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James Freas  
Acting Director

**PUBLIC HEARING/WORKING SESSION MEMORANDUM**

**DATE:** May 20, 2016  
**MEETING DATE:** May 24, 2016  
**TO:** Land Use Committee of the City Council  
**FROM:** James Freas, Acting Director of Planning and Development  
Alexandra Ananth, Chief Planner for Current Planning  
Neil Cronin, Senior Planner  
**CC:** Petitioner

In response to the revised plans presented at the Land-Use Committee public hearing, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

**PETITION #127-16**

**288 Walnut Street**

Request for Special Permit/Site Plan Approval to waive parking and screening requirements for a day care center

At the Land-Use Committee meeting on May 10, 2016, the attorney representing the petitioner for a proposed day care at 288 Walnut Street distributed copies of a revised site plan in response to two questions raised in the Planning Department’s memo; the lack of on-site parking stalls for employees per the NZO, and the lack of an outdoor play area.

The revised plans dated May 9, 2016 show five new stalls to the southwest of the site abutting Interstate 90. Two of these stalls are tandem, measuring 9’ x 21’, and will be designated for employees only. The other three stalls are perpendicular to the building and measure 8.5’ x 16’. The size of these three stalls is in violation of Section 5.1.7.B.1 and Section 5.1.7.B.2, which requires stalls have a width of 9’ and a depth of 19’ for angle parking. Furthermore, both groups of stalls are in violation of 5.1.7.A, which prohibits parking in required setback distances. Lastly, both groups of stalls violate the minimum width of maneuvering aisles in Section 5.1.7.C.1; the two tandem stalls require a width of 12’ where 4’ is proposed and the three angled stalls require 24’ where widths between 10 feet and 16 feet are proposed.

In addition to the dimensional deficiencies noted, the Planning Department believes these stalls are not practical due to the conditions of the site. Where the five stalls are located, the building is between five and ten feet from the chain link fence protecting the site from Interstate 90. This small area would make maneuvering incredibly difficult. The tandem spaces will have to reverse 120' to exit the site via Bowers Street, avoiding parked cars, the building, and the fence in the process.

With respect to the outdoor play area proposed along Walnut Street, the plan shows 2,400 square feet enclosed with a wrought iron fence. The Planning Department notes that this area is not screened from Walnut Street. Trees, concrete steps and walkways are located within the area. This area must comply with the mandates of the Office for Child Care Services.

**ATTACHMENTS:**

**Attachment A:** Draft Board Order

ATTACHMENT A

CITY OF NEWTON  
IN CITY COUNCIL

June 6, 2016

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 allow a day care center by waiving the associated on-site parking requirement, the requirement of screening outdoor play areas, and on-site drop-off and pick-up parking requirements of the Newton Zoning Ordinances, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

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;
4. The petitioner submitted a pickup and drop-off plan and will have two employees outside during peak drop-off hours to help mitigate traffic congestion; and
5. 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.

PETITION NUMBER: #127-16

PETITIONER: The Beantown Companies, Inc.

LOCATION: 288 Walnut Street, on land known as Section 22, Block 04, Lot 15, containing approximately 21,288 square feet of land

OWNER: 288 Walnut Street Realty Trust, Marc Resnick, Trustee

ADDRESS OF OWNER: 288 Walnut Street  
Newton, MA 02460

TO BE USED FOR: Day Care Center

CONSTRUCTION: Masonry

EXPLANATORY NOTES: §7.4.5 Administrative Site Plan Review for a day care center, §5.1.3.D, §5.1.4, §5.1.13 to waive the parking requirement of the proposed use, §6.3.4.B.3.a to waive the requirement of outdoors screening areas, and §6.3.4.B.3.c to waive the on-site pick-up and drop-off requirement for day care uses

ZONING: Business 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. Topographic Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated October 12, 2015
2. The day care shall be limited to sixty students on-site at any one time.
3. No building permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners have:
  - 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.
4. No Final Inspection/Occupancy Permit for the use covered by this special permit/site plan approval shall be issued until the petitioners have:
  - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect certifying compliance with Condition #1.

- 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 licensed land surveyor.
  - c. Submitted to the Director of Planning and Development evidence of current valid licensure by the Office for Child Care Services.
- 5. The petitioner employs 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 attend a Land-Use Committee hearing to provide an update on:
  - a. Peak drop-off and pick-up conditions;
  - b. Status of employee parking demands; and
  - c. Results of carpooling/ridesharing goals.