

PETITION NUMBER: #275-14

PETITIONER: Bright Horizons Family Solutions LLC

LOCATION: 320 Needham Street, Ward 8, on land known as SBL 83, 31, 26 containing approx. 97,600 sq. ft. of land

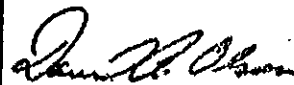
OWNER: 320 Needham DE, LLC

ADDRESS OF OWNER: 250 First Ave. Suite 200  
Newton, MA 02494

TO BE USED FOR: Day Care Center

EXPLANATORY NOTES: §30-19(d)(13), §30-5(a)(3)(d), for a parking waiver of 23 stalls; §30-19(h), to locate parking stalls within a setback; §30-19(i), to

Property Address: 320 Needham Street Newton, MA 02464  
Owner: 320 Needham DE, LLC  
Deed Reference: Book 63759 Page, Page 233 Middlesex South Registry of Deeds

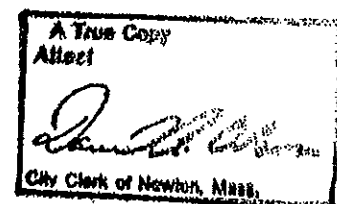
A True Copy  
Attest  
  
City Clerk of Newton, Mass.

waive landscaping requirements for a parking facility; §30-19(j), to waive lighting and surfacing requirements for a parking facility; §30-19(k), to waive bicycle parking facilities requirements

ZONING: Mixed Use 1

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. Topographic Plan, prepared by R.E. Cameron Associates, Inc., signed and stamped by Scott D. Cameron, Registered Professional Land Surveyor, dated July 23, 2014.
  - b. General Plan, prepared by Stantec, signed and stamped by Kevin Beuttell, Registered Landscape Architect, dated July 30, 2014, and Revised on August 13, 2014 and October 1, 2014.
  - c. Proposed Site Improvements Plan, prepared by Stantec, signed and stamped by Kevin Beuttell, Registered Landscape Architect, dated July 30, 2014, and Revised on August 13, 2014 and October 1, 2014.
  - d. Site Utilities Plan, prepared by prepared by Stantec, signed and stamped by Kevin Beuttell, Registered Landscape Architect, dated July 30, 2014, and Revised on August 13, 2014 and October 1, 2014.
  - e. Planting Plan, prepared by Stantec, signed and stamped by Kevin Beuttell, Registered Landscape Architect, dated July 30, 2014, and Revised on August 13, 2014 and October 1, 2014.
  - f. Floor Plan, prepared by Davis Square Architects, stamped and signed by Ross A. Speer, dated June 6, 2014.
2. During regular operating hours when the day care use is open to customers, the maximum number of staff allowed on site at any one time shall be 25, and the maximum number of children allowed on site at any one time shall be 122.
3. The petitioner shall provide two bicycle racks on the site.
4. 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 Approval 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.
5. 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 architect or engineer certifying compliance with Condition.#1.
  - b. Submitted to the Department of Inspectional Services, and the Department of Planning and Development a final as-built survey plan in paper and digital format.
  - c. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
6. Notwithstanding the provisions of Condition #5c. above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of final landscaping provide that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

Under Suspension of Rules

Readings Waived and Approved

22 yeas 0 nays 1 absent (Alderman Johnson) 1 recused (Alderman Brousal-Glaser)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 October 8, 2014. 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:

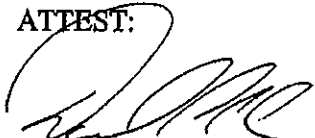
ATTEST:



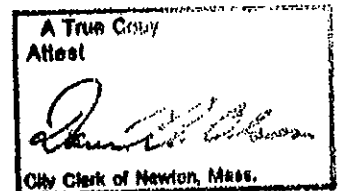
(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen 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 Board of Aldermen in the Office of the City Clerk on 10/5 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk  
Clerk of the Board of Aldermen



**DRAFT** #217-18  
320 Needham Street

CITY OF NEWTON

IN CITY COUNCIL

ORDERED:

That the 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 APPROVAL to amend Special Permit #275-14 and allow a for-profit educational use in the Mixed Use 1 zoning district (§4.4.1; §6.3.14.B.2) as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the proposed for-profit educational use as it is located in an active commercial corridor with a mix of retail, service, office and residential uses (§7.3.3.C.1);
2. The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood as the site is located in a mixed-use area with active commercial uses and has adequate off-site parking to meet the projected parking demand for the proposed use 7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians as the site's existing parking lot is improved with adequate traffic circulation and the for-profit school's entry will be located away from the existing daycare (§7.3.3.C.3);
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved as the site is solely accessed via Christina Street, which experiences much lower traffic volume in comparison to Needham Street (§7.3.3.C.4).

PETITION NUMBER: #217-18

PETITIONER: FUSION EDUCATION INC./320 NEEDHAM DE, LLC.

LOCATION: 320 Needham Street, on land known as SBL 83, 31, 26, containing approximately 97,600 square feet of land

OWNER: 320 Needham DE, LLC



ADDRESS OF OWNER: 250 1<sup>st</sup> Avenue #200  
Needham, MA 02494

TO BE USED FOR: Day care center on the first floor, for-profit educational use on the  
first floor, office space

EXPLANATORY NOTES: Special permit per §7.3.3 to allow a for-profit educational use in the  
Mixed Use 1 zoning district (§4.4.1; §6.3.14.B.2)

ZONING: Mixed Use 1(MU1) district

***This special permit supersedes, consolidates, and restates provisions of prior special permits to the extent that those provisions are still in full force and effect. Any conditions in prior special permits not set forth in this special permit #217-18 are null and void.***

Approved subject to the following conditions:

***Conditions associated with this Special Permit/Site Plan Approval, Order #217-18:***

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. a plan entitled "As-Built Site Plan, Fusion Learning Academy, 320 Needham Street, Newton Massachusetts," prepared by R.E. Cameron & Associates, Inc. dated February 27, 2018;
  - b. a plan entitled "First Floor Construction Plan" prepared by Acheson Doyle Partners Architects, unsigned and undated (A101.00).
2. During regular operating hours when the for-profit school is open to customers, the maximum number of staff allowed on site any one time shall be 32, and the maximum number of students allowed on site any one time shall be 65.
3. 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 Approval 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 Department of Planning and Development that confirms plans submitted with any building permit are consistent with plans approved in Condition #1.
4. No Certificate of Occupancy for the buildings and uses 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 architect or surveyor certifying substantial compliance with Condition #1.

***Conditions incorporated from Board Order #275-14:***

5. 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. Topographic Plan, prepared by R.E. Cameron Associates, Inc., signed and stamped by Scott D. Cameron, Registered Professional Land Surveyor, dated July 23, 2014.
  - b. General Plan, prepared by Stantec, signed and stamped by Kevin Beuttell, Registered Landscape Architect, dated July 30, 2014, and Revised on August 13, 2014 and October 1, 2014.
  - c. Proposed Site Improvements Plan, prepared by Stantec, signed and stamped by Kevin Beuttell, Registered Landscape Architect, dated July 30, 2014, and Revised on August 13, 2014 and October 1, 2014.
  - d. Site Utilities Plan, prepared by prepared by Stantec, signed and stamped by Kevin Beuttell, Registered Landscape Architect, dated July 30, 2014, and Revised on August 13, 2014 and October 1, 2014.
  - e. Planting Plan, prepared by Stantec, signed and stamped by Kevin Beuttell, Registered Landscape Architect, dated July 30, 2014, and Revised on August 13, 2014 and October 1, 2014.
  - f. Floor Plan, prepared by Davis Square Architects, stamped and signed by Ross A. Speer, dated June 6, 2014.
5. During regular operating hours when the day care use is open to customers, the maximum number of staff allowed on site at any one time shall be 25, and the maximum number of children allowed on site at any one time shall be 122.
6. The petitioner shall provide two bicycle racks on the site.