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## ZONING REVIEW MEMORANDUM

Date: February 13, 2013

To: John Lojek, Commissioner of Inspectional Services

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

Cc: G. Michael Peirce, Attorney  
Candace Havens, Director of Planning and Development  
Ouida Young, Associate City Solicitor

**RE: Request to locate a veterinary hospital in an existing building in the Business 2 District and for associated parking waiver**

Applicant: John and Carole deJong	
<b>Site:</b> 602 Washington Street	<b>SBL:</b> 12016 0004, 23018 0001
<b>Zoning:</b> BU-2	<b>Lot Area:</b> 7,076 square feet
<b>Current use:</b> Empty (previously used for retail)	<b>Proposed use:</b> Veterinary Hospital

### BACKGROUND:

The property at 602 Washington Street consists of two lots totaling 7,076 square feet improved with an existing building constructed in 1992 and accessory structures. The applicant proposes to locate a veterinary hospital in the existing building.

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

- Zoning Review Application, prepared by G. Michael Peirce, Attorney, submitted 1/22/13
- Fit-out Plans, submitted by G. Michael Peirce, Attorney, submitted 1/22/13
  - Proposed first floor fit-out plan
  - Proposed second floor fit-out plan
- Existing conditions plan, signed and stamped by Verne T. Porter, Land Surveyor, dated 1/10/13
- Area plan of land, signed and stamped by Verne T. Porter, Land Surveyor, dated 1/10/13
- Land Court decision Bruno DiFazio, Trustee of Bruno DiFazio Trust vs City of Newton and City of Newton Zoning Board of Appeals dated 3/9/1990

**ADMINISTRATIVE DETERMINATIONS:**

1. A Land Court decision dated March 9, 1990 granted the owner permission to build on the undersized property, as well as relief from the setback requirements for both the building and the parking. The decision did prohibit certain uses on the site, however a veterinary hospital would not violate the decision.
2. Section 30-11(g)(7) specifically allows the Board of Aldermen to grant a special permit in the Business 2 District for a Veterinary Hospital use, subject to the dimensional controls set forth in Section 30-15 and the parking requirements set forth in 30-19. The 1990 Land Court decision spelled out dimensional controls which vary from the Ordinance, however the property and use are still subject to the standard parking regulations.

Zone BU-2	Required/Allowed by Variance	Existing	Proposed
Lot Size	7700 square feet*	NA	No change
Frontage	80 feet	NA	No change
Setbacks for existing structure <ul style="list-style-type: none"> <li>• Front</li> <li>• Side</li> <li>• Rear</li> </ul>	No less than 20 feet* 0-3 feet on easterly line* Not less than 5 feet*	NA	No change
Setbacks for parking	Not less than 1 foot on the westerly line*	NA	No change
Parking requirements		9 spaces + 1 hp	No change

\*Allowed by the 1990 variance

3. The Commissioner of Inspectional Services has determined this use to be a service business. As such, one (1) parking space per each 300 square feet of gross floor area is required, in addition to one (1) space per each three (3) employees. The applicant states that initially the hospital will have three employees, but will potentially grow to having one or two additional staff. To start, the use will require 11 parking spaces (see chart below). When additional staff is added in the future one additional parking space will be required for up to three additional employees. The property currently has ten spaces on site. To permit the proposed use and to allow for the future anticipated growth in the business, the applicant must obtain a special permit from the Board of Aldermen for a waiver of two parking spaces.

Proposed Use	Parking Requirement per Section 30-19(d)	Parking factors for Proposed Use	Total No. of Parking Spaces Required
Veterinary Hospital	1 space/300 sf of public space + 1 space/3 employees + 1 space/ 2,500 sf of storage space	2,437 sf of/300= <b>9</b> + 3 employ. = <b>1</b> + 385 sf/2,500 = <b>1</b>	11 (9+1+1)
Veterinary Hospital with up to six (6) employees	Same as above	2,437 sf of/300= <b>9</b> + up to 6 employ. = <b>2</b> + 385 sf/2,500 = <b>1</b>	12 (9+2+1)

4. See "Zoning Relief Summary" below:

Zoning Relief Required		
Ordinance		Action Required
§30-11 (g)(7)	Allow a Veterinary Hospital in BU-2 Zone	S.P. per §30-24
§30-19(d)(10), §30-19(m)	Waive two (2) required parking spaces	S.P. per §30-24