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Sent via Hand Delivery

November 13, 2012

Linda Finucane, Clerk
Board of Aldermen
City of Newton
Newton, MA 02459

Re: 152 Adams Street, Newton, Massachusetts
Special Permit Filing

Dear Linda:

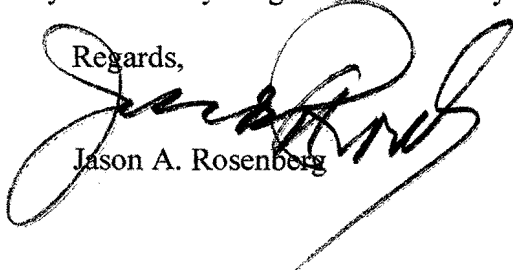
Enclosed for filing please find the following:

- 1) Original Applications (4) for Special Permit as stamped by the Planning Department;
- 2) One copy of the Zoning Memorandum dated Sept. 13, 2010;
- 3) One set of full-size site/utility plans;
- 4) Twelve sets of 11x17 size site and architectural plans;
- 5) One check in the amount of \$750.00 payable to the City for the filing fee.

I will distribute one set of the enclosed plans to the Planning Department, Fire Department and Engineering Department. I also will provide two CDs, which will contain the application, zoning review, site and architectural plans in pdf format, by Wednesday.

Please feel free to call me with any questions or if you need anything further. Thank you!

Regards,


Jason A. Rosenberg

Enclosures

Date: November 13, 2012

**TO THE HONORABLE BOARD OF ALDERMEN
City of Newton**

Ladies and Gentlemen:

The undersigned hereby makes application for permit to erect and use, to alter and use, or to make such use as may be hereinafter specified of building or buildings, at the location and for the purpose hereinafter specified under the provisions of Chapter 30 of the Revised Ordinances, 1984 (Zoning Ordinance) as amended, or any other sections, viz:

Petition for:

- Section 30-11(d)(8) – multi-family dwelling
- Section 30-15(h) §30-15, Table 3– permit 3-story building, 32.9 feet in height (in excess of permitted number of stories and height)
- Section 30-11(j) – Table 3- permit a building with between 10,000 and 19,999 square feet of gross floor area;
- Section 30-19(h)(2)a),b) and d); §30-19(m)-permit 8.5'x17' parking stalls where 9'x19' is permitted with a two-bumper overhang
- Section 30-19(i)(1)a)i); §30-19(m)- Provide the required landscape screening or obtain a waiver
- Section 30-19(j)(1); 30-19(m) spillage of light onto other lots, and less than 1 foot-candle within parking lot;
- Section 30-19(m): special permit for relief of the above-mentioned Section 30-19 requirements;
- Section 30-24(f): comply with Inclusionary Housing Ordinance by providing one inclusionary housing unit
- Section 30-24 special permit; and
- Section 30-23 site plan approval.

Located as follows:

Street and Ward: 152 Adams Street*
 Section(s): 14
 Block(s): 14
 Lot(s): 33

Approximate Square Footage of lot: 14,835 sq. ft. of land. *Includes a portion of parcel of land SBL: 14-14-24 (138-142 Adams St) of 250 +/- sq. ft. of land.

To be used for: Three-story multi-family dwelling containing nine 2-bedroom apartments (three units per floor) of which one unit shall be permanently set aside as an affordable unit, and of which the three 2-bedroom apartments on the first floor shall be designed as "adaptable" under the Mass. Architectural Access Code; a full basement; and an 18 space (one being an HP space) parking lot to the rear of the building with access/egress to Cottage Court.

Construction: Poured concrete foundation and basement with woodframe construction and stucco and tongue and groove board facade.

Land referred to is located in a BU-2 Zoning District; small parcel of land is situated in BU-1 Zoning District.

The undersigned agrees to comply with the requirements of the Zoning Ordinance and rules of the Land Use Committee of the Board of Aldermen in connection with this application.

Signature of Petitioners:

Jason A. Rosenberg
by Attorney Jason A. Rosenberg

Laurance S.L. Lee
or Attorney Laurance S.L. Lee:

Addresses and Telephones of Petitioners:

Attorneys of Record: Jason A. Rosenberg or Laurance S.L. Lee
 Address and Telephone: Rosenberg, Freedman & Goldstein LLP
 246 Walnut Street, Newtonville, Ma 02160
 tel. 617-964-7000, fax 964-4025

Name and Address of Property Owner & Petitioner:

Alfonso De Vito Manager
 Jennie Marie One LLC and
 c/o Attorneys of Record

Alfonso De Vito Manager
 Jennie Marie Two LLC Owner

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 CITY OF NEWTON
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PLANNING AND DEVELOPMENT DEPARTMENT'S ENDORSEMENT

[Handwritten mark]

EXPLANATORY REMARKS

Background & Proposed Use:

The lot is located within a Business 2 zone and currently improved with a single-family house. The Petitioner intends to demolish the single-family house and build a new multi-family dwelling containing a total of nine 2-bedroom apartments with three apartments per floor. The three units on the first floor will be adaptable units under the Mass. Architectural Access Code for persons with ambulatory disabilities. There also will be a basement for utilities, and storage for the apartments.

Access to the building will be via accessible entrances, one in the front leading to Adams Street and one in the rear leading to the 18-space parking lot.

Petitioner intends to initially keep the residential units as apartments for lease and not condominiums for sale. Petitioner plans to permanently set aside one of the 2-bedroom units as an affordable unit under the Inclusionary Zoning ordinance.

Petitioner intends to repave Cottage Court if all the owners of rights in Cottage prefer repavement in lieu of a sidewalk running to the corner of Adams Street and Cottage Court, which sidewalk narrows the turning area for motor vehicles.

Petitioner intends to provide a solid wooden fence along the rear lot line if required as a screen for the parking lot, but also notes that the solid fence already in existence is owned by and on the property of #14 Cottage Court.

Public Benefit:

The proposed apartment building is appropriate for the site because of its proximity to established businesses and residential homes in the neighborhood. It is an appropriate transition between the businesses north of the site on Adams Street and Watertown Street and the residential homes south of the site.

The proposed apartment building will help promote small business growth by providing additional customers who can patronize on foot the local business establishments in the neighborhood.

The proposed apartment building will add new rental housing to the City of Newton. The public will benefit from additional rental housing and permit new residents to move into the City who otherwise cannot afford to purchase a home. The permanent affordable housing unit will also provide an additional housing unit for those who otherwise cannot afford an apartment within Newton. And, since the first floor is fully accessible from the front and rear, the three first-floor units will all be designed as adaptable units under the Mass. Architectural Code so they can be fitted out for tenants who have ambulatory disabilities.

The proposed apartment building will not burden traffic and parking demand in the neighborhood because of the proposed outdoor parking facility in the rear of the building, and yet residents of the building will be able to patronize nearby businesses and the public transportation system without using their cars, which will also be enhanced by the provision of a bicycle rack at the apartment building.

The provision of two spaces per apartment unit will lessen the parking impact on the neighborhood streets by providing ample spaces on site for the tenants and visitors. The dimensional waivers for parking spaces are minimal and allow for the requisite number of spaces, which provide the aforementioned public benefit.

Reduction in the one-footcandle minimum requirement for the parking lot will afford safe passage at night while avoiding excess light pollution for adjoining properties, and the slight spillage of light on the adjoining public sidewalks and streets provides safer passage for pedestrians.

These attributes and attractions are in line with the Newton Comprehensive Plan.