



Ruthanne Fuller
Mayor

CITY OF NEWTON, MASSACHUSETTS

City Hall
1000 Commonwealth Avenue, Newton, MA 02459-1449
Telephone: (617) 796-1120 TDD/TTY: (617) 796-1089 Fax: (617) 796-1086
www.newtonma.gov

ZONING BOARD OF APPEALS

To: Zoning Board of Appeals Members
From: Brenda Belsanti, ZBA Clerk
Date: October 18, 2023
Subject: Materials for **October 25, 2023** Public Hearing

Packet 1

Hello,

Please see the following supplemental materials for the upcoming hearing on October 25, 2023 Public Hearing. The following board members are scheduled to sit: *Michael Rossi (Chair), Brooke Lipsitt, Bill McLaughlin, Betsy Sweet, Stuart Snyder and Denise Chicoine (alternate).*

1. October 25, 2023 Agenda
2. 409 Crafts Street Variance Application
3. 88 Adena Road Appeal Application
4. Northland/160 Charlemont Street Supplemental Submissions:
 - Updated TDM Plan dated October 3, 2023.
 - Presentation Package dated October 25, 2023 including updated renderings for signage and building perspectives.
5. ZBA Memorandum – 160 Charlemont dated October 18, 2023.

Thank you,

Brenda Belsanti

bbelsanti@newtonma.gov |



Ruthanne Fuller
Mayor

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ZONING BOARD OF APPEALS

Brenda Belsanti, Zoning Board Clerk

The Zoning Board of Appeals will hold a public hearing on Wednesday, October 25, 2023 at 7:00 pm. This is a hybrid meeting that will take place in the City Council Chamber (Room 207) and virtually via ZOOM. To view and participate in this meeting using Zoom, click this link: <https://newtonma.gov.zoom.us/j/85676539070> or +16465588656,, 856 7653 9070#

AGENDA 10/25/23

A public hearing of the Newton Zoning Board of Appeals will be held virtually via Zoom on Wednesday, October 25, 2023 at 7:00 p.m. on the following petitions:

1. **#09-22** Northland 160 Charlemont, LLC, requesting a Comprehensive Permit, pursuant to M.G.L. Chapter 40B, to construct a nine-story mixed-use development with 410 residential units and approximately 10,689 square feet of ground floor commercial space on 6.98 acres of land located at 160 Charlemont Street and 56 Christina Street in the Mixed Use 1 Zoning District. The proposal includes 103 affordable units and 486 parking stalls.

The comprehensive permit application and associated plans and documents are on file with the Zoning Board of Appeals' office in Newton City Hall at 1000 Commonwealth Avenue, and are available for review online at <https://www.newtonma.gov/government/planning/zoning-board-of-appeals/-fsiteid-1#!/>

2. **#07-23** Leonard and Lisa Wolin of 409 Crafts Street, Newton, requesting a variance from Sections 3.1.3 and 3.4.3.A.1 of the Newton Zoning Ordinance to reduce the front setback requirement to 5 feet to construct a detached garage. The subject property is located at 409 Crafts Street within a Single-Residence 3 (SR-3) zoning district and consists of a 10,215 square foot lot.
3. **#09-23** Dennis & Valerie Razis of 88 Adena Road, Newton, requesting an appeal of a decision from the Commissioner of Inspectional Services dated July 11, 2023 regarding the method of calculation of lot coverage resulting in an inability to obtain a certificate of occupancy in reference of Sections 1.5.2.D of the Newton Zoning. The subject property is located at 88 Adena Road within a Single-Residence 3 (SR-3) zoning district and consists of a 8,000 square foot lot.
4. Meeting Minutes for May 24, 2023, July 24, 2023 and July 31, 2023.

The location of this meeting/event is wheelchair accessible and Reasonable Accommodations will be provided to persons with disabilities who require assistance. If you need a Reasonable Accommodation, please contact the city of Newton's ADA/Section 504 Coordinator, Jini Fairley, at least two business days in advance (2 weeks for ASL or CART) of the meeting/event: jfairley@newtonma.gov or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.



VAR-23-6

Zoning Board of Appeals
Variance Application
Status: Active
Submitted On: 7/19/2023

Primary Location

409 CRAFTS ST
NEWTONVILLE, MA 02460

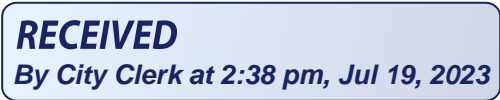
Owner

WOLIN LEONARD B & LISA M
CRAFTS ST 409
NEWTONVILLE, MA 02460

Applicant

Terrence Morris
 617-202-9132
tpmorris.landuse.law@comcast.net
 57 Elm Road
Newtonville, MA 02460

Applicant Information



The individual submitting this application is the*
Attorney/Other Representative

Are there additional property owners?
No

Is the property owner a company, corporation, or
other entity?*

No

Property Owner Information

Name*	Address*
Leonard B & Lisa M. Wolin	409 Crafts Street
City*	State*
Newton	MA
Zip Code*	
02460	

Project Information

Zoning District*

Single Residence 3

Current Use(s)*

Single-family residence

Proposed Use(s)*

Single-family residence

Briefly describe the requested relief identifying the specific zoning provisions?* 

Construction of an attached accessory garage that would encroach on both front and side setbacks (Section 3.1.2 Dimensional Standards)

Briefly describe all proposed changes to the structure(s) and/or use(s)?*

Construction of an attached accessory garage

Any previous special permits or variances granted?*

No

Does require review from other Boards and Commissions?*

No



Supporting Statement

Explain the special circumstances related to soil conditions, the shape or the topography of the land or structure that are unusual and that do not generally affect other properties in the zoning district: *

The property is a corner lot, which has frontage on both Crafts Street and Albemarle Road. As such, it is subject to dual front setbacks of 25 feet from each Street with which the new house currently complies, but leaves scant room for compliance with the remaining setbacks. The lot is of an irregular 5-sided shape and is located on a block containing only 3 other properties. Lastly, it is situated at the end of what has now become a dead-end pedestrian walking path because the city has closed off vehicular access to Crafts Street from that section of Albemarle Road which fronts on the property, and is one-way southbound. These conditions which originate from the irregular shape of the lot are truly unique to the property.

Explain how the literal enforcement of the Newton Zoning Ordinance will result in a substantial hardship to the owner and that the proposed variance is the minimum change that is necessary to allow the reasonable use of the land or structure:*

Enforcement of the setback requirements would prevent the provision of any protected covered parking, which is available to virtually every other house in the greater neighborhood.


Explain why granting the proposed variance will be in harmony with the purpose and intent of the Newton Zoning Ordinance and will not be detrimental to the neighborhood or the public welfare:*

More than 90% the other houses in the neighborhoods most proximate to the subject site have attached accessory garage parking.

Digital Signature

I (we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application. I (we) certify that I (we) have read the Board's Rules and Procedures before submitting to ensure the completeness of my (our) application. The undersigned, being the applicant, hereby certifies under the pains and penalties of perjury, that: the information above is true accurate to the best of my understanding and belief.

Declaring that "The undersigned agree to comply with the requirements of the Zoning Ordinance and rules in connection with this application."*

 Terrence P. Morris, Esquire
Mar 22, 2023

Attachments

Area Plan within 300 feet of subject property	REQUIRED
https://newtonma.viewpointcloud.io/?code=An2p2-I9TYhR1pHhFgvCY9Sa4wDG8B9vbinWEVRp7v1yw&state=g6Fo2SBKOVNIY1huVi1mSVImTnhwV... 409-Crafts.St.Neighborhood Contextual Map.pdf d_Contextual_Map_Web_Mar_22_2023_1210 3-07-19T18%3A06%3A45Z&se=2023-07- idFB0Rt1yUDY5s9NWApx2x%2F9RbPG3Od8%3D) 409-Crafts St.Garage Res Site Plan.6.8.23.pdf s_Site_Plan_6.8.23_Terrence_Mar_2023_1215	
Plot Plan/ Site Plan showing structures on subject property	REQUIRED

- 3-07-19T18%3A06%3A45Z&se=2023-07-
 18%3A06%3A45Z&se=2023-07-
 5.9.23_Wed_Jul_19_2023_c125645.pdf?sv=2023-07-
 se=2023-07-
 h%2FYKIWA5oX2d%2BI8Hu5GRdx%2B%2BTvitFw%3D)

Architectural Plans REQUIRED
- ndows.net/4093/Crafts.St.Deed.11.08.22.pdf
 .08.22_Wed_Jul_27_2023_c120451.pdf?sv=2023-07-
 19T18%3A06%3A45Z&se=2023-07-
 yXdmdKtSTIYKXqzuUnesGaFlw43YikzUc%3D)

Proof of Ownership REQUIRED
- ndows.net/4093/Crafts.St.Owner.Authorization.pdf
 Authorization_Uploaded_14_2023_12_57.pdf?sv=2023-07-
 2023-07-19T18%3A06%3A45Z&se=2023-07-
 \oXefXuKkRfhMknpCsJkvOx1pSmxtluSLA%3D)

Petitioner Signature REQUIRED
- ws.net/vp4093/Crafts.St.Owner.Authorization.pdf
 horization_Uploaded_14_2023_12_48.pdf?sv=2023-07-
 T18%3A06%3A45Z&se=2023-07-
 '6iiOBxadQ2014Qj%2FZWNdW3NYzZbC59bs%3D)

Property Owner Authorization REQUIRED
- ndows.net/4093/Crafts.St.ZRM.7.18.23.pdf
 7.18.23_Wed_Jul_19_2023_c12149.pdf?sv=2023-07-
 -19T18%3A06%3A45Z&se=2023-07-
 EbfWn8CIWDyCdDu3gRUIFm7zxmoi1sdsE%3D)

Zoning Review Memo REQUIRED
- ndows.net/4093/Crafts.Site.Plan.As-Built-REV.11.22.22.pdf
 As-Built-REV.11.22.22_Uploaded_14_2023_12_52.pdf?sv=2023-07-
 2023-07-19T18%3A06%3A45Z&se=2023-07-
 JaVVE%2BniKktAI7cEIViQxFOiwrnKRUWNI%3D)

Plan of Land from Registered Engineer or Land Surveyor REQUIRED

409 Crafts Street Neighborhood Contextual Map



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Newton, MA makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 06/28/2022
Data updated 11/14/2018

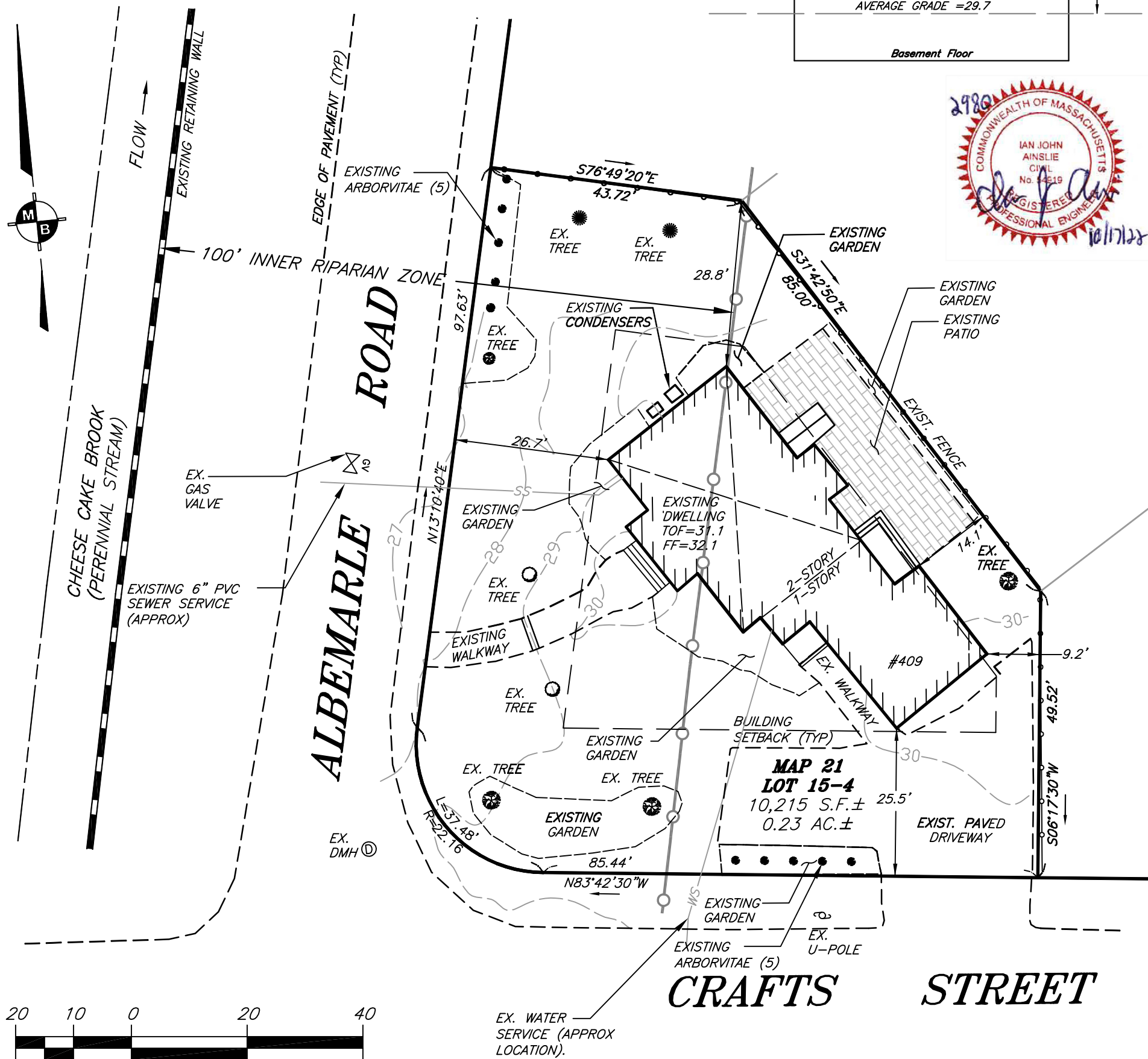
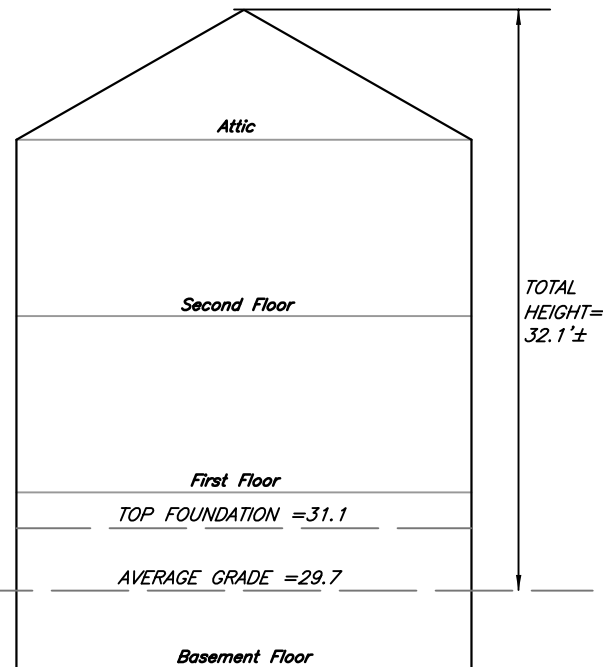
Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

RESIDENTIAL SITE PLAN – AS-BUILT

409 CRAFTS STREET
NEWTONVILLE, MA 02460

BUILDING SECTION (NTS):

ZONE: RESIDENCE A (PRIOR TO 1953)			
DIMENSION	REQUIRED	PRE-EXISTING	AS-BUILT
MINIMUM LOT AREA	7,000 SF	10,215 SF	10,215 SF
MINIMUM LOT FRONTAGE	70'	233'	233'
MINIMUM SETBACKS:			
FRONT	25'	25.5'	25.5'
SIDE	7.5'	9.2'	9.2'
REAR	15'	14.1'	14.1'
MAXIMUM BUILDING HEIGHT	36'	22.5'	32.1'
AVERAGE GRADE		29.0	29.7
MAXIMUM LOT COVERAGE	30%	15.6%	16.3%
MINIMUM OPEN SPACE	50%	60.7%	69.7%



REFERENCE PLAN:

PLAN OF LAND IN NEWTON, MASS. SCALE: 1"=40'. MARCH 22, 1952. EVERETT M. BROOKS CO., CIVIL ENGINEERS. RECORDED AT THE MIDDLESEX REGISTRY OF DEEDS SOUTH DISTRICT PLAN NUMBER 778 OF 1952, BOOK 7902, PAGE 519.

NOTES

- FIELD SURVEY CONDUCTED BY MEISNER BREM CORP IN THE AUTUMN OF 2021. ELEVATIONS REFER TO NAVD 88 DATUM.
- AS-BUILT SURVEY CONDUCTED BY MEISNER BREM CORP IN THE AUTUMN OF 2022.

SCALE : 1" = 20'
DATE : OCT 18, 2022; REV NOV 2, 2022

© 2022 MEISNER BREM CORP.



MEISNER BREM CORPORATION

202 MAIN STREET, SALEM, NH 03079 · (603) 893-3301
142 LITTLETON ROAD, SUITE 16, WESTFORD, MA 01886 · (978) 692-1313

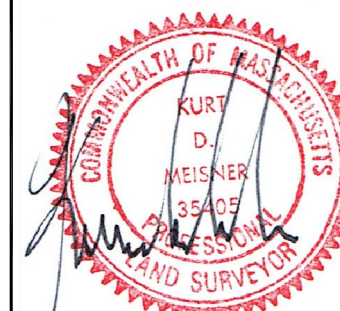
409 CRAFTS STREET
NEWTONVILLE, MA

PREPARED FOR:
CHRIS ATTARDO
61 GRIFFIN RD
WESTFORD, MA 01886

JOB NO. 2980

ZONE DISTRICT: SR3
PRIOR TO 1953
(HOUSE BUILT 1952)
MIN. BUILDING SETBACKS:
FRONT = 25 FEET
SIDE = 7.5 FEET
REAR = 15 FEET

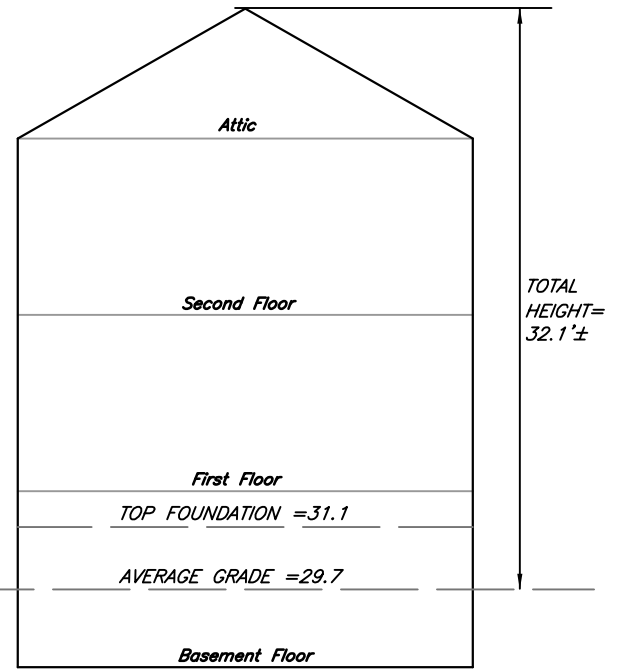
OWNER:
ATTARDO RE-FINANCING CO, LLC
67 LINCOLN WOODS RD
WALTHAM, MA 02451



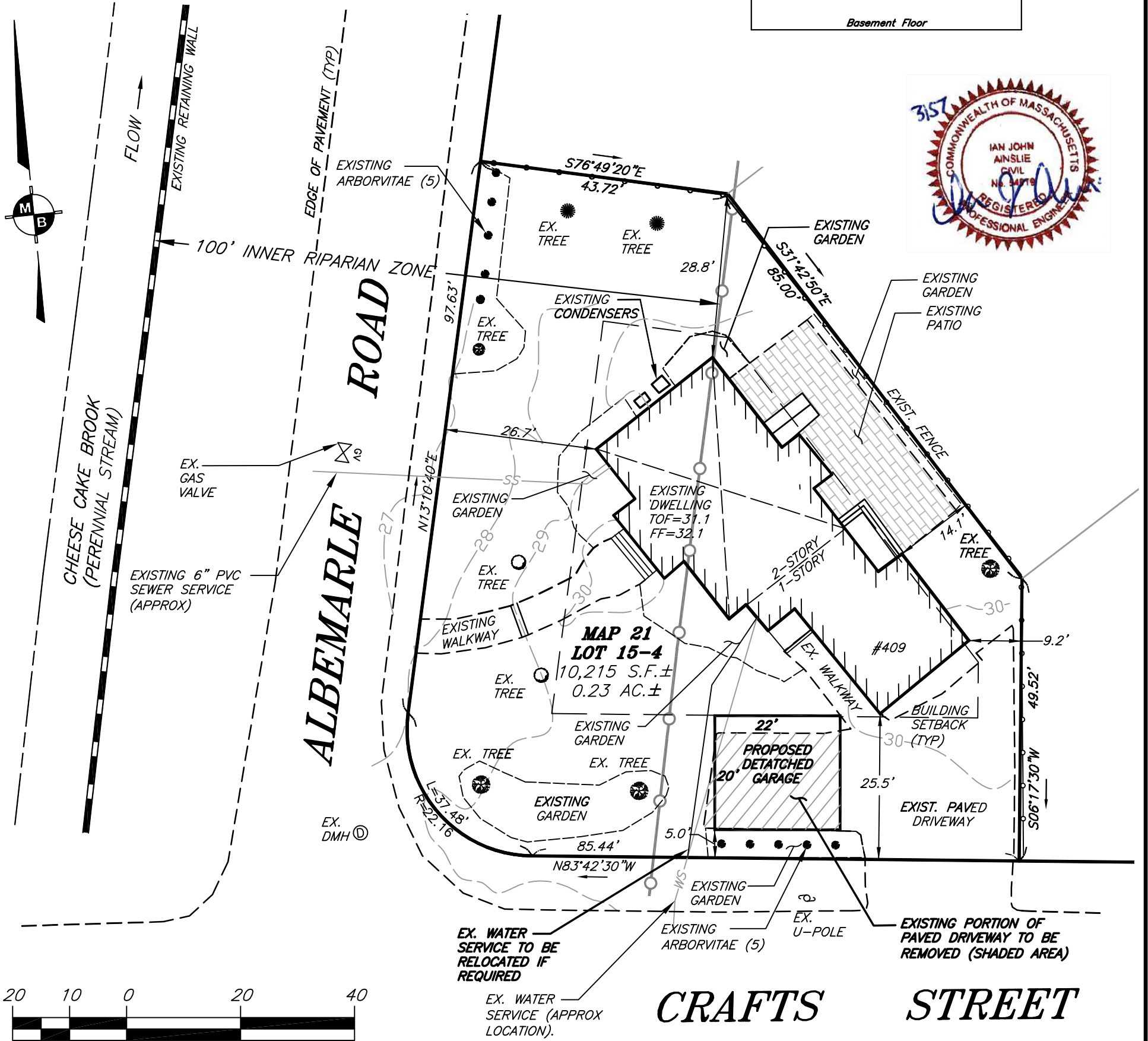
RESIDENTIAL SITE PLAN - NEW GARAGE
409 CRAFTS STREET
NEWTONVILLE, MA 02460

BUILDING SECTION (HOUSE) (NTS):

ZONE: RESIDENCE SR3 (PRIOR TO 1953)			
DIMENSION	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	7,000 SF	10,215 SF	10,215 SF
MINIMUM LOT FRONTAGE	70'	233'	233'
MINIMUM SETBACKS:			
FRONT	25'	25.5'	5.0'*
SIDE	7.5'	9.2'	9.2'
REAR	15'	14.1'	14.1'
MAXIMUM BUILDING HEIGHT	36'	32.1'	32.1'
AVERAGE GRADE		29.7	29.7
MAXIMUM LOT COVERAGE	30%	16.3%	20.6%
MINIMUM OPEN SPACE	50%	69.7%	70.2%*



*VARIANCES REQUIRED



REFERENCE PLAN:
PLAN OF LAND IN NEWTON, MASS. SCALE: 1"=40'. MARCH 22, 1952.
EVERETT M. BROOKS CO., CIVIL ENGINEERS. RECORDED AT THE
MIDDLESEX REGISTRY OF DEEDS SOUTH DISTRICT PLAN NUMBER 778 OF
1952, BOOK 7902, PAGE 519.

NOTES
1. FIELD SURVEY CONDUCTED BY MEISNER BREM CORP IN THE
AUTUMN OF 2021 AND AUTUMN OF 2022.
ELEVATIONS REFER TO NAVD 88 DATUM.

SCALE : **1" = 20'**
DATE : **JUNE 8, 2023**
© 2022 MEISNER BREM CORP.

409 CRAFTS STREET
NEWTONVILLE, MA
PREPARED FOR:
LEN WOLIN
409 CRAFTS ST
NEWTONVILLE, MA 02460
JOB NO. 3157

ZONE DISTRICT: SR3
PRIOR TO 1953
(HOUSE BUILT 1952)
MIN. BUILDING SETBACKS:
FRONT = 25 FEET
SIDE = 7.5 FEET
REAR = 15 FEET
OWNER:
LEN & LISA WOLIN
409 CRAFTS ST
NEWTONVILLE, MA 02460

MEISNER BREM CORPORATION
202 MAIN STREET, SALEM, NH 03079 · (603) 893-3301
142 LITTLETON ROAD, SUITE 16, WESTFORD, MA 01886 · (978) 692-1313





Ruthanne Fuller
Mayor

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

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(617) 796-1142
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(617) 796-1089
www.newtonma.gov

Barney Heath
Director

Property Owner Authorization

Date: 3/22/23

Property Location: 409 Crafts Street

	Number	Street Address
Property Owner:	Leonard B. & Lisa M. Wolin	

	Name	Contact Number
Current Mailing Address:	409 Crafts Street	

	Number	Street Name
Newton	MA	02460

	State	Zip Code
Newton	MA	02460

City/Town	State	Zip Code
Newton	MA	02460

- I am (we are) the owner(s) of the property subject to this application and I (we) consent as follows:
1. This application for a land use permit or administrative approval for development on my (our) property is made with my permission.
 2. I(we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application.


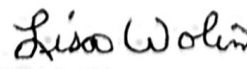
NOTICE: The City of Newton's staff may need access to the subject property during regular business hours and will attempt to contact the applicant/agent prior to any visit. Further, members of a regulatory authority of the City may visit the property as well.

The undersigned "Property Owner" assumes full responsibility for compliance with applicable codes, ordinances, regulations, and the City of Newton codes, procedures, and requirements.

I (we) give our permission for the applicant to submit this application as my agent (see Page 2).

NOTICE: The applicant/agent is the primary contact and may be any individual representing the establishment or property owner. The applicant/agent must also be legally authorized to make decisions on behalf of the property owner(s) regarding the application.

Property Owner/Owner Representative Signature:

ONLY FILL OUT IF YOU ARE NOT THE PROPERTY OWNER OF RECORD

Applicant/Agent Information

Applicant/Agent: Terrence P. Morris, Esq.
Name

Applicant/Agent Address:

57 Elm Road

Number

Street Name

Newton

MA

02460

City/Town

State

Zip Code

Applicant/Agent Signature:

Terrence P. Morris Esq.



Ruthanne Fuller
Mayor

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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 18, 2023

To: Anthony Ciccariello, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Katie Whewell, Chief Planner for Current Planning

Cc: Terrence P. Morris, Attorney
Leonard and Lisa Wolin, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Deputy City Solicitor

RE: Request for a variance from the front setback requirement

Applicant: Leonard & Lisa Wolin	
Site: 409 Crafts Street	SBL: 21015 0004
Zoning: SR3	Lot Area: 10,215 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 409 Crafts Street consists of a 10,215 square foot corner lot improved with a single-family dwelling originally constructed in 1952. A second story was added to the dwelling in 2022. The petitioners seek to construct a detached garage five feet from the front lot line, requiring a variance from the front setback requirement.

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

- Zoning Review Application, prepared Terrence P. Morris, attorney, submitted 6/14/2023
- Residential Site Plan – As-Built, signed and stamped by Ian John Ainslie, engineer, dated 11/2/2022
- Residential Site Plan – New Garage, signed and stamped by Ian John Ainslie, engineer, dated 6/8/2023
- FAR worksheet, submitted 6/14/2023

ADMINISTRATIVE DETERMINATIONS:

1. The petitioner seeks to construct a 440 square-foot detached garage five feet from the front lot line along Crafts Street, where 25 feet is required per sections 3.1.3 and 3.4.3.A.1. To construct the detached garage as proposed requires a variance per section 7.6 from the front setback requirement of 25 feet.

1. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3 §3.4.3.A.1	Request to reduce the front setback for a detached garage to 5 feet	Variance per §7.6

Project Title:
**409 Crafts Street
Newton, MA**

Drawing Title:
**PROPOSED:
EXTERIOR ELEVATIONS**

Project # 23029
Scale: 1/8" = 1'-0"
Date: 05/9/23
Drawing # **A2.1**





Ruthanne Fuller
Mayor

City of Newton, Massachusetts

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

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(617) 796-1089
www.newtonma.gov

Barney Heath
Director

Property Owner Authorization

Date: 3/22/23

Property Location: 409 Crafts Street

Property Owner: Leonard B. & Lisa M. Wolin

Current Mailing Address: 409 Crafts Street

Number	Street Name
<u>409</u>	<u>Crafts Street</u>
City/Town	Zip Code
<u>Newton</u>	<u>02460</u>
Name	Contact Number
<u>Leonard B. & Lisa M. Wolin</u>	
State	Zip Code
<u>MA</u>	<u>02460</u>

I am (we are) the owner(s) of the property subject to this application and I (we) consent as follows:

1. This application for a land use permit or administrative approval for development on my (our) property is made with my permission.
2. I(we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application.


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The undersigned "Property Owner" assumes full responsibility for compliance with applicable codes, ordinances, regulations, and the City of Newton codes, procedures, and requirements.

I (we) give our permission for the applicant to submit this application as my agent (see Page 2).

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Property Owner/Owner Representative Signature:

 Lisa Wolin

ONLY FILL OUT IF YOU ARE NOT THE PROPERTY OWNER OF RECORD

Applicant/Agent Information

Applicant/Agent: Terrence P. Morris, Esq.
Name

Applicant/Agent Address:

57 Elm Road

Number

Street Name

Newton

MA

02460

City/Town

State

Zip Code

Applicant/Agent Signature:

Terrence P. Morris Esq.

Middlesex South Registry of Deeds

Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 165733
Document Type	: DEED
Recorded Date	: November 08, 2022
Recorded Time	: 12:46:12 PM
Recorded Book and Page	: 80924 / 484
Number of Pages(including cover sheet)	: 3
Receipt Number	: 2866609
Recording Fee (including excise)	: \$8,563.64

 MASSACHUSETTS EXCISE TAX
 Southern Middlesex District ROD # 001
 Date: 11/08/2022 12:46 PM
 Ctrl# 368314 22014 Doc# 00165733
 Fee: \$8,408.64 Cons: \$1,843,562.00

Middlesex South Registry of Deeds
Maria C. Curtatone, Register
 208 Cambridge Street
 Cambridge, MA 02141
 617-679-6300
www.middlesexsouthregistry.com

QUITCLAIM DEED

ATTARDO REAL ESTATE FINANCING COMPANY, LLC a Massachusetts Limited Liability Company with a principal place of business located at 67 Lincoln Woods Road, Waltham, Massachusetts, 02451, for consideration paid, the consideration being **ONE MILLION EIGHT HUNDRED FORTY-THREE THOUSAND FIVE HUNDRED SIXTY-TWO AND 00/100 (\$1,843,562.00) DOLLARS** hereby grants to

Leonard B. Wolin and Lisa M. Wolin, as husband and wife, tenants by the entirety, hereinafter of 409 Crafts Street, Newton, Middlesex South County, Massachusetts 02460

With **QUITCLAIM COVENANTS;**

THAT CERTAIN PARCEL OF LAND WITH THE NEWLY CONSTRUCTED HOME THEREON, AS DESCRIBED AS FOLLOWS:

The land in said Newton, on Crafts Street, being shown as Lot 4 on "Plan of Land in Newton, Mass., dated March 22, 1952, by Everett M. Brooks Co., Civil Engineers, Newtonville, Mass." recorded with Middlesex South District Deeds in Book 7902, Page 519, bounded and described as follows:

Southerly by Crafts Street, eighty-five and 44/100 (85.44) feet; Southeasterly by a curve forming the intersection of Crafts Street and Albemarie Road, as shown on said plan, thirty-seven and 48/100 (37.48) feet; Northwesterly by Albemarie Road, on said plan, ninety-seven and 63/100 (97.63) feet; Northerly by Lot 1, as shown on said plan, forty-three and 72/100 (43.72) feet; Northeasterly by Lot 2, on said plan, eighty-five (85) feet; and Easterly by Lot 3, on said plan, forty-nine and 52/100 (49.52) feet.

Containing, according to said plan, 10,215 square feet of land, more or less.

Meaning and intending to convey and hereby conveying the same premises described in the Deed to the Grantor from Eileen H. Rosen dated June 3, 2021 and recorded with Middlesex South District Registry of Deeds in Book 78399 at Page 241.

This transfer does not represent all or substantially all of the LLC's assets in Massachusetts.

Grantor hereby releases any and all homestead rights in the property and states that there are no other persons entitled to claim homestead rights therein.

REMAINDER OF THIS PAGE INTENTIONALLY LEFT BLANK.

Property address: 409 Crafts Street, Newton, MA 02460

WITNESS the execution hereof, under seal, this 7th day of November, 2022.

Attardo Real Estate Financing Company, LLC

Carl Attardo

Carl Attardo, Manager of Attardo Real Estate Financing Company, LLC

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss:

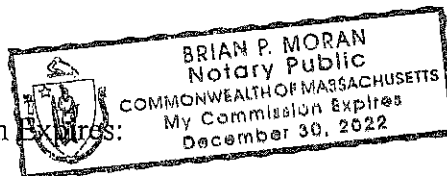
On this 4th day of November, 2022, before me, the undersigned notary public, personally appeared Carl Attardo, Manager of Attardo Real Estate Financing Company, LLC proved to me through satisfactory evidence of identification, which was a Driver's Licenses, to be the person(s) whose name(s) is signed on the preceding or attached document and acknowledged to me he signed it voluntarily as Manager of Attardo Real Estate Financing Company, LLC for its stated purpose.

[Signature]

Notary Public:

Seal

My commission Expires:



RECEIVED

ZBA-23-3

By Brenda Belsanti, ZBA Clerk at 9:46 am, Sep 13, 2023

9/13/2023



NewGov - Newton, MA

ZBA-23-3

Zoning Board of Appeals

Application

Status: Active

Submitted On: 8/27/2023

Primary Location

88 ADENA RD

WEST NEWTON, MA 02465

Owner

RAZIS DENNIS & VALERIE
ADENA ROAD 88 NEWTON,
MA 02465

Applicant

Terrence Morris

617-202-9132

tpmorris.landuse.law@comcast.net

57 Elm Road
Newtonville, MA 02460

Applicant Information

RECEIVED

By City Clerk at 2:38 pm, Sep 13, 2023

The individual submitting this application is the*
Attorney/ Other Representative

Is the property owner a company, corporation, or
other entity?*

No

Property Owner Information

Name*

Dennis & Valerie Razis

Address*

88 Adena Road

City/Town*

Newton

State*

MA

Zip Code*

02465

Appeal Information

Relationship to Subject Property (i.e. owner, abutter,
etc.)*

Owner

What decision are you appealing--is it an inability to obtain a building permit, the issuance of a building permit, an order or decision of the Commission of Inspectional Services or a zoning violation?*

Decision of the Commissioner of Inspectional Services

Date of Decision/Order/Permit/Notice you are appealing*

07/11/2023

State the basis or grounds for contesting the decision, providing any information that you feel will aid the Board in its review of your appeal:*

the method of calculation of lot coverage is incorrect

State all sections of the Newton Zoning Ordinance implicated in the appeal*

section 1.5.2.D

Link to Zoning Ordinance:

<https://www.newtonma.gov/home/showpublisheddocument/29823/637444168451970000>
(<https://www.newtonma.gov/home/showpublisheddocument/29823/637444168451970000>)

Explain why you are aggrieved by the decision/order/permit/notice being appealed:*

inability to obtain a certificate of occupancy

What outcome do you request if your appeal is granted?*

issuance of a certificate of occupancy

Acknowledgement

I (we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application. I (we) certify that I (we) have read the Board's Rules and Procedures before submitting to ensure the completeness of my (our) application. The undersigned, being the applicant, hereby certifies under the pains and penalties of perjury, that: the information above is true accurate to the best of my understanding and belief.*

✔ Terrence P. Morris, Esq.
Jul 11, 2023

Attachments

- 88.Adena.Rd.Request for a Zoning Determination.7.11.23.pdf**

.net/vpc388.Adena.Rd.Request for a Zoning Determination.7.11.23.pdf
 Uploaded by Terrence P. Morris on Aug 27, 2023 at 4:04 PM
 Zoning_Determination_7.11.23_Sun_Aug_27_2023_16-04-04
 23-09-13T13%3A29%3A01Z&se=2023-09-SP30Hoayq%2B1wQg2ut3ReBHRqM4hKw%3D)

Petitioner Signature REQUIRED
- 88.Adena.Rd.Owner Authorization.pdf**

ndows.net/vpc388.Adena.Rd.Owner Authorization.pdf
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 :2023-09-13T13%3A29%3A01Z&se=2023-09-:CsBeeUjaFXvjct9EZTvw3rEfesRRXogg8w%3D)

Property Owner Authorization REQUIRED
- 88.Adena.Rd.Owner Authorization.pdf**

s.net/vpc388.Adena.Rd.Owner Authorization.pdf
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 `13%3A29%3A01Z&se=2023-09-ZAfHkmfWjVyPZtv6AxroUJI7EhwWJmZ%2FA0%3D)

Copy of Decision, Order, Permit or Notice being appealed REQUIRED
- Adena_Rd_88_Zoning_Determination_lot_coverage_Fri_Aug_25_2023_08-14-56.pdf**

ows.net/vpc388.Adena_Rd_88_Zoning_Determination_lot_coverage_Fri_Aug_25_2023_08-14-56.pdf
 Uploaded by Terrence P. Morris on Aug 25, 2023 at 11:11 AM
 :r&sv=2017-11-09&sr=1&se=2023-09-11-09-11-11-11

July 11, 2023

Anthony Ciccariello, Commissioner
Inspectional Services Department
1000 Commonwealth Avenue
Newton, MA 02459
Re: 88 Adena Road (the "Property")
Request for Zoning Determination

Dear Commissioner Ciccariello:

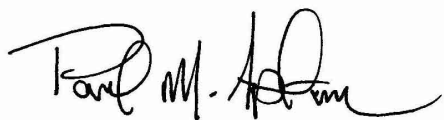
I am writing to you as the architect of record for a single-family dwelling located on the above-referenced property. The purpose of this letter is to request a written determination from you regarding the method for calculating lot coverage for the Property. We have been informed that your office includes both the plywood underlayment and the siding that projects beyond the building foundation as well as the area included within the perimeter of the foundation itself, in its calculation of lot coverage for zoning purposes. This despite the fact that the siding has no contact with the grade since the building code requires a minimum of 8 inches of exposed foundation above grade.

There appears to be a contradictory logic in that interpretation, given the fact that Newton does not include the area under a roof overhang that can be up to two (2) feet beyond the foundation (see NZO section 1.5.2.D.1). The net effect of this provision is to reinforce the more accurate interpretation that lot coverage is intended to measure the area of a lot occupied by a building(s) at grade/ground level.

To exacerbate the inconsistency, we understand that neither the water table, frieze boards nor the corner boards are counted even though they also lie beneath the area covered by the roof overhang. For all these reasons we respectfully request your clarification of any past practices or prior interpretations of the ordinance that may have resulted in a contradictory application of the lot coverage provisions in the ordinance.

Thank you for your assistance in this matter.

Sincerely,



Paul Apkarian
Paul Apkarian Architects, Inc.



Ruthanne Fuller
Mayor

Information and Assistance

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 Heath
Director

Property Owner Authorization

Date: 7/11/23

Property Location: 88 084 ADENA ROAD MA
Number Street Address

Property Owner: Dennis Razis 617-285-2640
Name Contact Number

Current Mailing Address: 88 Adena Road
Number Street Name

Newton MA 02465
City/Town State Zip Code

I am (we are) the owner(s) of the property subject to this application and I (we) consent as follows:

1. This application for a land use permit or administrative approval for development on my (our) property is made with my permission.
2. I(we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application.

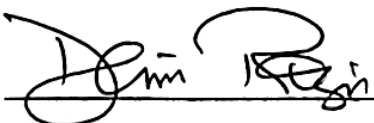
NOTICE: The City of Newton's staff may need access to the subject property during regular business hours and will attempt to contact the applicant/agent prior to any visit. Further, members of a regulatory authority of the City may visit the property as well.

The undersigned "Property Owner" assumes full responsibility for compliance with applicable codes, ordinances, regulations, and the City of Newton codes, procedures, and requirements.

I (we) give our permission for the applicant to submit this application as my agent (see Page 2).

NOTICE: The applicant/agent is the primary contact and may be any individual representing the establishment or property owner. The applicant/agent must also be legally authorized to make decisions on behalf of the property owner(s) regarding the application.

Property Owner/Owner Representative Signature:





Ruthanne Fuller
Mayor

Information and Administration

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

Telephone
(617) 796-1120
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(617) 796-1142
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Barney Heath
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Property Owner Authorization

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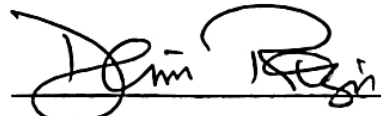
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Property Owner/Owner Representative Signature:



City of Newton



Ruthanne Fuller
Mayor

Inspectional Services Department

Anthony Ciccariello, Commissioner
1000 Commonwealth Avenue
Newton, MA 02459
www.newtonma.gov

Telephone
(617) 796-1060
Fax
(617) 796-1086
Email
ISD@newtonma.gov

August 18, 2023

Paul Apkarian Architects Inc.
49 Church Street
Westborough, MA 01581
Attn: Paul Apkarian

RE: 88 Adena Road Zoning Determination for lot Coverage

Dear Mr. Apkarian,

I am in receipt of your letter of July 11, 2023, for a ruling regarding Newton City Ordinances, Chapter 30: Zoning Ordinance (NZO), Section 1.5.2.D. Lot Coverage and how it is interpreted by the Inspectional Services Department. Lot coverage as stated in NZO Section 1.5.2.D. reads as follows:

The percentage of the lot area which is covered by buildings, including accessory buildings, and structures with roofs, except in the following case:

1. The area covered by roof overhangs of up to 2' shall not be included in the calculation of lot coverage.

Zoning for this lot is a pre-December 7, 1953, SR-3 lot, or old lot status, lot coverage for this zone is 30% of the entire square footage of the lot.

The as-built site plan provided by Vern T. Porter Jr. stamped and dated November 23, 2015, shows the building lot coverage at 30.78% as non-compliant with Newton zoning. I would interpret that the sheathing and siding are part of the building and should be included in the lot coverage calculation, thus making it non-compliant and would require a variance from the Newton Zoning Board of Appeals (ZBA).

I hope this letter serves your purposes. Please contact this office if we can be of further assistance.

Sincerely,

Anthony Ciccariello
Commissioner

SCHLESINGER AND BUCHBINDER, LLP
ATTORNEYS AT LAW

STEPHEN J. BUCHBINDER
ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
A MIRIAM JAFFE
SHERMAN H. STARR, JR.
JUDITH L. MELIDEO-PREBLE
BARBARA D. DALLIS
KATHRYN K. WINTERS
KATHERINE BRAUCHER ADAMS
FRANKLIN J. SCHWARZER
ADAM M. SCHECTER

1200 Walnut Street
Newton, Massachusetts 02461-1267
Telephone (617) 965-3500

www.sab-law.com

October 12, 2023

BY EMAIL

Ms. Brenda Belsanti
Zoning Board Clerk
Zoning Board of Appeals
Newton City Hall
1000 Commonwealth Avenue
Newton, Massachusetts 02459-1449

Re: #09-22/Comprehensive Permit Application Under M.G.L. Chapter 40B, Sections 20-23
Northland 160 Charlemont LLC

Dear Ms. Belsanti,

Attached please find the following documents. We intend to present these materials to the ZBA at its meeting on October 25, 2023:

1. Presentation package dated October 25, 2023 and consisting of six sheets including:
 - a. Updated rendering of freestanding sign. The building signs differentiate between the two buildings, and the freestanding sign provides unified identification for the entire development.
 - b. Building renderings from the perspective of rear residential neighbors to the east of the development which includes the 15 foot high mechanical screening.
2. Updated TDM plan dated October 3, 2023.

In response to questions raised about the proposed sustainability plan, please note that the roof areas of the buildings will be optimized for solar readiness, outdoor amenity areas, green roofs, and reflective roofs. The buildings will be constructed to be solar-ready to accommodate solar panels where feasible after accounting for space required for mechanical equipment, and other required infrastructure, outdoor amenity areas, and green roof areas.

The development will conform with the Massachusetts Stretch Code and provide 20% of the parking spaces with access to EV charging stations. The technology around EV charging and power sharing is rapidly evolving and the Applicant will be closely monitoring the changes to better incorporate EV charging into the development at the best time.

Ms. Brenda Belsanti
October 12, 2023

Page 2

Please feel free to contact me if you have any questions respecting the foregoing.

Sincerely,

Katherine Braucher Adams

Katherine Braucher Adams

KBA/mer
Enclosures

cc: (By Email, w/out enclosures)
Jennifer Caira, Deputy Director of Planning and Development
Katie Whewell, Director of Current Planning
Michael Gleba, Senior Planner
Mr. Peter Standish



Memorandum

To: City of Newton

Date: October 3, 2023

Project #: 12239.02

From: Randall C. Hart, Principal

Re: Proposed Residential Redevelopment
Charlemont Street
Transportation Demand management Plan (TDM)
Newton, Massachusetts

Transportation Mitigation

As outlined in the TIA prepared for the project, the proposed development is expected to have minor impacts on traffic conditions in the study area. However, the Proponent proposes to implement Transportation Demand Management (TDM) measures on site to provide alternative access to the facility from single occupancy motor vehicles. The following represents the current proposal:

Transportation Demand Management (TDM)

Implementation of TDM measures will offer alternatives to traveling in single occupancy vehicles, which will reduce traffic and parking demand on the Site. As part of the proposed project, the following TDM measures will be implemented on Site:

- Establish a staff person to act as Transportation Demand Management (TDM) Program coordinator onsite that will be responsible for the program as well as surveys of programs identified below.
- Display all public transit schedules in a central location within the facility.
- To promote pedestrian safety, a map of the area will be provided for transit users that displays the location of shuttle locations, MBTA stations, MBTA bus stops, sidewalks, and crosswalks in the area. This information will be distributed to residents and will also be posted with other transit information in common areas.
- Provide a secure indoor bicycle storage area accommodating approximately 200 bicycles with additional outdoor bike stations for 24 bicycles.
- Provide a bike fix-it station in the bicycle storage area
- Upon moving in, all residents will be provided with a welcome package that will include descriptions of all TDM initiatives that are offered at the facility.
- Provide electric vehicle charging stations and preferential electric car parking within the parking garage and surface parking for 20% of all parking spaces.
- Provide standard outlets for electrical bicycle charging in the indoor parking area for 20% of all indoor bicycle spaces) to accommodate electric bicycles.
- Hold promotional events to support alternative transit opportunities.
- Separate (unbundled) charges for parking spaces for residents, except for affordable units.

- The Proponent will commit \$100,000 to an alternative transit reimbursement fund. This fund will be used to provide reimbursements for MBTA transit passes for all residents and employees. To the extent that funds remain unused after 5 years, Northland will contribute the unused balance to the City for use toward other neighborhood transit projects.

Northland Charlemont Proposed 40B Development

ZBA Hearing

1. SITE SIGNAGE (FREESTANDING SIGN)
2. MECHANICAL SCREENS



CHARLEMONT 40B SIGNAGE PLAN



SIGNAGE LEGEND

- Building
- Vehicular
- Site
- Roadway

Building		Size	Qty
B1.	Free Standing Sign [F]	50 SF	1
B2.	Secondary Building ID Sign [B]	10-30 SF	4

Vehicular		Size	Qty
P1.	Guest Parking [F]	2 SF	4
P2.	Delivery / Drop-Off Signage [F]	2 SF	1
P3.	ADA Parking Sign [F]	2 SF	1
P4.	Vehicle Wayfinding Signage [F]	5 SF	3
P5.	Parking Entry Sign [B]	10 SF	2
P6.	Loading / Service [B]	10 SF	2
P7.	Transit Stop [F]	5 SF	1

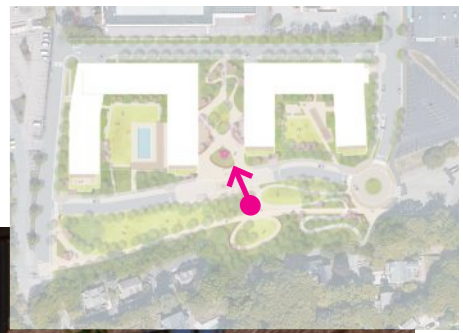
Site		Size	Qty
S1.	Park ID / Bike / Pedestrian [F]	10 SF	3
S2.	Interpretive [F]	10 SF	2
S3.	Branded Park Sign [F]	10 SF	1

Roadway		Size	Qty
R1.	Stop Sign [F]*	6.25 SF	5
R2.	Yield Sign [F]*	4.5 SF	3
R3.	Traffic Circle [F]*	4 SF	3
R4.	Pedestrian Crosswalk [F]*	4.5 SF	10
R5.	Pedestrian Crosswalk (Flash)[F]*	6.5 SF	2

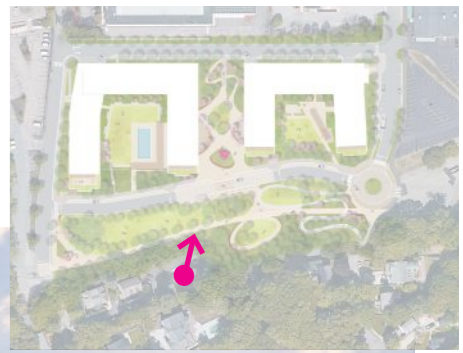
*Typical sizes taken from MassDOT & U.S. Department of Transportation
 [B] = Building Mounted
 [F] = Free Standing



CHARLEMONT 40B
FREE STANDING SIGN - 50 SF



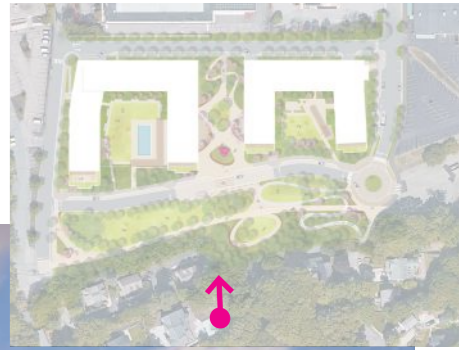
CHARLEMONT 40B
NEIGHBOR VIEW ~94 CHRISTINA ST.



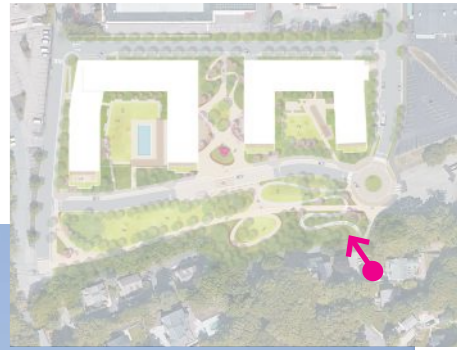
15' Mechanical Screen Height, typ.



CHARLEMONT 40B
NEIGHBOR VIEW ~102 CHRISTINA ST.



CHARLEMONT 40B
NEIGHBOR VIEW ~136 CHARLEMONT ST.





Ruthanne Fuller
Mayor

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

Barney S. Heath
Director

PUBLIC HEARING VIII MEMORANDUM

DATE: October 18, 2023
MEETING DATE: October 25, 2023
TO: Zoning Board of Appeals
FROM: Barney Heath, Director of Planning and Development
Jennifer Caira, Deputy Director for Planning and Development
Katie Whewell, Chief Planner for Current Planning
Michael Gleba, Senior Planner

COPIED: Mayor Ruthanne Fuller
City Council

In response to questions raised at the Zoning Board of Appeals public hearing on October 26, 2022, December 21, 2022, January 25, 2023, February 22, 2023, April 26, 2023, June 22, 2023, July 31, 2023, and September 13, 2023, the Planning Department is providing the following information for the upcoming continued public hearing/working session. This information is supplemental to staff analysis previously provided at the public hearing.

PETITION #09-22

60 Charlemont Street and 56 Christina Street

The Zoning Board of Appeals (Board) opened the public hearing on this petition on October 26, 2022, which was held open for the petitioner to respond to questions and concerns raised in the Planning Department's Memorandum and at the public hearing by the Board as well as by members of the public. The Board continued the public hearing on December 21, 2022, January 25, 2023, February 22, 2023, April 26, 2023, June 22, 2023, July 31, 2023, and September 13, 2023.

EXECUTIVE SUMMARY

The subject site is comprised of two parcels known as 160 Charlemont Street and 56 Christina Street located in a Mixed Use 1 (MU1) zoning district and is improved with two structures. The applicant, Northland Charlemont LLC, intends to demolish the existing structures and combine the lots into a single 304,308 square foot through-lot with frontage on Charlemont and Christina streets.

Throughout the Comprehensive Permit process and public hearings, the design of the development was further refined to comprise two separate buildings connected via an underground garage and a courtyard above. The current iteration of the project consists of two seven story buildings with below grade parking. In the revised proposal the total number of units is reduced to 370 units, with 93 affordable units. Of the affordable units, 20% (19 units) will be made available to households with income levels at 50% of the AMI. The remaining 74 affordable units will be made available to households with income levels of 80% of the AMI.

Much of the proposed site plan remains the same since the revisions breaking up the building into two buildings. The site plan still accounts for the significant and sizable open space that will serve as a buffer between the project and neighborhood to the east while providing passive and active recreational use. The site plan also contemplates a roundabout and shuttle stop to support future shuttle service from a nearby development.

Project materials submitted for review can be found on the City's website at: <https://newtonma.viewpointcloud.com/locations/117660>.

I. UPDATES

A. Transportation

On October 11, 2023, the Applicant submitted an updated Transportation Demand Management (TDM) plan.

While most of the plan remains unchanged, there are two significant modifications. First, previous TDM approaches provided that during the first two years of the development's occupancy the applicant would reimburse 50% of the cost of MBTA Link Passes for up to two residents of any unit that did not lease an on-site parking space during the residents' initial lease term. That amount could also otherwise be used to subsidize costs related to bike- or car- shares.

The applicant worked with city staff to provide a more impactful TDM plan around transit passes. As such, there is now a commitment to make \$100,000 available to residents and employees of the building to an "alternative transit reimbursement fund". This will allow flexibility in reimbursement for transit passes. The Planning Department also recommends the applicant ensure that all units have access to those funds and requires

annual reporting to the City on how these funds are expended. Any such funds left unused after five years will be paid to the City for use on other “neighborhood transit projects.”

The other change is the elimination from the proposed TDM plan of a provision pertaining to shuttle service to/from the nearby Newton Highland Station on the MBTA Green Line D Branch. As previously described, the shuttle service would be integrated into the shuttle system the applicant is expected to operate in relation to its special permit-approved Northland Needham Street Development located to the west across Needham Street. As previously proposed, the bus shelter on Charlemont Street would be served every half hour as an add-on to some of the system’s runs to/from the Newton Highland Station. The applicant has agreed to operate the shuttle in accordance with the Newton Needham Street Development but does not agree to be required to operate a shuttle for just this site. The Planning Department is supportive of this change as the proposed condition still allows for a shuttle from the Northland Needham Street Development to service this site while providing a stronger TDM plan and accounts for the significant benefit of the improvements to Charlemont Street.

Alternately, in drafting language around the Charlemont Street improvements, the applicant is required to design and construct the improvements to the south side of Charlemont Street, including a shared use path. The structure of this condition allows for a reduction of the I&I mitigation payment. This is in accordance with the Department of Public Works’ preferred structure around improvements associated with development projects and strongly advises against a monetary cap set that gives an option to opt out of these improvements with a payment to the City. The shared use path will provide an important connection through the site from points south, such as the Christina Street Bridge, to Needham Street and Newton Highlands.

The Planning Department recommends that the applicant be prepared to discuss the above at the upcoming public hearing.

B. Signage

The applicant has also submitted the presentation it expects to deliver at the upcoming public hearing. Responding to previous comments, the presentation contains information about the proposed signage plan. Planning forwarded this information to Urban Design Committee staff for an initial review who had the following comments:

- the applicant should work with the UDC for a sign review before any sign is finalized.
- the proposed size and location of the free-standing sign seems appropriate and while it would be larger than the 35 square feet size allowed by the Newton Zoning Ordinance, a waiver can be sought for the larger size.

- waivers would also likely be required for signs larger than 3 square feet as well as for more than two secondary signs.

III. ADDITIONAL INFORMATION AND MATERIALS

The applicant should be prepared to respond to all questions and requests for more information raised above at the upcoming public hearing.

IV. CONCLUSION AND NEXT STEPS

The Planning and Law Departments will make a Draft Decision available to the Board in advance of the next hearing to be reviewed in the event of approval.