

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, to alter a nonconforming non-accessory parking facility, to allow the parking requirements to be met off site, to allow parking within the side and rear setbacks and within five feet of the street, to allow parking within five feet of dwelling units, to waive the minimum stall dimensions, to waive the minimum driveway width for one-way traffic, and to waive certain requirements of parking facilities containing more than five stalls at 60, 66-68 Austin Street, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Richard Lipof:

1. The site is an appropriate location for the for-profit educational use due to its location in the Business 5 zone, its location in an area with a mix of uses, and the site improvements being made to facilitate the use. (§7.3.3.C.1)
2. The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood due to its location in an area with a mix of uses and the site improvements being made to facilitate the use. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians due to site improvements and proposed organized flow of traffic with dedicated entrance and exit driveways. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved because the site's three driveways are dedicated as entrance or exit only to facilitate an orderly flow of traffic. (§7.3.3.C.4)
5. Exceptions to literal compliance with the lighting and landscaping requirements for parking facilities with more than five stalls is in the public interest, and in the interest of safety to maintain a clear sight distance, and the use abuts residential uses where invasive species will be removed, and additional screening will be incorporated at the rear property line. (§5.1.13)
6. Exceptions to literal compliance with the dimensional parking requirements is in the public interest because the waivers reflect existing conditions and improvements to be more compliant with the zoning ordinance have been made where possible

without increase to impervious area. (§5.1.13)

7. The proposed alterations to the nonconforming non-accessory parking are not substantially more detrimental than the existing nonconforming parking facility is to the neighborhood because the alterations bring the site further into compliance with the standards for parking facilities. (7.8.2.C.2)

PETITION NUMBER: #175-21

PETITIONER: The Russian School of Mathematics

LOCATION: 60, 66-68 Austin Street, Section 24, Block 9, Lots 7 and 9, containing approximately 35,616 square feet of land

OWNERS: L and B Realty Trust

ADDRESS OF OWNERS: 1311 Commonwealth Avenue  
Newton, MA 02465

TO BE USED FOR: For Profit Educational Use

CONSTRUCTION: Site Work Only

EXPLANATORY NOTES: Special Permits per §7.3.3: to allow the for profit educational use (§4.4.1, §6.3.14.B.2), to alter a nonconforming parking facility (§4.4.1, 7.8.2.C.2), to allow the parking requirements to be met off site (§5.1.16.A, §5.1.13), to allow parking within the side and rear setbacks and within five feet of the street (§5.1.8.A.1, §5.1.13), to allow parking within five feet of dwelling units (§5.1.8.A.2, §5.1.13), to waive the minimum stall dimensions (§5.1.8.B.1, §5.1.8.B.2, §5.1.13), to waive the minimum driveway width for one way traffic (§5.1.8.D.1, §5.1.13), to waive the perimeter and interior screening/landscaping requirements (§5.1.9.A, §5.1.9.B, §5.1.13), and to waive the lighting requirements (§5.1.10, §5.1.13)

ZONING: Business 5 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. Certified Plot Plan, showing proposed conditions at #46-48, #60 & #66-68 Austin Steet, signed and stamped by Joseph R. Porter, Professional Land Surveyor, dated March 19, 2021, most recently revised October 19, 2021.
2. The trash and recycling disposal shall be handled by a private entity and collection shall be scheduled at such times to minimize any disruption of the on-site parking and shall comply with the City's Noise Ordinance.
3. The Petitioner shall maintain the landscaping on site and trim any vegetative overgrowth within the sight distance triangle of the driveways.
4. Prior to the issuance of any building permit, the petitioner shall provide a final site plan for review and approval by the Department of Planning and Development and the Engineering Division of Public Works.
5. The petitioner shall adhere to the anticipated class schedule and other operational and parking measures. These measures include but are not limited to:
  - a. Maximum class sizes of ten students.
  - b. No more than eight classes occurring simultaneously.
  - c. No more than 11 employees on site at one time.
  - d. Staggering class schedules.
  - e. One teacher and one parking attendant to manage traffic operations at drop-off and pick up times.
6. Prior to the issuance of any building permit, the petitioner shall make a one-time payment to the City of fifty thousand dollars (\$50,000) to be used towards improvements at the intersection of Austin Street and Lowell Avenue.
7. At six (6) months after receipt of a final certificate of occupancy, the petitioner shall attend a Land Use Committee meeting to provide an update on the following:
  - a. Peak drop-off and pick-up conditions;
  - b. Status of employee parking demands;
  - c. Traffic circulation; and
  - d. Alternate modes of transportation utilized by students.

At that meeting the Land Use Committee may require that the petitioner attend an additional meeting at twelve (12) months after receipt of a final certificate of occupancy to provide a further update on the same matters.
8. 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 Council 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 Council Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development
  - c. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
  - d. 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.
9. 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 or surveyor certifying substantial 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 professional land surveyor.
  - c. Filed with the Clerk of the Council, the Department of Inspectional Services and the Department of Planning and Development a statement by the City Engineer certifying that improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.