

## Nadia Khan

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**From:** plevoff@aol.com  
**Sent:** Thursday, March 12, 2020 4:31 PM  
**To:** Alicia Bowman; hoondawg@gmail.com  
**Cc:** shearsirvin@gmail.com; jacquibl@gmail.com; liz.dunbar.gray@gmail.com; cnoofficepulse@gmail.com; rwcapstick@gmail.com; elizabeth.capstick@gmail.com; johntsai@outlook.com; vivek.pandit@alum.mit.edu; knappml@comcast.net; klinglevine@verizon.net; rondajacobson@comcast.net; robinmaltz@icloud.com; janecrobinson@gmail.com; Brenda Noel; Victoria Danberg; Shubee Sikka; Nadia Khan; sjbuchbinder@sab-law.com; glesanto@rcn.com; plevoff@aol.com; eh@128law.com; Richard Lipof  
**Subject:** Re: 1114 Beacon St. Project  
**Attachments:** Plot Plans 2.pdf; United neighbor concerns regarding 1114 Beacon Street proposal. 2.pdf

[DO NOT OPEN links/attachments unless you are sure the content is safe. ]

All - as some of you may know or recall, along with attorney Evans Huber, I represent Gary Lesanto, the owner of the property located at 1126 Beacon directly adjacent to this property, currently leased to Citizens Bank. As I said at the Land Use Committee hearing on March 10, I also represent myself as a both (a) a residential neighbor (61 Beaconwood Road, where I have lived since 1976); and (b) a commercial neighbor with my office at 1172 Beacon Street since that building was built in approximately 1983. Finally, as Chairperson Rick Lipof said at the hearing, I am Rick's old (I prefer "former") basketball coach 😊.

This email is intended in part to respond to certain statements made at the March 10 hearing and the March 11 Urban Design Commission meeting concerning the proposed 1114 Beacon Street project (the "Project"); to supplement comments made by Mr. Lesanto and other neighbors at those meeting; and to confirm the issues that are of material concern to Mr. Lesanto, the neighbors and to me.

As many of you know, Mr. Lesanto and the neighbor group presented a memo to the developer (copy attached) expressing concerns about 4 specific issues that they wanted addressed, and recommending what we believe were and are very reasonable and rational resolutions. Please understand that we as a group are not opposed at all to the reasonable development of this parcel, but we are opposed to what we believe will be, if approved, an unreasonable development that would be substantially more detrimental to the neighborhood.

We discussed these issues at some length on more than one occasion directly with the developer and his legal team; thought we had made some headway with them to address those concerns; and were then told that the developer did not intend to do *anything* regarding the setback, size and scope of the building. In other words, the developer and his team chose to ignore Mr. Lesanto's and the neighbors' legitimate concerns.

I would like to address those 4 issues plus parking very briefly so that all of you understand Mr. Lesanto's and the neighbors' concerns and proposed solutions, for your consideration.

**SETBACK.** We were advised by Attorney Buchbinder that the City "wanted" a very limited setback so that the proposed massive building was sited very close to Beacon Street, and that is why the developer refused to move the building back from the location on the present set of plans. On page 6 of the Public Hearing Memorandum dated March 6, 2020, it is stated in pertinent part: "The Planning Department has concerns with the placement of the proposed townhomes so close to the front property line and suggests that design review provide a recommendation as to an appropriate setback"; and on Page 7: "...the Planning Department believes moving the building back to be more in line with abutting properties on the south side of Beacon Street will present a more cohesive residential neighborhood pattern." (emphasis added).

Our group fully agrees and urges that the building be set back in a manner that is consistent with the abutting properties. FYI, attached are plot plans of Mr. Lesanto's building to the west and the 2 building to the east showing setbacks of 53 1/2 feet, 24.6 feet and 26 feet, respectively, as shown in yellow. It is important to note as well that the townhouses directly across Beacon Street are set back about 30 feet. Most importantly, a small additional setback (e.g., 10-15 feet) as appears to be on the minds of some council members and others will be deemed wholly inadequate by our group. A further setback must be substantial enough to address the obviously and legitimate concerns of a mammoth building located almost on Beacon Street; we believe no less than 30 feet would be appropriate and more in line with the Planning Department's recommendation. Please understand that Mr. Lesanto intends to appeal an allowed setback of less than 30 feet which would materially adversely impact his building next door.

**Height.** Various members of our group have suggested and requested that the 4th story of the building, consisting of 2 penthouses according to the developer's plans, be eliminated. The height is simply far too much for this location for all the reasons articulated by the neighbors. The application of a 4th story (bringing the building to 48 feet) is double what is allowed by right in this BU-2 zone. Mr. Lesanto's building abutting to the west is 24 feet high as of right. The abutting buildings to the east are 20 -24 feet high. The Project proposal will overshadow these properties reducing or eliminating sunlight, casting shadows and adversely affect the skyline; the same goes, of course, for the abutting residential properties to the rear of the proposed building, the owners of which are part of our group.

We have proposed a compromise between the 24 feet allowed by right and the proposed 48 feet via special permit: modify to 3 stories, or 34 feet. While we fully understand that removing the 4th story would have an adverse financial impact for the developer, the developer can still no doubt make a sizable profit by reconfiguring the remaining non-penthouse units as he deems appropriate subject to further City approval. But retaining the 4th story is simply unacceptable to our group.

**Parking.** It appears that the developer plans only 2 surface parking spaces for this Project. We have repeatedly expressed and we believe that the proposed parking spaces are wholly insufficient -- in fact, absurd -- for a building comprised of mostly 2 and 3 bedroom units -- not merely for the occupants but certainly for any guests of or deliveries to the occupants. A project of this magnitude NEEDS to have surface level spaces to accommodate guests and deliveries. 2 surface spaces simply doesn't cut it. We therefore suggest and

request that 8 to 10 surface level spaces integrated on grade (not sub surface) be required for this Project. Failure to do so will adversely impact Mr. Lesanto's property, as the overflow will no doubt try to park on Beacon Street or at the Citizens Bank parking lot, which Mr. Lesanto will be forced to police in perpetuity.

I have personally heard from the developer's team that "the City HATES parking in the front" of the building, I assume for aesthetic reasons. But quite obviously, nearly every surrounding building and business now has parking along Beacon Street. While we can understand Newton's desire to move parking away from Beacon Street as part of overall planning for the future, we submit that this is not the right location or Project to insist on that "ban." The entire street in the area of the Project is currently configured with properties that have parking toward the front, and the same here would blend into the neighborhood. Regardless, on-surface spaces for guests and deliveries needs to be increased somehow. Simple question: why not permit parking spaces in the front of the building and require a landscaping (e.g., fir and other trees and shrubs) "barrier" along the sidewalk to block the view of vehicles parked there? That would solve all of the parking issues and preserve the aesthetics if the building.

Ground Water. Very briefly, the ground water issue obviously must be resolved. I understand that there is a proposal that might permit the developer to tie in to the City storm water system, which could be a complete or at least a partial solution to the problem. I am personally extremely sensitive to this issue since I have had severe water problems at my own property around the corner on Beaconwood Road since 1976.

Mr. Lesanto and the neighbors hope the City will encourage the developer to address the issues seriously, to modify the Project design as herein outlined and to thereby prevent the very real potential of a contested approval. Further, Mr. Lesanto and the neighbors and I look forward to working with the various City Departments and Commissions, as well as with the developer's team, to address the issues and concerns raised in this email. But please understand that Mr. Lesanto's position is that if these issues are not properly and reasonably addressed, his property will be substantially harmed. Approval of the Project as currently conceived, we submit, would be substantially more detrimental to the neighborhood.

I expressly request that this email be included in the public record for this Project. If this email should be submitted in letter form to be included in the record, please advise, and I will do so promptly. Thank you for your attention, anticipated understanding and consideration.

Phil Levoff

Philip S. Levoff, Esquire  
LAW OFFICES OF PHILIP S. LEVOFF  
1172 Beacon Street, Suite 202  
Newton, MA 02461  
Phone: 617-332-0624  
Fax: 617-332-5593  
[plevoff@aol.com](mailto:plevoff@aol.com)

In a message dated 3/11/2020 5:18:24 PM Eastern Standard Time, abowman@newtonma.gov writes:

It is my understanding that Urban Design Commission is still going forward. Things are being changes hourly though so stay tuned. I am doing all my non-council meeting s by phone.

Alicia Bowman  
Newton City Council, Ward 6  
[abowman@newtonma.gov](mailto:abowman@newtonma.gov)  
617-257-8270

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From: Gary Lesanto <glesanto@rcn.com>  
Sent: Wednesday, March 11, 2020 4:45 PM  
To: Hoony Youn; Alicia Bowman  
Cc: Carolyn Shears; Jacqui Bloomberg; Elizabeth Gray; cnoofficepulse@gmail.com; Bob Capstick; Beth Capstick; Phil Levoff; John Tsay; Vivek Pandit; Marion Knapp; Judah Levine; Ronda Jacobson; Robin Maltz; Jane Robinson; Brenda Noel; Victoria Danberg  
Subject: Re: Update on 1114 Beacon St.

[DO NOT OPEN links/attachments unless you are sure the content is safe. ]

It is my understanding the meeting tonight is on. It is NOT cancelled. 7pm room 205

Regards,

Gary

[www.lesantofinehomes.com](http://www.lesantofinehomes.com)  
[gary@lesantofinehomes.com](mailto:gary@lesantofinehomes.com)  
(617)293-6880 Cell  
(781)647-3555 Office  
(781)400-1346 Fax

----- Original message -----

From: Hoony Youn <hoondawg@gmail.com>  
Date: 3/11/20 4:08 PM (GMT-05:00)  
To: Alicia Bowman <abowman@newtonma.gov>  
Cc: Carolyn Shears <shearsirvin@gmail.com>, Jacqui Bloomberg <jacquibl@gmail.com>, Elizabeth Gray <liz.dunbar.gray@gmail.com>, cnoofficepulse@gmail.com, Bob Capstick <rwcapstick@gmail.com>, Beth Capstick <elizabeth.capstick@gmail.com>, Phil Levoff <plevoff@aol.com>, John Tsay <johntsay@outlook.com>, Vivek Pandit <vivek.pandit@alum.mit.edu>, Gary Lesanto <glesanto@rcn.com>, Marion Knapp <knappml@comcast.net>, Judah Levine <klinglevine@verizon.net>, Ronda Jacobson <rondajacobson@comcast.net>, Robin Maltz <robinmaltz@icloud.com>, Jane Robinson <janecrobinson@gmail.com>, Brenda Noel <bnoel@newtonma.gov>, Victoria Danberg <vdanberg@newtonma.gov>  
Subject: Re: Update on 1114 Beacon St.

Apologies. I just missed the email that the mayor sent out.

**"In line with the advice from the Commonwealth, the City of Newton is postponing, modifying, or cancelling (or holding virtually) discretionary and/or large gatherings scheduled and hosted by the City involving the public. These include many programs offered by the Parks, Recreation and Culture Department and the Department of Senior Services, among others. We will also be modifying the use of City facilities by outside groups. Regular business and internal business will continue for now, including but not limited to mandated public hearings and Council, Board and Commission meetings. When possible, we will encourage the public to send emails for public comment and will try to use alternatives like conference calls and other group communication tools."**

**Does this apply to the meeting tonight?**

**Thank you,  
Hoony**

On Wed, Mar 11, 2020 at 4:06 PM Hoony Youn <[hoondawg@gmail.com](mailto:hoondawg@gmail.com)> wrote:

Thank you for the update Alicia. Much appreciated.

Slightly different topic, but something that has been on my mind and I'm sure the others. With all the latest news and lack of data on the coronavirus, many schools and universities (MIT, Harvard, BU, NE) have either stopped or are preparing to stop all in-person classes. This morning the State House (MA) announced that all public events and meetings will be cancelled. My company has instituted a mandatory work-from-home protocol.

I'm wondering if we need follow their lead and suspend meetings at City Hall. Many of these meetings are in closed rooms and many of us are potentially at risk for harm if we catch the virus.

To be honest, I was hesitant to come out to the meeting last night, but decided to come out anyway, because of how important I felt it was to voice my concern. However, having to decide between our health or our Newton happiness is a very tough decision and something that we probably should not be forced to make at this time.

Tonight is the Urban Design Commission meeting. While I would very much like to be there, staying healthy is also very important to me.

Has there been any talk about a temporary suspension to any and all city related meetings?  
What are your thoughts?

Given most large organizations (large and small ) have already instituted a special protocol including the MA government, would it not be prudent to follow suit?

Apologies for the content, but I wasn't sure how or who to reach out to.

Thank you,  
Hoony

On Wed, Mar 11, 2020 at 1:12 PM Alicia Bowman <[abowman@newtonma.gov](mailto:abowman@newtonma.gov)> wrote:

A quick update on 1114 Beacon St. Last night there was a public hearing on this project. The project will likely have further designs, so there will be additional public meetings.

Here are the documents provided prior to the meeting.

<http://www.newtonma.gov/civicax/filebank/documents/102181>

In the coming days, the Land Use Committee Report will be here and likely have addition detail such as presentations.

<http://www.newtonma.gov/gov/aldermen/committees/landuse/2020.asp>

If you would like to listen to the meeting, an audio recording is here:

[http://www.newtonma.gov/civicax/filebank/documents/102248/2020.03.10\\_17.46\\_01.MP3](http://www.newtonma.gov/civicax/filebank/documents/102248/2020.03.10_17.46_01.MP3)

Best to download. The comments begin at 1:47 Typically the Land Use meetings are televised, but NewTV which records these meetings was not able to attend last night.

Because of concerns you raised about the design, the Ward 6 Councilors requested that this project go to the Urban Design Commission. That occurred this morning. The Land Use Committee also approved a motion to ask the developer to under go a peer review by an architect that is on-call with the city. If you attended the meeting or listened to the comments, you will hear several of us express concerns about the design and aesthetics of the building. We will let you know when we learn more.

If you have specific comments about this project that you would like to share with the entire Land Use Committee, please share with the Land Use Committee Clerk Nadia Khan [nkhan@newtonma.gov](mailto:nkhan@newtonma.gov). That is required to be in compliance with Open Meeting Law.

But feel free to reach out with other concerns.

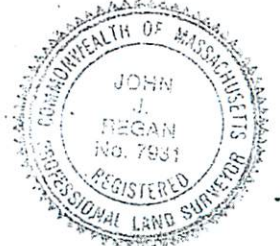
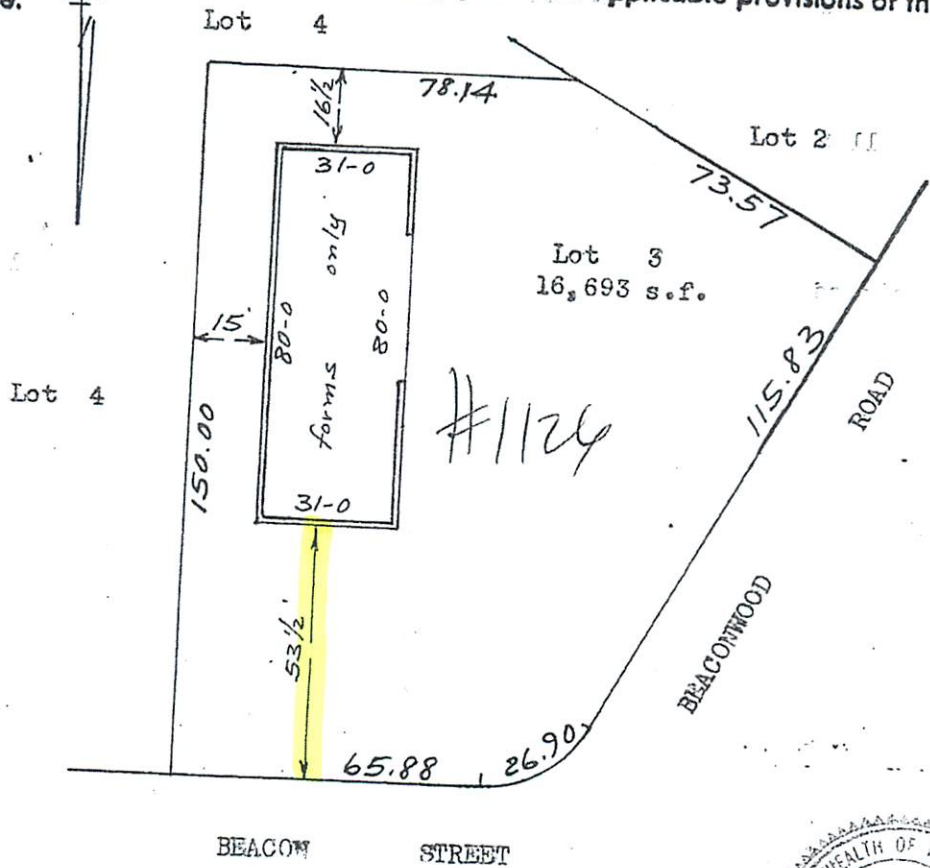
Councilors Bowman, Noel and Danberg

When responding, please be aware that the Massachusetts Secretary of State has determined that most email is public record and therefore cannot be kept confidential.

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# PUBLIC BUILDINGS DEPARTMENT

I hereby certify that the lot corners and lot lines of the premises covered by this survey and the dimensions, elevations, offsets and locations of existing buildings, if any, thereon, and of proposed building or buildings covered by the permit referred to in this survey record are correctly shown on the plan below, and that the same comply with the applicable provisions of the City of Newton Zoning Ordinance.



## PLOT PLAN

Scale — 1 in. = 40 Feet.

### SURVEYOR'S AFFIDAVIT

The above statement is made and subscribed to under the penalties of perjury.

(Signed) Land Surveyor: .....

*John J. Regan*

Registration No. ....

Print

Land Surveyor, .....

JOHN J. REGAN

Address, .....

P.O. BOX 416

City or Town, .....

NEWTON HIGHLANDS, MASS: 02161

DATE RECEIVED. ....

2-1-88

BY. ....

*[Handwritten signature]*

UNIVERSITY OF CALIFORNIA

Department of Chemistry  
Berkeley, California

1954

1954

PL. PLAN

UNIVERSITY OF CALIFORNIA

Department of Chemistry  
Berkeley, California

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Department of Chemistry  
Berkeley, California

UNIVERSITY OF CALIFORNIA  
Department of Chemistry  
Berkeley, California



**PLOT PLAN**

The Applicant for a building permit shall draw in ink to a scale of 40 ft. to an inch a plan of their lot and all buildings erected and all proposed buildings giving size of all buildings, including all overhangs, projections, and distances.

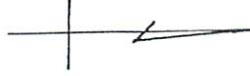
Data obtained from the office of the City Engineer may not be correct except as to street lines. Applicants must not rely upon information obtained from that office.

**APPLICATION FOR PERMIT FOR ALTERATIONS**

Per. No. 1500 Ser. No. 435  
 St. & No. 1108 Beacon St.  
 Owner, Garden Realty Trust  
 Architect, Ruth C. Nelson  
 Builder, Garden Realty Trust

**PERMIT GRANTED**

June 21, 1955 194

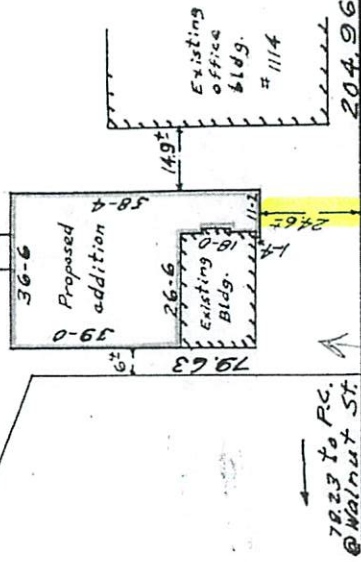


60,990 ±

190.91

93.00

103.09



*Currently Blondie (1104 Beacon)  
 Hair Studio  
 (Next door to proposed project)*

*24.6 feet  
 Get  
 done*

I hereby certify that the dimensions and other information on this plot plan are correct. The above is subscribed to and executed by me under the penalties of perjury in accordance with Chapter 187, Acts of 1926.

House No. 1108 Signature, Richard D. Thompson  
 By any Address, EVERETT H. BROOKS-60  
259 Walnut Street  
Newtonville 60, Mass.

54  
17

APPLICATION FOR PERMIT TO BUILD

Other Than Frame

St. & No. .... 1106 Beacon St., Wd. .... 5

Permit No. .... 144 Ser. No. .... 41

Owner, .... G. R. Pittbladdo

Architect, .... R. B. Willis

Builder, .... V. E. Squires

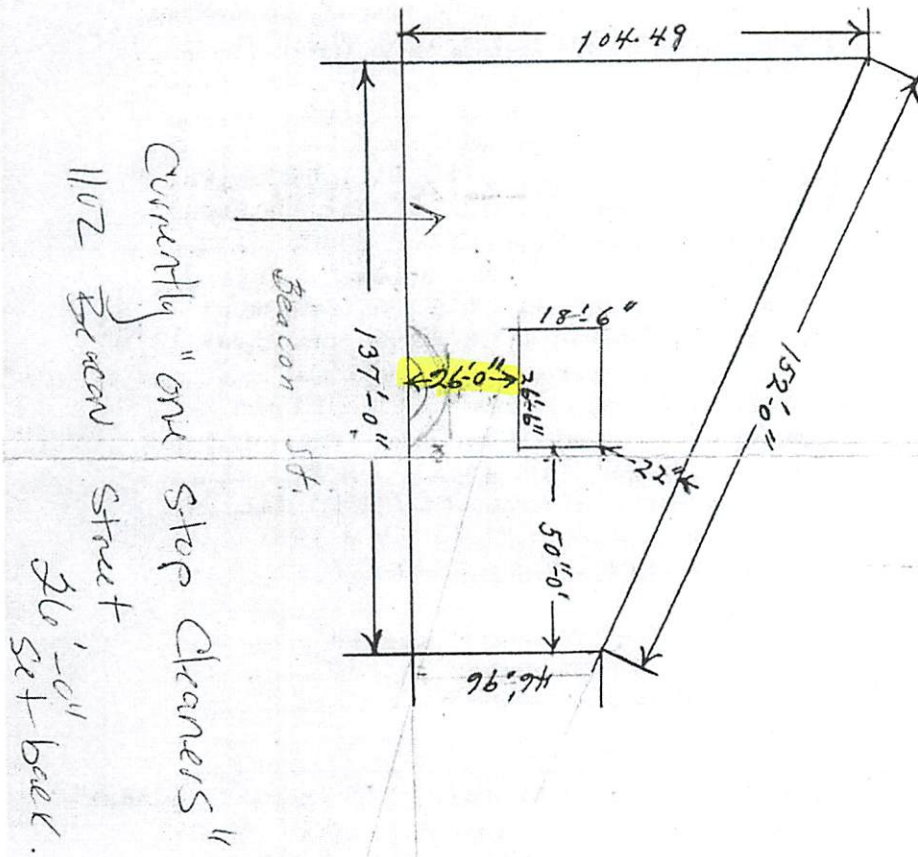
PERMIT GRANTED

March 6, 1935 ..... 193

PLOT PLAN

The Applicant for a building permit shall draw in ink to a scale of 40 ft. to an inch a plan of their lot and all adjoining lots, all buildings erected and all proposed buildings giving size of all buildings, including all overhangs, projections, and distances.

Data obtained from the office of the City Engineer may not be correct except as to street lines. Applicants must not rely on information obtained from that office.



I hereby certify that the dimensions and other information on this plot plan are correct. The above is subscribed to and executed by me under the penalties of perjury in accordance with Chapter 187 Acts of 1926.

Street No. ....

Signature, .....

By .....

Address, .....

## **Four Corners Neighborhood Concerns Regarding the Proposed 1114 Beacon Street Development.**

**1. Height:** The proposed new buildings(s) are too high. BU2 zoning allows for 24 feet in total height and up to 48 feet with a special permit. A new building(s) at or close to 48 feet is not in keeping with the character with the neighborhood. The conforming BU2 building next door (Citizens Bank at 1126 Beacon St.) is only 24 feet in height and the other BU2 zoned buildings on the other side of 1114 Beacon are less than 24 feet high. A new building that is double or more than double the height of its neighbors would be substantially detrimental to the look and feel of the neighborhood. We are asking for the height of the proposed development to not exceed 34 feet, and for any portion closer to Beacon Street to be even lower so as not to block the visibility of business neighbors.

**2. Mass:** The project takes up too much open space on the lot. We would like to see the footprint decreased. In no event should it be increased (or expanded) as a result of lowering the height. Reducing proximity to neighbors' lot lines and a smaller footprint is desirable.

**3. Frontage & Setback from Beacon Street:** The proposal shows three townhouse style units separated at ground level from the main structure. These units are too close to Beacon Street. The existing building is also right on the sidewalk and does not conform to current zoning. The developer's proposal exacerbates the existing non-conformity by proposing a structure on the sidewalk that is both longer along the frontage and higher than the existing building. Signage and visibility from the street is vital to all businesses. All abutting businesses in the BU2 district will be overshadowed by this new structure. 1126 Beacon Street (Citizens Bank) is set back approximately 40 feet in compliance with BU2 zoning, and the existing buildings on the other side of 1114 Beacon are not even 20 feet high. These buildings will be overshadowed by this proposed three unit portion, as it will dominate the streetscape, robbing these other BU2 zoned businesses and their signage of the ability to be seen. This will have a negative impact on these businesses. We request that this front portion be removed or set back from Beacon Street so as not to interfere with the other existing BU2 buildings. As indicated above, these requested changes

should be made without moving the building's footprint back or sideways towards other abutters.

**4. Drainage :** Due to serious concern regarding drainage and flooding. the neighbors have hired an independent engineer and wetland scientist/hydrologist, Dr. DeSheng Wang. Dr. DeSheng is a veteran in wetland studies and water table impact. In addition to his academic qualifications, he has over 35 years of experience in the Boston area. He has expressed his concerns to both the developer and the Conservation Commission in the hope of resolving these serious issues. City Engineer Frank Nichols has been made aware of the concerns as they relate to this project, and has received a copy of Dr. DeSheng's report. There are extensive water table issues at the proposed site, and the possibility of significant irreparable harm to abutters and down-gradient neighbors. The proposed 46-50 car underground parking garage penetrates two feet into the water table. This will cause deflection and flooding. To date, sufficient data analysis has not been done and the water abatement proposed by the developer is insufficient.

**5. Landscaping :** The developer should be open to input and requests for trees and other landscape screening. To date, no full landscape plan has been submitted. The developer should work with the neighbors after a plan has been submitted.

The neighbors also have concerns and reserve the right to discuss traffic impact, shadowing from height, and undesired spillover parking onto abutting properties. However, we feel that if the above concerns are addressed, we would be amenable to supporting a building project similar, albeit smaller, to what the developer is seeking. We are not opposed to residential units being built, nor are we quantifying the number of units to be built. We are, however, very concerned with the issues stated above, and we hope the developer and the City of Newton will see fit to address our concerns.

Sincerely,

Four Corners Neighborhood Association

January 27, 2020