



#70-14

CITY OF NEWTON  
IN BOARD OF ALDERMEN

May 19, 2014

RECEIVED  
Newton City Clerk  
2014 MAY 21 PM 1:00  
David A. Olson, Clerk  
Newton, MA 02459

ORDERED:

That the Board, 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 a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING USE and A NONCONFORMING STRUCTURE to allow an addition to the existing autobody shop, consisting of a spray booth, and related waivers from the dimensional and design controls for parking facilities as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The extension of the autobody shop, a legal nonconforming use, consisting of an approximately 582 square foot pre-fabricated spray booth, which will reduce air and noise pollution, is not substantially more detrimental than the existing nonconforming use to the neighborhood. (§30-11(g)(2), §30-21(b))
2. The proposed pre-fabricated spray booth addition, which will decrease the side setback from 4½-feet to 0.1-feet, is not substantially more detrimental than the existing legal nonconforming structure to the neighborhood, as the addition is over existing impervious surfaces and will be partially screened by a proposed sight obscuring wooden fence. (§30-15 Table 3, §30-21(b))
3. The requested waivers of the dimensional and design controls for parking facilities are appropriate because literal compliance with the parking requirements is impracticable due to the nature of the existing use and development patterns present on the subject property and in the surrounding neighborhood. (§30-19(h)(2), (3), and (h)(5)(a), §30-19(i)(1)(a), §30-19(j), and §30-19(m))

PETITION NUMBER: #70-14

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

LOCATION: 740 Beacon Street (and 0 Union Street) on land known as SBL 61, 38, 5 and 6, containing a total of 10,888 square feet of land

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

11483-313

A True Copy  
Attest  
*David A. Olson*  
City Clerk of Newton, Mass.

ADDRESS OF OWNER: 740 Beacon Street  
Newton, MA 02459

TO BE USED FOR: Autobody Repair Shop

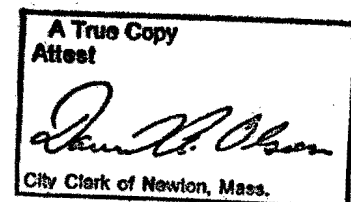
CONSTRUCTION: Metal and Concrete

EXPLANATORY NOTES: §30-11(g)(2) and §30-21(b), to allow extension of a nonconforming use, §30-15 Table 3 and §30-21(b), to allow an extension of a nonconforming side setback, §30-19(h)(2), to waive the dimensional requirements for parking stalls, §30-19(h)(3), to waive the dimensional requirements for maneuvering aisles, §30-19(h)(5)(a), to allow tandem parking, §30-19(i)(1)(a), to waive landscaping requirements for parking facilities with more than five parking stalls, and §30-19(i)(1)(a), to waive lighting requirements for parking facilities with more than five parking stalls.

ZONING: Business 2 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. "Area Plan," prepared, signed and stamped by Joseph Porter, Land Surveyor, dated October 21, 2013 and revised March 11, 2014.
  - b. "Topographic Site Plan" showing existing conditions, prepared, signed and stamped by Joseph Porter, Land Surveyor, dated September 23, 2013 and revised March 11, 2014.
  - c. "Topographic Site Plan" showing proposed conditions, prepared, signed and stamped by Joseph Porter, Land Surveyor, dated October 21, 2013 and revised November 13, 2013, December 6, 2013, January 7, 2014, February 20, 2014, and March 10, 2014.
  - d. "Floor Plans" shown as-built layout of 740 Beacon Street, prepared, signed and stamped by Joseph Porter, Land Surveyor, dated November 13, 2013 and revised March 11, 2014.
  - e. "Parking & Storage Plan" showing proposed conditions, prepared by VTP Associates, Inc., dated March 20, 2014.
  - f. "Installation Drawing" showing Blowtherm spray booth, prepared by Squizzato Paolo, dated September 15, 2010.
  - g. Exterior perspective, entitled "Paint Spray Booth & Exterior Improvements Perspective," prepared by John J. Roche, Co., dated October 15, 2013.
2. That the petitioner shall maintain signage and pavement striping for the fire lane created by the Fire Department in 1993.



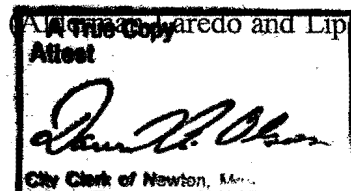
3. Any new plant material proposed in the site plan that becomes diseased or dies shall be replaced on an annual basis with similar material
4. That the repair of vehicles shall not be conducted outside of the autobody shop.
5. That there shall be no deliveries before 7:00 a.m. or after 7:00 p.m. any day of the week, and no trash pickup shall be allowed before 7:00 a.m. or after 7:00 p.m. Monday through Saturday or before 10:00 a.m. or after 6:00 p.m. on Sundays and holidays.
6. That the petitioner shall maintain an eight foot high wooden stockade fence along the side property line that abuts the MBTA right of way as shown on the plans approved in Condition #1.
7. 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 Approval 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. Filed an Approval Not Required (ANR) plan in accordance to Massachusetts General Laws Ch. 41 Sec. 81P combining the two separate lots into one lot, and recorded said plan in the Registry of Deeds for the Southern District of Middlesex County.
  - d. Obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
8. No Final Inspection and/or Occupancy Permit for the portion of the building 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 architect or engineer certifying compliance with Condition #1.
  - b. Submitted to the Director of Planning and Development, Commissioner of Inspectional Services and City Engineer, final as-built plans in paper and digital format signed and stamped by a licensed land surveyor.
  - c. Filed with the City Clerk and the Inspectional Services Department a statement by the Director of Planning and Development approving final location, number and type of plant materials, and fencing.

Notwithstanding the provisions of Condition #6c above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of final landscaping providing 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 125% of the value of the aforementioned remaining landscaping to secure installation of such landscaping.

Under Suspension of Rules

Readings Waived and Approved

19 yeas 0 nays 2 absent (Aldermen Albright and Baker) 2 recused (Aldermen Arevalo and Lippof)  
1 vacancy



The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen 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 May 21, 2014. 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:

*Linda M. Finucane, acting*  
(SGD) ~~DAVID A. OLSON, City Clerk~~  
Clerk of the Board of Aldermen  
**LINDA FINUCANE**

I, David A. Olson, as the Clerk of the Board of Aldermen 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 Board of Aldermen in the Office of the City Clerk on 5/21 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:

*Linda M. Finucane*  
(SGD) ~~DAVID A. OLSON, City Clerk~~  
Clerk of the Board of Aldermen

