

CITY OF NEWTON

IN BOARD OF ALDERMEN

LAND USE COMMITTEE REPORT

TUESDAY, MAY 6, 2014

Present: Ald. Laredo (Chairman), Ald. Albright, Cote, Crossley, Lennon, Lipof, and Schwartz;  
absent: Ald. Harney

Staff: Robert Waddick (Assistant City Solicitor), Stephen Pantalone (Senior Planner)

#108-14      WABAN IMPROVEMENT SOCIETY requesting a temporary license pursuant to Sec 30-6(k) of the City of Newton Ordinances to hold the 10<sup>TH</sup> ANNUAL WABAN VILLAGE DAY on Sunday, May 18, 2014.

ACTION:      APPROVED 6-0 (Laredo not voting)

NOTE: Upon a motion by Alderman Crossley, the committee voted to approve the temporary license.

*Public Hearing opened on April 8, 2014; continued to May 6.*

#70-14      JOHN J. ROCHE, INC./ROBERT J. MARINICK FAMILY TRUST OF 1996 petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE and STRUCTURE to add a new pre-fabricated spray booth adjacent to an existing auto body shop and for related waivers from dimensional parking requirements, landscaping, and lighting requirements at 740 BEACON STREET (and O UNION STREET) on land known as SBL 61, 38, 5 and 6, containing a total of 10,888 sq. ft. of land in a district zoned BUSINESS 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15 Table 3, 30-11(g)(2), 30-19(h), 30-19(m) of the City of Newton Rev Zoning Ord, 2012.

ACTION:      HEARING CLOSED; APPROVED 5-0 (Laredo and Lipof recused)

NOTE: Present at the public hearing on April 8: Aldermen Laredo (Chairman, who is recused from this petition), Cote, Albright, Crossley, Schwartz, and Lipof; absent: Ald. Harney and Lennon. The petition was presented by attorney Jason Rosenberg. The property and the structure, constructed in the 1920s, have been used for auto body repair since at least 1942. The site consists of two lots. The building fronts Langley Road and is set back 100' from Beacon Street. It is accessed via a common easement/private right-of-way, which is also a designated fire lane. The site is abutted by commercial uses and the MBTA Green Line tracks. There are residences on the other side of the Green Line tracks. The petitioner wishes to attach an approximately 582 square-foot pre-fabricated state of the art spray booth to the east side of the existing building. A special permit is required to extend a legal nonconforming structure and nonconforming auto body repair use, to waive the side setback of 4.5 feet to 0.1 feet, and to legalize the proposed noncompliant parking conditions.

The current parking situation is deficient in terms of aisle width, parking stall dimensions and related requirements of lighting and landscaping. The technical requirements of the parking ordinance cannot be met because of the configuration of the building and the site coupled with

the easement. The petitioner has eight employees, three in the office and five in the shop. Three to four employees regularly use public transportation. The existing five employee spaces were on the easterly side of the site, but were not striped. Those five employee spaces will be relocated to the westerly side of the building. The dimensionally noncompliant spaces will be striped and several will be tandem. Seven tandem stalls to store vehicles during the day will be provided on the easterly side of the site and vehicles on-site overnight will be stored inside the shop. The addition of the spray booth does not increase the number of parking spaces required as there is no proposed increase in the number of employees. There is no increase in the intensity of the use as the painting of vehicles is already occurring on the site. The proposed spray booth addition is over existing impervious surface. The addition will be partially screened by a stockade fence along the southerly property line shared with the MBTA. The fence will also screen the addition and use from the residences on Chase and Warren Streets across the tracks. Arborvitae will be planted behind the existing chain link fence along the Langley Road frontage. Additional plantings will be installed on the side of building where the office is located and along the side of the proposed spray booth. The unscreened dumpster on the property line shared with the MBTA will be replaced with a smaller rolling dumpster, pickups increased, and it will be stored within the building when not in use.

The existing filtration system is obsolete. The biggest advantage of the new spray booth is the change from solvent-based paint to water-based paint. The reduction in Volatile Organic Compounds (VOCs) as well as the increased filter efficiency will have a dramatic impact on reducing the overall pollutant level and is beneficial to the employees and the environment. The Fire Department has signed off on the proposed plan.

*Public Comment:*

Amy Surman, 168 Warren Street, read a letter from Margaret Zolli of 175 Warren Street, both of whom live across the MBTA tracks. Ms. Zolli is a cancer survivor and expressed concerns about the spray paint and the smell of fumes and potential carcinogens. Ms. Surman shares Ms. Zolli's concerns. They question whether "stuff" on the MBTA tracks was from the shop.

Jacob Tarabar, 92 Langley Road, is concerned about the fine dust on his car and noise from compressors, particularly in summer. Sometimes there is a bad smell.

The committee asked for comments from the Health Department relative to air quality and the operation in general and information from the petitioner about noise emissions, disposal of vehicle parts and other waste, and additional screening/plantings to buffer Warren Street and Langley Road. Pending receipt of the information, it voted to continue the public hearing to May 6.

\*\*\*

This evening, Alderman Schwartz chaired this portion of the meeting. Mr. Pantalone presented the petitioner's responses to the questions raised on April 8<sup>th</sup>. (The responses were included in the Friday packet to the Board and are attached.) The petitioner was represented by Jeffrey Lerner, the petitioner's son and representative, as well as Michael Hites from Autoquip, the spray booth installer, and Joe Oliveto from Rainbow Supplies, the paint distributor.

Alderman Crossley asked about units of measurement under Air Quality/Treatment. Mr. Lerner explained that it is complicated, but essentially the spray gun is calibrated so at least 65% of the paint hits the car. The current solvent-based system, which meets current standards, ultimately dissipates approximately 3% into the environment; the new water-based system will release 1½ - 3%. He explained it is the combination of reduced max pounds of VOCs per gallon and improved minimum filter particulate control efficiency that lead to reduced “potential pounds of VOCs per gallon.” VOCs pounds per gallon: the current solvent-based system measures 5.2 per gallon; the new water-based system measures 2.1-3.5 per gallon.

Regarding noise, it was confirmed two of the highest decibel generators of noise, the paint mixer and exhaust fan (100 and 90 decibels respectively), would be eliminated with installation of the new spray booth. The new system will reduce the noise level to 73 decibels. The business has never been cited for any noise violation.

As to concerns expressed on April 8 and this evening by Gerard (*inaudible*), an abutter across the Green Line Tracks, about both noise and odors from the shop, especially in summer when the shop’s doors are open, Mr. Lerner stated the spray booth cannot operate with the doors open, so this should not be a concern. Mr. Lerner noted they have not worked on weekends for quite some time, so it is unlikely this is a recent problem. He pointed out that the business operates on Saturdays, from 8:00 a.m.-2:00 p.m., if business requires it, and he would like to continue to do so. A concern was raised as to whether the spray booth would be more efficient resulting in an increase in the volume of business and an increase in odors, noise, etc. It was explained that the new equipment would not speed the time of drying, the application take the same amount of time, so the number of cars able to be sprayed per day would remain the same. Should this special permit be approved, the shop would no longer have the equipment to use a resin-based paint. There are a number of OSHA, Massachusetts laws, and CMRs relative to environmental standards which the business must be in compliance with. The spray booth has a filter monitoring system that will shut the booth off when the filters need replacement. The specifications are compliant with the Massachusetts DEP, which does conduct periodic inspections. Mr. Styron appreciates the proposed fence and the fact that the petitioner has removed all the scrap metal from the site and acknowledged that the proposed change does seem to be an improvement.

Mr. Lerner confirmed the screening fence would be built along the MBTA line and trees planted along the Langley Road property line.

Alderman Albright moved approval with the findings and conditions enumerated in the draft special permit dated May 19, 2014. Alderman Lennon asked about the change in side setback from 4.5 ft. to 0.1 ft. Mr. Pantalone pointed out it abuts the MBTA property, with that, the motion to approve carried 5-0, with Aldermen Laredo and Lipof excused.

*Public Hearing opened on March 11, 2014, continued to this evening:*

#43-14      SALOMEH SADRI petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to allow an accessory apartment in a single-family dwelling at 21 COURT STREET, Ward 2, NEWTONVILLE, on land known as SBL 23, 16, 13, containing approximately 5,498 sq. ft. in a district zoned MULTI RESIDENCE 1. Ref: Sec 30-24, 30-23, 30-9(h), 30-19(d)(19), 30-19(g) and (1) and (2) of the City of Newton Rev Zoning Ord, 2012.

ACTION:      HEARING CLOSED; DENIED 3-2-2 (Albright, Laredo, Lipof voting in the affirmative; Cote, Lennon voting in opposition; Crossley, Schwartz abstaining)

NOTE: Present at the public hearing on March 11: Aldermen Laredo (Chairman), Albright, Cote, Crossley, Harney, Lennon, Lipof, and Schwartz; also present was Alderman Norton.

The petitioner was represented by attorney Terrence Morris. The circa 1910 dwelling contains approximately 1,184 square feet. The petitioner, whose mother lives with her, purchased the property in 2011. Because it was located in a zoning district that permits two-family dwellings she believed she could create a second unit and hired a contractor who without obtaining the proper permits converted the basement to an accessory apartment. Upon a complaint by an abutter in 2013, the city issued citations for building and zoning code violations. The petitioner wishes to create a legal accessory apartment in the basement. In addition to a special permit, the petitioner will need to seek a variance from the Zoning Board of Appeals from the minimum lot size/building size requirements. Mr. Morris explained the historical evolution of this lot. It's located at a crossroads of Limited Manufacturing, Business, Multi Residence 1 and 2 zoning districts and is to the rear of Marty's Liquors. In the last century it was part of a much larger parcel that was divided into smaller lots. The subject lot included a ten-foot right-of-way adjacent to another 10-foot right-of way that provided a 20' vehicular access to the business parcel in the rear. In the 1940s the subject lot became the smallest lot on the street, which then became nonconforming when minimum lot sizes were introduced in the zoning ordinance. In 2002, when the Board of Aldermen granted a special permit for development of the 45,000 square foot parcel in the rear into a six-unit condominium complex, the developers of the condominium were required to abandon the right to pass by foot or vehicles over the right-of-way easements and to physically separate the rights-of way by erecting a permanent fence. Conditions in that special permit appear to indicate that the Board's intention was to create a benefit, at least visually, to this smaller lot. As a result, the access drive located between 21 and 25 Court Street, identified as "Easement Parcel F" on the site plan approved by the city and recorded with the condominium documents was visually and physically isolated from the condominium site by the special permit. In April 2013 the petitioner approached the condominium association in an attempt to purchase this 2,231 square-foot parcel but was rebuffed.

Mr. Morris noted that the the accessory apartment ordinance was intended to diversify the housing stock and increase the supply of affordable housing. He noted that when the accessory apartment provision was added it increased the minimum lot size in Multi Residence districts from the pre-1953 "Old Lot" standard of 7,000 to 8,000 square feet although the ordinance still allowed conversion of a single-family to a two-family dwelling on an old lot having the 7,000

square-foot minimum. Mr. Morris believes that had the petitioner succeeded and combined the existing 5,498 square feet with the 2,231 square feet to create a 7,720 square foot lot, it would have sustained a more plausible argument for a variance from the 8,000 square-foot threshold for an accessory apartment (even though a lot size of 7,729 square feet would exceed the 7,000 square-foot standard for an “old lot.”). He pointed out that the existing accessory apartment ordinance is at odds with the goals expressed in the *2007 Comprehensive Plan*. The subject property is close to a mixed-use village center and several types of public transit. This type of accessory apartment in a modest neighborhood would provide a unit of housing more affordable than many units in the city.

As to parking, the site is legally nonconforming with only one space, where two are required. The petitioner is seeking to waive one parking space and to locate a second parking space in the front setback. Alternatives include expanding the existing parking space, which would create two parking spaces each approximately 7½ feet wide or adding a second parking space in the front setback on the west side of the property, which would be right next to a utility pole and could require a second curb cut, or create a parking space to the rear of the property.

*Public Comment:*

Patricia Simonelli is a lawyer with an office at 29 Crafts Street. Her parents own and she grew up at 25 Court Street. She is familiar with 21 Court Street as her great aunt and uncle lived there. The petitioner has a broker’s license and must have known that creating an apartment in the basement was illegal. Furthermore, she believes the accessory apartment is not intended for the petitioner’s mother. A mother and son had been living in the basement prior to the complaint to Inspectional Services. There is already a parking issue on the street. There is a utility pole practically in the driveway. She submitted a photo of several cars parked on the street. The 10’ easement is used by 19 Court Street as well.

It was pointed out that the special permit runs with the land. There is no requirement that an accessory apartment must be occupied by a family member. Moreover, the owner can choose to live in the accessory apartment and rent the main unit. Alderman Crossley, a member of the Accessory Apartment Subcommittee, said the Subcommittee is preparing to docket an item to reduce the minimum size required for an accessory apartment.

Pending receipt of the following, the hearing was continued to a date to be determined:

- Law Department to review the easement re access to the rear of the property;
- revised site plan showing proposed parking space at the rear of the house;
- ISD violations
- contractor history with the Inspectional Services Department;
- update on the work of the Accessory Apartment Subcommittee.

\*\*\*

This evening, the committee reviewed the revised site plan provided by petitioner which shows a parking stall at the rear of the house. The location of the parking stall, accessed to the west of the property via the easement, eliminates the proposed parking stall in the front setback.

- A memorandum dated March 28 from Mr. Waddick confirmed that the petitioner does have the right of access to proposed parking stall to the rear of her property.

- The Inspectional Services Department reported that it had no history with the contractor.
- The list of violations from ISD were for an illegal apartment, installation of bathroom and kitchen without permits, electrical, plumbing installations without permits, illegal construction of a wall, illegal construction and occupancy of a bedroom, and inadequate smoke and carbon monoxide detectors.
- The Accessory Apartment Subcommittee has docketed an item to reduce the minimum size required for accessory apartments from 400 square feet to 250 square feet.

Mr. Pantalone reiterated the Planning Department's position that, despite the benefits such as proximity to a village center and public transit and the city's wish to meet the goals of the *2007 Comprehensive Plan* to promote diversity in housing stock, the site is not an appropriate location for an accessory apartment based on the intent of the zoning ordinance to limit accessory apartments to larger buildings and lots. The lot should be at least 8,000 square feet and the building at least 2,600 square feet. The subject lot is 5,498 square feet and the building is 2,207 square feet, which is why if the special permit is granted the petitioner must obtain a variance from the Zoning Board of Appeals.

Aldermen Albright and Crossley asked how this petition got to the table without meeting the dimensional requirements. Although the current ordinance is not reflective in many ways of the goals expressed in the *2007 Comprehensive Plan*, this petition is very far off, irrelevant of the fact that it has been built.

Alderman Lennon asked why the special permit comes before the variance. Should it not be the Zoning Board of Appeals first?

Ald. Albright recalled a similar project in Ward 2, which was missing approximately 25 square feet and had to go to the Zoning Board of Appeals after the special permit was granted; however, the dimensionals in this instance are off by much larger numbers.

Mr. Pantalone explained that typically variances are dimensionally-based, not necessarily use-based. Although the Board of Aldermen has established specific dimensional requirements, this petition is seeking a special permit for the use. The variance would need to be sought for the lot/building sizes.

Alderman Lennon believes the main criterion is being met, i.e., whether the site is an appropriate location. The property is located in a multi residence zone. The accessory apartment will not affect the surrounding neighborhood, there will be no serious nuisance, hazard, etc. from parking/traffic, and literal compliance with the parking requirements is impracticable.

Alderman Laredo disagreed, he believes is not an appropriate location, it is not appropriate for the neighborhood, and it doesn't meet the standards of the ordinance.

Alderman Crossley feels the existing dimensional requirements are far too restrictive, but she can't support this petition because she believes it is not an appropriate location. An appropriate

location is defined by dimensional restrictions. In this case, the dimensions appear just far off from the requirements.

Alderman Cote agreed with Alderman Lennon. There are probably hundreds of similar situations across the city. They should be encouraged to come forward to be legalized.

Alderman Albright asked Mr. Waddick what the reasoning behind allowing this in was. Mr. Waddick explained that the special permit is for the use and the variance is for the dimensional relief. The special permit would be conditioned on obtaining a variance. There is a question of whether the dimensional requirements are hard and fast. Is the petitioner improperly before the Board of Aldermen if they cannot be met? Is it a judgment/policy call for the Board?

*Public Comment*

Paul Kavanaugh, 69 Court Street, said there doesn't seem to be any plan/policy on the part of city of how these things are done. Can he convert the third floor of his two-family house into another apartment? If someone has "dicey" units, should they be allowed to legalize them? Increased seating in restaurants, medical marijuana – always told it is small and is not going to have any impact – after a while little drips turn into a flood. Some policy has to be put in place.

Patrice Simonelli, 25 Court Street, reiterated that the neighborhood is really congested with traffic, Marty's employees and commuters parking. It's like a pressure cooker.

Mr. Morris noted that docket items #164-09(2) requesting that the Planning Department study the dimensional requirements for lot and building size of accessory apartments and make possible recommendations consistent with the *Comprehensive Plan* to amend those requirements and #61-10 requesting possible solutions to bring existing accessory and other apartments that don't meet legal provisions into compliance appear to speak to the urgency of amending the ordinance. In the Planning Department memo of December 2012 it states that the *Comprehensive Plan* calls out accessory apartments as one tool for achieving the city's overall objectives, but goes on to say the *Plan* does not identify targets for the number of accessory apartments or present an analysis of obstacles or incentives to their creation or the range of issues they may generate in their neighborhoods where they are located. As applied to Court Street, this illustrates a significant obstacle to their creation in precisely the kind of neighborhood where they are needed. Four years later both items are still on the Zoning and Planning Committee agenda. The Accessory Apartment Subcommittee was formed and after 18 months it just docketed an item to reduce the minimum size required for an accessory apartment.

In 1989, when the ordinance was written the focus was on large Victorian homes and carriage houses. The reality is that many accessory apartments are in smaller houses on small lots. Court Street is such a neighborhood of two-family homes on small lots. It is the object of a mammoth 40B project under the umbrella of affordability, but the Planning Department recommends denial of this petition. The great large bulk of illegals are in situations like this, not in carriage houses. The ordinance is so obviously broken. It makes no sense that the minimum building size required in a Single Residence 3 District is 1,800 square feet, but in Multi Residence 1 and 2 Districts 2,600 square feet is required.

This is a real life person with a real life problem. If the petitioner loses her home the modest bungalow will probably be torn down and replaced by a 3,100 square-foot home, and the opportunity lost to create two affordable units of 1,100 and 800 square feet governed by conditions in a special permit.

Alderman Norton said this is a tough case. She is sympathetic to Alderman Lennon's argument that this is an appropriate location and for the reasons brought up by Mr. Morris. This neighborhood is in a difficult place. The push for affordability needs to be city-wide. She could see approving this for the use and it going to the ZBA for the dimensional relief.

Alderman Lennon asked and Mr. Pantalone confirmed that although the proposed apartment meets many of the benefits associated with the creation of accessory apartments, the main reason for the recommendation to deny it is that it is not an appropriate location based on the intent of the zoning ordinance to limit accessory apartments to larger lots and buildings. Alderman Lennon disagreed and noted the goals of the *Comprehensive Plan* and arguments heard over time from advocates for affordable housing. He acknowledged that parking from Marty's and commuters are legitimate concerns but they will remain regardless of what happens with this petition. Alderman Cote agreed with Alderman Lennon.

Alderman Crossley found Mr. Morris' argument very persuasive. She tries very hard as a member of this Committee to work by the rules as they are written, not put her own opinions into the mix; however, the ordinances, particularly the ones related to accessory apartments, are truly broken. In this case the petitioner must go to both the Board of Aldermen and the Zoning Board of Appeals for two different asks, and the Board of Aldermen must act first. She might be inclined to change her mind. Is an appropriate location entirely defined by dimensional standards? If the downstairs kitchen is removed and the space is connected to the house and meets code the petitioner can take in a boarder with an additional vehicle— which is perfectly legal. The same number of people may live in this house, whether or not the accessory apartment is approved.

Alderman Albright was troubled by the seemingly picking and choosing which part of the ordinance to support or throw away. She recalled a woman on Otis Street who because she lacked 100 square feet could not even come to the table for a rear lot subdivision. If people want to change the ordinance, then work to change it. Mr. Pantalone noted that a special permit for a rear lot subdivision is purely for dimensional relief, not use. Even if this petitioner were granted a variance, she would have to obtain a special permit for the use.

The Chairman cautioned this is not the place to debate what the zoning ordinance should be in the future. He cannot support this petition because it doesn't meet the test of the existing zoning.

Alderman Schwartz asked about traffic and parking congestion and whether an additional vehicle could be considered more detrimental to the neighborhood given the concerns expressed about Marty's and commuters parking and the narrowness of the street.



Alderman Albright moved denial of the petition, which motion carried 3–2–2 (Albright, Laredo, Lipof voting in the affirmative; Cote, Lennon voting in opposition; Crossley, Schwartz abstaining). The committee then reviewed a draft denial board order finding the site is not an appropriate location for the proposed accessory apartment use as it does not meet the minimum dimensional requirement for lot size under the zoning ordinance. Specifically, the lot consists of 5,583 square feet of land, where at least 8,000 square feet of land is required to allow an accessory apartment by special permit in a Multi-Residence 1 zoning district; the existing 2,207 square-foot single-family home is not an appropriate location for the proposed accessory apartment use as it does not meet the minimum dimensional requirement of 2,600 square feet for building size; because the petition to permit the accessory apartment use is denied the requested parking waiver is not required and is therefore denied.

Respectfully submitted,

]

Gregory R. Schwartz, Vice-chairman for petition #70-14

Marc C. Laredo, Chairman for petition #43-14

# City of Newton, Massachusetts

Petitioner's response to the Board Alderman's inquiries  
For hearing continued to May 6, 2014

RECEIVED  
Newton City Clerk

2014 APR 28 PM 3: 31

David A. Olson, CMC  
Newton, MA 02459

Petition #70-14 ...to add a new prefabricated spray booth adjacent to an existing auto body shop

John J. Roche, Inc.

## Inquiries developed by the City of Newton's Board of Alderman

- **Air Quality/Treatment Inquiry** - An analysis of the existing and proposed Air Treatment Systems and how they compare to the MassDEP's Standards for Air Quality Conditions.
- **Noise Inquiry** - An examination of the current and proposed tools and equipment that effect noise levels in proximity to John J. Roche, Inc.'s operations.
- **Disposal Inquiry** - A review of the current and proposed procedures for the storage of vehicle parts and other generated waste. (Note: Particular attention was paid to the area between the existing structure and the MBTA rail line).
- **Screening Inquiry** - An examination of the proposed screening measures and their impact to the abutters visual obstruction of the property.

RECEIVED  
Newton City Clerk  
2014 APR 28 PM 3:31  
David A. Olson, CMC  
Newton, MA 02459

John J. Roche, Inc. - Petition # 70-14

## Air Quality/Treatment Inquiry

To control and/or reduce the output of Volatile Organic Compounds (VOC's), and to ensure that auto body shops operate in an environmentally friendly manner, the Massachusetts Department of Environmental Protection (MassDEP) has developed guidelines for compliant Spray Booth operation. Representative guidelines include:

- Maximum level of Volatile Organic Compounds (VOC's) per gallon – 5.2 pounds
- Minimum level of a filter's particulate control efficiency – 97%
- Maximum velocity of air into the exhaust system – 200 feet per minute
- Minimum velocity of air out of the stack – 40 feet per second
- Stack discharge position – 10' above roof OR 35' above ground
- Coverage of high volume low pressure (HVLP) spray guns – 65%

RECEIVED  
Newton City Clerk

2014 APR 28 PM 3: 31

David A. Olson, CMC  
Newton, MA 02459

John J. Roche, Inc. – Petition # 70-14

## Air Quality/Treatment Inquiry - continued

Regulation	MassDEP	Current	Proposed
Max pounds of VOC's per gallon	5.2	5.2	2.1-3.5
Min filter particulate control efficiency	97.0%	97.0%	98.5%
Max velocity of air into system	200 feet/minute	200 feet/minute	200 feet/minute
Min velocity of air out of stack	40 feet/second	40 feet/second	40 feet/second
Min stack discharge distance (from roof)	10'	10'	12'-15'
Min coverage of high volume low pressure spray gun	65%	65%	65%

The greatest benefit of the proposed Spray Booth will be derived by **changing from solvent-based to water-based paint**. The reduction in VOC's per gallon, as well as the increased filter efficiency, will have a dramatic impact on reducing the overall pollutant level.

Regulation Category	Current	Proposed
High volume low pressure (HVLP) overspray	35%	35%
Filter inefficiency	3%	1.5%
Pounds of VOC's per gallon	5.2	2.1-3.5
Potential pounds of VOC's per gallon	.0546	.0111-.0184

Accordingly, the proposed Spray Booth will be 3-5 times more effective at controlling VOC's

RECEIVED  
Newton City Clerk  
2014 APR 28 PM 3: 31  
David A. Olson, CMC  
Newton, MA 02459

John J. Roche, Inc. - Petition # 70-14

## Noise Inquiry

The Company has assessed both existing and proposed tools and equipment that contribute to the overall noise level in proximity to operations.

Tool/Equipment	Function	Duration per use (minutes)	Uses per week	Estimated Decibels-*
Air Hammer	Cutting Auto Panels	15-45	2-3	102
Whizzer	Cutting Other Metal	15-30	3-4	80
#1 Compressor	Air Tools, Spray Guns, etc.	5-10	Daily	75
#2 Compressor	Air Tools, Spray Guns, etc.	5-10	Daily	85
Exhaust Fan (1)	Air Treatment	30-60	Daily	90
Mixer (1)	Mixing Solvent-based Paint	10-30	3-4	100
Proposed Spray Booth (2)	Miscellaneous	Various	Daily	75

\*-Decibels estimated at distances of 1-5 meters

(1) Equipment eliminated with proposed Spray Booth Installation

(2) Equipment that will be added with the proposed Spray Booth installation

The proposed Spray Booth installation will eliminate 2 of the 3 tools/equipment with the highest decibel level. In contrast, the new Spray Booth will operate at an estimated decibel level at or below all other current tools/equipment.

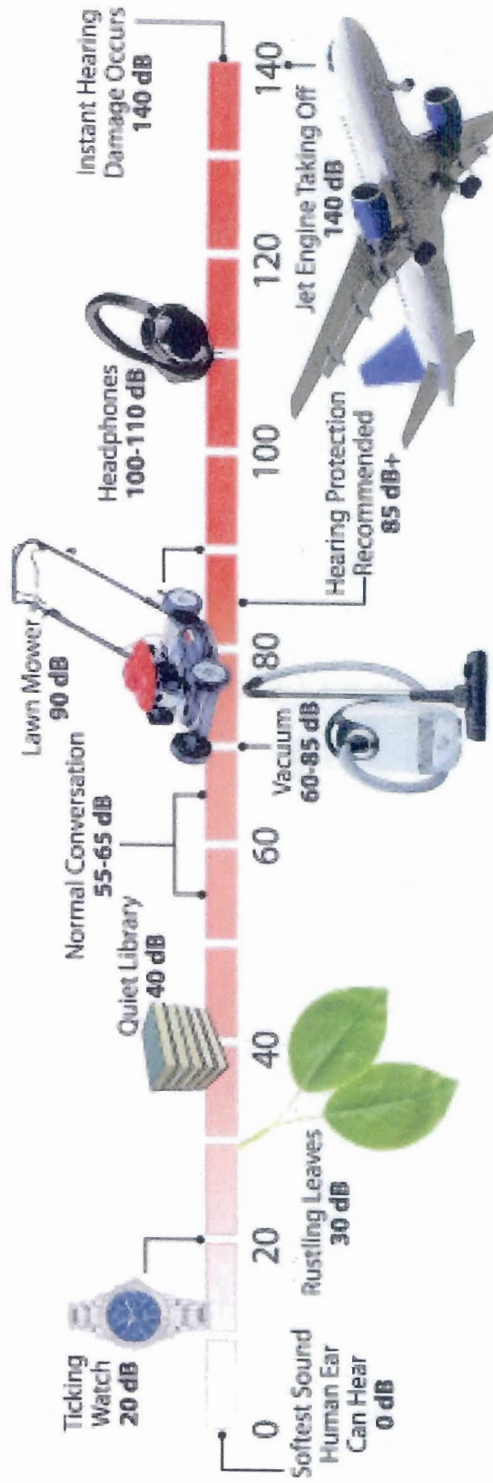
David A. Olson, C  
Newton, MA 02459

2014 APR 28 PM 3:

RECEIVED

Newton City Clerk

## Noise Inquiry - continued



RECEIVED  
Newton City Clerk  
2014 APR 28 PM 3:45  
David A. Olson, Clerk  
Newton, MA 02459

Inasmuch as the proximate decibel level of the Company's tools/equipment is determined at 1-5 meters, the audible impact of John J. Roche, Inc.'s operations to primary and/or secondary abutters appears to be negligible.

John J. Roche, Inc. - Petition # 70-14

## Disposal Inquiry – Vehicle Parts

During the normal course of business operations, John J. Roche, Inc. replaces damaged vehicle parts that in turn, need to be disposed of. Though our primary storage area for these parts is inside of the building, at times we have had to resort to storing some items outdoors while awaiting for their removal.

In order to create a more orderly environment – and to benefit the visual perspective of our abutters - we are entering into an agreement with a scrap metal dealer to remove these items 1-2 times per week.

To demonstrate our commitment to this issue, we have already conducted a complete clean up of the area. The following page shows a 'before' and 'after' view of the property.

RECEIVED  
Newton City Clerk

2014 APR 28 PM 3: 32

David A. Olson, CMC  
Newton, MA 02459

John J. Roche, Inc. – Petition # 70-14

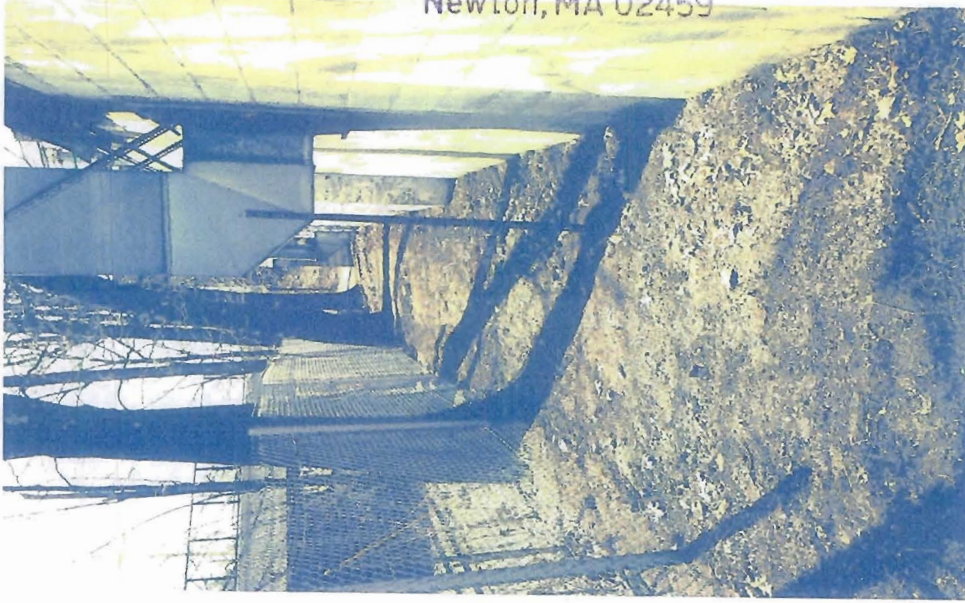


**Disposal Inquiry – Vehicle Parts**

RECEIVED  
Newton City Clerk

2014 APR 28 PM 3: 32

David A. Olson, CMC  
Newton, MA 02459



After



Before

John J. Roche, Inc. – Petition # 70-14

## Disposal Inquiry – Other Waste

John J. Roche, Inc. currently utilizes a four (4) yard dumpster positioned adjacent to the fence separating John J. Roche, Inc. and the MBTA rail line.

In order to eliminate this dumpster from the view of abutters, as well as maintain a more efficient waste disposal/recycling program, the Company will replace the 4 (four) yard dumpster with two 2-3 yard dumpsters. These smaller dumpsters will be kept inside the shop and will be picked up on a more frequent basis to avoid overflow.

RECEIVED  
Newton City Clerk

2014 APR 28 PM 3: 32

David A. Olson, CMC  
Newton, MA 02459

John J. Roche, Inc. – Petition # 70-14

## Screening Inquiry

John J. Roche, Inc. has agreed to make a number of improvements to the property. These improvements include measures that will positively impact the abutters visual perspective.

- The installation of an 8' wooden stockade fence alongside the current chain link fence separating the Company from the MBTA rail line
- The planting of an estimated seven (7) 6'-8' American Arborvitae in the corner of the lot facing Langley Road. Based on their height, it is estimated that these trees will have a caliper of 1" -1.5". According to the plan, they will be installed in two rows – four (4) Arborvitae in the row closest to Langley Road with an additional three (3) trees planted in the next row.

Based on our assessment of these planned initiatives, we believe that the visual obstruction of the property will increase for all primary and secondary abutters.

RECEIVED  
Newton City Clerk

2014 APR 28 PM 3: 32

David A. Olson, CMC  
Newton, MA 02459

John J. Roche, Inc. – Petition # 70-14

## In Conclusion

Thank you for the opportunity to respond to the Board of Alderman's inquiries.

We are confident that the proposed Spray Booth will have a positive impact on not only the environment but on our employees and abutters as well.

Furthermore, as John J. Roche, Inc. has demonstrated a willingness to accommodate the Board's requests, we are hopeful that you recognize our on-going commitment to improve the Newton Center business community and that these efforts will reflect favorably on your decision to approve of our application.

Thank you in advance for your time and attention,

Nancy Marinick  
President  
John J. Roche, Inc.

RECEIVED  
Newton City Clerk

2014 APR 28 PM 3: 32

David A. Olson, CMC  
Newton, MA 02459

John J. Roche, Inc. – Petition # 70-14