



Setti D. Warren
Mayor

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

97-17
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: March 29, 2017

To: John Lojek, Commissioner of Inspectional Services

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

Cc: Stephen J. Buchbinder, attorney
966 Watertown Street Realty Trust
Barney S. Heath, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to extend an existing nonconforming use

Applicant: 966 Watertown Street Realty Trust	
Site: 966 Watertown Street	SBL: 31005 0003
Zoning: BU1	Lot Area: 13,408 square feet
Current use: Wholesale business	Proposed use: Wholesale business and manufacturing

BACKGROUND:

The property at 966 Watertown Street consists of a 13,408 square foot lot in the BU1 zoning district. The property has been used for wholesale business purposes since 1946, and documentation in the Inspectional Services files indicates that the City has acknowledged that a wholesale business use is legally nonconforming. The applicant currently operates as a wholesaler of granite and marble countertops, and accessory to that purpose, some minor cutting and fabrication of material is required. The Commissioner of Inspectional Services has determined that the accessory cutting and fabrication is considered a manufacturing use, and requires a special permit to extend the existing nonconforming use.

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

- Zoning Review Application, prepared by Stephen J. Buchbinder, attorney, dated 2/1/2017
- Plan of Land, prepared by Barnes Engineering Company, dated 8/14/1986
- Letter from Howard Levine, attorney, to Juris Alskinitis, CZCO, dated 1/17/2007
- Letter from Howard Levine, attorney, to Juris Alskinitis, CZCO, dated 2/12/2007
- Email from Juris Alskinitis, CZCO, to Howard Levine, attorney, dated 2/14/2007

- Mortgage Inspection Plan, signed and stamped by John S. Lauretani, surveyor, dated 8/3/2009
- Existing Ground Floor Plan, signed and stamped by Donald Lang, architect, dated 1/6/2017

ADMINISTRATIVE DETERMINATIONS:

1. The wholesale business is a legal nonconforming use in the Business 2 zoning district per Section 4.4.1. The applicant proposes to use a portion of the existing space to cut and fabricate stone countertops accessory to the wholesale business. It has been determined by the Commissioner of Inspectional Services that the cutting of the stone to fabricate countertops is considered a manufacturing use, per Section 6.5.11, further extending the existing nonconforming use and requiring a special permit.
2. The proposed manufacturing use has the same parking requirement as the existing wholesale business use. As the applicant is converting existing space already occupied by the business from wholesale to manufacturing, the parking requirement does not change and no relief is necessary.

See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1 §7.8.2.C.2	Request to extend the existing nonconforming use	S.P. per §7.3.3