

DEPARTMENT OF PLANNING AND DEVELOPMENT

CITY OF NEWTON
Massachusetts

INTER-OFFICE CORRESPONDENCE

DATE: November 30, 2018

TO: All Members, City Council

FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Chief Planner for Current Planning
Neil Cronin, Senior Planner

SUBJECT: Special Permit #39-17, 45-47 Bryon Road
Post-Occupancy Check In

The petitioner received a special permit on April 3, 2017 to waive four parking stalls and the associated requirements of parking facilities containing more than five stalls in conjunction to the establishment of a day care center (**Attachment A**). The day care center enrolls 34 children and employs seven staff members requiring 14 stalls, where only ten stalls exist on site. The Council Order (Order) required the petitioner to implement a Transportation Demand Management Plan (TDM) and to appear before the Land Use Committee one year after receipt of a final occupancy certificate (**Attachment B**). The appearance before the Committee is to provide an update on the following:

- Peak pick up and drop off conditions.
- Status of employee parking demands.
- Traffic circulation.
- Results of carpooling/ridesharing goals.

In accordance with the TDM, the petitioner states that parents have been assigned a 15-minute window to drop off and pick up their child, that there is very little parking demand from employees due to two employees residing near the site, to reliance on public transportation, and to carpooling. The petitioner did not provide an update as to the results of carpooling/ridesharing goals as an effort to reduce the number of trips to the site.

The Planning Department was able to observe drop off and pick up on a few occasions and believes that the vehicles associated with the day care center did not adversely impact the neighborhood. However, staff observed that many vehicles did not use the one-way traffic pattern required by the Order. This pattern was proposed as a means of reducing congestion and facilitating parking along the frontage of the property when the parking facility was full. In such an instance, parking along the frontage prevents parents and children from having to cross the street to access the site. In addition

to the circulation pattern, staff did not observe a staff member assisting with drop off and pick up as required by the Order. Staff suggests the petitioner develop a strategy to inform parents and guardians of this traffic pattern and develop a strategy to enforce it. Lastly, staff suggests the petitioner provide information as to the results of the carpooling/ridesharing goals amongst parents and guardians.

ATTACHMENTS

ATTACHMENT A: Council Order #39-17

ATTACHMENT B: Transportation Demand Management Plan

#39-17

45-47 Bryon Road

CITY OF NEWTON
IN CITY COUNCIL

April 3, 2017

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 REVIEW to allow a day care center by waiving the associated on-site parking and lighting requirements, the requirement of screening outdoor play areas, and on-site drop-off and pick-up parking requirements of the Newton Zoning Ordinances, as recommended by the Land Use Committee for the reasons given by the Committee, through its Chairman, Councilor Marc Laredo:

1. The specific site is an appropriate location for a day care center as day care centers are an allowed use in the Multi-Residence 1 zone. (§7.3.3.C.1)
2. The proposed waivers of parking and screening requirements will not create a nuisance or serious hazard to vehicles or pedestrians as there is sufficient on street parking and the petitioner has identified additional parking for staff off site. (§7.3.3.C.3)
3. Access to the site is appropriate for the types and number of vehicles involved. (§7.3.3.C.4)
4. Literal compliance with the parking, vegetative buffer, lighting, and pick up/drop-off stall requirements is impractical due to the location and the nature of the use. In addition, these exceptions will be in the public interest and maintain the residential character of the neighborhood. (§5.1.13)

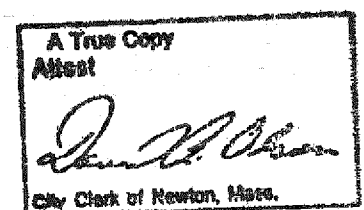
PETITION NUMBER: #39-17

PETITIONER: Larisa Bankovsky

LOCATION: 45-47 Bryon Road, on land known as Section 82, Block 43, Lot 07, containing approximately 10,050 square feet of land

OWNER: Larisa Bankovsky

TITLE REF. Book 54817 Page 445



Property Address: 45-47 Bryon Road, Newton

RECEIVED
Newton City Clerk

2017 APR -5 PM 4: 10
David A. Olson, City Clerk
Newton, MA 02459

ADDRESS OF OWNER: 45-47 Bryon Road
Newton, MA 02459

TO BE USED FOR: Day Care Center

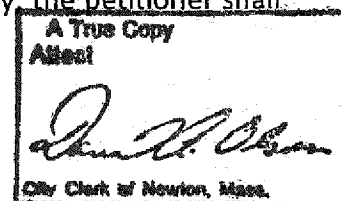
CONSTRUCTION: Masonry

EXPLANATORY NOTES: §7.4.5 Administrative Site Plan Review for a day care center, §5.1.4.A, §5.1.8.A.1, §5.1.8.B.1, §5.1.8.B.2, §5.1.8.C.2, §5.1.10, and §5.1.13 to waive the parking requirement of the proposed use, §6.3.4.B.3.a to waive the requirement of outdoors screening areas, and §6.3.4.B.3.c to waive the on-site pick-up and drop-off requirement for day care uses

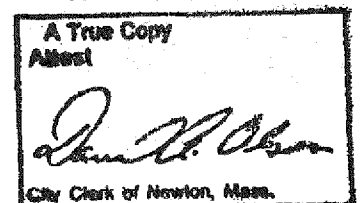
ZONING: Multi-Residence 1 zoning district

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. Plot Plan of Land, signed and stamped by Peter J. Nolan, Professional Land Surveyor, dated November 4, 2016.
2. The day care shall be limited to thirty-four (34) students and seven (7) staff members on-site at any one time. If the petitioner would like to increase the number of students to more than thirty-four (34), it must seek an amendment to this special permit.
3. The petitioner shall designate one (1) staff member to assist with drop-off and pick-up during expected peak hours of operation.
4. The petitioner shall distribute the Transportation Demand 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 special permit:
 - a. Access to the site shall be restricted to the northernmost outlet of Bryon Road.
 - b. All vehicular traffic exiting the site shall utilize the southernmost outlet of Bryon Road.
 - c. Pick-up and drop-off shall occur on site or along the southerly side of Bryon Road.
5. The petitioner shall maintain the sidewalk and the southerly portion of Bryon Road along the entire frontage of the property during snow events.
6. At twelve (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.
7. 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, Engineering Division of Public Works and Fire Department. Said Plan shall show the removal of paving at the southwest and northeast portions of the parking area. In addition, said Plan shall show a combination of fence and landscaped strip to screen the parking facility from Bryon Road.
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 board order for the approved 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.
 - d. Obtained a written statement from the Engineering Division of Public Works approving the final site plan, including compliance with the City's drainage policy.
9. No Final Inspection/Occupancy Permit for the use 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 land surveyor certifying 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 Board, the Department of Inspectional Services, and the Director of Planning and Development a statement by the City Engineer certifying improvements authorized by this Order have been constructed to the standards of the City of Newton Engineering Department.
 - d. Submitted to the Director of Planning and Development evidence of current valid licensure by the Office for Child Care Services.
 - e. Filed with the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, and parking areas.



10. Notwithstanding the provisions of Condition #9e above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the buildings prior to installation of final landscaping provided that the petitioner shall first have filed a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.
11. The landscaping shown on the approved Final Site Plan shall be maintained in good condition. The plantings shall be inspected annually and any plant material that becomes diseased or dies shall be replaced in a timely manner with similar material.

Under Suspension of Rules
Readings Waived and Approved
24 yeas 0 nays

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on April 5, 2017. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

ATTEST:



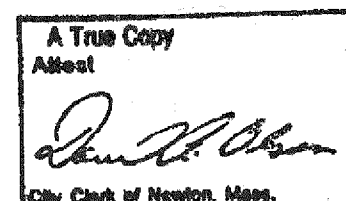
(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council

I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty Days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 4/5 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



(SGD) DAVID A. OLSON, City Clerk
Clerk of the Council



Transportation Demand Management Plan (TDM)
For the 34-child Day Care Center (Baby Academy, Inc.)
45-47 Bryon Road
Newton (Oak Hill Village), MA

Background

The existing locus at 45-47 Bryon Road contains a two-family dwelling which was erected in 1977. For the past 9 years it has served as the primary residence for the homeowners, Boris and Larissa Bankovsky. M/M. Bankovsky are also principals of Baby Academy Inc., a licensed day care provider. During that time the property has been used for the operation of two daycare facilities, one in each of the residential units catering to different age groups. The second unit was formerly occupied by the Bankovsky's daughter, who operated the other. With the untimely passing of their daughter, the Bankovskys assumed operation of both facilities and now desire to merge them into a single entity with a modest increase in enrollment. It is therefore important to note that they have successfully managed the property as it has been used for a considerable period.

Accordingly, Baby Academy Day Care Center can draw upon its extensive experience to ensure a functional operation. First, to address the crucial drop off and pick up needs of parents in a safe, organized way the following factors have been taken into account in establishing the arrival and departure procedures.

Parking Supply

Based on current parking supply and demand on site and along Bryon Road, we are fully confident that there is enough capacity to meet our operational demands at both morning and evening peak hours.

Parking Lot:

As shown on the Site plan accompanying the petition, the parking lot can accommodate 10 parking stalls. There are a total of seven (7) full and part-time, employees including the owners. Of the seven (7) only three (3) drive to the site, including the part-time music teacher who arrives midday at off peak hours. One employee resides next-door. The other 3 take public transportation. As a result, there are six spaces on site, which can be reserved for parents/caregivers who are transporting younger toddlers and may need more "hands-on" drop-off time due to seasonal or other considerations (e.g., conferences et al).

Street Parking

Curbside parking on Byron Road is entirely unrestricted. As a result there are typically 7-8 spaces available during peak hours of arrival and departure. Accordingly, we have designed the following arrival and departure procedures.

Drop Off Procedure

- Parents drop off their children between 8:00am-9:30am. Parents have assigned pre-determined 15-minute drop-off window that is convenient for them during which they are asked to drop off their children to help streamline drop-off.
- After the parents park either in the parking lot or on the street, they bring their child into the daycare. The younger group enters through one door, while the older group enters through a separate entrance.
- Parents put coats in cubbies and after their child enters the play area with the teachers, the parents leave.

Pick Up Procedure:

- Parents typically pick up their children between 4:30pm-6:00pm. Parents have assigned pre-determined 15-minute pick-up window that is convenient for them during which they are asked to pick-up their children to help streamline pick-up.
- After the parents park in the parking lot or on the street, they come into the school, using the same two entrances as for drop off.
- Parents put coats on their child, say goodbye to the teachers, and leave.

These procedures have been instituted to create conditions that will allow for a safe operation. The requested parking waiver of 4 spaces is in some ways a theoretical number. The practical reality is that a child care center of this size can reasonably operate with access to 10 spaces, and that availability is well-demonstrated in this plan.

To the extent possible Baby Academy Inc, Inc. proposes the following measures to make parents and employees aware of options that will further reduce reliance on auto usage to the site.

Baby Academy Inc will assign a TDM coordinator who will be the contact and staff person responsible for implementing each of the following measures:

1. To maintain an updated on-site kiosk or bulletin board with information related to prospective ridesharing or carpooling arrangements for parents and staff.
2. To maintain and update the Baby Academy Inc website with a separate, easy-to-locate web page that will allow parents to post and seek out potential ridesharing and carpooling opportunities.
3. To include an invitation for parents to consider ridesharing and carpooling as part of the official course registration application used to enroll children.
4. The coordinator will provide a parking and access plan to all employees and parents that will identify at a minimum the following:
 - a. That access to the site is to be channeled onto Bryon Road so to as to uniformly approach the school from the northernmost entrance to Bryon Road in a one-way traffic flow so that the passenger side of the vehicle is oriented to the curbside for ease and safety of passenger discharge.

- b. That all parental vehicular access from the west or north using Vine Street to LaGrange Street is to proceed past the southern entrance to Bryon Road approximately 150 yards turning left onto the northernmost entrance in a one-way traffic flow so as to achieve the desired traffic flow and parking/discharge protocol. Direct access from Lagrange Street to Bryon Road headed south is to be prohibited.
- c. The location of the designated drop off and pick up parking spaces along Bryon Road
- d. The designated locations for employee parking on site.
- e. That the staff will be available to assist with the drop off and pick up of children from the Bryon Road parking spaces in both the morning and afternoon peak hours on a continuing basis as necessary.