



Setti D. Warren
Mayor

City of Newton, Massachusetts

Department of Planning and Development

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Candace Havens
Director

Public Hearing Date: April 9, 2013
Land Use Action Date: June 18, 2013
Board of Aldermen Action Date: July 1, 2013
90-Day Expiration Date: July 8, 2013

DATE: April 5, 2013

TO: Board of Aldermen

FROM: Candace Havens, Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning ET
Alexandra Ananth, Senior Planner

SUBJECT: **Petition #106-13**, A&L Auto Service, LLC, Antoine Daher, Manager petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to AMEND special permit #559-70 in order to erect a one-story rear addition; delete the requirement for and reference to "wooden planters" and substitute in place thereof a 5-foot fence along the easterly property line at **414 Watertown Street**, Ward 1, on land known as SBL 14, 15, 24, containing approximately 10,992 sq. ft. of land in a district zoned Business 2. Ref: Sec 30-24, 30-23, 30-11(g)(2) of the City of Newton Rev Zoning Ord, 2012.

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



414 Watertown St.

EXECUTIVE SUMMARY

The subject property consists of a 10,992 square foot lot improved with an auto repair shop. Though the use has existed on the site since 1926, a special permit in 1970 (Board Order #559-70, **ATTACHMENT "A"**) legalized the use with conditions. The existing building is a T-shaped structure and the petitioner is proposing to add two separate one-story additions to the rear of the building to square off the structure. One addition will add an additional garage bay and the other will be used for storage. Condition #1 of Board Order #559-70 requires installation of planters and a five-foot fence along the easterly property line. The petitioner is requesting to delete the requirement for planters but is proposing to maintain the existing fence along the easterly property line. The petitioner must seek a special permit to expand a garage repair shop and to amend Board Order #559-70.

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When reviewing this request, the Board should consider:

- Whether the site is an appropriate location for the expanded use and structure.
- Whether the use as expanded and operated will adversely affect the neighborhood.
- Whether there will be any nuisance or serious hazard to vehicles or pedestrians as a result of the proposed expansion.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located in the heart of the commercial village center of Nonantum, at the southwest corner of Watertown Street and Adams Street. The immediate neighborhood primarily contains commercial uses along Watertown Street though there are some mixed-use lots as well as single- and two-family uses in the area surrounding the subject property. The site is within an area zoned Business 2.

B. Site

The site consists of 10,992 square feet of land and is generally level. The property contains a one-story cement block auto repair shop of approximately 1,500 square feet. An existing 5 ½ -foot solid vinyl fence exists on the southern property line along Adams Street and screens the rear of the site which is used to park cars. There is also a wood shed behind the building that would be removed.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

The property is currently used as an auto repair shop and the petitioner is not proposing any changes to the use.

B. Building and Site Design

The petitioner is proposing two one-story additions off the rear of the existing building, squaring off the currently T-shaped structure. The proposed additions will add an additional service bay and storage area to the repair garage. These proposed additions will add approximately 530 square feet in total to the existing 1,500 square foot structure. The proposed additions will be cement block to match the existing structure.

Currently a stockade fence runs along the Adams Street (east side) of the property. Condition #1 of Board Order #559-70 requires the installation of planters as well as fence along the easterly and southern property lines. The petitioner is requesting to delete the requirement for planters but is proposing to maintain the existing fencing on the site. Although this site is located in the heart of the commercial village center, as the fence has existed without the addition of planters for many years the Planning Department is not concerned about the removal of this condition. The petitioner should seek to keep the site as orderly as possible and be required to maintain fencing in good condition.

C. Parking and Circulation

The majority of the site is used to park vehicles while they are waiting to be repaired. The petitioner is not proposing any changes to access or parking at this time.

The site has access via two curb cuts – one located on Watertown Street, and the other located at the corner of Watertown and Adams Street. The Planning Department is concerned with the existing curb cut located on the corner which creates an unsafe condition for vehicles and pedestrians at this intersection. With current conditions it is not possible to provide an appropriate ADA accessible sidewalk ramp for the crosswalk across Adams Street as it goes straight to the edge of the driveway. The Planning Department encourages the petitioner to move the curb cut further down Adams Street and to install a ramp at this location.

Finally, there is no delineation between the edge of the petitioner's site and parking area and the sidewalk along Watertown Street. This is not a condition that the City would consent to on a new development and efforts should be made to improve this condition with a low fence, line of bollards, or planters.

IV. TECHNICAL REVIEW

- A. Technical Considerations (Chapter 30, Newton Zoning Ordinance): The Zoning Review Memorandum, (**ATTACHMENT "B"**), provides an analysis of the proposal with regard to zoning. The petitioner is requesting special permits for the extension of a garage repair shop and to amend Special Permit Board Order #559-70.
- B. Comprehensive Plan: The proposed project would help preserve and grow a successful business without negatively impacting the neighborhood.
- C. Engineering Review: The Engineering Division of Public Works has reviewed the proposed project (**ATTACHMENT "C"**) and raises no significant concerns.

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioner is seeking the following approvals or relief:

- Section 30-11(g)(2), to allow for the extension of a garage repair shop.
- Amend Special Permit Board Order #559-70.

VI. PETITIONERS' RESPONSIBILITIES

The petitioner should consider moving the existing curb cut at the intersection of Watertown and Adams Street further down Adams Street and delineating the site from the public sidewalk along Watertown Street.

ATTACHMENTS

- Attachment A:** Board Order #559-70
Attachment B: Zoning Review Memorandum
Attachment C: Engineering Division Review Memorandum
Attachment D: Zoning Map
Attachment E: Land Use Map

ATTACHMENT "A"

CITY OF NEWTON

IN BOARD OF ALDERMEN

July 27, 1970

ORDERED:

That the Board finding that the public convenience and welfare will be substantially served by its action 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, the following permissive use is hereby granted:

Petition Number: 559-70

Petitioner: Atlantic Richfield Company

Location: 114 Watertown Street, Ward 1, section 14, Block 15, Lot 24, containing approximately 11,052 square feet.

To be used for: Gasoline selling and service station

Construction: Modernize facade and roof of existing building, construct addition to building to create Massachusetts inspection Bay; New sign to replace existing sign and additional gasoline storage facilities.

Land referred to is in Business B District

Approved subject to the following conditions:

1. That the proposed addition; free standing sign; and additional gasoline storage tanks (subject to additional license approved;) shall be located and constructed in accordance with a plan entitled "Proposed revisions to service station, No. 114 Watertown Street Newton Mass. for Atlantic Richfield Company dated 5-11-70" submitted by the petitioner and filed herewith. Said plan shall be revised to include: the erection of a 5 foot Walpole fence or equivalent fence for the entire southerly property line. Said fence shall be erected in front of the existing hedges; the erection of, along the easterly property line paralleling Adams Street and the southerly property line, wooden planters to be permanently installed on the site.

Said planters shall be two feet wide spaced no further than four feet apart along said property line and shall, be attractively maintained at all times.

2. That the facade treatment of the building shall be in accordance with the details of the above plan and that the exterior shall be maintained in good order at all times.
3. That no business be conducted on the site other than that of a gasoline selling and service station as defined in Section 25-1 of the Revised Ordinances 1965.
4. That all unregistered vehicles and all junk materials be removed from the site.
5. No passenger cars, trucks, trailers, buses and other vehicles or other property of any kind shall be parked or stored on the site except customers vehicles while being serviced, which term shall mean reasonable period of waiting time before servicing and thereafter before delivery to customer; employees vehicles during business hours and one service station truck.
6. No building permit shall be issued in pursuance of this permissive use until:
 - a. The petitioner shall have recorded with the Registry of Deeds for the Southern District of Middlesex County, a statutory notice of the granting of this permissive use with appropriate reference to the book and page of the recording of the petitioner's title deed or notice of lease endorsed thereon.
 - b. A certified copy of such recorded notice shall have been filed with the City Clerk and the Public Buildings Department.

Under Suspension of Rules
 Readings Waived & Approved
 18 yeas 5 absent 1 vacancy
 Absent Ald. Carmen, Magni, Sacks,
 Uehlein, and Walen

(Sgd) Joseph H. Karlin City Clerk

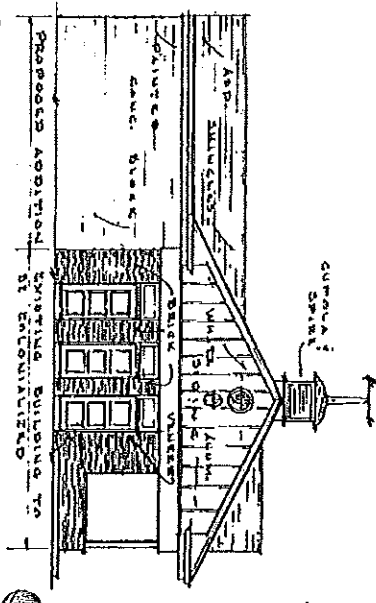
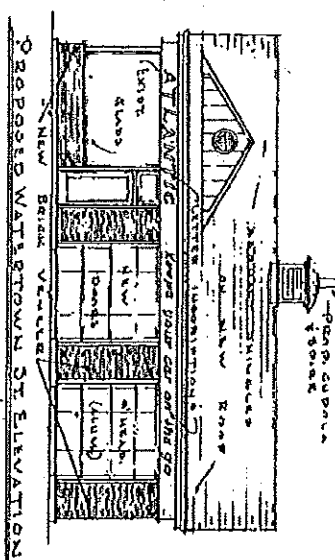
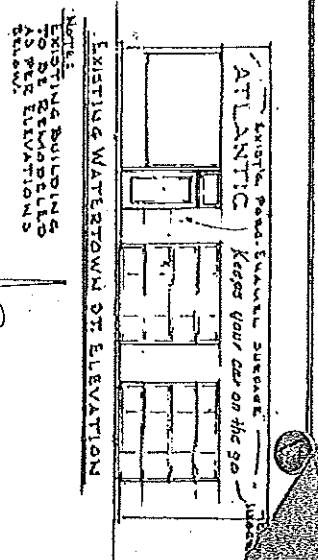
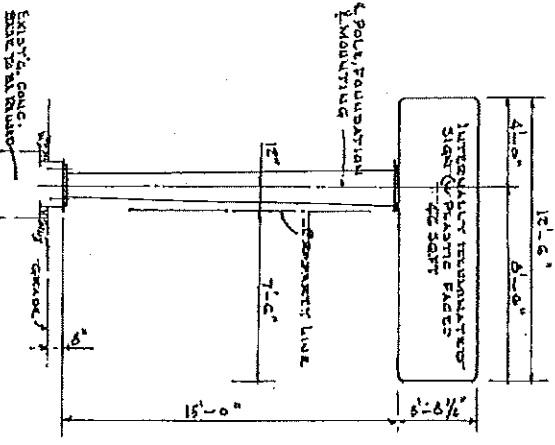
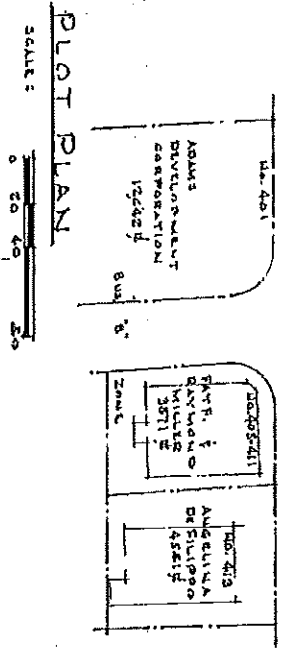
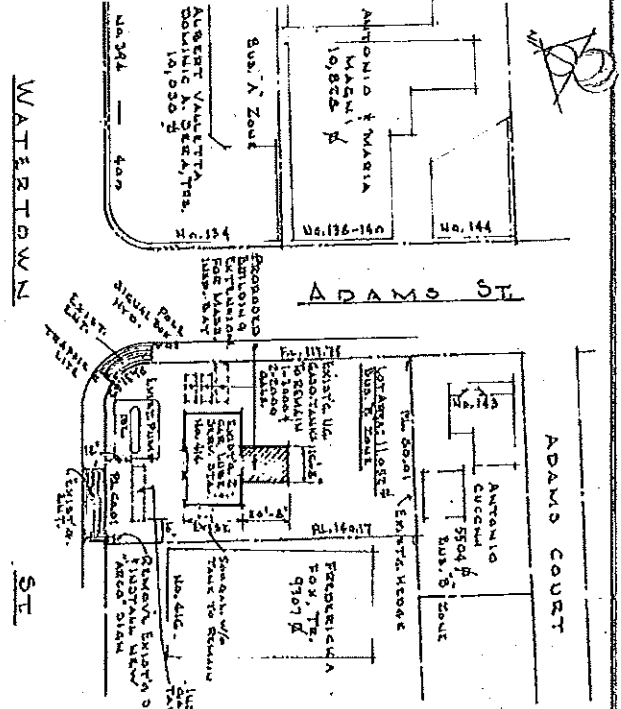
EXECUTIVE DEPARTMENT

Approved July 29, 1970

(Sgd) Monte G. Basbas Mayor

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SCALE: 1/8" = 1'-0"

PROPOSED ADAMS ST ELEVATION

KOLLER ASSOCIATES INC.
ARCHITECTS-ENGINEERS
19 RICHARDSON RD. - NEWTON UPPER FALLS - MASS.

PROPOSED REVISIONS TO
SERVICE STATION
NO. 414 WATERTOWN ST
COR. ADAMS ST.
NEWTON, MASS.

SCALE AS NOTED
DATE 5-11-70
DWN BY [Signature]
CHKD BY [Signature]

ATLANTIC-RICHFIELD CO.
JOB NO. 70-4-1419
DWG NO.

1450

THE COMMONWEALTH OF MASSACHUSETTS

Newton
CITY

BOARD OF ALDERMEN

July 29 19 70

NOTICE OF VARIANCE

Conditional or Limited Variance or Special Permit
(General Laws Chapter 40A, Section 18 as amended)

Notice is hereby given that a Conditional or Limited Variance or Special Permit has been granted

To Atlantic Richfield Company
Owner or Petitioner

Address 111 Watertown Street

City Newton Massachusetts

111 Watertown Street, Ward 1, Section 14, Block 15, Lot 24,
Identify Land Affected

Approx. 11,052 square feet

by the City of Newton Board of Aldermen affecting the rights of the owner with respect to the use of premises on

111 Watertown Street Newton, Mass.
Street City

the record title standing in the name of

Atlantic Richfield Company (formerly The Atlantic Refining Company)

whose address is 260 South Broad Street, Philadelphia, Pennsylvania
Street City State

by a deed duly recorded in the Middlesex County Registry of Deeds in Book 10454 Page 206

Registry District of the Land Court Certificate No. Book Page

The decision of said Board is on file with the papers in Decision or Case No. 559-70 in the office of the City Clerk Newton

Signed this 29 day of July 1970

Board of Aldermen

Wendell R. Bauckman President Board of Aldermen
Joseph H. Karlin Clerk Board of Aldermen

19 at o'clock and minutes M.

Received and entered with the Register of Deeds in the County of Middlesex
Book Page

ATTEST

Register of Deeds

40

SUG - 7-10 PM 7:55



Setti D. Warren
Mayor

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

106-13
ATTACHMENT "B"

(617) 796-1142
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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.

Applicant: Antoine Daher, A & L Auto Service, LLC	
Site: 414 Watertown Street	SBL: 14-15-24
Zoning: BU-2	Lot Area: 10,992 square feet
Current Use: Auto repair shop	Proposed Use: 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

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghlian, Associate City Engineer

Re: Special Permit – 414 Watertown Street

Date: April 1, 2013

CC: Lou Taverna, PE City Engineer (via email)
Linda Finucane, Associate City Clerk (via email)
Eve Tapper, Chief Planner (via email)
Alexandria Ananth, Sr. Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*Topographic Site Plan Showing Proposed Conditions at 414 Watertown Street
Newton, MA
Prepared by: VTP Associates Inc.
Dated: January 15, 2013*

Executive Summary:

The proposed additions are a one-car garage bay for wheel alignments and a storage closet. Both these two small additions are over existing asphalt paved surface, therefore no new impervious are being added, thus no drainage is required.

General:

1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans*

2. The applicant will have to apply for a Sidewalk Crossing permit for construction equipment traveling across the driveway/sidewalks with the Department of Public Works prior to any construction. *This note must be incorporated onto the site plan.*
3. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
4. Prior to Occupancy Permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
5. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.








106-13

Zoning Map

414 Watertown St

*City of Newton,
Massachusetts*

Legend

-  Multi-Residence 2
-  Business 1
-  Business 2
-  Manufacturing
-  Public Use
-  Building Outlines
-  Surface Water



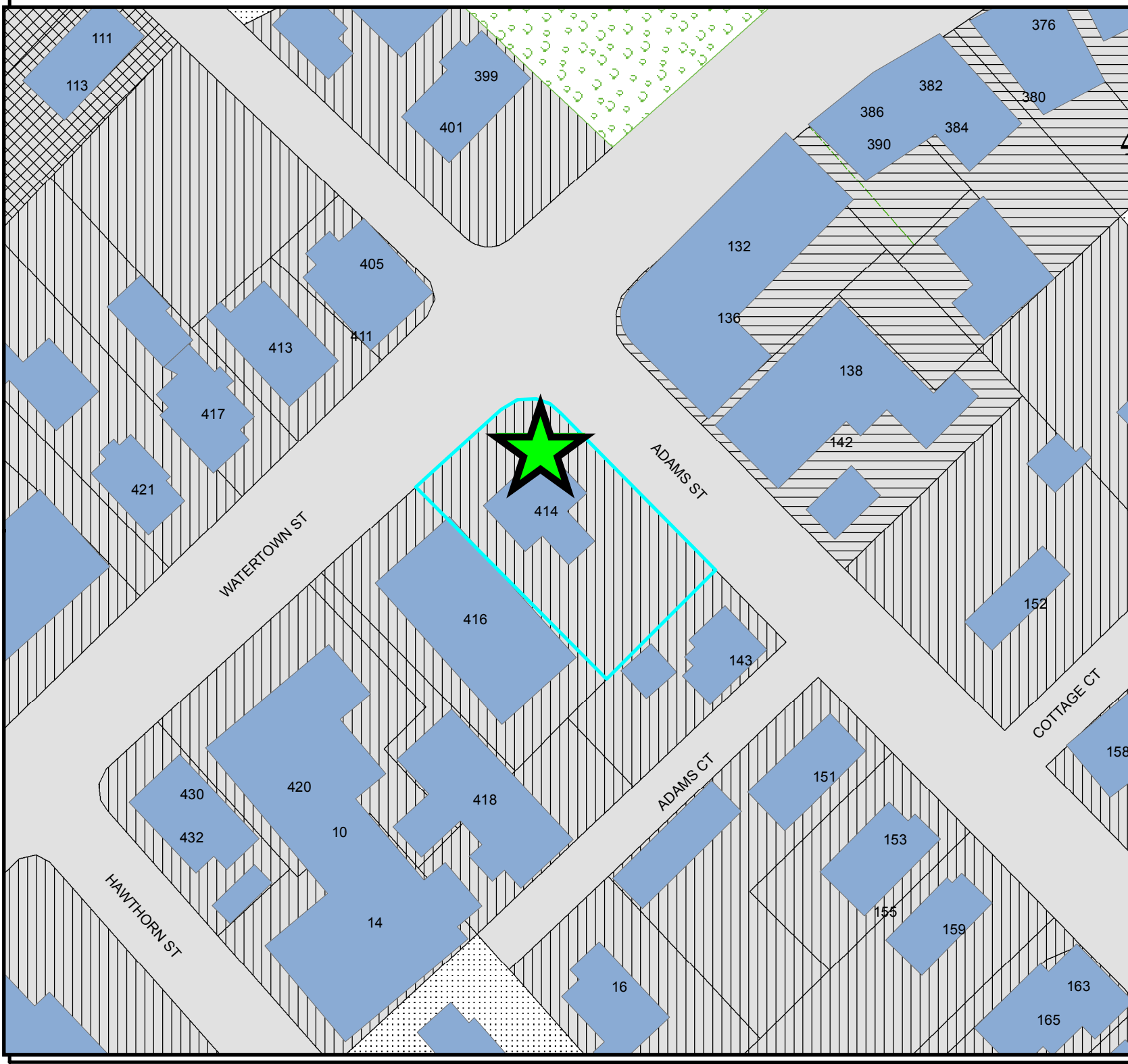
ATTACHMENT "D"

The information on this map is derived from a Geographic Information System. The City of Newton cannot guarantee the accuracy of the information. Each user of this map is responsible for determining its suitability for their intended purpose. City departments will not be held responsible for approving applications based solely on this map.

CITY OF NEWTON, MASSACHUSETTS
 Mayor - Setti D. Warren
 GIS Administrator - Douglas



Map Date: April



106-13

Land Use Map 414 Watertown St

*City of Newton,
Massachusetts*

Legend

Land Use

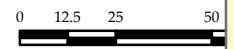
- Single Family Residential
- Multi-Family Residential
- Commercial
- Mixed Use
- Open Space
- Building Outlines
- Surface Water



ATTACHMENT "E"

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CITY OF NEWTON, MASSACHUSETTS
Mayor - Setti D. Warren
GIS Administrator - Douglas



Map Date: April

