

## Nadia Khan

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**From:** Rick Lipof <rlipof@lipofres.com>  
**Sent:** Friday, May 8, 2020 12:48 PM  
**To:** Marc C. Laredo; Andrea W. Kelley  
**Cc:** Barney Heath; Neil Cronin; Nadia Khan  
**Subject:** RE: Hunnewell Ave project

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Marc,

After our discussion about a discrepancy on calculations between the planning memo and how ISD calculates square footage, I agree that the planning memo should be updated. It is not necessary to bring this back to the committee but to get this clarification and then take a vote on second call on 5/18 makes sense. Let's move forward that way. Any of you can call me to discuss if necessary.

Rick Lipof, President  
Lipof Real Estate Services, Inc.  
29 Crafts Street, Suite 290  
Newton, MA 02458  
617-332-8909, ext. 24

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**From:** Marc C. Laredo [mailto:[mlaredo@newtonma.gov](mailto:mlaredo@newtonma.gov)]  
**Sent:** Friday, May 08, 2020 12:14 PM  
**To:** Andrea W. Kelley; Rick Lipof  
**Subject:** Re: Hunnewell Ave project

I don't think this should go forward on Monday night unless we get full and complete information from Planning. Will you agree to postpone until May 18 (which is when we would normally take it up).

Marc

Marc C. Laredo  
Councilor At-Large, Ward 7  
617-290-3843 (cell)

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**From:** Marc C. Laredo <[mlaredo@newtonma.gov](mailto:mlaredo@newtonma.gov)>  
**Sent:** Friday, May 8, 2020 10:55:29 AM  
**To:** Andrea W. Kelley <[akelley@newtonma.gov](mailto:akelley@newtonma.gov)>; Rick Lipof <[rlipof@lipofres.com](mailto:rlipof@lipofres.com)>  
**Subject:** Re: Hunnewell Ave project

As of right. 1200 by special permit

Marc C. Laredo  
Councilor At-Large, Ward 7  
617-290-3843 (cell)

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**From:** Andrea W. Kelley <[akelley@newtonma.gov](mailto:akelley@newtonma.gov)>  
**Sent:** Friday, May 8, 2020 10:27:43 AM

To: Marc C. Laredo <[mlaredo@newtonma.gov](mailto:mlaredo@newtonma.gov)>; Rick Lipof <[rlipof@lipofres.com](mailto:rlipof@lipofres.com)>  
Subject: Re: Hunnewell Ave project

but 1000 s.f. is max no matter what

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From: Marc C. Laredo <[mlaredo@newtonma.gov](mailto:mlaredo@newtonma.gov)>  
Sent: Friday, May 8, 2020 7:01 AM  
To: Rick Lipof <[rlipof@lipofres.com](mailto:rlipof@lipofres.com)>; Andrea W. Kelley <[akelley@newtonma.gov](mailto:akelley@newtonma.gov)>  
Cc: Richard Lipof <[rlipof@newtonma.gov](mailto:rlipof@newtonma.gov)>  
Subject: Re: Hunnewell Ave project

I think the smaller number. It is in the ordinance .

Marc C. Laredo  
Councilor At-Large, Ward 7  
617-290-3843 (cell)

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From: Rick Lipof <[rlipof@lipofres.com](mailto:rlipof@lipofres.com)>  
Sent: Thursday, May 7, 2020 10:48:50 PM  
To: Andrea W. Kelley <[akelley@newtonma.gov](mailto:akelley@newtonma.gov)>  
Cc: Marc C. Laredo <[mlaredo@newtonma.gov](mailto:mlaredo@newtonma.gov)>; Richard Lipof <[rlipof@newtonma.gov](mailto:rlipof@newtonma.gov)>  
Subject: Re: Hunnewell Ave project

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Good question!

Rick

Sent from my iPhone

On May 7, 2020, at 10:21 PM, Andrea W. Kelley <[akelley@newtonma.gov](mailto:akelley@newtonma.gov)> wrote:

Which trumps which: 40% of the unit connected by ownership, or no more than 1000 sf total?

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From: Rick Lipof <[rlipof@lipofres.com](mailto:rlipof@lipofres.com)>  
Sent: Thursday, May 7, 2020 8:44 PM  
To: Marc C. Laredo <[mlaredo@newtonma.gov](mailto:mlaredo@newtonma.gov)>  
Cc: Richard Lipof <[rlipof@newtonma.gov](mailto:rlipof@newtonma.gov)>; Andrea W. Kelley <[akelley@newtonma.gov](mailto:akelley@newtonma.gov)>  
Subject: Re: Hunnewell Ave project

[DO NOT OPEN links/attachments unless you are sure the content is safe. ]  
Thanks for the info. I will look into this.

Rick

Sent from my iPhone

On May 7, 2020, at 7:41 PM, Marc C. Laredo <[mlaredo@newtonma.gov](mailto:mlaredo@newtonma.gov)> wrote:

**Rick and Andrea,**

**I have had a couple of conversations and an email exchange with Jonah who has been quite helpful. This is a more complicated situation than was presented on Tuesday night. First, how you determine the 40 percent number in the accessory apartment ordinance is not clear. Planning calculated it as 40 percent of the entire two unit building (although it is not clear what they counted for habitable space) but ISD says it is 40 percent of the unit to which the accessory apartment is attached. Very different results ( I think ISD's approach is correct - otherwise you get a result where the accessory unit could be bigger than the primary unit). Also, it is not clear whether you count the accessory space in calculating the total amount of habitable space. Either way, I think the Planning memo is wrong and they need to redo the numbers. Jonah agrees. The proposal may still pass muster but we need to get the numbers right.**

**As for owning it in a realty trust, ISD had only two instances where an entity owned a unit. One was a limited liability company where both members (owners) were husband and wife who lived in the principal dwelling and the other was a realty trust with a single trustee and beneficiary who also was the occupant of the unit. Neither one matches this situation. Again, in any event, the ordinance is not clear.**

**I intend to put this on second call so we can fully discuss the issues. Going forward, I suggest that we amend the ordinance to provide clarity.**

**Marc**

**Marc C. Laredo  
Councilor At-Large, Ward 7  
617-290-3843 (cell)**

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