



Ruthanne Fuller  
Mayor

**City of Newton, Massachusetts**  
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Barney S. Heath  
Director

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**MEMORANDUM**

Public Hearing Date: June 8, 2021  
Land Use Action Date: August 24, 2021  
City Council Action Date: September 6, 2021  
90-Day Expiration Date: September 6, 2021

DATE: June 4, 2021

TO: City Council

FROM: Barney S. Heath, Director of Planning and Development  
Neil Cronin, Chief Planner for Current Planning  
Katie Whewell, Senior Planner

SUBJECT: **Petition 147-21** for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit education use in 3,500 sq. ft. of the existing building at 60-64 Needham Street, Ward 8, Newton Highlands, on land known as Section 83 Block 11 Lot 18, containing approximately 25,753 sq. ft. of space in a district zoned MIXED USE 2. Ref. Sec. 7.3.3, 7.4, 4.4.1, 6.3.14.B.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

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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.



60-64 Needham Street

## EXECUTIVE SUMMARY

The property at 60-64 Needham Street consists of approximately 25,753 square feet in the Mixed Use2 zone (MU-2) and is improved with a single-story, mixed use commercial building and parking facility. The petitioner is seeking to establish a for-profit educational use, which requires a special permit.

The Planning Department believes the site is an appropriate location for the proposed school in the MU-2 zoning district. There are a mix of uses nearby and the school would complement the mix of uses without adversely impacting the area. While the use satisfies the parking requirement and there is adequate parking on site, the Planning Department would like information as to safety measures of those accessing the front entrance from the rear parking facility as well as pick up and drop off operations for the proposed use.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this petition, the City Council shall consider whether:

- The specific site in a Mixed Use 1 zone (MU-1) is an appropriate location for the proposed for-profit educational use- (§7.3.3.C.1);
- The proposed, as developed and operated, will adversely affect the neighborhood (§7.3.3.C.2);
- The proposed create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3); and
- Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

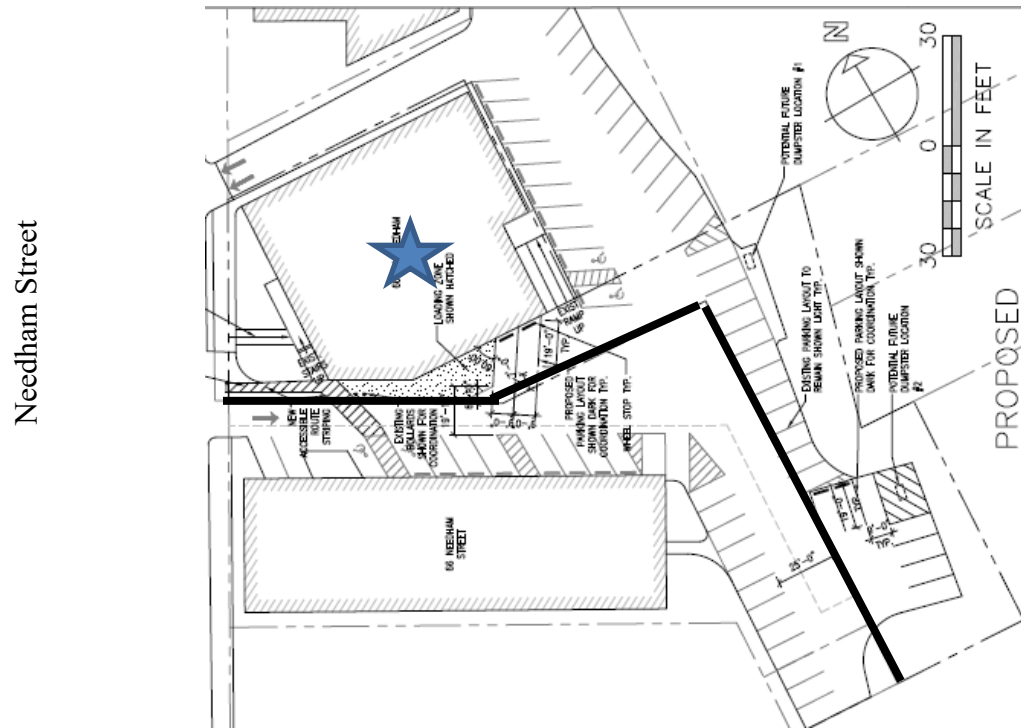
### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

#### A. Neighborhood and Zoning

The subject property is located on Needham Street in the MU-2 zone. The properties on the western side of Needham Street are zoned Mixed Use 1 while the eastern side is zoned Mixed Use 2 (**Attachment A**). These zones contain a vast array of uses that comprise the Needham Street Corridor. (**Attachment B**).

B. Site

The site consists of 25,573 square feet and is improved with single-story mixed-use building. The site has a shared access drive with 66 Needham Street.



Existing Conditions

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The petitioner proposes to introduce a martial arts school to the site, as the martial arts school is classified as a for profit education use, the use requires a special permit. The principle use of the site is and will remain mixed use.

B. Building and Site Design

The petitioner is not proposing any changes to the site. The changes to the building are interior only.

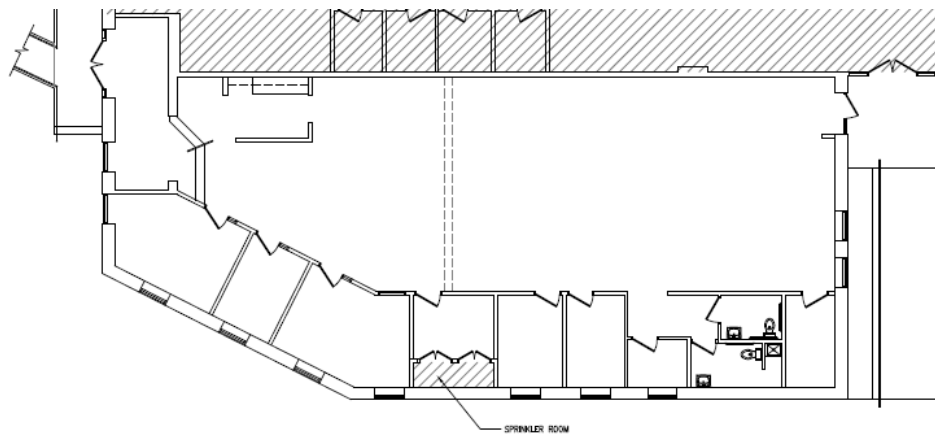
C. Proposed Operations

The proposed educational use teaches martial arts and Taekwan-do to students of

all ages, including children as young as five years of age.

The petitioner indicated the class times are Monday- Friday 4:00 PM – 8:00 PM, and Saturday from 11:00 AM-5:00 PM. They plan to utilize the existing floor plan by using the larger open space for their main classes and utilize two large offices for one-on-one private classes, or virtual classes. The petitioner stated that class sizes vary from one to 40 students and run for about an hour. The Planning Department suggests the petitioner provide additional information such as a class schedule, and the time between each class.

Existing Floorplan



D. Parking and Circulation

The educational use requires three parking stalls based on the number of employees (3). The prior office use required 14 parking stalls based on the square footage. When considering the prior office use there is a 14-stall parking credit. Due to the parking credit from the previous use, the proposed school complies with the parking requirements.

Planning Staff observed the parking facility and noted that the parking stalls nearest to the front entrance are reserved for either the framing store within the same building, or the bicycle shop on the adjacent parcel at 66 Needham Street. Given the age of student as young as five years old, the petitioner should provide any safety measures they are incorporating for students and guardians to accompany them from the rear parking lot to the front of the building, or if there is access to the school from the rear entrance. The Planning Department would like more information regarding pick up and drop off operations and how the site will operate with the proposed use.

E. Landscape Screening

A landscape plan is not required with this petition.

IV. TECHNICAL REVIEW

A. Technical Considerations

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

- Section §4.4.1, §6.3.14.B.2 of Section 30, to allow a for-profit educational use in the MU-2 zone.

B. Newton Historical Commission

This petition does not meet the minimum threshold for review from the Chief Preservation Planner.

C. Engineering Review

This petition does not meet the minimum threshold for review from the Engineering Division of Public Works.

V. PETITIONERS' RESPONSIBILITIES

The petition is complete.

**ATTACHMENTS:**







- Attachment A:** Zoning Map  
**Attachment B:** Land Use Map  
**Attachment C:** Zoning Review Memorandum  
**Attachment D:** Draft Council Order

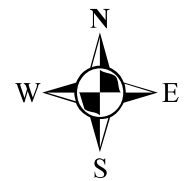
Zoning

60-64 Needham Street

City of Newton,  
Massachusetts

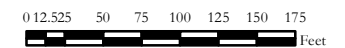
Legend

-  Single Residence 3
-  Multi-Residence 1
-  Manufacturing
-  Mixed Use 1
-  Mixed Use 2
-  Public Use

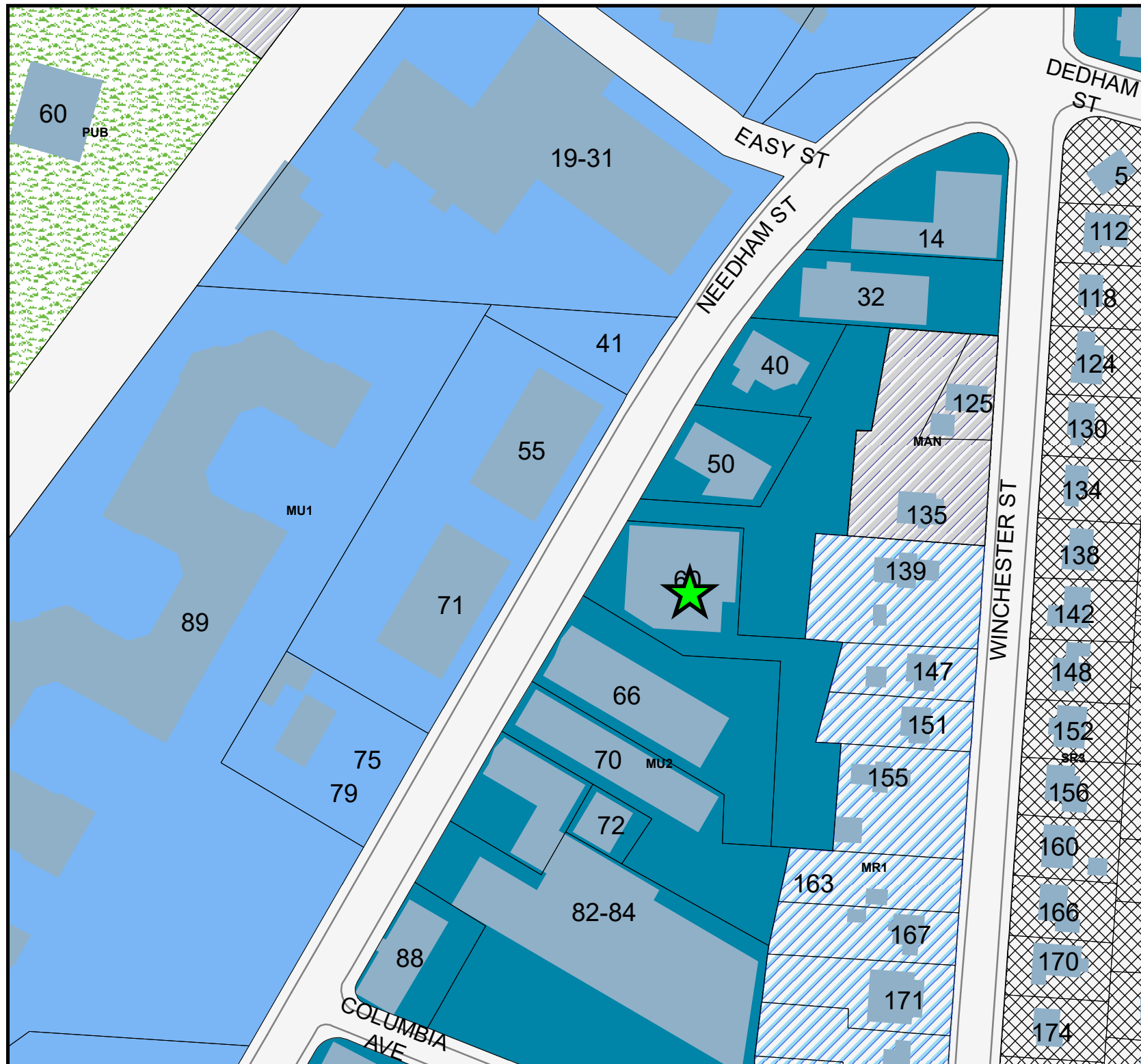


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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



Map Date: May 25, 2021



# ATTACHMENT B





## Land Use

60-64 Needham Street

*City of Newton,  
Massachusetts*

### Legend

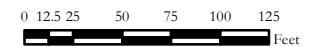
#### Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Open Space
-  Nonprofit Organizations

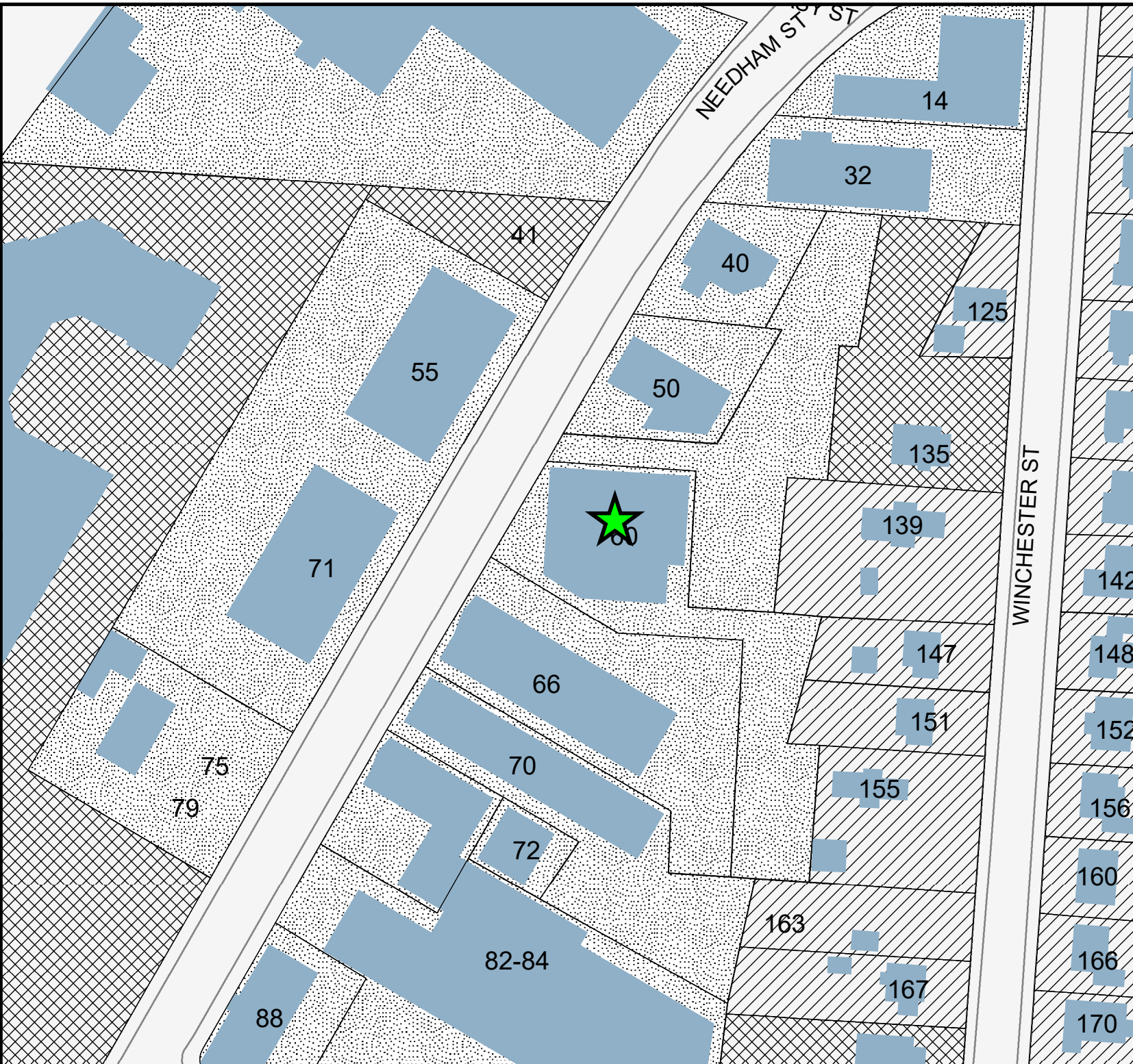


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Map Date: May 25, 2021





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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: March 30, 2021

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Neil Cronin, Chief Planner for Current Planning

Cc: Bob Nealon, Agent  
Sullivan Realty Trust  
Barney S. Heath, Director of Planning and Development  
Jonah temple, Assistant City Solicitor

**RE: Request to allow a for-profit educational use**

Applicant: Sullivan Realty Trust	
<b>Site:</b> 60-64 Needham Street	<b>SBL:</b> 83011 0018
<b>Zoning:</b> MU2	<b>Lot Area:</b> 25,753 square feet
<b>Current use:</b> Real estate office	<b>Proposed use:</b> For-profit education

### **BACKGROUND:**

The property at 60 Needham Street consists of 25,753 square feet improved with a single-story mixed use commercial building constructed in 1960. The petitioner proposes to operate a Taewkan-do school in a 3,500 square foot space formerly occupied by a real estate office. A for-profit school requires a special permit.

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

- Zoning Review Application, prepared by Bob Nealon, Agent, dated 3/30/2021



**ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioner proposes to introduce a for-profit educational use (Taekwon-do/ Martial Arts) to a vacant 3,500 square foot tenant space formerly occupied by a Century 21 Real Estate office. Per sections 4.4.1 and 6.3.14.B.2, a special permit is required to allow a for-profit educational use in the Business 1 zoning district.
2. The 3,500 square foot tenant space was previously used as an office. The previous office use required 14 parking stalls per section 5.1.4.A. The proposed for-profit educational use will have up the three employees working at a time, resulting in a requirement of three parking stalls. No waiver is required, as the credit from the previous use satisfies the proposed parking requirement.

<b>Zoning Relief Required</b>		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§4.4.1 §6.3.14.B.2	Request to allow a for-profit educational use	S.P. per §7.3.3

CITY OF NEWTON  
IN CITY COUNCIL

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 APPROVAL to allow a for profit educational use in the Mixed Use 2 zoning district, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The specific site in a Mixed Use 1 zone (MU-1) is an appropriate location for the proposed for profit educational use because the site is in the Needham Street mixed-use corridor (§7.3.3.C.1);
2. The proposed for profit educational use, as developed and operated, will not adversely affect the neighborhood given the mixed-use nature of the area and the site can accommodate the parking requirement (§7.3.3.C.2);
3. The proposed for profit educational use create a nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3); and
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved (§7.3.3.C.4).

PETITION NUMBER: #147-21

PETITIONER: Sullivan Realty Trust

LOCATION: 64 Needham Street, Section 83, Block 11, Lot 18, containing approximately 25,753 square feet

OWNERS: Sullivan Realty Trust

ADDRESS OF OWNERS: PO Box 122  
Newton, MA 02456

TO BE USED FOR: For Profit Educational Use

CONSTRUCTION: Interior fit out only

EXPLANATORY NOTES: To allow a for profit educational use (§4.4.1, §6.3.14.B.2)

ZONING: Mixed Use 2

***The prior special permit for this property is as follows: Council Order #231-17, which allowed a first-floor health club use, allowed the parking to locate off site, and consolidated special permits #437-03, 437-03 (2). The conditions set forth in Council Order #231-17 remain in full force and effect.***

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. "Parking Layout, 64 Needham Street" Prepared by UDA Architects, dated November 24, 2020
2. 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.
3. No Certificate of Occupancy/Final Inspection 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 certifying substantial compliance with Condition #1.