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**#103-21**

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Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date:	August 24, 2021
Land Use Action Date:	November 9, 2021
City Council Action Date:	November 15, 2021
90-Day Expiration Date:	November 22, 2021

DATE: August 20, 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 #103-21**, SPECIAL PERMIT/SITE PLAN APPROVAL to allow a driving school which falls under the for-profit educational use at **1087 Beacon Street**, Ward 6, Newton Centre, on land known as Section 64 Block 5 Lot 1L, containing approximately 16,925 sq. ft. in a district zoned BUSINESS 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.



**1087 Beacon Street**

## **EXECUTIVE SUMMARY**

The property at 1087 Beacon Street consists of 16,925 square feet improved with a multi-tenanted office building. The petitioner is requesting a special permit to allow a driving school, which is considered a for-profit educational use, in a 738 square foot tenant space. Per Sections 4.4.1 and 6.3.14.B.2 of the Newton Zoning Ordinance a special permit is required to allow a for-profit educational use, a driving school, in the Business 2 (“BU-2”) zoning district.

The Planning Department believes that certain aspects of the operation of the proposed use such as longer class times, and students of driving age make it an appropriate location for the use. Right now, the RMV, which licenses the business, has allowed classes to continue operating virtually until January 2022. The petitioner plans to use the space as an office until they receive licensure for this space, contingent on a Certificate of Occupancy.

The Planning Department has concerns with the potential of 30 students accessing this site at one time coupled with the site constraints of a corner lot with two smaller, separate parking areas. The petitioner should address questions raised in this memorandum such as how the site will operate when they return to in-class programs and more detailed information on how pick up and drop off will be managed and communicated to students and their guardians. Staff suggests the petitioner provide a detailed pick-up and drop-off plan that includes where students will be instructed to be dropped off and picked up on site as well as measures taken to ensure the safety of the operations and site circulation associated with the use.

### **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 adversely affect the neighborhood (§7.3.3.C.2);
- There will be a 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 in the BU-2 zone on Beacon Street at Four Corners in Newton Highlands.



### III. PROJECT DESCRIPTION AND ANALYSIS

#### A. Land Use

The applicant proposes to introduce a for-profit educational use to the site within 738 square feet within the existing 12-unit multi-tenanted commercial building. The site is and will remain commercial.

#### B. Operations

The petitioner is seeking to operate a for-profit educational use in the form of a driving school. All classes are currently virtual as allowed by the RMV until January 2022. The petitioner holds classes Mondays and Wednesdays from 5 PM – 7 PM, where there have historically been approximately five students in those classes. They also conduct classes over school vacation breaks, and those take place on weekdays in the form of a six-hour class from 10 AM – 4 PM. These classes are typically attended by 10-15 students. While the materials submitted indicate 15 students, the petitioner stated they would like as many as 30 students per class. Additionally, there are weekend classes for parents from 10 AM – 12 PM. The petitioner should confirm the maximum number of students that will be in a class.

There is a separate component of the use where students learn to drive in the instructional vehicle associated with the business. The petitioner stated that this activity will not occur on site and the vehicle will be parked elsewhere.

#### C. Building and Site Design

The petitioner is not proposing any modifications to the exterior of the building or the site plan.

#### D. Site Circulation and Parking

The site has approximately 16 surface parking stalls and eight parking stalls within the building's garage. The surface parking area is unstriped, or the striping is faded enough to be indistinguishable. The site is accessed via Beacon Street and Walnut Street which leads to the two separate parking areas and the garage. The garage is accessible from the Walnut Street driveway.

As there will only be one employee, the instructor, the parking requirement is one parking stall. The petitioner stated that the surface parking is open for all users of the building. The parking stall will only be for the instructor on site at the time when in person class resumes.

The petitioner stated students would be picked up and dropped off for classes, however, they should provide a more detailed plan or diagram that shows how this will be managed when they return to in classroom learning. The petitioner stated

that students often carpool and that prior to classes, an e-mail is provided with instructions on accessing the site and parking. However, the petitioner has not provided what that would consist of. The petitioner should also provide information as to where parents will park for the two-hour weekend class, should those classes be held on-site.

Planning has concerns with the potential of 30 students accessing this site for the scheduled classes, specifically the site circulation of cars accessing the site and having to “back out” within the separate parking areas. Staff suggests the petitioner provide a pick-up and drop-off plan that includes where students will be instructed to be dropped off and picked up on site as well as measures taken to ensure the safety of the operations and site circulation associated with the use.

E. 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 D**). Based on the Memorandum, the petitioner is seeking the following relief:

- Special permit per §7.3.3 to allow a for-profit educational use in the Business Use 2 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:** Land Use Map  
**Attachment B:** Zoning Map  
**Attachment C:** Zoning Review Memorandum  
**Attachment D:** DRAFT Council Order








# ATTACHMENT A

## Land Use

### 1087 Beacon Street

City of Newton,  
Massachusetts

## Land Use

-  Single Family Residential
-  Multi-Family Residential
-  Commercial
-  Mixed Use
-  Open Space
-  Nonprofit Organizations
-  Vacant Land

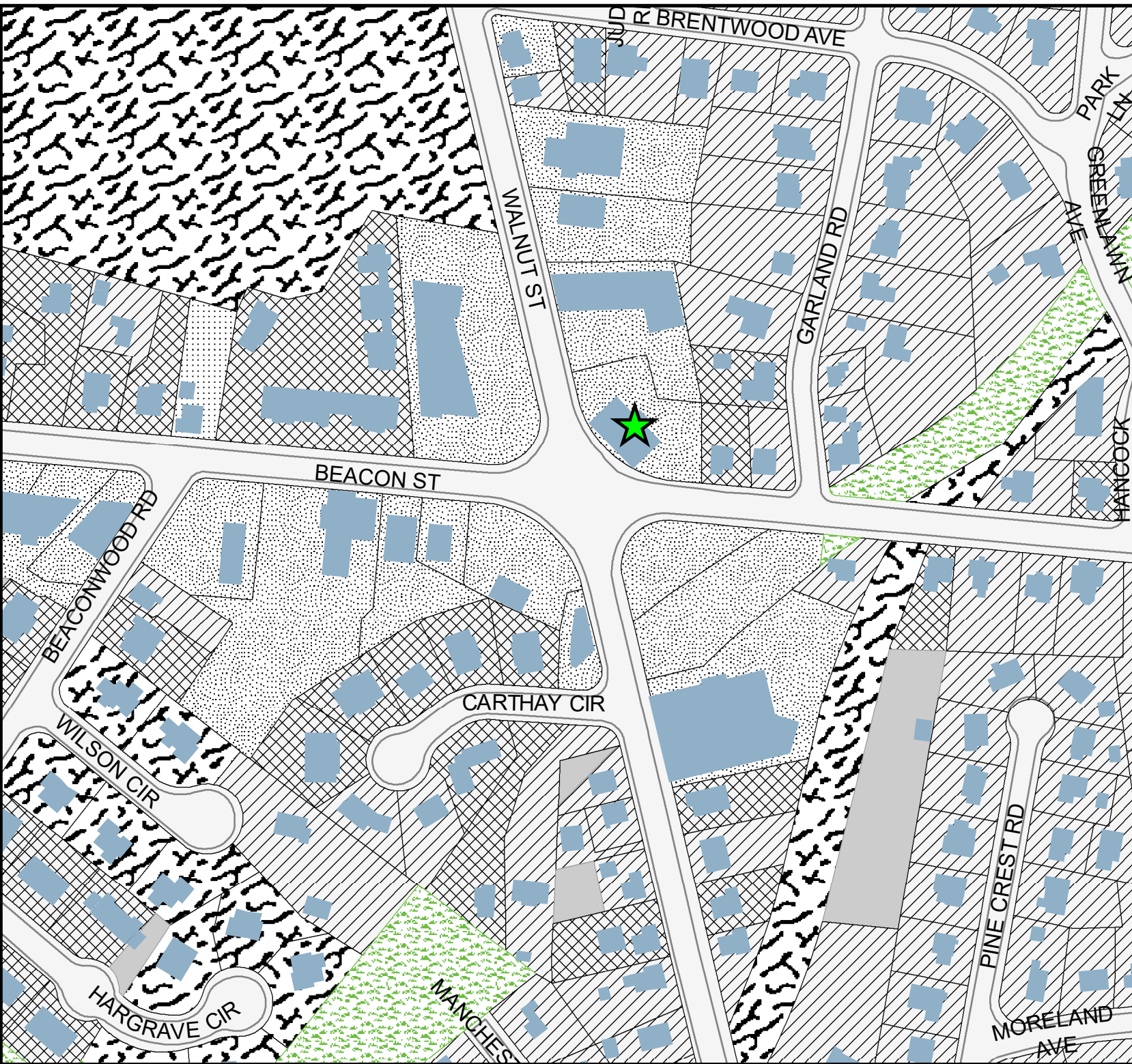


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve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

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

0 12.5 50 75 100 125 150 175 200 225  
Feet

Map Date: April 13, 2021











# ATTACHMENT B

## Zoning

### 1087 Beacon Street

City of Newton,  
Massachusetts

#### Legend

-  Single Residence 2
-  Multi-Residence 1
-  Multi-Residence 2
-  Multi-Residence 3
-  Business 1
-  Business 2
-  Open Space/Recreation
-  Public Use

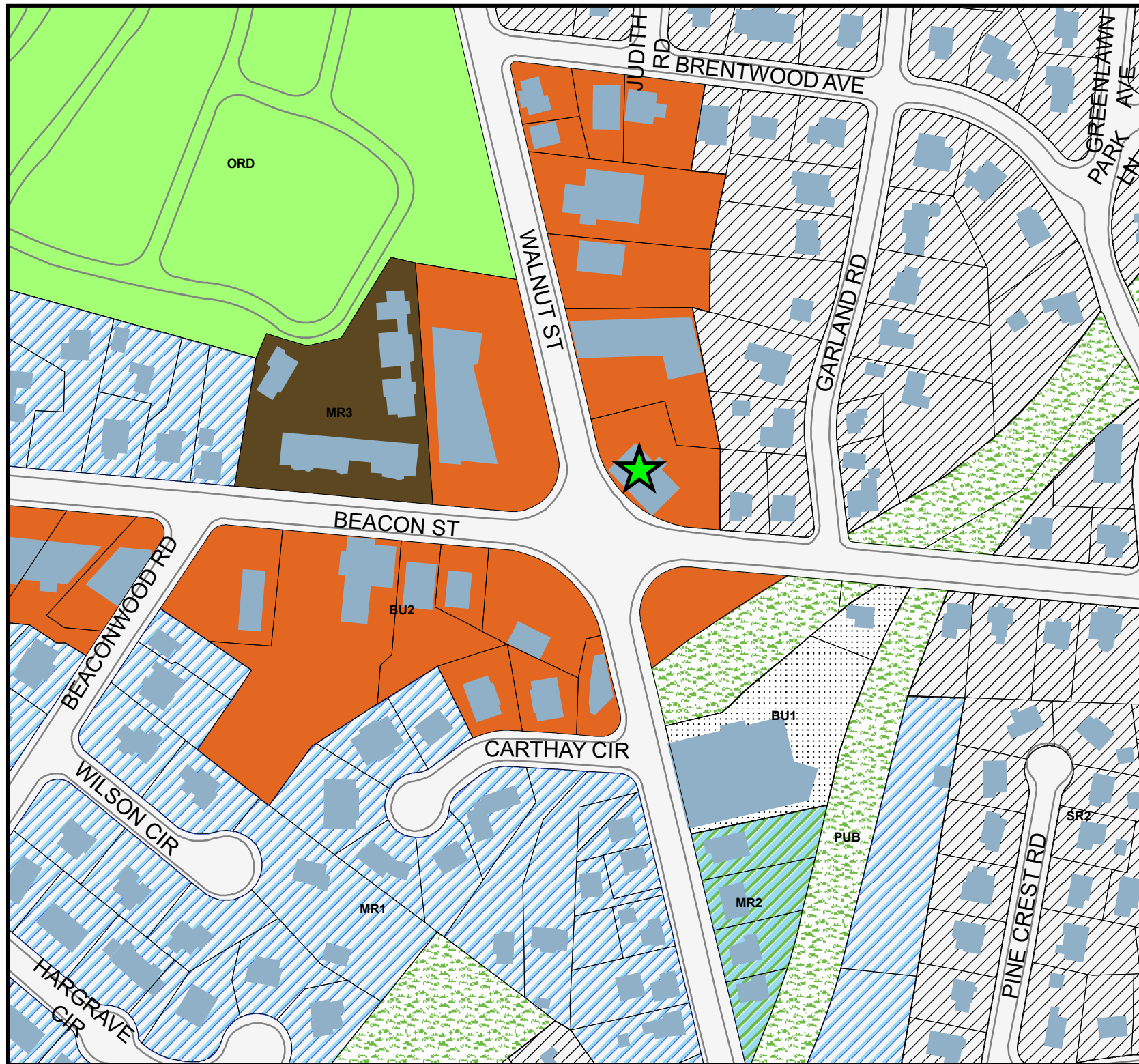


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Director

## ZONING REVIEW MEMORANDUM

Date: March 2, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Terrence P. Morris, Attorney  
Gilli Lavrishina, Sharon Driving School  
Barney S. Heath, Director of Planning and Development  
Jonah temple, Assistant City Solicitor

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

Applicant: Gilli Lavrishina	
Site: 1087 Beacon Street (Unit #304)	SBL: 64005 0001L
Zoning: BU2	Lot Area: 16,925 square feet
Current use: Office building	Proposed use: No change

### BACKGROUND:

The property at 1087 Beacon Street consists of 16,925 square feet improved with an office building constructed in 1983. The petitioner proposes to operate a driving school in a 738 square foot space. 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 Terrence P. Morris, attorney, dated 1/13/2019
- Site Survey, signed and stamped by Joseph A. Bodio, surveyor, dated 1/8/1984
- Floor Plans, signed and stamped by Joseph A. Bodio, surveyor, dated 1/17/1984



**ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioner proposes to introduce a for-profit educational use (driving school) to a vacant 738 square foot tenant space. 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 738 square foot tenant space was previously used as an office and has one parking stall deeded to it. The previous office use required three parking stalls per section 5.1.4.A. The proposed for-profit educational use will have only one employee working at a time, resulting in a requirement of one parking stall. No waiver is required.

<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, 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 Business Use 2 zone is an appropriate location for the proposed driving school because the school will be in an existing office building with similar businesses. (§7.3.3.C.1.)
2. The proposed driving school, as developed and operated, will not adversely affect the neighborhood due to the extended classroom hours and low turnover. (§7.3.3.C.2.)
3. The proposed driving school will not create a nuisance or serious hazard to vehicles or pedestrians. (§7.3.3.C.3.)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved. (§7.3.3.C.4.)

PETITION NUMBER: #103-21

PETITIONER: Sharon Driving School, Inc.

LOCATION: 1087 Beacon St., Section 64, Block 5, Lot 1L, containing approximately 16,925 square feet

OWNERS: 1087 Beacon Realty Trust II

ADDRESS OF OWNERS: 1087 Beacon Street  
Unit 202  
Newton, MA 02459

TO BE USED FOR: For Profit Educational Use

CONSTRUCTION: N/A

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

ZONING: Business Use 2 District

Approved subject to the following conditions:

1. No Building Permit or Occupancy 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.