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Barney Heath  
Director

## **PUBLIC HEARING MEMORANDUM**

**DATE:** August 15, 2025

**TO:** City Council

**FROM:** Barney S. Heath, Director of Planning and Development  
Katie Whewell, Chief Planner for Current Planning  
Cat Kemmett, Deputy Chief Planner for Current Planning  
Sondria Berman, Planning Associate for Current Planning

**SUBJECT:** **Petition #225-25**, for a SUPERCEDING SPECIAL PERMIT/SITE PLAN REVIEW for SP #127-16 to allow a daycare center for 80 children and 13 staff by waiving an additional five parking stalls (for a total of 10 total stalls) for the associated on-site parking requirement and on-site drop off and pick-up parking requirements at 288 Walnut Street, Ward 2, Newtonville, on land known as Section 22 Block 04 Lot 15, containing approximately 25,088 sq. ft. of land in a district zoned Business Use 1/Village Center 3. Ref: Sec. 7.3.3, 5.1.4, 5.1.13, and 6.3.4.B.3.c of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

**LINK TO MATERIALS:** <https://newtonma.portal.opengov.com/records/879282>

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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.



**288 Walnut Street**

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I. Project Description

**Use** – Office Building (Day Care)

**Zone** – Business-Use 1 (BU1)/Village Center 3 (VC3)

**Lot size** – 25,088 square feet

**Building size** – 40,000 square feet; Daycare use: 4,870 square feet

**Existing Nonconformities:**

- Waiver for 5 on-site parking stalls as required per §5.1.4.; SP #127-16
- Waiver for stalls required for pickup and drop-off per §5.1.4 and §6.3.4.B.3.c; SP #127-16
- Waiver for landscape screening requirement for outdoor play area(s) §6.3.4.B.3.a; SP #127-16

**Existing Site-** The site is a 25,088 square foot lot located in a Business 1/ Village Center District 3 zone in Newtonville. The property is an island created by I-90, Walnut Street, Newtonville Avenue and Bowers Street. The site is improved with a former Methodist Episcopal Church built in 1863 and converted into office space in the early 1980's.

**Proposal-** The petitioner is seeking an amendment to an existing Special Permit (#127-16) to waive an additional five parking stalls (10 stalls total) to increase the number of children served and staff on-site to 80 and 13 respectively, where the prior Special Permit granted a maximum of 60 children and 12 staff. Additionally, the petitioner requires a waiver for stalls that are designated for pick up and drop-off purposes. Finally, the petitioner seeks to carry over the previously granted relief per Special Permit #127-26 to waive the required screening requirement for outdoor play area(s).

II. Project Proposal and Site Characteristics

The existing day care center is subject to the administrative site plan review procedure per Section 7.4.5 and the standards for day care centers found in Section 6.3.4.3 of the Newton Zoning Ordinance. These procedures govern the review of uses protected under MGL Chapter 40A, section 3, also known as the "Dover Amendment".

The petitioner was previously granted relief under Special Permit #127-16 to waive five parking stalls to allow for a day care use. The special permit condition #2 limited the operation to 60 students and 12 staff members. The petitioner now seeks a superseding order to expand the day care to allow up to 80 children and 13 employees, requiring a special permit and waiver for an additional five parking stalls, for a total relief of 10 parking stalls.

Additionally, the petitioner is requesting a waiver from §6.3.4.B.3.c which states that a day care

center shall also provide at least one on-site parking space for for drop-off and pick-up for each five children in addition to the parking stalls required. As the applicant is seeking a parking waiver from the requirements for the number of parking stalls needed to meet §5.1.4, it is assumed that no parking stalls are dedicated on site for drop-off and pick-up. A Dover waiver is required to waive the pick-up and drop off requirements of §6.3.4.B.3.c.

Furthermore, the applicant is seeking to carry over the original waiver approved in Special Permit #127-16 for relief from the screening requirements for outdoor play areas per §6.3.4.B.3.a, as the petitioner does not have any proposed outdoor play areas on site.

III. Zoning Relief Requested:

Zoning Relief Required		
Ordinance		Action Required
	Request to amend Special Permit #127-16	
§5.1.4 §5.1.13	Request to waive five parking stalls	S.P. per §7.3.3
§5.1.4 §6.3.4.B.3.c	Request to waive stalls required for pick up and drop off	Dover Waiver

For more details regarding the zoning analysis please refer to **Attachment A**.

IV. Criteria for Consideration per §7.3.3, 5.1.13 and 6.3.4.B.3.c:

- The site in BU-1 is an appropriate location for the requested parking waiver of an additional five additional parking stalls (10 total). (§7.3.3.C.1)
- The requested parking waiver will not adversely affect the neighborhood. (§7.3.3.C.2)
- The requested parking waiver will not create 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)
- Literal compliance with the required amount of on-site parking is impracticable due to the nature of the use, or the location, size, width, depth, shape, or grade of the lot, or that such exceptions would be in the public interest, or in the interest of safety, or protection of environmental features. (§5.1.13)

**Analysis**

Planning believes the proposed waiver of five additional parking stalls due to the increase in children and staffing on site is appropriate for the site and location, which is adjacent to public

transportation, public parking lots and metered street parking. Although the Zoning Ordinance's parking requirements in the BU1 and VCOD districts assumes uses are operating on site at the same time, this does not necessarily reflect the operations of the site or the actual parking demand. Parking requirements per §5.1.4 are also infeasible given the restrictions of the size of the lot relative to the building size, and contrast with the VCOD overlay district's purpose to "encourage compact, pedestrian-oriented villages" as stated in §9.2.1 of the Zoning Ordinances.

The petitioner has provided a Parking Management Plan that includes staggered pick-up and drop-off times to reduce congestion and maximize efficiency of transitions. The plan specifies encouraging families to walk, bike, carpool and/or rideshare where practicable to lessen traffic and parking demands along Bowers Street.

Additionally, the petitioner included an Observational Parking Study completed April 16-23<sup>rd</sup>, 2025 and recorded observations of parents' metered street parking use along Bowers Street during peak hours to range between 3-5 spaces during drop-off and 5-7 spaces during pick-up. The study found that parking was sufficient for the current enrollment and did not believe the neighborhood would be adversely impacted with the proposed increased enrollment provided the parking management protocols and drop-off and pick-up procedures prescribed continue to be followed.

Planning notes daycare centers for children are an important community resource in Newton and throughout the Commonwealth. The centers enable parents and guardians to work, particularly women, and support overall economic growth<sup>1</sup>. Statistics reflect an increasing need for more affordable daycare options state-wide, prompting a recent increase in state funding to address childcare needs for working families<sup>2</sup>.

Planning encourages thoughtful implementation of the parking plan and drop-off and pick-up procedures based on the proposed increased enrollment of 20 students and 1 staff member. Bowers Street includes five metered parking spaces immediately adjacent to the building as well as additional metered spaces further along the street, which can provide additional parking options as needed during peak hours should the expansion require additional parking. The petitioner also notes that the location of the site in Newtonville Center is adjacent to other metered street parking, including Walnut Street, Austin Street, and Washington Street with accessible crosswalk and sidewalk access to the site entrance on Bowers Street.

### Interdepartmental Review

Planning reached out to the Department of Public Works for comment regarding this petition and no concerns were raised.

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<sup>1</sup> [https://education.ced.org/documents/childcarestateeconomies/state-sheets-part3/Child%20Care%20in%20State%20Economies%20Fact%20Sheet\\_Part%203\\_MA.pdf](https://education.ced.org/documents/childcarestateeconomies/state-sheets-part3/Child%20Care%20in%20State%20Economies%20Fact%20Sheet_Part%203_MA.pdf)

<sup>2</sup> <https://www.mass.gov/news/healey-driscoll-administration-proposes-higher-reimbursement-rates-for-child-care-providers>

Petitioner's Responsibilities

The petition is complete.

**ATTACHMENTS:**

- ATTACHMENT A:** Zoning Review Memorandum  
**ATTACHMENT B:** DRAFT Council Superseding Order



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Mayor

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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: June 20, 2025

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official  
Katie Whewell, Chief Planner for Current Planning

Cc: Bradford Spencer, Jeffrey Katz and Marc Resnick, Trustees, Applicants  
Janet Hung, Tiny World Newtonville  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Deputy City Solicitor

**RE: Request to amend Special Permit #127-16 to waive 5 additional parking stalls**

**Applicant: Bradford Spencer, Jeffrey Katz and Marc Resnick, Trustees,**

<b>Site:</b> 288 Walnut Street	<b>SBL:</b> 22004 0015
<b>Zoning:</b> BU2	<b>Lot Area:</b> 25,088 square feet
<b>Current use:</b> Day care	<b>Proposed use:</b> No change

### BACKGROUND:

The subject property is a 21,288 square foot parcel located within the Business 1 district. The property is an island created by I-90, Walnut Street, Newtonville Avenue and Bowers Street. The building at 288 Walnut Street was originally constructed as the Methodist Episcopal Church in 1863 and converted into office space in the early 1980s. The petitioner was granted a special permit in 2016 to operate a day care in 4,870 square feet of space limited to 60 children and 12 staff. The day care seeks to amend the special permit to expand to 80 children and 13 staff, requiring a waiver of five additional parking stalls.

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

- Zoning Review Application, prepared by Janet Hung, applicant, dated 5/21/2025
- Tiny World Newtonville Parking Management Plan, submitted 5/21/2025

## ADMINISTRATIVE DETERMINATIONS:

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1. The existing day care center is subject to the administrative site plan review procedure per Section 7.4.5 and the standards for day care centers found in Section 6.3.4.3 of the Newton Zoning Ordinance. These procedures govern the review of uses protected under MGL Chapter 40A, section 3, also known as the “Dover Amendment”.
2. The petitioner was granted Special Permit #127-16 waiving five parking stalls to allow for a day care use. The special permit condition #2 limited the operation to 60 students and 12 staff members. The petitioner now seeks to expand the day care to allow up to 80 children and 13 employees, requiring an amendment.
3. Section 5.1.4 of the Ordinance requires that a day care center provide one on-site parking stall per each five students, and one stall per each employee. The proposed twenty additional children and one additional employee increase the parking requirement by five stalls, requiring an increase in five stalls to the existing parking waiver per section 5.1.13.
4. Section 6.3.4.B.3.c states that in addition to meeting the parking requirements of Section 5.1, a day care center shall provide for drop-off and pick-up at least one on-site parking space for each five children. The parking stalls must comply with the applicable parking standards. As the applicant is seeking a waiver from the requirements for the number of stalls needed to meet Section 5.1.4, it is assumed that no parking stalls are dedicated on site for drop-off and pick-up. A Dover waiver is required to waive the requirements of Section 6.3.4.B.3.c.

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
	Request to amend Special Permit #127-16	
§5.1.4 §5.1.13	Request to waive five parking stalls	S.P. per §7.3.3
§5.1.4 §6.3.4.B.3.c	Request to waive stalls required for pick up and drop off	Dover Waiver

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 amend Special Permit Council Order #127-16** to allow a day care center use for up to 80 children and 13 staff by waiving the following: an additional five on-site parking stalls (for a total of 10 parking stalls) as required; on-site drop off and pickup parking requirements at 288 Washington Street as recommended by the Land Use Committee for the reasons given by the Committee, through its Chair, Councilor Andrea Kelley:

1. Literal compliance with the on-site parking requirements is impractical due to the limitations of the lot size and its location within a Village Center district, and a waiver will be in the public interest. (§5.1.13)
2. The site in a BU-1 zone is an appropriate location for the day care use and proposed parking waiver of five additional (10 total) on-site parking stalls (§7.3.3.C.1)
3. The proposed parking waivers will not adversely affect the neighborhood (§7.3.3.C.2)
4. The proposed waivers for parking requirements will not create a nuisance or serious hazard to vehicles or pedestrians as the location includes requisite multi-modal transportation and parking infrastructure options characteristic of a Village Center district that encourages pedestrian-based traffic (§7.3.3.C.3)
5. Access to the site over streets is appropriate for the types and numbers of vehicles involved as the site is located in a Village Center district and is adjacent to public transportation and metered street parking. (§7.3.3.C.4)

PETITION NUMBER: #225-25

PETITIONER: Marc Resnick, Trustee

LOCATION: 288 Walnut Street, Section 22, Block 04, Lot 15, containing approximately 25,088 square feet

OWNERS: Bradford Spencer, Jeffrey Katz, Marc Resnick, Trustees

ADDRESS OF OWNERS: 100 Felton Street, Suite 201  
Waltham, MA 02453

TO BE USED FOR: Day Care Use

RELIEF GRANTED: **Relief per Special Permit #127-16** to allow a day care use and waiver for the following NZO requirements: 5 parking stalls on-site per §5.1.4 and §5.1.13; drop-off and pick-up parking requirements per §5.1.4 and §6.3.4.B.3.c; and landscape screening for outdoor play area(s) per §6.3.4.B.3.a.

**Relief per Superseding Special Permit #225-25:** to increase enrollment to 80 children and 13 staff to waive an additional 5 required on-site parking stalls (10 stalls total) per §5.1.4 and §5.1.13; to waive pick-up and drop-off parking stall requirement §5.1.4 and §6.3.4.B.3.c; and to carry over relief from SP #127-16 to waive the landscape screening for outdoor play area(s) per §6.3.4.B.3.a

ZONING: Business 1

**This Special Permit #225-25 supersedes, consolidates, and restates provisions of prior special permit #127-16 to the extent that those provisions are still in full force and effect. Any conditions in prior special permit #127-16 not set forth in this Special Permit #225-25 are null and void.**

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 May 9, 2016.
  - b. Floor Area Calculation, signed and stamped by David D. Choi, Registered Architect, dated August 6, 2025
2. The day care will be limited to a maximum of eighty (80) students on-site at any one time. If the petitioner would like to increase the number of students to more than eighty (80), it must seek an amendment to this special permit.
3. No building permit shall be issued pursuant to this Special Permit until the petitioners have:

- a. Recorded a certified copy of this board order for the approved Superseding 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 shall be issued until the petitioners have:
  - a. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
  - b. Submitted to the Director of Planning and Development evidence of currently valid licensure by the Office for Child Care Services.
5. The petitioner shall designate three (3) staff members to assist with drop-off and pick-up during expected peak hours of operation.
6. The petitioner shall distribute the Parking Management Plan to the parents of the enrolled children bi-annually and said Plan shall be updated to include the following provisions which are conditions of this Superseding Special Permit:
  - a. Drop-off and pick-up is prohibited on Newtonville Avenue
  - b. Left turns onto Bowers Street are prohibited
  - c. Pick-up and drop-off shall occur along the northerly and westerly sides of Bowers Street.
  - d. The four (4) spaces closest to the building and accessible from Bowers Street shall be used for pick-up and drop-off when the on-street metered stalls are utilized.
7. At (6) and (12) 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;
  - c. Traffic circulation; and
  - d. Results of carpooling/ridesharing goals.