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Mayor

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Barney S. Heath  
Director

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## PUBLIC HEARING MEMORANDUM

Public Hearing Date:	December 14, 2021
Land Use Action Date:	March 1, 2022
City Council Action Date:	March 7, 2022
90-Day Expiration Date:	March 14, 2022

DATE: December 10, 2021

TO: City Council

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

SUBJECT: **Petition #389-21** for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow a for-profit education use/martial arts school in 650 sq. ft. of space at 1631-1633 Beacon Street, Ward 5, Waban, on land known as Section 53 Block 29 Lot 02A, containing approximately 54,198 sq. ft. of land in a district zoned BUSINESS USE 1. 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.



**1631 Beacon Street**

## EXECUTIVE SUMMARY

The property at 1631 Beacon Street consists of approximately 54,198 square feet in the Business 1 district (the “B-1 zone”) and it is improved with a mixed use, commercial building constructed circa 1910 and a surface parking facility. The petitioner is seeking to establish a martial arts school on site. Such use is considered a for-profit educational use by the zoning ordinance and it is only allowed by special permit; therefore, the petitioner requires a special permit to establish the school. Given the small class size, the amount of parking on site, and the petitioner’s materials regarding operations, the Planning Department is unconcerned with the proposed use.

### I. SIGNIFICANT ISSUES FOR CONSIDERATION

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

- The specific site in the B-1 zone is an appropriate location for the for-profit educational use (§7.3.3.C.1);
- The for-profit educational use, as developed and operated, will adversely affect the neighborhood (§7.3.3.C.2);
- The for-profit educational use will 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 a corner lot with frontage on Beacon Street and Windsor Road in the B-1 zone. The neighborhood consists of Single Residence 1- and 2, Multi-Residence 1, and Public Use districts (**Attachment A**). As a result, the land uses are mixed, including commercial, golf course, mixed-use, nonprofit organizations, open space, and single- and multi-family residences (**Attachment B**).

#### B. Site

The site consists of 54,198 square feet improved with a commercial building constructed circa 1910 and a surface parking facility accessed via Windsor Road. The topography slopes down significantly from Beacon Street to the rear and from the western boundary towards Windsor Road. The site is almost entirely impervious

surfaces, except for a small portion of the site containing a few mature trees.

### III. PROJECT DESCRIPTION AND ANALYSIS

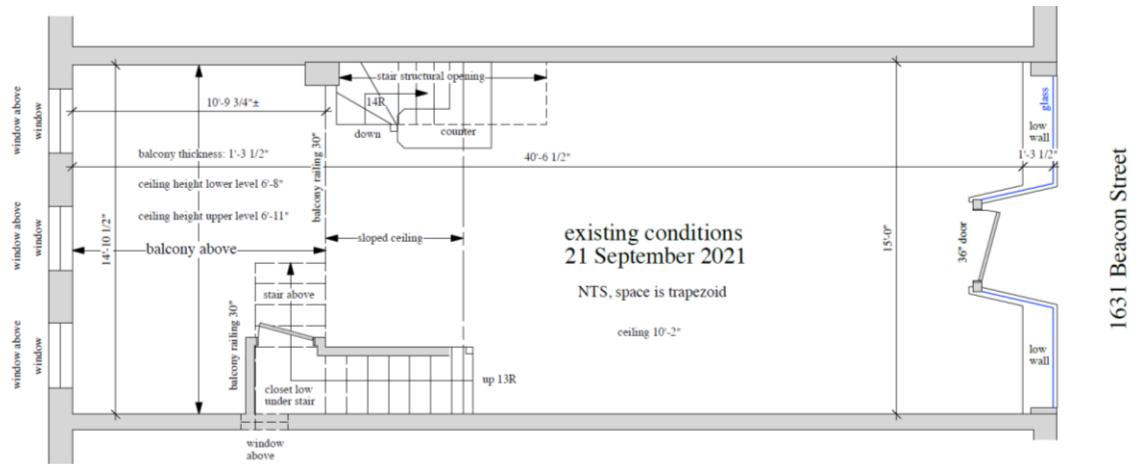
#### A. Land Use

The principle use of the site is and will remain mixed use.

#### B. Building and Site Design

The petitioner is proposing not any changes to the site and is only proposing cosmetic upgrades to the tenant space.

**Graphic I: Tenant Space**



#### C. Proposed Operations

The petitioner is proposing to establish a martial arts school in the 650 square foot space. Per the submitted narrative and sample class schedule, the petitioner is proposing to hold classes on weekday afternoons and evenings as well as Saturday (**Attachments C & D**). Only one class would be held at a time, with a maximum class size of eight students. Further, there would be 15 minutes between classes to allow for one group of students to exit before the next group arrived. Lastly, the petitioner will implement a policy requiring students to be released to a parent or guardian, which is appropriate given the site's location along Beacon Street in Waban Center. Given the small class size, the amount of parking on site, and the petitioner's materials regarding operations, the Planning Department is unconcerned with the proposed use.

#### D. Parking and Circulation

The for-profit educational use requires two parking stalls, one per employee, which

is less than the amount required by the previous office use. As a result, the parking requirement is satisfied.

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 regarding 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 B-1 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:** 1631 Beacon Street Project Narrative  
**Attachment D:** Sample Class Schedule  
**Attachment E:** Zoning Review Memorandum  
**Attachment F:** Draft Council Order

# ATTACHMENT A

## Zoning

### 1631 Beacon Street

City of Newton,  
Massachusetts

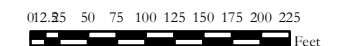
### Legend

- Single Residence 1
- Single Residence 2
- Multi-Residence 2
- Multi-Residence 3
- Business 1
- 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: December 10, 2021











# ATTACHMENT B

## Land Use

### 1631 Beacon Street

*City of Newton,  
Massachusetts*

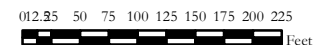
#### Legend

-  Single Family Residential
-  Commercial
-  Mixed Use
-  Golf Course
-  Open Space
-  Private Educational
-  Nonprofit Organizations
-  Vacant Land



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Map Date: December 10, 2021



## 1631 Beacon Street Project Narrative

### Project Description:

KidLink Therapy P.C. d/b/a Artistry Martial Arts (“Artistry Martial Arts”) seeks to operate a martial arts studio focusing on small group and individual instruction in Karate, Muay Thai, Kickboxing, Boxing, and Jiu-Jitsu at 1631 Beacon Street, in approximately 650 square feet of space. The program will limit enrollment to 6 to 8 students per class and will conduct only one class at a time. The studio will primarily focus on children, with Artistry Martial Arts estimating that at least 75% of its students will be under age 14.

There will be up to two employees on site at any one time. The proposed hours of operation are Monday through Friday from 2:00 p.m. to 8:15 p.m, and Saturday from 8:00 a.m. to 3:00 p.m. There will be at least 15 minutes between the ending time of one class and the beginning of the next class.

Children will be dropped off and picked up by their parents in the front of the school at the beginning and end of each class. Parents and caregivers are expected to depart the studio once their child has been dropped off. Children will not be allowed to cross the street independently and will only be released to a parent or an authorized individual.

There is a shared parking area in the back of the building as well as ample street parking in the Waban Village Center.

The proposed use would be considered a for-profit school, and thus require a special permit pursuant to Section 4.4.1.

Note that the zoning review request related to this petition originally included the neighboring 1633 Beacon Street. The petitioner has decided not to exercise its option to lease the space at 1633 Beacon Street and therefore, this petition is limited to 1631 Beacon Street.

### Parking Calculation:

#### *Proposed Use – Martial Arts Studio (school)*

Section 5.1.4 requirement: 1 stall per employee

2 employees = **2 stalls required.**

#### *Existing Use – Hammond Realty (office)*

Section 5.1.4 requirement: 1 stall per 250 SF up to 20,000 SF

650 square feet = **3 stalls required**

The parking requirements for the proposed use are less than the parking requirements for the existing use.

CLASS SCHEDULE						SCHEDULE START 8:00 AM	TIME INTERVAL 30 min	Class List >
TIME	SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY	
8:00 AM							Grasshoppers Group class	
8:30 AM							45 min class	
9:00 AM							Little Ninja Group Class	
9:30 AM							45 min class	
10:00 AM							Pre-teen Group 1	
10:30 AM							45 min class	
11:00 AM							Pre-teen Group 2	
11:30 AM							45 min class	
12:00 PM							Pre-teen Group mixed	
12:30 PM							45 min class	
1:00 PM							Teen Class Group 1	
1:30 PM							45 min class	
2:00 PM		Grasshoppers Group class	Grasshoppers Group class	Grasshoppers Group class	Grasshoppers Group class	Grasshoppers Group class	Adult Class Group 1	
2:30 PM		15 min for					1 hour class	
3:00 PM		Little Ninja Group Class	Little Ninja Group Class	Little Ninja Group Class	Little Ninja Group Class	Little Ninja Group Class	Clean	
3:30 PM		6-8 year old (45 min); 15 min for dismissal/ clean up and prep.					30 min for clean up and equipment check	
4:00 PM		Pre-teen Group 1	Pre-teen Group 1	Pre-teen Group 1	Pre-teen Group 1	Pre-teen Group 1		
4:30 PM		45 min class						
5:00 PM		Pre-teen Group 2	Pre-teen Group 2	Pre-teen Group 2	Pre-teen Group 2	Pre-teen Group 2		
5:30 PM		45 min class						
6:00 PM		Teen Class Group 1	Teen Class Group 1	Teen Class Group 1	Teen Class Group 1	Teen Class Group 1		
6:30 PM		45 min class						
7:00 PM		Adult Class Group 1	Adult Class Group 1	Adult Class Group 1	Adult Class Group 1	Adult Class Group 1		
7:30 PM		1 hour class				1 hour class		
8:00 PM		15 min for clean up and closing	15 min for clean up and closing	15 min for clean up and closing	15 min for clean up and closing	15 min for clean up and closing		
8:30 PM								
9:00 PM								
9:30 PM								
10:00 PM								
10:30 PM								
11:00 PM								
11:30 PM								





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Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: October 25, 2021

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Stephen J. Buchbinder, Attorney  
The DTS Trust, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah temple, Assistant City Solicitor

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

Applicant: The DTS Trust	
Site: 1631-1633 Beacon Street (2-12 Windsor Rd)	SBL: 53029 0002A
Zoning: BU1	Lot Area: 54,198 square feet
Current use: Real estate office	Proposed use: For-profit education

### BACKGROUND:

The property at 2-12 Windsor Road consists of 54,198 square feet improved with a mixed commercial building constructed in 1910. The petitioner proposes to operate a martial arts school in a 650 square foot space known as 1631-1633 Beacon Street. 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 Stephen J. Buchbinder, attorney, dated 8/13/2021
- Project Narrative, submitted 8/13/2021, revised 10/22/2021

**ADMINISTRATIVE DETERMINATIONS:**

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1. The petitioner proposes to introduce a for-profit educational use (martial arts school) to a vacant 650 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 650 square foot tenant space was previously used as a real estate office. The previous office use required three parking stalls per section 5.1.4.A. The proposed for-profit educational use will have up to two employees working at a time, resulting in a requirement of two parking stalls. The three-stall credit from the previous office use exceeds the proposed parking requirement of two stalls, 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 in the Business 1 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 Business 1 zone is an appropriate location for the proposed for-profit educational use because the site is located within Waban Center, containing a mix of uses (§7.3.3.C.1).
2. The proposed for profit educational use, as developed and operated, will not adversely affect the neighborhood given the proposed operations including class size (§7.3.3.C.2).
3. The proposed for profit educational use will not create a nuisance or serious hazard to vehicles or pedestrians because the petitioner is implementing certain polices to manage the flow of students (§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: #389-21

PETITIONER: Kidlink Therapy P.C. d/b/a Artistry Martial Arts

LOCATION: 1631 Beacon Street, Section 53, Block 29, Lot 2A,  
containing approximately 54,198 square feet

OWNERS: The DTS Trust

ADDRESS OF OWNERS: 251 Harvard Street, Suite 12  
Brookline, MA 02446

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: Business 1

Approved subject to the following conditions:

1. The petitioner shall operate the for-profit educational use in accordance with the document entitled “1631 Beacon Street Project Narrative” submitted with the special permit petition and on file with the City Clerk and the Department of Planning and Development.
2. The petitioner shall communicate the drop-off and pick-up policy to parents/guardians.
3. There shall be no more than two employees on site at any one time.
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 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. 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.
5. 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.