



Setti D. Warren
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

70-14
746 phone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: March 20, 2014

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Alexandra Ananth, Chief Planner for Current Planning

Cc: Jason Rosenberg, Attorney for the applicant
Robert J. Marinick Family Trust of 1996, John J. Roche, Inc.
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to extend a nonconforming autobody repair use and structure, and to legalize nonconforming parking

Applicant: Robert J. Marinick Family Trust of 1996, John J. Roche, Inc

Site: 740 Beacon Street (and 0 Union Street)	SBL: 61038 0005 and 61038 0006
Zoning: BU2	Lot Area: 10,888 square feet (total)
Current use: Autobody Repair	Proposed use: No change

BACKGROUND:

The property referred to as 740 Beacon Street is comprised of two lots, the other at 0 Union Street. The parcels together are 10,888 square feet, with 10.75 feet of frontage on Langley Road. This frontage does not provide vehicular or pedestrian access to the lot, due to its high grade relative to the rest of the lot. The lot is accessed via a 30 foot wide right-of-way off of Beacon Street, which is shared with other businesses.

The oldest record for use of the property is a 1923 plumbing permit for a garage. It is unclear from the permit whether this garage was for residential or commercial use. The first clear reference of a repair shop on this site is made in a 1942 license from Commonwealth of Massachusetts Division of Fire Prevention for a permit to "conduct and maintain a repair shop". The property has been used continuously since at least that time as an auto repair shop by various owners. A trust is the current owner of the property, and it continues to be used as the John J. Roche Autobody, Inc.

The applicant is seeking relief to extend the nonconforming autobody repair use and shop to construct a new autobody spray booth immediately to the east of the building. The proposed spray booth will be attached to the existing building. The garage door on the westerly side of the existing building will be in alignment with the garage size doors on the easterly and westerly ends of the new spray booth so that vehicle can drive through the building and spray booth. The existing building and proposed spray booth will be set back more than 100 feet from Beacon Street. There has been a spray booth area within the floor area of the existing building for as long as it has been used as an autobody shop. The current situation is inefficient and doesn't meet current code for air quality and workplace standards.

The existing parking situation on the site predates the adoption of the 1963 parking regulations. Parking stall location and dimensions have varied over the 90 years the site has been used. The proposed site plan shows five 8'x18' parking stalls for employees, a 10-foot two-way access to the stalls with some tandem parking. A waiver from the dimensional requirements of the parking regulations is required. The applicants are proposing a new van accessible handicapped parking stall in front of the existing building.

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

- Zoning Review Application, prepared Jason Rosenberg, Attorney, dated 2/11/2014
- Assessors information
- Area Plan, signed and stamped by Joseph R. Porter, dated 10/31/2013
- Site Plan – Existing Conditions, signed and stamped by Joseph R. Porter, dated 9/23/2013
- Site Plan – Proposed Conditions, signed and stamped by Joseph R. Porter, dated 10/21/2013, revised 11/13/2013, 12/6/2013 and 1/7/2014
- Floor Plan, signed and stamped by Joseph R. Porter, dated 11/13/2013
- Spray Booth Details and Plan, dated 9/15/2010
- Newton Department of Inspectional Services permits, 1923-present
- Record Plans, 1907- present
- Polk Street Directories, 1927
- Newton Assessor's Department Records, 1933-1969

ADMINISTRATIVE DETERMINATIONS:

1. There currently exists on site an autobody repair and service station, which is a legal nonconforming use dating back to at least 1942, though the use likely began earlier than that. The applicants propose to add a new pre-fabricated spray booth adjacent to the existing building. The shop has always offered this service, and the proposed addition brings the service up to current code. Per Section 30-11(g)(2), a garage repair shop requires a special permit. To extend this nonconforming use by enlarging the existing building requires a special permit per Section 30-21(b).
2. The City recognizes that the property has 15 feet of frontage along Langley Road, with access achieved over an easement from Union Street off of Beacon Street. With Langley as the frontage, the side lot lines are in the easement to the north and along the MBTA property to the south. The existing building is situated 4.5 feet from the side lot line along MBTA property. The proposed spray booth will be situated 0.1' from this lot line. Section 30-15 Table 3 states that the side setback requirement in a BU2 zone shall be half the building height. The proposed spray booth is 14 feet high, thus a 7-foot setback is required. As the existing building is already nonconforming as

to side setback, a special permit is required to extend the nonconforming nature of the structure with regard to the side setback per Section 30-21(b).

3. Parking has evolved over time and there currently exists no striped parking on site. The dimensions of the parking stalls have varied and stacked parking has been used over the years. The erection of the spray booth does not increase the parking requirement for the business, as the number of employees will not increase and the additional square footage is minimal.
4. The applicants propose five 8'x18' parking stalls for employees, a 10 foot two-way access to the stalls and tandem parking. Section 30-19(h)(2) requires parking stall to be 9'x19', therefore a waiver is required for the reduced stall size under Section 30-19(m).
5. The applicants propose a 10-foot aisle along the building to access the employee parking. Section 30-19(h)(3) requires a 20-foot minimum aisle width for two-way traffic. A waiver is required to reduce the aisle with per Section 30-19(m).
6. The applicants are proposing two tandem parking stalls for employees. Section 30-19(h)(5)(a) requires that a parking stall shall be accessible without requiring moving any other motor vehicle. A waiver from this requirement is necessary per Section 30-19(m).
7. Section 30-19(i) requires landscape screening for parking facilities from neighboring streets and properties. The applicant proposes a full-length solid wood fence along the property line abutting the MBTA. Landscaping is proposed in front of the building and at the frontage along Langley Road. No screening is proposed along the abutting property to the west and north, as there currently exists paving and an access easement. A waiver for these areas per Section 30-19(m) is required.
8. Section 30-19(j) requires security lighting for parking facilities requiring more than five stalls. No lighting is proposed on the applicant's plans. The applicant's plans must show such lighting as needed, or request a waiver per Section 30-19(m) of the Ordinance.

BU2 Zone	Required/Allowed	Existing	Proposed
Lot Size	10,000 square feet	10,888 square feet	No change
Setbacks			
• Front	Average	63 feet	No change
• Side	½ building height (7 feet)	4.5 feet	0.1 feet
• Rear	½ building height	55 feet	26.1 feet
Building Height	24 feet		14.03 feet

9. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Required Relief</i>	<i>Action Required</i>
§30-11(g)(2) 30-21(b)	To allow an extension of a nonconforming autobody repair use	S.P. per §30-24
§30-15 Table 3, 30-21(b)	To allow an extension of a nonconforming side setback	S.P. per §30-24
§30-19(h)(2), 30-19(m)	To waive the dimensional requirements for parking stalls	S.P. per §30-24
§30-19(h)(3), 30-19(m)	To waive the dimensional requirements for maneuvering aisles	S.P. per §30-24
§30-19(h)(5)(a), 30-19(m)	To allow tandem parking	S.P. per §30-24
§30-19(i)(1)(a)	To waive landscaping requirements	S.P. per §30-24
§30-19(j), 30-19(m)	To waive lighting requirements	S.P. per §30-24