



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

Candace Havens  
Director

## ZONING REVIEW MEMORANDUM

**Date:** March 12, 2013

**To:** John Lojek, Commissioner of Inspectional Services

**From:** Jane Santosuosso, Chief Zoning Code Official  
Eve Tapper, Chief Planner for Current Planning

**Cc:** Terrence P. Morris, Attorney  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE:** Request to amend an existing special permit to 1) erect a one-story addition at the rear of the building; and 2) remove the requirement for "wooden planters" and substitute in place thereof a five-foot fence on the easterly line.

<b>Applicant: Antoine Daher, A &amp; L Auto Service, LLC</b>	
<b>Site:</b> 414 Watertown Street	<b>SBL:</b> 14-15-24
<b>Zoning:</b> BU-2	<b>Lot Area:</b> 10,992 square feet
<b>Current use:</b> Auto repair shop	<b>Proposed use:</b> No Change

### BACKGROUND:

The property at 414 Washington Street consists of 10,992 square feet improved with an existing building constructed around 1946, with an addition in 1970 which brought it to its current configuration. The applicant proposes to erect a one-story addition to the rear of the building, thereby squaring off the current T-shape structure and adding a garage bay and a storage area. The applicant also seeks an amendment to the special permit issued on July 27, 1970 (#559-70). The first condition of the 1970 special permit required installation of planters and a five-foot fence along the easterly and southerly property lines. The applicant seeks to amend the 1970 special permit to remove the requirement for the wooden planters and to substitute in place thereof a five-foot fence along the easterly property line.

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

- Zoning Review Application, prepared by Terry Morris, Attorney, submitted 2/25/13
- Quitclaim deed from Adam's Realty Corp. to A & L Auto Service, LLC, dated 1/10/08 and recorded at the Middlesex South Registry of Deeds in Book 20243 at Page 134
- Special Permit Board Order #559-70, dated 7/27/1970
- Plan set titled "Proposed Additions – Tony's Auto Service – 414 Watertown Street Newton MA", prepared by John G. Danielson, Inc, dated 2/13/13
  - Front, rear, right and left side elevations
- Plan set prepared by VTP Associates, Inc, stamped by Joseph T Porter, Land Surveyor
  - Topographic Site Plan, showing existing conditions, dated 12/22/10
  - Topographic Site Plan, showing proposed conditions, dated 1/15/13
  - Area Plan of Land at 414 Watertown Street, dated 1/16/13
- Area plan of land, signed and stamped by Joseph T. Porter, Land Surveyor, dated 1/10/13

**ADMINISTRATIVE DETERMINATIONS:**

1. A special permit issued on July 27, 1970 (#559-70) authorized the use of the site as a gas selling and service station, though it had been used as such since 1926. The applicant seeks an amendment to the 1970 special permit under section 30-11(g)(2) to allow for a one-story addition to the rear of the existing structure which would square off the current T-configuration to create another garage bay and a storage area.
  
2. A condition of the 1970 special permit required the erection of a five-foot fence and permanently installed wooden planters along the southerly property line. While the fence was installed and has been maintained, the planters were never built. The applicant seeks an amendment to the special permit to delete the requirement for "wooden planters" along the southern property line and to amend the site plan to include a five-foot fence along the easterly property line.

Zone BU-2	Required/Allowed	Existing	Proposed
Lot Size	10,000 sf	10,992 sf	No change
Frontage	80 feet	75 feet	No change
Setbacks for existing structure			
• Front	Average of setback	21.8 feet	No change
• Side	2.2 feet	15.1 feet	No change
• Rear	0	55.3 feet	No change

3. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-11 (g)(2)	Extension of a garage repair shop	S.P. per §30-24
§30-24, §30-23	Amendment to Special Permit Board Order #559-70	S.P. per §30-24