#217-18

320 Needham Street

CITY OF NEWTON

IN CITY COUNCIL

May 21, 2018

ORDERED:

That the 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

to allow a for-profit educational use in the Mixed Use 1 zoning district (§4.4.1; §6.3.14.B.2) as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The specific site is an appropriate location for the proposed for-profit educational use as it is in an active commercial corridor with a mix of retail, service, office and residential uses. (§7.3.3.C.1)
2. The proposed for-profit educational use as developed and operated will not adversely affect the neighborhood because the for-profit school will be in an existing office building which includes a daycare use, and the site is in a mixed-use area with active commercial uses and has sufficient parking and circulation space to accommodate the demands of the proposed for-profit educational use as well as the existing uses. (§7.3.3.C.2)
3. There will be no nuisance or serious hazard to vehicles or pedestrians as the site’s existing parking lot at the rear of the building has sufficient parking and circulation space to permit on-site drop off and pick up of students attending the for-profit educational use, and the for-profit school’s entry will be located away from the existing daycare use. (§7.3.3.C.3)
4. Access to the site over streets is appropriate for the types and numbers of vehicles involved as the site is accessed solely via Christina Street, which experiences much lower traffic volume in comparison to Needham Street. (§7.3.3.C.4)

PETITION NUMBER: #217-18

PETITIONER: FUSION EDUCATION INC./320 NEEDHAM DE, LLC.

LOCATION: 320 Needham Street, on land known as SBL 83, 31, 26, containing approximately 97,600 square feet of land

OWNER: 320 Needham DE, LLC

ADDRESS OF OWNER: 250 1st Avenue #200

Needham, MA 02494

TO BE USED FOR: A for-profit educational use, to be added to offices and an existing day care center on the first floor.

EXPLANATORY NOTES:Special permit per §7.3.3 to allow a for-profit educational use in the Mixed Use 1 zoning district (§4.4.1; §6.3.14.B.2)

ZONING: Mixed Use 1(MU1) district

***Any conditions in prior special permits not set forth in this special permit #217-18, including but not limited to #275-14 allowing a day care center, are still 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:
   1. a plan entitled “As-Built Site Plan, Fusion Learning Academy, 320 Needham Street, Newton Massachusetts,” prepared by R.E. Cameron & Associates, Inc. dated February 27, 2018;
   2. a plan entitled “First Floor Construction Plan” prepared by Acheson Doyle Partners Architects, unsigned and undated (A101.00).
2. During regular operating hours when the for-profit school is open to customers, the maximum number of staff allowed on site any one time shall be 32, and the maximum number of students allowed on site any one time shall be 65.
3. Staff and students shall enter and exit the building from the designated rear parking lot entrance.
4. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
5. 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.
6. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
7. 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.
8. No Certificate of Occupancy for the buildings and uses covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
9. 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.