



Setti D. Warren  
Mayor

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

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

Barney S. Heath  
Director

## ZONING REVIEW MEMORANDUM

Date: June 22, 2017

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Jose D. Junior, applicant  
Tee Gee LLC, owner  
Barney S. Heath, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to allow vehicle sales**

Applicant: Tee Gee LLC	
<b>Site:</b> 454-458 Watertown Street	<b>SBL:</b> 14016 0035
<b>Zoning:</b> BU2	<b>Lot Area:</b> 14,277 square feet
<b>Current use:</b> Service station and car detailing, and multi-family dwelling	<b>Proposed use:</b> Used car sales and associated service and multi-family dwelling

### BACKGROUND:

The property at 454-458 Watertown Street consists of a 14,277 square foot lot in the BU2 zoning district improved with an auto service station constructed in 1930 and a four-unit multi-family dwelling constructed circa 1895. The property abuts Pellegrini Park to the rear and Clay Auto Body to the east. The service station consists of a two-bay garage used for auto detailing and service, as well as an office for the business. The auto service use was permitted in 1930, and has been in continuous operation since then. The applicant proposes to expand the auto services to include the sale of up to ten used cars, up to seven of which will be stored on site, with the remaining stored off-site in the basement of the adjacent Clay Auto Body.

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

- Zoning Review Application, prepared by Jose Junior, submitted 5/15/2017
- Site Plan, signed and stamped by Joseph R. Porter, surveyor, dated 5/10/2017
- City of Newton Application for License to Buy, Sell, Exchange or Assemble Motor Vehicles or Parts Thereof 2017, prepared by Jose Junior, applicant

## ADMINISTRATIVE DETERMINATIONS:

---

1. The property is located in the BU2 zoning district and is improved with a four-unit multi-family dwelling constructed in the mid-1850s and an auto service station permitted and constructed in 1930. The two uses have co-existed on the property in this current configuration since then. The applicant rents the service station and attached office space for an auto detailing business and intends to expand the auto services to include sales of up to ten used cars. Up to seven of the cars for sale will be stored in the parking area at the front of the property, with the remaining stored in the basement of Clay Auto Body at the adjacent property. The auto detailing services will move to the basement of Clay Auto as well. Per Section 4.4.1, outdoor vehicle sales and service requires a special permit.
2. Per Section 4.4.1 and 6.4.35, the proposed use is classified as a “Vehicle Sales and Service Facility”, which includes the display, sales, storage and service of motor vehicles and the repair of motor vehicles performed in connection with said sales. However, this use is not spelled out explicitly in the parking requirements in Section 5.1.4. The most similar use found in the parking requirements is “Outdoor or open-air sales space...and other similar uses”. The applicant intends to use the existing nonconforming parking in front of the office and garage to store the vehicles intended for sale. There are seven striped stalls out front, with the remaining three vehicles stored in the basement of the adjacent building at Clay Auto. The paved area in front is approximately 3,000 square feet. Section 5.1.4 requires one stall for every 600 square feet of outdoor or open-air sales space, thus five stalls are necessary to meet the Ordinance. The seven stalls in the front of the office and garage meet this parking requirement.

There is also a four-unit multi-family dwelling on the property. Per Section 5.1.4, two stalls are required per dwelling unit, for a total of eight stalls required. The entire rear portion of the lot is paved and used for parking for the residential units. While the parking area is not striped, the portion of the lot used for the residential parking is not changing from its current use or configuration, and appears to provide adequate parking for the dwelling units.

3. There are seven existing parking stalls in the paved area in front of the commercial use. The rear portion of the lot is used for parking for the residential units, as well as overflow for the commercial space. The rear of the lot is almost completely paved, but with no formal striping. The applicant does not intend to change either of the existing nonconforming parking areas. To the extent that the Council determines that the change in use requires that the nonconforming parking areas be improved or legitimized, the applicant seeks relief from the requirements of Section 5.1.4.

See “Zoning Relief Summary” below:

<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
§4.4.1	Request to allow for an outdoor vehicle sales and service facility	S.P. per §7.3.3
§5.1.4 §5.1.13	Request to waive relevant requirements for parking facilities	S.P. per §7.3.3

### **Next Steps**

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

### **The following must be included when filing a Special Permit Application:**

4. Two (2) copies of the completed Special Permit Application (signed by property owner)
5. Filing Fee (see Special Permit Application)
6. Two (2) copies of the Zoning Review Memorandum
7. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
  - Site Plans showing existing and proposed conditions (including topography as applicable)
  - Architectural plans showing existing and proposed conditions (including façade materials)
  - Landscape plan (as applicable)
8. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
9. One (1) copy of any previous special permits or variances on the property (as applicable)
10. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
11. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

### **Incomplete applications will delay the intake and review of your project.**

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners?      Y/N