



Ruthanne Fuller
Mayor

CITY OF NEWTON, MASSACHUSETTS

City Hall
1000 Commonwealth Avenue, Newton, MA 02459-1449
Telephone: (617) 796-1065 TDD/TTY: (617) 796-1089 Fax: (617) 796-1086
www.ci.newton.ma.us

ZONING BOARD OF APPEALS

To: Zoning Board of Appeals Members
From: Adrianna Henriquez, Clerk
Date: September 14, 2020
Subject: Materials for **September 23, 2020** Public Hearing

Hello,

Please see the following supplemental materials for the upcoming hearing on September 23, 2020, Public Hearing. The following board members are scheduled to sit: **Brooke Lipsitt (Chair), William McLaughlin, Barbara Huggins Carboni, Michael Rossi, Stuart Snyder, and Treff LaFleche (Alternate)**

1. September 23, 2020 Revised (9/8/20) Agenda
2. #02-20 129 Grasmere Street Appeal
3. 129 Grasmere Street Extension Agreements (For Reference)
4. #04-20 1007 Walnut Street Variance Application
5. September 2, 2020 Notice of Project Change: Request for Determination of Insubstantiality (Please note, you should have already received this as a paper document from Schlesinger and Buchbinder. If you have note, please let me know)

Thank you,

Adrianna Henriquez

ahenriquez@newtonma.gov | (617) 796 1133



CITY OF NEWTON, MASSACHUSETTS

City Hall
1000 Commonwealth Avenue, Newton, MA 02459-1449
Telephone: (617) 796-1060 Fax: (617) 796-1086
www.newtonma.gov

Ruthanne Fuller
Mayor

ZONING BOARD OF APPEALS
Adrianna Henriquez, Board Clerk

The Zoning Board of Appeals will hold this meeting as a virtual meeting on Wednesday, September 23, 2020 at 7:00 pm. No in-person meeting will take place at City Hall.

To view and participate in this virtual meeting on your phone, download the “Zoom Cloud Meetings” app in any app store or at www.zoom.us. At the above date and time, click on “Join a Meeting” and enter the following Meeting ID: 842 942 8454.

To view and participate in this virtual meeting on your computer, at the above date and time, go to www.zoom.us, click “Join a Meeting” and enter the following Meeting ID: 842 942 8454. Alternatively, the direct Zoom link to the meeting is <https://us02web.zoom.us/j/8429428454>.

To dial into the meeting via telephone, call in by dialing 1-646-558-8656 and use the Meeting ID: 842 942 8454#

AGENDA

Revised 9/8/2020

A public hearing of the Newton Zoning Board of Appeals will be held on Wednesday, September 23, 2020 at 7:00 p.m. on the following petitions:

- #02-20** Marry Grassmere Realty, LLC of 55 Washington Street, Newton, Massachusetts, pursuant to M.G.L. c. 40A, § 8, and 15, appealing the December 17, 2019 Notice of Zoning Violation issued by the Commissioner of Inspectional Services based on the existence of illegal apartments at 129 Grasmere Street. The Appellant contends that the violation order and decision of the Commissioner of Inspectional Services was improperly issued. The subject property is located at 129 Grasmere Street, Newton, Massachusetts, and consists of a 6,947 square foot lot. This property is located in a Single-Residence 3 District.
- #04-20** Dwight Brand and Diana Ivans, 1007 Walnut Street, Newton, Massachusetts, requesting a variance from the side setback requirement. The petitioners have constructed a covered patio resulting in a side setback of 7.2 feet, where 7.6 feet is required pursuant to Section 3.1.3 of the Newton Zoning Ordinance. The subject property consists of a 8,790 square foot lot in a Single Residence 2 (SR-2) zoning district.
- #09-18** 2Life Communities Inc. f/k/a Jewish Community Housing for the Elderly III, Inc., requesting to change the details of the Comprehensive Permit previously granted to the applicant on December 10, 2018, for a project located at 160 and 160R Stanton Avenue. The applicant proposes to add a 576 square foot shed on the project site, add a generator that was not shown on the approved site plan, and reduce the gross building area of the upper and lower additions by 1,450 square feet. This item will be heard for the purpose of determining whether the proposed changes to the Comprehensive Permit are substantial or insubstantial.

4. Review and approval of minutes for June 8, 2020 meeting

The location of this meeting 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/Sec. 504 Coordinator, Jini Fairley, at least two business days in advance of the meeting: 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.

City Clerk Date/Time Stamp

ZBA Date/Time Stamp

**CITY OF NEWTON
ZONING BOARD OF APPEALS**

**CHECKLIST COVER PAGE
FOR ADMINISTRATIVE APPEAL**

To be completed by Staff: Project No.: Petition No.:

PROPERTY LOCATION: 129 Grassmere ST DATE: Jan 17, 2020

PETITIONER: Mary Grassmere Realty LLC

ADDRESS: 16 Peter Harrington 505 Waltham St Newton MA 02465

PHONE: 617 558 7722 EMAIL: PFH@harringtonandmartins.com

POINT OF CONTACT: _____

PLEASE CONFIRM THAT YOU HAVE INCLUDED THE FOLLOWING WITH YOUR APPEAL APPLICATION. THIS CHECKLIST MUST BE INCLUDED WITH YOUR APPLICATION AS THE FIRST PAGE.

APPLICATIONS WILL NOT BE ACCEPTED FOR PROCESSING & SCHEDULING UNLESS ALL REQUIRED DOCUMENTS ARE PROVIDED

DOCUMENTS

**ENCLOSED
(checked by Petitioner)**

**CONFIRMED
(checked by Clerk)**

Application for Administrative Review Form (15 copies)

✓

Application Fee

✓

Decision/Order being appealed

✓

Statement of Reasons

✓

Reference to Zoning Ordinance

Electronic Copy

✓

CITY OF NEWTON
ZONING BOARD OF APPEALS

APPLICATION FOR ADMINISTRATIVE APPEAL

IMPORTANT: APPLICANTS MUST COMPLETE ALL ITEMS ON THIS FORM

PETITIONER INFORMATION

NAME: MARRY Grassmere Realty LLC
ADDRESS: c/o P F HARRINGTON 505 Waltham ST Newton MA 02465
PHONE: 617 558 7722 EMAIL: PFH@HarringtonandMartins.com

SUBJECT PROPERTY INFORMATION

LOCATION OF PROPERTY: 129 Grassmere ST
ZONING DISTRICT: SR 3 PROPERTY SBL NO.: 71030 0006
OWNER OF RECORD: MARRY Grassmere Realty LLC
RELATIONSHIP TO SUBJECT PROPERTY (i.e. owner, abutter, etc.):
owner

APPEAL INFORMATION

1. 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 Commissioner of Inspectional Services or a zoning violation?

Decision of the Commissioner, copy attached as Exhibit 1

Date of decision: December 17, 2019

(A copy of the decision, order, permit or notice being appealed must be included)

2. 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:

see attached Notice of Appeal

3. Identify and describe all supporting documents being submitted with this appeal:

- 1) Commissioner's Decision
- 2) Deed
- 3) Health Department Records
- 4) additional documents will be provided upon request or as needed.

4. State all sections of the Newton Zoning Ordinance implicated in the appeal:

3 Family home on single Family zone.

5. Explain why you are aggrieved by the decision being appealed:

owner believes property is existing nonconforming structure
owner is not aware that Building permits were needed to do work - there are no specific complaints in Building Commissioner's letter

6. What outcome do you request if your appeal is granted?

Building Commissioner's decision be overturned or modified as set out in attached document

PETITIONER CONSENT, CERTIFICATION & SIGNATURE

(Signatures of Petitioner(s) are required)

I (we) consent and certify as follows:

1. I (we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application;
2. I (we) certify that I (we) have read the Board's Rules and Procedures before submittal to insure the completeness of my (our) application;
3. I (we) certify that all the statements within this application and attachments are true and accurate to the best of my (our) knowledge and belief.

X Mary Grace Realty LLC Jan 17, 2020
 (Petitioner Signature) (Date)

X by Peter Harrington, Atty for LLC Jan 17, 2020
 (Petitioner Signature) (Date)

If Applicable:

Name of Attorney/Agent for Applicant: Peter Harrington

Address of Attorney/Agent: 505 Waltham St

Phone Number of Attorney/Agent: 617 558 7722

Email Address of Attorney/Agent: ph@harringtonandmontus.com

**CITY OF NEWTON
ZONING BOARD OF APPEALS**

NOTICE OF APPEAL

Now comes Marry Grassmere Realty, LLC, with an address of 55 Washington Street, Newton, MA 02458, and claims an appeal from a decision of the Inspectional Services Department, dated December 17, 2019 with reference to property at 129 Grassmere Street, Newton, MA.

1. The decision of the Inspectional Services Department is set forth in a letter dated December 17, 2019, a copy of which (2 pages) is attached hereto, marked Exhibit 1 and incorporated herein by reference.
2. The Appellant says that said 129 Grassmere Street was purchased by the Appellant's predecessor on August 30, 1979. A copy of the purchase deed is attached hereto, marked Exhibit 2 and incorporated herein by reference.
3. The Appellant further says that at the time of the purchase, the property contained 3 apartments.
4. The Appellant further says that at the time of the purchase of the property, the City of Newton Health Department inspected said property on September 4th, requested certain work be completed and on September 13th issued an Occupancy Permit, with the knowledge that the building contained 3 apartments. See attached documents (4 pages) marked Exhibit 3 and incorporated herein by reference.
5. The Appellant further says that at the time any work was done on the property, the Appellant was not aware that a Building Permit was required.
6. The Appellant further says that if a Building Permit was required for work done by owners of the property prior to August 30, 1979, copies of the applications, permits and inspections have been lost by the City of Newton.

The Appellant asks that if the Board determines that the Appellant is required to obtain Building Permits for work done by previous owners, that the Appellant's obligation be limited to showing that the work done conformed to the terms and requirements of the then building code.

The Appellant asks that if the Board determines that the Appellant is required to obtain Building Permits for work done by the Appellant, that the Appellant's obligation be limited to showing that the work done conformed to the terms and requirements of the then building code.

By its Attorney



Peter F. Harrington, Esq., Harrington & Martins
505 Waltham Street
West Newton, MA 02465
617-558-7722
pfh@harringtonandmartins.com
January 17, 2020

EXHIBIT 1

City of Newton



Ruthanne Fuller
Mayor

Inspectional Services Department

John D. Lojek, Commissioner
1000 Commonwealth Avenue
Newton Centre, MA 02459-1449
Telephone: (617) 796-1060
Fax: (617) 796-1086
www.ci.newton.ma.us

Building/Zoning Inspectors
(617) 796-1060
Zoning Board of Appeals
(617) 796-1065
Plumbing and Gas Division
(617) 796-1070
Electrical Division
(617) 796-1075
TDD/TTY
(617) 796-1089

NOTICE OF VIOLATION

Craig Edsall – Zoning Enforcement Agent (617) 796-1063
cedsall@newtonma.gov

December 17, 2019

Marry Grasmere Rlty LLC
55 Washington Street
Newton, MA 02458

RE: 129 Grasmere Street

Dear Property Owner:

An inspection was conducted at your property, known as 129 Grasmere Street, Newton, MA on Friday, November 22, 2019. As a result of the inspection, along with a review of the property file, the following violations were observed:

Violations at 129 Grasmere Street (Including but not limited to)

- **Illegal apartments**
- **Construction without building permits**
- **Inadequate means of egress**
- **Plumbing and electrical work done without permits**
- **Inadequate smoke and carbon monoxide detectors and/or lack of Fire Department approvals**

The City of Newton Revised Zoning Ordinances, Section 7.9.1 (b) Violations, mandates an inspection of a property under investigation for a zoning violation (alleged), and directs the issuing of a Notice of Violation for confirmed infringements.

780 CMR State Building Code Violations

Section 105.1 Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing

*Strict code enforcement makes the city safer
Before buying, renting or leasing check zoning*

system, the installation of which is regulated by this code, or to cause any such work to be done, **shall first make application to the building official and obtain the required permit.**


Remedies: Vacate illegal unit bedrooms and remove all beds and remove all illegal elements or vacate illegal units and bedrooms and remove bedding and submit application for accessory apartment and secure all required permits to build additional kitchen and approved second means of egress per state building code. Apply for and secure all required permits, inspections and approvals.

Penalties: Massachusetts General Law Chapter 143 Section 94 (a). Whoever violates any provision of the state building code, except any specialized code as described in section ninety-six, shall be punished by a fine of not more than one thousand dollars or imprisonment for not more than one year, or both, for each such violation. Each day during which a violation exists shall constitute a separate offense.

Right of Appeal: Massachusetts General Law Chapter 143 Section 100 (a). Whoever is aggrieved by an interpretation, order, requirement, direction or failure to act by any state or local agency or any person or state or local agency charged with the administration or enforcement of the state building code or any of its rules and regulations, except any specialized code as described in section ninety-six, may within forty-five days after the service of notice thereof appeal from such interpretation, order, requirement, direction, or failure to act to the Massachusetts State Building Code Appeals Board. Appeals hereunder shall be on forms provided by the appeals board and shall be accompanied by such fee as said appeals board may determine.

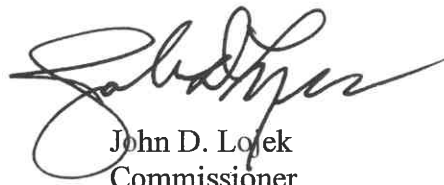
Failure to comply within thirty (30) days of receipt of this notice may result in a criminal complaint being filed in Newton District Court.

Respectfully,



1063

Craig Edsall
Zoning Enforcement Agent



John D. Lojek
Commissioner

EXHIBIT 2

1830-79 PM J.S.S. STONE **1225

BK 13777 PG 412

low 12.25

MASSACHUSETTS QUITCLAIM DEED SHORT FORM (INDIVIDUAL) 19

I, Margaret B. Cline

of Newton, Middlesex

County, Massachusetts

for consideration of Eighty-six Thousand (\$86,000) Dollars paid, grant to George Marry, Nadja Marry, Mark Marry and Helen Marry, as joint tenants

of 55 Washington Street, Newton with QUITCLAIM COVENANTS

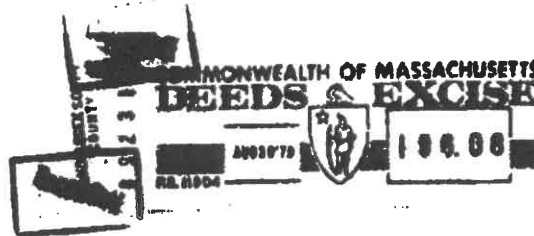
including The Land in Newton, Massachusetts

All of my right, title and interest in the land in Newton, Massachusetts, with the buildings thereon, being shown as Lot 1 on a Plan of Land made by E.S. Smilie, Surveyor, dated December 28, 1891, duly recorded with Middlesex South District Registry of Deeds, Book 2119 End, bounded and described as follows:

- SOUTHEASTERLY On Grasmere Street, 60 feet;
- SOUTHWESTERLY On land now or formerly of French and Linder, as shown on said plan, 120 feet;
- NORTHWESTERLY On land now or formerly of Hardor, as shown on said plan, 55.84 feet; and
- NORTHEASTERLY On Lot 2 on said plan, 119.95 feet.

Be any or all of said measurements more or less.

Being the same premises conveyed to me by Marvin G. Cline by deed dated February 14, 1979 and recorded with the Middlesex South Registry of Deeds in Book 13673, Page 166.



Witness my hand and seal this 30th day of August, 1979.

Margaret B. Cline
Margaret B. Cline

The Commonwealth of Massachusetts

Middlebury

Then personally appeared the above named and acknowledged the foregoing instrument to be

per Margaret B. Cline August 30 1979
free and deed, before me

Stephen A. Sawyer
Notary Public

My commission expires

F. 1. 2 1974

EXHIBIT 3

City of Newton, Massachusetts
Health Department
Tel. No. ~~244-4700~~ Ext. 240

7063
55 707058



T E M P O R A R Y
O C C U P A N C Y P E R M I T

Location of Property: 129 Gasmore St
Name of Owner/Agent: George Manly
Address of Owner/Agent: Mark Manly
Telephone Number: _____

This certifies that the above listed premises may be temporarily occupied until the date of expiration listed below. This temporary permit is issued in accordance with the Revised Ordinances of the City of Newton, Article XIII, Chapter 2, Section 2-102A. The City of Newton does not make any guarantee or warranty as to the conditions of the building and assumes no liability therefor.

Date Issued: 9-4-79
Date of Expiration: 10-4-79

Susan K. Lombard
Authorized Signature
Newton Health Department

CITY OF NEWTON
HOUSING INSPECTION REPORT

ADDRESS 129 Gramere St.

OWNER George Marry DATE OF INSPECTION 9-4-79

OCCUPANT: Mark Marry + Helen Marry TIME OF INSPECTION 11⁰⁰ AM

APPLICABLE
REGULATION

CONDITIONS CONSTITUTING VIOLATIONS

Back steps need protective railing and handrail
Step into door needs repairing making sure space
is filled.
Third floor apartment needs ~~and~~ exit

George Marry

May each violation, or the cumulative effect of all violations endanger or materially impair the health, safety or well being of any occupant or the public?

YES NO

Do any of the above violations appear to be substantially caused by the occupant or any person acting under his control?

YES NO
I can't determine

Date of Follow-Up Inspection _____

Time of Follow-Up Inspection _____

Susan K. Lentman
Name of Inspector

CITY OF NEWTON
HOUSING INSPECTION REPORT

ADDRESS 129 Gramere St
OWNER George Marry DATE OF INSPECTION 9-13-79
OCCUPANT Mark Marry TIME OF INSPECTION 2:30 pm

APPLICABLE
REGULATION

CONDITIONS CONSTITUTING VIOLATIONS

Units are in satisfactory condition

Do any of the above violations, or the cumulative effect of all violations endanger or materially impair the health, safety or well being of any occupant or the public?

YES NO

Do any of the above violations appear to be substantially caused by the occupant or any person acting under his control?

YES NO
I can't determine

Date of Follow-Up Inspection _____

Time of Follow-Up Inspection _____

Steven K. Laubma
Name of Inspector

OCCUPANCY PERMIT

LOCATION OF PROPERTY: 129 Grasmere St.
NAME OF OWNER/AGENT: George Marry
ADDRESS OF OWNER/AGENT: Mark Marry
PHONE NUMBER: _____

7
7

This certifies that the above listed premises have been found fit for human habitation and conform to the Massachusetts State Sanitary Code, Article II, Minimum Standards of Fitness for Human Habitation. The City of Newton does not make any guarantee or warranty as to the conditions of the building inspected, nor does the city assume any liability in the inspection or certification of compliance.

APPLICABLE
REGULATION

LEAD INFORMATION READINGS NEGATIVE
 NO CHILDREN UNDER 6
DATE ISSUED: 9-13-79
Susan K. Santman
AUTHORIZED SIGNATURE
HEALTH DEPARTMENT

THIS PERMIT IS VALID FOR TWO YEARS FROM DATE OF ISSUE.

X George Marry

May each violation, or the cumulative effect of all violations endanger or materially impair the health, safety or well being of any occupant or the public? YES NO

Do any of the above violations appear to be substantially caused by the occupant or any person acting under his control? YES NO
I can't determine

Date of Follow-Up Inspection _____
Time of Follow-Up Inspection _____

Susan K. Santman
Name of Inspector



Ruthanne Fuller
Mayor

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 S. Heath
Director

ZONING BOARD OF APPEALS

AGREEMENT TO EXTEND TIME LIMIT FOR PUBLIC HEARING

Subject Property: 129 Grasmere Street, Newton, MA

Applicant: Marry Grassmere Realty, LLC

Application Type: Administrative Appeal

Date of Filing: January 17, 2020

Under M.G. L. c. 40A, § 15, the Zoning Board of Appeals is to hold a public hearing within 65 days of receipt of an application for Administrative Appeal. The Applicant hereby agrees to extend the date of the opening of the public hearing on the above-referenced application to March 25, 2020.

Peter F. Harrington
(Applicant's Signature) Attorney for Appellant

Peter F. Harrington, Esq.
(Print Name)

February 20, 2020
(date)

RECEIVED
2020 FEB 20 AM 9:48
CITY CLERK
NEWTON, MA 02459

Received and agreed to by the Newton Zoning Board of Appeals:

[Signature]

Date: February 20, 2020

Nadia Khan

From: Adrianna Henriquez
Sent: Wednesday, March 25, 2020 7:12 PM
To: Nadia Khan
Cc: Jonah Temple; Jaclyn R. Zawada
Subject: FW: ZBA #02-20

Hi Nadia,

Could you please date stamp this. Below is an email extension for appeal #02-20 129 Grasmere Street. Please send back to me!

Thank you!

From: PETER HARRINGTON
Sent: Wednesday, March 25, 2020 3:05 PM
To: Jonah Temple; pfh@harringtonandmartins.com
Cc: Adrianna Henriquez; Jaclyn R. Zawada
Subject: Re: ZBA #02-20

RECEIVED
2020 MAR 26 AM 8:52
CITY CLERK
NEWTON, MA. 02459

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

I confirm we have agreed to a further continuance of this mater before the ZBA.

Peter F. Harrington

Harrington & Martins
505 Waltham Street
West Newton, MA 02465
617.558.7722 tel
617.527.4763 fax

-----Original Message-----

From: Jonah Temple <jtemple@newtonma.gov>
To: Peter F. Harrington <pfh@harringtonandmartins.com>; Peter F. Harrington <pfh@aol.com>
Cc: Adrianna Henriquez <ahenriquez@newtonma.gov>; Jaclyn R. Zawada <jzawada@newtonma.gov>
Sent: Wed, Mar 25, 2020 2:57 pm
Subject: RE: ZBA #02-20

Peter, please make sure to respond to this email confirming extension before the ZBA hearing tonight. Thanks.
Jonah

From: Jonah Temple
Sent: Monday, March 23, 2020 9:29 AM

RE: ZBA #02-20

Jonah Temple <jtemple@newtonma.gov>

Mon 3/23/2020 9:28 AM

To: Peter F. Harrington <pfh@harringtonandmartins.com>

Cc: Adrianna Henriquez <ahenriquez@newtonma.gov>; Jaclyn R. Zawada <jzawada@newtonma.gov>

Peter,

In follow up to our conversation last week, I am writing to confirm that you have requested a further continuance of this mater before the ZBA. As we discussed, the ZBA will be opening the public hearing on Wednesday night and then continuing it to a mutually agreeable later date to be determined. You are welcome to join the ZBA virtual meeting through Zoom on Wednesday but your participation is not required for the continuance.

This continuance requires you to agree to extend the 100 day time limit for the ZBA to make its decision, which is set to expire on April 26. Please respond to this email before Wednesday to confirm your request to continue the public hearing and your agreement to a 60 day extension of that time limit.

Thanks

Jonah

From: Peter F. Harrington <pfh@harringtonandmartins.com>

Sent: Thursday, February 20, 2020 9:43 AM

To: Jonah Temple <jtemple@newtonma.gov>; Peter F. Harrington <pfh@harringtonandmartins.com>

Cc: Adrianna Henriquez <ahenriquez@newtonma.gov>

Subject: RE: ZBA #02-20

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

Jonah and Adrianna:

Attached please find the signed Agreement.

Thank you for your assistance.

Peter

Peter F. Harrington, Esq.

Harrington & Martins

505 Waltham Street

West Newton, MA 02465

617-558-7722

617-527-4763 (fax)

From: Jonah Temple <jtemple@newtonma.gov>

Sent: Wednesday, February 19, 2020 11:07 AM

To: Peter F. Harrington <pfh@harringtonandmartins.com>

Cc: Adrianna Henriquez <ahenriquez@newtonma.gov>

Subject: RE: ZBA #02-20

Hi Peter,

The ZBA had decided to postpone opening the public hearing next week (rather than open and continue as we previously discussed). We will instead re-advertise the public hearing for March 25. However this requires you to sign the attached extension agreement. Please sign and email back to Adrianna at your earliest convenience.

Thanks

Jonah

Jonah M. Temple
Assistant City Solicitor
City of Newton Law Department
1000 Commonwealth Ave.
Newton, MA 02459
Tel: 617-796-1240
Fax: 617-796-1254
jtemple@newtonma.gov

From: Peter F. Harrington <pfh@harringtonandmartins.com>
Sent: Wednesday, February 19, 2020 9:34 AM
To: Jonah Temple <jtemple@newtonma.gov>
Cc: Adrianna Henriquez <ahenriquez@newtonma.gov>
Subject: ZBA #02-20

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

Good morning, Jonah:

Enclosed please find a letter to Brook Lipsett. To whom should I deliver the original?

Thank you.

Peter

Peter F. Harrington, Esq.
Harrington & Martins
505 Waltham Street
West Newton, MA 02465
617-558-7722
617-527-4763 (fax)

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.

City Clerk Date/Time Stamp

ZBA Date/Time Stamp

RECEIVED
By Zoning Board of Appeals at 1:31 pm, Sep 01, 2020

RECEIVED
By City Clerk at 2:55 pm, Sep 01, 2020

CITY OF NEWTON
ZONING BOARD OF APPEALS

CHECKLIST COVER PAGE
FOR VARIANCE PETITION

To be completed by Staff: _____ **Project No.:** _____ **Petition No.:** _____

PROPERTY LOCATION: 1007 Walnut Street, Newton, MA 02461 **DATE:** 08/31/2020

PETITIONER: Dwight Branch / Diana Ivans

ADDRESS: 1007 Walnut Street, Newton, MA 02461

PHONE: 617-306-3812 **EMAIL:** dwightgb@yahoo.com

POINT OF CONTACT: Email: dwightgb@yahoo.com

PLEASE CONFIRM THAT YOU HAVE INCLUDED THE FOLLOWING WITH YOUR VARIANCE PETITION. THIS CHECKLIST MUST BE INCLUDED WITH YOUR PETITION THE FIRST PAGE.

VARIANCE PETITIONS WILL NOT BE ACCEPTED FOR PROCESSING & SCHEDULING UNLESS ALL REQUIRED DOCUMENTS ARE PROVIDED.

DOCUMENTS

ENCLOSED
(checked by Petitioner)

CONFIRMED
(checked by Clerk)

Variance Petition Form <i>(15 copies)</i>	<u>✓</u>	_____
Application Fee	<u>✓</u>	_____
Zoning Review Memorandum	<u>✓</u>	_____
Evidence of Legal Interest	<u>✓</u>	_____
Corporate Interest List	<u>n/a</u>	_____
Supporting Statements	<u>✓</u>	_____
Reference to Zoning Ordinance	<u>✓</u>	_____
Required Site Plans	<u>✓</u>	_____
Electronic Copy	<u>✓</u>	_____

CITY OF NEWTON
ZONING BOARD OF APPEALS

INSTRUCTIONS FOR FILING VARIANCE PETITIONS

PLEASE READ THESE INSTRUCTIONS BEFORE SUBMISSION

1. The first step in seeking a variance is to schedule a Development Review Team ("DRT") meeting, which is required to take place to submitting a variance petition. During a DRT meeting, City staff from several departments meet with the prospective petitioner to evaluate the proposal and assist in determining the required zoning relief. No statements by the DRT are binding upon the Board. You should contact the Planning Department to schedule a DRT meeting.
2. Before seeking a variance, you are also required to request and receive a completed Zoning Review Memorandum, generated by the Chief Zoning Code Official ("CZCO"). Petitioner's should request a Zoning Review Memorandum well in advance of submission of a variance petition. The CZCO shall issue a final Zoning Review Memorandum detailing the zoning relief required for the proposed project within forty-five (45) days after receipt of all plans and information needed for such zoning review. If the final Zoning Review Memorandum is not issued within 45 days, a petitioner may file a variance petition without the Zoning Review Memorandum.
3. In order to file a variance petition, you must complete the Checklist Cover Page and Variance Petition form included with these instructions. These two forms must be fully and correctly completed and the Variance Petition must be signed by the petitioner(s). If the Variance Petition does not provide adequate space for your response, please attached additional sheets of paper. All documents must be typed or written legibly. You must include all supporting documentation with your Variance Petition. All materials (other than plans, as set forth below) must be on 8 ½" x 11" paper. The variance petition package must be submitted in a format that clearly labels all required documents and any other supporting documents.
4. In instances where the petitioner or property owner is a company, corporation or any other entity, a list of the names and addresses of the principals, officers and/or managers must be included with the Variance Petition.
5. Evidence of proof of direct legal interest in or control of the property that is the subject of the petition must also be included with the Variance Petition. This evidence may be in the form of a property deed, purchase option, purchase and sales agreement, lease, written statement by a duly authorized agent or other party with present legal interest or other legally sufficient documentation that establishes a property right or interest by the applicant. If the petitioner is not the owner, they must explain the relationship between the petitioner and the owner.
6. The Variance Petition must include a detailed account or narrative describing the project, the relief being requested and all facts and circumstances that support a finding of the three conditions legal required for the granting of a variance (set forth on page 3 of the Variance Petition form).
7. The following plans must be included with the Variance Petition: Plan of Land, Area Plan, Plot Plan and Architectural Plan. All plans must be signed, stamped, dated, clearly labeled, drawn to a scale where all notes and dimensions are legible and include a scale bar. For projects that consist of a lot that is one acre or greater or a structure that is 20,000 square feet or greater, fifteen (15) sets of full size plans must be submitted. For all other projects, fifteen (15) sets of plans printed on 11 x 17 paper, plus one (1) full size set must be submitted. Please see the "Instructions for Required Plans" included with the Petition for Variance form for more specific information relating to the plans required.

8. Failure to submit all required information is grounds for denial of the petition and/or delay of the public hearing. Petitioners should contact the Board Clerk at least 48 hours before filing to schedule a time to file their appeal with the Clerk in person. It is also recommended that petitioners contact the Clerk to schedule a preliminary review prior to your intended filing date to ensure your Variance Petition is complete. The Board Clerk may be reached at the Planning Department in City Hall, 1000 Commonwealth Avenue and by telephone at 617-769-1120.
9. In total, you will need an original and fifteen(15) copies of your Variance Petition, as well as an electronic copy. As set forth below, the original will be filed with the City Clerk and fifteen copies and the electronic copy will be filed with the Board Clerk.
10. When you are ready to file your petition, the first step is to bring your completed Checklist Cover Page and your original completed Variance Petition to the City Clerk's Office for filing. The City Clerk will date time-stamp the Checklist Cover Page and provide you with a stamped copy. Next, you will need to file fifteen (15) copies of your Variance Petition, plans and Checklist Cover Page (bearing the date time-stamp of the City Clerk) with the Clerk of the Board. Upon receipt of the filing, the Board Clerk will also date time-stamp the Checklist Cover Page. The date of filing is the date time-stamped on the Checklist Cover Page by the Board Clerk.
11. At the time of filing the variance petition with the Clerk of the Board, you must also submit the required filing fee of \$500.00. All filing fee checks must be made payable to the "City of Newton." Petitions that are not accompanied with the filing fee will not be accepted.
12. An electronic copy of the Variance Petition (in identical form to the paper filed version) must also be submitted the same day in PDF format, via email to the Board's Clerk or on a USB flash drive.
13. The petition will be heard by the Board in accordance with the applicable provisions of the Newton Zoning Ordinance, G.L. c. 40A and the Board's Rules and Procedures.

IMPORTANT: THESE INSTRUCTIONS ARE INFORMAL IN NATURE AND ARE NOT INTENDED TO BE COMPLETE. IT IS THE RESPONSIBILITY OF ALL PETITIONERS TO REVIEW AND FOLLOW ALL APPLICABLE LEGAL REQUIREMENTS SET FORTH IN THE BOARD'S RULES & PROCEDURES AND GENERAL LAWS CHAPTER 40A.

CITY OF NEWTON
ZONING BOARD OF APPEALS

PETITION FOR VARIANCE

IMPORTANT: APPLICANTS MUST COMPLETE ALL ITEMS ON THIS FORM

PETITIONER INFORMATION

NAME : Dwight Branch / Diana Ivans

ADDRESS : 1007 Walnut Street, Newton, MA 02461

PHONE : 617-306-3812 EMAIL : dwightgb@yahoo.com

If the petitioner and/or property owner is a company, corporation or other entity, a list of the names and addresses of the principals, officers and/or managers must be attached to this form.

SUBJECT PROPERTY INFORMATION

LOCATION OF PROPERTY : 1007 Walnut Street, Newton, MA 02461

ZONING DISTRICT : SR2 PROPERTY SBL NO. : 52015 0008

OWNER OF RECORD : Dwight Branch / Diana Ivans

DEED RECORDED AT MIDDLESEX SOUTH REGISTRY OF DEEDS AT:
BOOK : 1544 PAGE 95 OR CERTIFICATE NO. : 270547

RELATIONSHIP TO SUBJECT PROPERTY (i.e. owner, abutter, etc.):
Owner

CURRENT USE : Primary Residence

PROPOSED USE : Primary Residence

PREVIOUS VARIANCE GRANTED: YES___ NO DECISION NO./DATE: _____

OTHER REGULATORY REVIEW: YES___ NO IF YES, DESCRIBE STATUS:

EXISTING CONDITIONS DESCRIPTION:
Single-residence home built in 1920 lacking in proper upkeep/updating over past 30 years. Owners are renovating in stages as their primary residence. Renovations completed since purchase in May 2019 include new asphalt roof and gutters, basement gutted to prepare for refinishing, house repainted, first floor plumbing updated, rear fence replaced, new stamped concrete patio poured with new roof structure built.

PROPOSAL DESCRIPTION

1. Briefly describe all proposed changes to the structure(s) and/or use(s) :

This variance petition is for the roof structure on a 1.5 story single family home already built over a new stamped concrete side patio and over an external basement stairwell. This structure as built includes four supporting columns, a supporting beam, an asphalt shingled roof, and gutters. This is an open covered patio, not enclosed and not climate-controlled.

As the homeowners pursuing rehabilitation of this aged, dilapidated property we've sought to do all work in compliance with all town ordinances and requirements for permitting. As part of that, we had a land survey conducted prior to construction, including markers for the required 7.5 foot setback. Due to contractor error accounting for the existing building structure and side lot line not being parallel, the new patio structure was built in partial though minimal violation of side setback ordinances.

2. State all sections of the Newton Zoning Ordinance implicated in this variance petition:

7.5 feet of side setback are required per section 3.1.3

A variance per section 7.6 is requested to rectify encroachment as close as 7.2 feet from the side lot line.

3. State the specific relief being sought from the Newton Zoning Ordinance, including all ordinance dimensional requirements and proposed dimensional conditions:

The relief being sought is to grant approval for an as-built inspection approval for the roof structure and support columns for the structure as it has been built. The setback requirement is for a 7.5 foot side setback. Because the house does not sit parallel to the property line, less than 5 feet of the 25 foot support beam and one of the four support beams are .3 feet into the setback at its maximum distance of violation, angling to 0 feet of violation. With a detached garage built before December 27, 1922 the lot coverage is still below the required 30% maximum lot coverage, requiring no relief for lot coverage.

We would like to emphasize an as-built inspection has not been declined for the construction that has been completed. However, upon receiving the as-built land survey, we as the owners noticed that the structure was built in violation of setback requirements and we wanted to be forthcoming and honest, seek remedy proactively through proper, official channels.

Rather than simply submitting the current as-built land survey for final inspection and hoping the violation goes unnoticed, we desire to be transparent to rectify the issue in cooperation with the town.

4. Identify and describe all plans and supporting documents being submitted with this variance petition:

As-built land survey: conducted by Land Mapping showing dimensions and setback of the roof structure for the built side patio

ZBA memorandum: produced by Jane Santosuosso, Chief Zoning Code Official

Abutting neighbor email: letter from adjacent neighbors at 999 Walnut expressing no issues with the structure as built

Plans: Initial survey plot with proposed roof structure dimension, and building plans

Inspections: record of inspections during construction

Permit information: permit# 19080267 for roof structure built over new patio

Photos: before and after photos of previous structure and newly built structure, as well as photo of stairwell at risk of flooding.

Reference to zoning ordinances: 3.1.3 (side setback for home built before 12/7/1953) and 7.6 (Variances)

SUPPORTING STATEMENT

EACH OF FOLLOWING REQUIREMENTS FOR A VARIANCE MUST BE ESTABLISHED AND SET FORTH IN COMPLETE DETAIL BY THE APPLICANT IN ACCORDANCE WITH G.L. C. 40A, § 10.

1. 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 new stamped concrete patio is lower than the surrounding land grade on the property and lower than the grade of the adjoining property, causing potential problems with flooding of the patio area and into the basement stairwell.

2. 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.

The additional few inches the roof structure has been built into the setback help ensure that this low ground and the basement stairwell are protected from rain and snow build up preventing flood danger in the basement. A literal enforcement of the Newton Zoning Ordinance will require complete regrading of this section of the property including a retaining wall and excavation for subterranean drainage all at substantial cost to ensure runoff from the rest of the property and from the adjoining property does not cause basement flooding. Literal enforcement of the ordinance would also result in financial hardship to the owners to tear down and rebuild the existing structure which could include the requirement to demolish the entire newly poured stamped concrete patio to ensure footings are replaced into appropriate position to support new supporting column locations.

3. 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.

Providing approval for the structure as built with its minimal variance from the setback requirements won't adversely affect the adjoining property, as expressed in an emailed letter provided by the owners of adjoining property 999 Walnut Street. Granting the proposed variance will allow the home owners to continue with the rehabilitation of the aging property as their primary residence as planned rather than diverting substantial funds to address changes that will have negligible, if any, impact on the neighborhood.

PROPERTY OWNER CONSENT, CERTIFICATION & SIGNATURE

(Signatures of Petitioner(s) are required)

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

1. I (we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this petition;
2. I (we) certify that I (we) have read the Board's Rules and Procedures before submittal to ensure the completeness of my (our) petition;
3. I (we) certify that all the statements within this application and attachments are true and accurate to the best of my (our) knowledge and belief.

X Dwight Branch 8/31/2020
(Petitioner Signature) (Date)

X Diana Ivans 8/31/2020
(Petitioner Signature) (Date)

If Applicable:

Name of Attorney/Agent for Applicant:_____

Address of Attorney/Agent:_____

Phone Number of Attorney/Agent:_____

Email Address of Attorney/Agent:_____



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.ci.newton.ma.us

Ruthanne Fuller
Mayor

ZONING BOARD OF APPEALS

Adrianna Henriquez, Board Clerk

INSTRUCTIONS FOR REQUIRED PLANS

Revised 7/22/19

- All dimensions and text must be legible at 8 ½ x 11 or 11 x 17
- All plans must include a graphic scale
- Please include one full size set, printed to scale

PLAN OF LAND

The plan of land of the property that is the subject of the petition for a variance must be:

1. Prepared by a Registered Engineer or Land Surveyor and may be
 - a. A certified copy of the Plan of Land of the property as recorded at the Registry of Deeds (a mortgage plot plan will not suffice), or
 - b. If a newly created lot, then an ANR Plan or a Definitive Subdivision Plan with applicable Planning Board approvals or certifications.
2. Approved as to form and content by the Inspectional Services Department.

AREA PLAN

An area plan for the lot in question shall be filed in order to show the character of the surrounding area within 300 feet of subject property. The subject lot shall be in the approximate center of the plan.

The plan shall include the following:

1. All street names, street lines and house numbers for the entire area.
2. Section, block and lot numbers, as shown on the City of Newton Assessor's Plans, areas and boundaries, with dimensions.
3. City of Newton sewer and drain easements.



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ZONING BOARD OF APPEALS

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4. In the case of lots located in Flood Plain/Watershed areas, all flood plain elevations, watershed distances and all brooks, streams, wetlands and ponds.

PLOT PLAN

The plot plan, also referred to as a site plan, is the plan that shows the structures on the subject property and must comply with the following:

1. The plan shall include lot area, frontage, grade plane, basement/first floor calculations, building height, stories, lot coverage, existing and proposed setbacks, open space percentage, and, if applicable, lot area/unit, floor area ratio and build factor.
2. The plan shall show the following:
 - a. The exterior shape of existing structures, proposed structures, alterations or additions to existing structures, together with front, rear, and side yard dimensions, driveways, paved areas, and all off-street parking spaces, existing and proposed.
 - b. The zoning district of the lot in question and surrounding lots.
 - c. If the area is one of the steep terrain (10% or more), the topography must be shown in two-foot contour intervals.
 - d. If the variance is sought based on soil conditions or other physical condition of the land, the location and character of this condition must be shown on the plan.
3. The plan shall include petitioners name, date of plan and the name of the person drawing the plan.
4. The plan shall be prepared and stamped by a Registered Engineer or Land Surveyor.

ARCHITECTURAL PLANS

1. The plans shall consist of existing and proposed floor plans, and elevations of all sides.
2. The plans shall have a title block containing the applicant's name and address, the name



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ZONING BOARD OF APPEALS

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and address of the person who prepared the plans, the date on which the plans were prepared, and the location of the property involved in the petition.

3. If drawn by an architect, the architect shall stamp the plans.



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
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Barney S. Heath
Director

ZONING REVIEW MEMORANDUM

Date: July 21, 2020

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official
Neil Cronin, Chief Planner for Current Planning

Cc: Dwight Branch and Diana Ivans, Applicants
Barney S. Heath, Director of Planning and Development
Jonah Temple, Associate City Solicitor

RE: Request for a variance from the side setback

Applicant: Dwight Branch and Diana Ivans	
Site: 1007 Walnut Street	SBL: 52015 0008
Zoning: SR2	Lot Area: 8,790 square feet
Current use: Single-family dwelling	Proposed use: No change

BACKGROUND:

The property at 1007 Walnut Street consists of an 8,790 square foot lot improved with a single-family residence constructed in 1920 and a detached garage. The petitioners were issued a building permit to construct a covered patio. As built, the structure is within the side setback, requiring a variance.

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

- Zoning Review Application, prepared by Dwight Branch, applicant, dated 5/28/2020
- Plan of Land, signed and stamped by Neil Murphy, surveyor, dated 4/17/2020
- Building Permit, dated 8/8/2019

ADMINISTRATIVE DETERMINATIONS:

1. The petitioners received a building permit in 2019 to build a covered open patio. Due to a measurement error, portions of the roof structure are located as close as 7.2 feet from the side lot line, where 7.5 feet is required per section 3.1.3. A variance per section 7.6 is required to rectify the encroachment into the setback.
2. The addition of the roof structure resulted in a lot coverage of 30.4%, exceeding the maximum of 30% per section 3.1.3. Per section 1.5.2.D.2, the lot coverage requirements may not apply to a garage in connection with a single- or two-family dwelling in existence on December 27, 1922. Removing the garage from the calculation reduces lot coverage to below 30%, requiring no relief.

SR2 Zone	Required	Existing
Lot Size	10,000 square feet	8,790 square feet
Frontage	80 feet	85 feet
Setbacks <ul style="list-style-type: none">• Front• Side• Rear	25 feet 7.5 feet 15 feet	26.7 feet 7.2 feet 23.9 feet
Max Number of Stories	2.5	1.5
Max Lot Coverage	30%	30.4%
Min. Open Space	50%	50.5%

1. See “Zoning Relief Summary” below:

Zoning Relief Required		
<i>Ordinance</i>		<i>Action Required</i>
§3.1.3, §7.6	Request for a variance from the side setback	Variance per §7.6

Next Steps

Please contact a Planner by calling 617.796.1120 to obtain a copy of the Special Permit Application. If there have been any changes made to the plans since receipt of your Zoning Review Memorandum you must inform the Zoning Code Official to ensure additional relief is not required. You will need an appointment with a Planner to file your Special Permit Application. **Incomplete applications will not be accepted.**

The following must be included when filing a Special Permit Application:

2. Two (2) copies of the completed Special Permit Application (signed by property owner)
3. Filing Fee (see Special Permit Application)
4. Two (2) copies of the Zoning Review Memorandum
5. Plans (Thirteen sets signed and stamped by a design professional). Each set shall contain:
 - Site Plans showing existing and proposed conditions (including topography as applicable)
 - Architectural plans showing existing and proposed conditions (including façade materials)
 - Landscape plan (as applicable)
6. One (1) Floor Area Ratio (FAR) Worksheet, (signed and stamped by a design professional)
7. One (1) copy of any previous special permits or variances on the property (as applicable)
8. One (1) copy of any other review/sign-off (Historic, Conservation, Tree Removal, etc. as applicable)
9. Two (2) electronic copies of the application with all above attachments (USB or CD)

Copies of all plans shall either be 8.5 x 11 or 11 x 17, except as requested by staff

Special Permit Sign (\$20 fee)

Incomplete applications will delay the intake and review of your project.

Depending on the complexity of the project additional information may be requested to facilitate a full review of the application.

Has the proposed project been presented to and discussed with abutting property owners? Y/N



2019 01814259
 Bk: 1544 Pg: 96 Cert#: 270547
 Doc: DEED 05/29/2019 01:28 PM

QUITCLAIM DEED

Property Address: 1007 Walnut Street, Newton, MA 02461

I, **Rafat Munir Gheewala**, being unmarried, of the City of Newton, Middlesex County and Commonwealth of Massachusetts, hereby grant to **Diana Ivans and Dwight Branch, Husband and Wife as Tenants by the Entirety**, now of 1007 Walnut Street, Newton, Massachusetts 02461, for consideration in the sum of Eight Hundred Fifty Thousand and 00/100 Dollars (\$850,000.00) paid, the property bounded and described as follows, *with Quitclaim Covenants:*

The land with the buildings thereon, situate in Newton in the County of Middlesex and said Commonwealth bounded and described as follows:

- Southeasterly by Walnut Street, eighty-five feet;
- Southwesterly by lands now or formerly of Annie M. Crowell and of E. H. Harlow, one hundred and twelve feet;
- Northwesterly by land now or formerly of Elizabeth S. Kingman, eighty feet; and
- Northeasterly by land now or formerly of Mary L. Salmon, one hundred and 85/100 feet.

MASSACHUSETTS EXCISE TAX
 Southern Middlesex District ROD # 001
 Date: 05/29/2019 01:28 PM
 Ctr/# 900808 19240 Doc# 01814259
 Fee: \$9,876.00 Cons: \$850,000.00

Unnumb lot

All of said boundaries are determined by the Court to be located as shown on a plan, as modified and approved by the Court, filed in the Land Registration Office, a copy of a portion of which is filed in the Registry of Deeds for the South Registry District of Middlesex County in Registration Book 104, Page 577, with Certificate 17055 (Plan No. 9747A).

The above described land is subject to restrictions as set forth in two deeds, one given by Moses G. Crane to Warren P. Page, dated October 4, 1895, duly recorded in Book 2407, Page 48, and the other given by George A. Salmon, Trustee, to Bernice F. Rich, dated June 1, 1923, duly recorded in Book 4640, Page 64.

Grantor being unmarried releases any and all rights of Homestead in the premises conveyed and state under the penalties of perjury that there are no others entitled to the protection of the Homestead Act.

Being the premises conveyed to the herein named Grantor by Deed recorded with Middlesex County South District Land Court with Certificate of Title No. 193105, Document No. 870709, Book 1095, Page 155.

193105 1095-155

W

WITNESS MY HAND AND SEAL THIS 21 day of May 2019.

Rafat Munir Gheewala

Rafat Munir Gheewala

STATE OF California
COUNTY OF Los Angeles

In Woodland Hills on this 21st day of May, 2019, before me, the undersigned notary public, personally appeared **Rafat Munir Gheewala**, provided to me through satisfactory evidence of identification, which was MA Driver License, to be the person(s) whose name is signed on the preceding or attached document, and acknowledged to me that she signed it voluntarily for its stated purpose.



Minoo Akhavan

Notary Public: Minoo AKHAVAN
My Commission Expires: 12-31-2021

DOCUMENT 01814259

Southern Middlesex Land Court
REGISTRY DISTRICT

RECEIVED FOR REGISTRATION

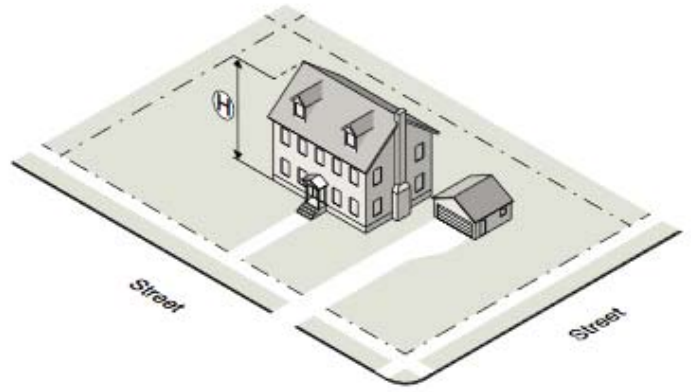
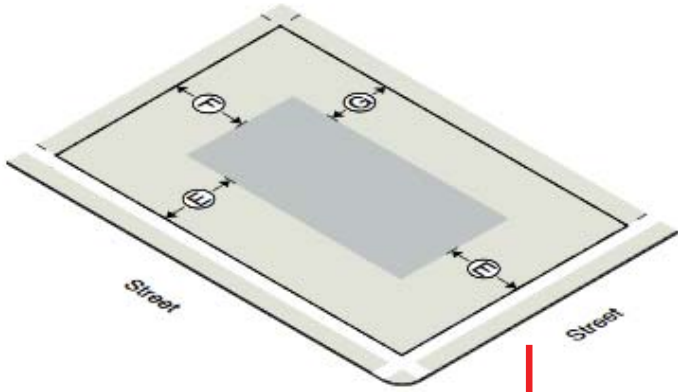
On: May 29, 2019 at 01:26P

Document Fee: 125.00
Receipt Total: \$4,276.00

NEW: CERT 270547 BK 01544 Pg 95

OLD: CERT 193105 BK 1095 Pg 155

Ordinances – section 3.1.3



	SR1	SR2	SR3
Principal Building Setbacks (On or After 12/7/1953)			
Ⓔ Front (min)*	40'	30'	30'
Ⓕ Side (min)	20'	15'	10'
Ⓖ Rear (min)	25'	15'	15'
Principal Building Setbacks (Before 12/7/1953)			
Ⓔ Front (min)*	25'	25'	25'
Ⓕ Side (min)	12.5'	7.5'	7.5'
Ⓖ Rear (min)	25'	15'	15'

	SR1	SR2	SR3
Principal Building Height			
Sloped Roof (max)	36'	36'	36'
Flat Roof (max)	30'	30'	30'
Ⓗ Stories (max)	2.5	2.5	2.5
Ⓗ Stories by Special Permit (max)	3	3	3
Floor Area Ratio			
All Lot Sizes	see Sec. 3.1.9		

* See [Sec. 1.5.3](#) for setback averaging requirement.

(Ord. No. S-260, 08/03/87; Ord. No. S-288, 12/07/87; Ord. No. T-173, 09/16/91; Ord. No. V-112, 04/23/97; Ord. No. V-113, 04/23/97; Ord. No. V-122, 07/14/97; Ord. No. Z-77, 02/22/11; Ord. No. A-73, 04/04/16; Ord. No. A-99, 01/17/17; Ord. No. B-2, 02-20-18)

Ordinances – section 7.6

Article 7 Administration | Sec. 7.5. Administrative Site Plan Review

Sec. 7.6. Variances

7.6.1. Applicability

- A. Variance applications shall be heard by the Zoning Board of Appeals as provided in M.G.L. Chapter 40A, Sections 10 and 15, as at the time in effect. The Zoning Board of Appeals may grant, upon appeal or application in cases where a particular use is sought for which no permit is required with respect to particular land or structures, a variance from the terms of this Chapter.
- B. A variance may be granted where it is determined that owing to circumstances relating to soil conditions, shape or topography of such land or structures, and that such circumstances especially affect such land or structures, but do not affect generally the zoning district in which it is located.
- C. A variance may only be granted where a literal enforcement of the provisions of this Chapter would involve substantial hardship, financial or otherwise, to the applicant or appellant.
- D. The desired relief may be granted without substantial detriment to the public good and without nullifying or substantially derogating from the intent or purpose of this Chapter, but not otherwise.

(Ord. No. 284, 06/19/78)

7.6.2. Hearing Required

The Zoning Board of Appeals shall hold a hearing on any variance application transmitted to it by the City Clerk within 65 days from the transmittal to the Zoning Board of Appeals. The Zoning Board of Appeals shall hold a hearing upon any appeal or other matter referred to it in the manner provided in, and after notice given as required by, M.G.L. Chapter 40A, Section 11, as at the time in effect.

(Rev. Ord. 1973 § 24.30; Ord. No. 204, 06/19/70)

7.6.3. Notice

The Zoning Board of Appeals shall cause notice of such hearing to be published and sent to parties in interest as provided by Section 11 of M.G.L. Chapter 40A, and by the rules of the Zoning Board of Appeals.

(Ord. No. 284, 06/19/78)

7.6.4. Conditions, Safeguards and Limitations

In exercising its powers, the Zoning Board of Appeals may impose conditions, safeguards and limitations both of time and use, including the continued existence of any particular structures but excluding any condition, safeguards or limitations based upon the continued ownership of the land or structures to which the variance pertains by the applicant or any owner.

(Ord. No. 284, 06/19/78)

7.6.5. Lapse

If the rights authorized by a variance are not exercised within 1 year of the date of the grant of such variance or within such a lesser period as the Zoning Board of Appeals may determine, they shall lapse, and may be re-established only after notice and a new hearing pursuant to this [Sec. 7.6](#).

(Ord. No. 284, 06/19/78; Ord. No. A-90, 01/11/71.7)

7.6.6. Vote

The concurring vote of 4 members of the Zoning Board of Appeals shall be necessary to reverse any order or decision of the Commissioner of Inspectional Services, or to decide in favor of the appellant for a permit on any matter upon which it is required to pass under this Chapter.

(Ord. No. 284, 06/19/78)

7.6.7. Re-Application

No application which has been unfavorably and finally acted upon by the Zoning Board of Appeals shall be favorably acted upon within 2 years after the date of such final unfavorable action unless the following criteria are met:

- A. At least 4 members of the Zoning Board of Appeals must find specific and material changes in the conditions upon which the previous unfavorable action was based, and must describe such findings in the record of its proceedings;
- B. All but 1 member of the Planning Board consents; and
- C. Notice is given to parties in interest as to the time and place of the proceedings when the question of such consent will be considered.

Ordinances – section 7.6

Sec. 7.6. Variances | Article 7 Administration

7.6.8. Decision

The decision of the Zoning Board of Appeals shall be made within 100 days after the date of the filing of an appeal or application. Failure by the Zoning Board of Appeals to so act within 100 days shall be deemed to be a grant of the application sought.

(Rev. Ord. 1973 § 24-30, Ord. No. 1-40, 8/14/89)

7.6.9. Record

The Zoning Board of Appeals shall cause to be made a detailed record of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact and setting forth clearly the reasons for its decision, and of its other official actions, copies of all of which shall be immediately filed with the City Clerk and shall be a public record, and notices of decisions shall be mailed in a timely manner to parties in interest, to the Planning Board and to every person present at the hearing who requests that notice be sent to him and states an address to which such notice is to be sent.

(Rev. Ord. 1973 § 24-30)

From: Sara Hart <sara.inger@gmail.com>
Date: May 29, 2020 at 6:54:08 PM EDT
To: dmivans@gmail.com
Subject: 1007 Walnut Street Zoning Board

To whom it may concern,

As the owners/residents of 999 Walnut Street, the property adjacent to 1007 Walnut Street, we have no objections to Diana ~~Ivans~~ and Dwight Branch's request for a variance from the Zoning Board for the 4" extension of their existing covered porch into the setback adjacent to our property.

Please don't hesitate to contact us if you have any questions.

Best regards,

Sara and Robert Hart
617-676-8335
sara.inger@gmail.com

PERMIT INFORMATION

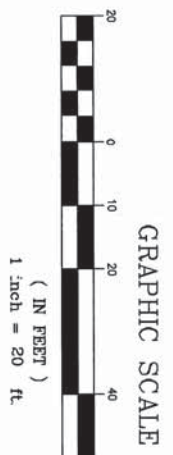
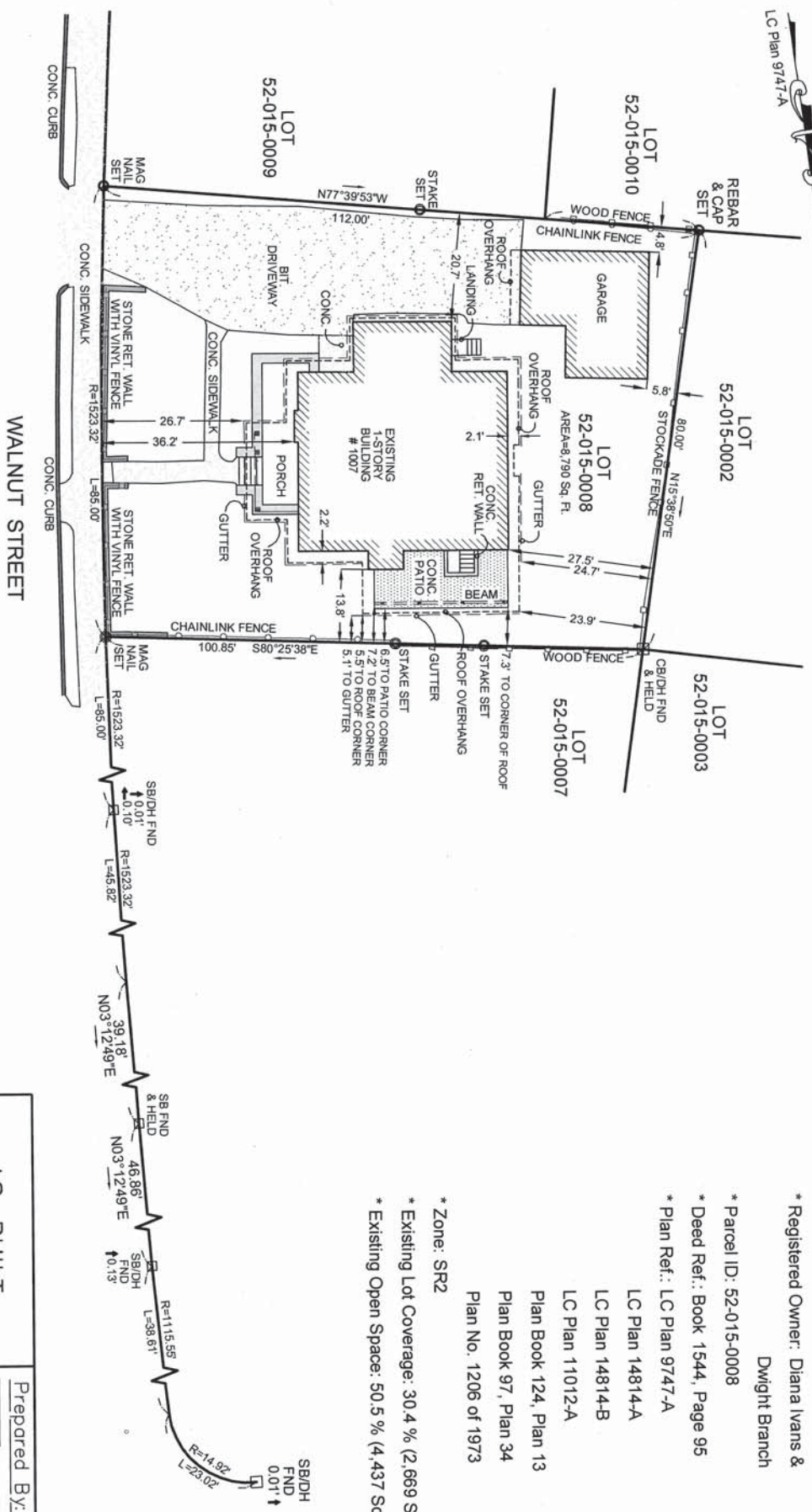
Permit Number	19080267	SBL	52015 0008
Permit Type	BUILDING	Balance Due	\$0.00
Property Address	1007 WALNUT ST	Status	Open

Permit Plan Reviews **Inspections** Documents Fees Contractors All

INSPECTIONS

TYPE	NUM	INSPECTOR	SCHED DATE	INSP DATE	INSP TIME	RES	CONFIRM	NOTES
BUILDING FINAL	1	BCASE	09-24-2019	09-24-2019		P	249825	0
FOOTING	1	BCASE	07-26-2019	07-26-2019		P	249826	0
BUILDING ROUGH	1							0

LC Plan 9747-A



Neil J. Murphy
 Neil J. Murphy Lic. #17460
 Professional Land Surveyor

NOTES:

- * Registered Owner: Diana Ivans & Dwight Branch
- * Parcel ID: 52-015-0008
- * Deed Ref.: Book 1544, Page 95
- * Plan Ref.: LC Plan 9747-A
 - LC Plan 14814-A
 - LC Plan 14814-B
 - LC Plan 11012-A
 - Plan Book 124, Plan 13
 - Plan Book 97, Plan 34
 - Plan No. 1206 of 1973
- * Zone: SR2
- * Existing Lot Coverage: 30.4 % (2,669 Sq. Ft.)
- * Existing Open Space: 50.5 % (4,437 Sq. Ft.)

<p>AS-BUILT</p>	<p>Prepared By: LAMP mapping inc.</p>
<p>1007 Walnut Street Newton, MA 02461 Date: April 17, 2020</p>	
<p>10 Andrew Square, Suite 201B South Boston, MA 02127 Tel. 857-544-3061 www.land-mapping.com</p>	

PERMIT INFORMATION

Permit Number	19080267	SBL	52015 0008
Permit Type	BUILDING	Balance Due	\$0.00
Property Address	1007 WALNUT ST	Status	Open

- Permit
- Plan Reviews
- Inspections
- Documents
- Fees
- Contractors
- All

PERMIT

PERMIT INFORMATION

Application Date	08-08-2019	Operator	rbarnacl
Issued Date	08-08-2019	Operator	rbarnacl
Master Number		Project Number	
C.O. Number		Operator	
C.O. Issued			
C-404 Type		Usage Class	R3
Applied Value	3500	Units	0
Calculated Value	0	Contractor ID	213051

PROPERTY ON PERMIT

SBL	52015 0008
Unit	
Address	
City/State/Zip	NEWTON HIGHLANDS, MA 02461

OWNER ON PERMIT

Name	DWIGHT BRANCH
Address	1007 WALNUT ST
City/State/Zip	NEWTON, MA 02459
Type	Private

APPLICANT

No Applicant Information on file for this permit

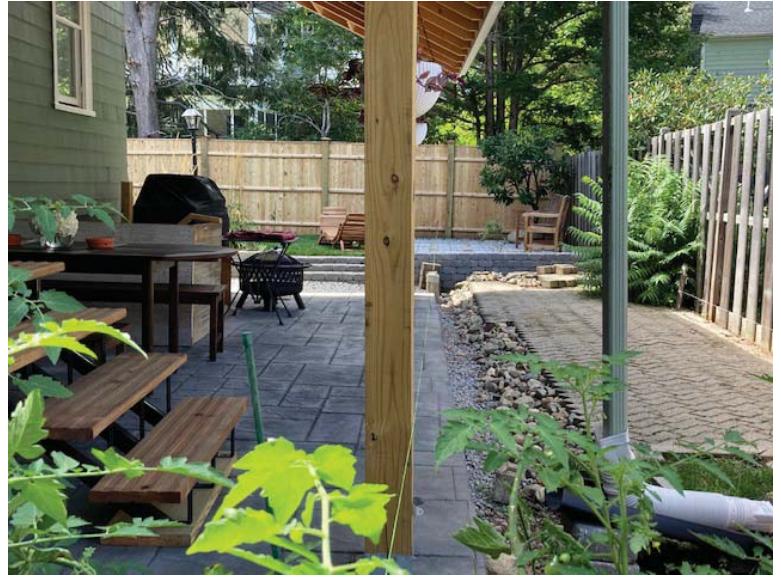
MISCELLANEOUS INFORMATION / NOTES

BUILD A 10' 24' ROOF STRUCTURE OVER NEW PATIO ON
 SIDE OF PROPERTY. 8' FROM PROPERTY LINE. AS-BUILT
 REQ'D

Before

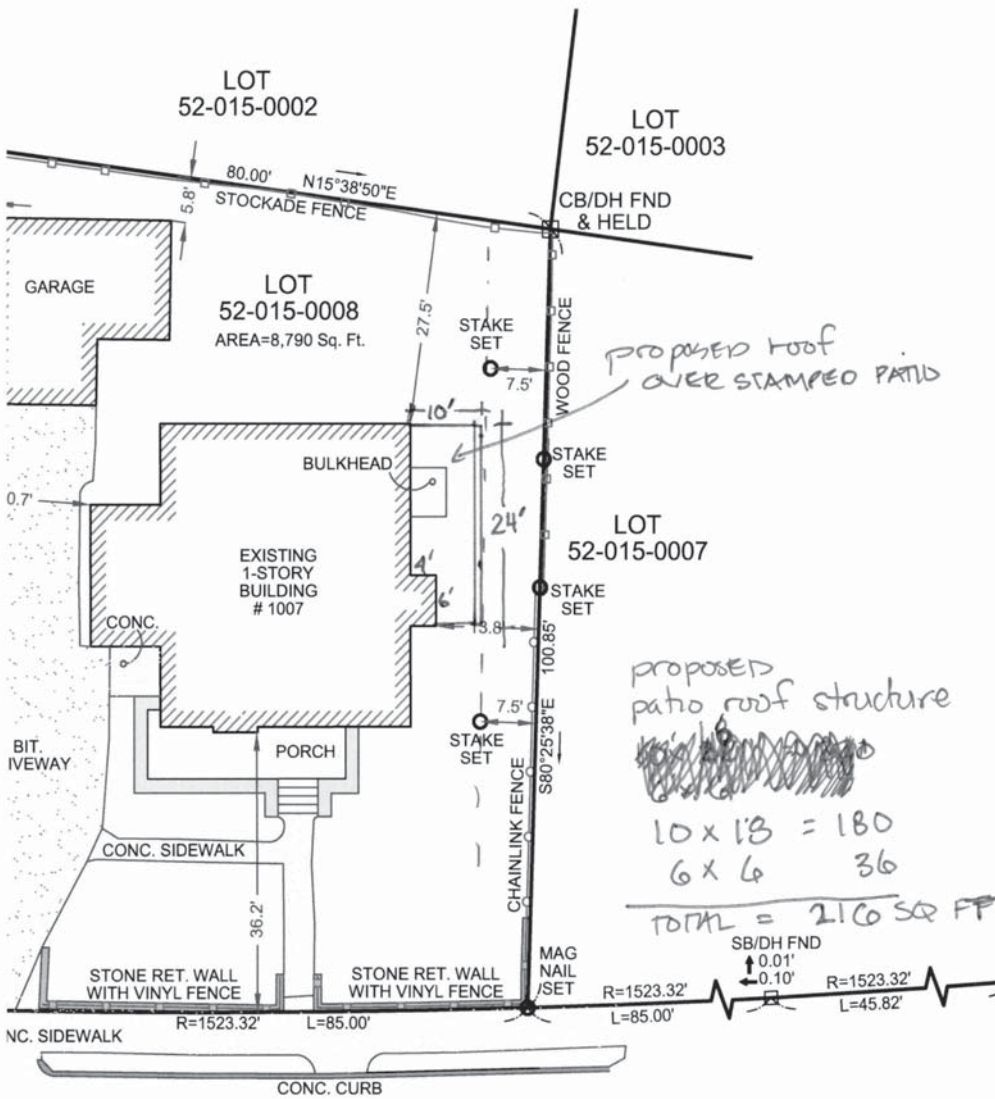


After



Stairwell





- * Registered Owner: Diana Ivans & Dwight Branch
- * Parcel ID: 52-015-0008
- * Deed Ref.: Book 1544, Page 95
- * Plan Ref.: LC Plan 9747-A
 LC Plan 14814-A
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 LC Plan 11012-A
 Plan Book 124, Plan 13
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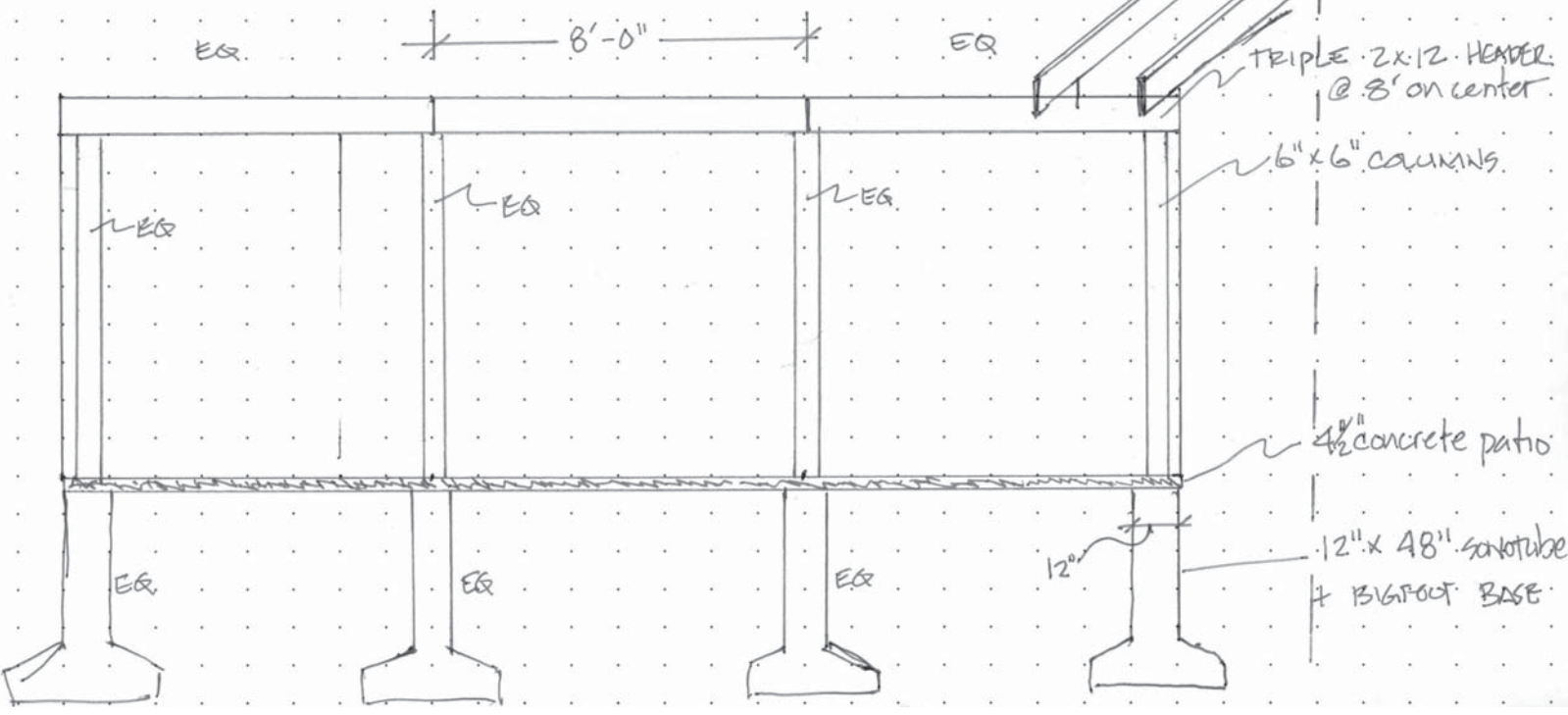
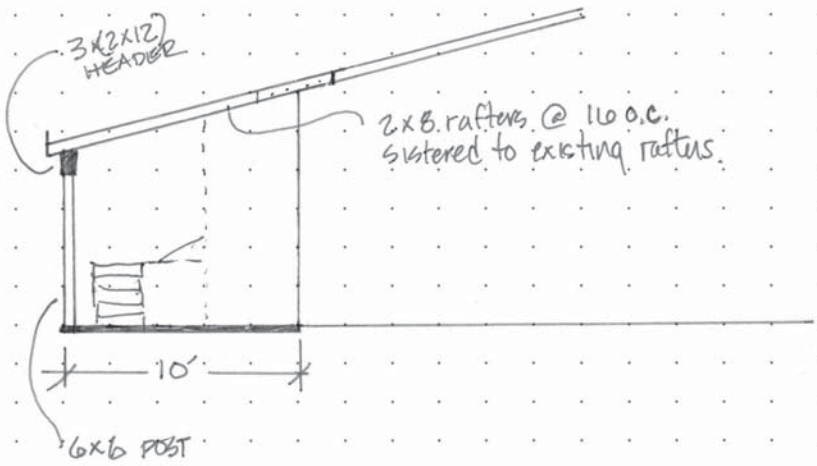
- * Zone: SR2
- * Max. lot coverage = 30%
- * Existing lot coverage = 2,292 SQ.FT. (26.1 %)
- * Min. open space = 50%
- * Existing open space = 4,906 SQ.FT. (55.8%)

PROPOSED LOT COVERAGE = 2508 SQ FT (28.5%)
 PROPOSED OPEN SPACE 4690 sqft. 53.3%

1/4" = 1' SCALE

40' 80'

PLOT PLAN
1007 Walnut Street



STEPHEN J. BUCHBINDER
ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
A. MIRIAM JAFFE
SHERMAN H. STARR, JR.
JUDITH L. MELIDEO-PREBLE
BARBARA D. DALLIS
PAUL N. BELL
KATHERINE BRAUCHER ADAMS
FRANKLIN J. SCHWARZER
RACHAEL C. CARVER
ADAM M. SCHECTER
JULIE B. ROSS

1200 WALNUT STREET
NEWTON, MASSACHUSETTS 02461-1267
TELEPHONE (617) 965-3500
www.sab-law.com

September 2, 2020

Brooke Lipsitt, Chairman
Newton Zoning Board of Appeals
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

RE: 2Life Development Inc. f/k/a Jewish Community Housing for the Elderly III, Inc.
Comprehensive Permit, ZBA Case # 09-18

**NOTICE OF PROJECT CHANGE:
REQUEST FOR DETERMINATION OF INSUBSTANTIALITY**

Dear Chairman Lipsitt,

On December 24, 2018 the Board of Appeals issued a Comprehensive Permit (the "Comprehensive Permit") to Jewish Community Housing for the Elderly III, Inc. d/b/a 2Life Communities ("2Life" or "Applicant") allowing for the construction of sixty-eight (68) rental units (the "Project") on the land located at 160 and 160R Stanton Avenue, Newton, Massachusetts (the "Project Site"). On January 29, 2020 the Board issued notice that two changes to the Project constituted insubstantial changes and approved a revised site plan reflecting the changes. Pursuant to 760 CMR 56.05(11)(a) 2Life gives notice that it desires to make three additional changes to the details of the Project and requests a determination that the changes are "insubstantial" with reference to the factors set forth in 760 CMR 56.07(4). The changes are as follows:

Change #1: Addition of Shed

2Life proposes to add a 24 foot by 24 foot (576 square foot) shed built on a concrete pad to the Project Site at the southwest corner of the parking area on the former water tower parcel. The shed will be 11 feet, 6 inches high and will be used to store snow removal and maintenance equipment. The proposed location of the shed and size of the concrete pad are shown in a bubble on the proposed site plan attached hereto and described in further detail below. The shed would replace a tree which would have been planted in the same location. With the addition of the new

SCHLESINGER AND BUCHBINDER, LLP

Ms. Brooke Lipsitt
September 2, 2020

shed, the existing shed enclosure located at the northeast corner of the upper parking lot will be removed and trees will be planted in that area.

The shed will conform with all zoning requirements set forth in Section 3.4.3 of Newton's Zoning Ordinance pertaining to accessory buildings in residence districts, in that it is at least 5 feet from the rear lot line, has a height of less than 18 feet, and is less than 700 square feet in floor area. No retaining wall or footings will be required for the concrete pad, as any regrading will be less than four feet. The concrete pad will be located in a flat area and not on the slope at the edge of the property line shown on the site plan. The existing elevation within the area of the concrete pad ranges from 157.8 to 158.3.

Change #2: Addition of Generator

2Life proposes to add a generator that was not shown on the approved site plan. The generator will be located towards the southwestern corner of the property and is shown in a bubble on the revised site plan. The size of the generator will be 14 feet, 4 inches by 4 feet, 4 inches, and the generator will comply with all applicable City and State regulations. Dense evergreen trees will be planted to shield the generator from the walkways in the area.

The new generator will replace an existing generator located inside the existing building near the lower addition that is nearing the end of its useful life. By installing a new generator outdoors during the Project construction, 2Life will avoid the disruption of removing the indoor generator from the building when it's useful life is over and installing a new generator outdoors just a few years after constructing the Project.

Change #3: Reduction of Gross Building Area of Additions

2Life proposes to reduce the gross building area of the upper and lower additions by 1,450 square feet in total, with the upper addition being reduced by 1,270 square feet and the lower addition being reduced by 180 square feet. The reductions to both additions are the result of refinement of the building plans when moving from schematic plans to construction documents. The reductions will not alter the sizes, locations or layouts of any of the units in either addition.

760 CMR 56.07(4)(b) provides guidance to a Zoning Board of Appeals as to what constitutes a substantial or insubstantial change to a comprehensive permit. The following are examples of the circumstances which ordinarily will and will not constitute a substantial change as described in 760 CMR 56.07(4)(a):

“(c) The following matters generally will be substantial changes:

1. An increase of more than 10% in the height of the building(s);
2. An increase of more than 10% in the number of housing units proposed;
3. A reduction in the size of the site of more than 10% in excess of any decrease in the number of housing units proposed;

SCHLESINGER AND BUCHBINDER, LLP

Ms. Brooke Lipsitt
September 2, 2020

4. A change in the building type (e.g., garden apartments, townhouses, high-rises); or
5. A change from one form of housing to another.

(d) The following matters generally will not be substantial changes:

1. A reduction in the number of housing units proposed;
2. A decrease of less than 10% in the floor area of individual units;
3. A change in the number of bedrooms within individual units, if such change did not alter the overall bedroom count of the proposed housing by more than 10%;
4. A change in the color or style of materials used; or
5. A change in the financing program under which the Applicant plans to receive a Subsidy, if the change affects no other aspects of the proposal.”

The changes affect the Project in that they result in a net decrease in gross building area from 258,381 square feet to 257,507 square feet, net increase in building coverage from 44,960 square feet to 45,280 square feet (24.3% to 24.4% coverage), net decrease in open space from 88,401 square feet to 87,331 square feet (47.7% to 47.1% open space), and net increase in paved area from 51,950 square feet to 52,700 square feet (28% to 28.4% paved area). These changes are marginal given that they represent a 0.3% decrease in building area, 0.7% increase in building coverage, 1.2% reduction in open space and 1.4% increase to paved area. The floor area ratio will remain unchanged at 1.39 because the area of the shed is offset by the decrease in building area. The examples of substantial changes noted above typically involve a greater percentage change and affect the housing on the project site. As the proposed shed, generator and reduction in building size only result in minor changes to the Project, the changes are more akin to the examples of insubstantial changes.

2Life respectfully submits that the changes are insubstantial under the applicable regulations. This notice is being provided under 760 CMR 56.05(11)(a). Pursuant to these regulations, the Board shall determine within twenty (20) days whether this request is a substantial or insubstantial change in accordance with 760 CMR 56.05(11)(c) and (d). If it is determined that the changes are insubstantial, or if notice is not provided to the applicant to the contrary within such twenty (20) day period, the Comprehensive Permit shall be deemed changed, as requested. The above process does not require a public hearing. A public hearing would be required if you determine that the requested changes are substantial changes, and if so, and pursuant to the aforesaid regulations, a public hearing is to be held with thirty (30) days.

Filed with this letter are the following documents:

- Site plan entitled “Site Plan” dated November 30, 2018 and revised on July 24, 2019, approved by the Board by letter to Schlesinger and Buchbinder, LLP dated January 29, 2020;

SCHLESINGER AND BUCHBINDER, LLP

Ms. Brooke Lipsitt
September 2, 2020

- Revised site plan entitled "Site Plan" dated November 30, 2018 and revised on August 14, 2020;
- Plans of the shed from Sheds Unlimited LLC dated June 13, 2020 (three sheets).

Pursuant to our discussion with the Board's Clerk, we understand that this matter will be scheduled for discussion on September 23, 2020. Please feel free to contact me if you have any questions regarding the foregoing.

Very truly yours,

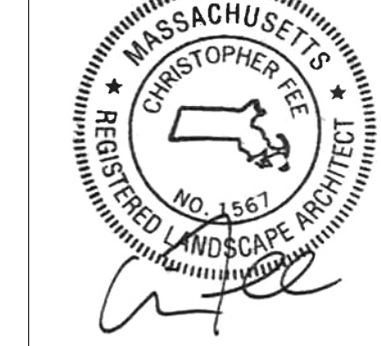


Alan J. Schlesinger

Cc: Lizbeth Heyer, Chief of Real Estate and Innovation, 2Life Development Inc.

REVISIONS:

1	Property Line Adjustment with Neighbor and Revised Parking Layout	7/24/2019
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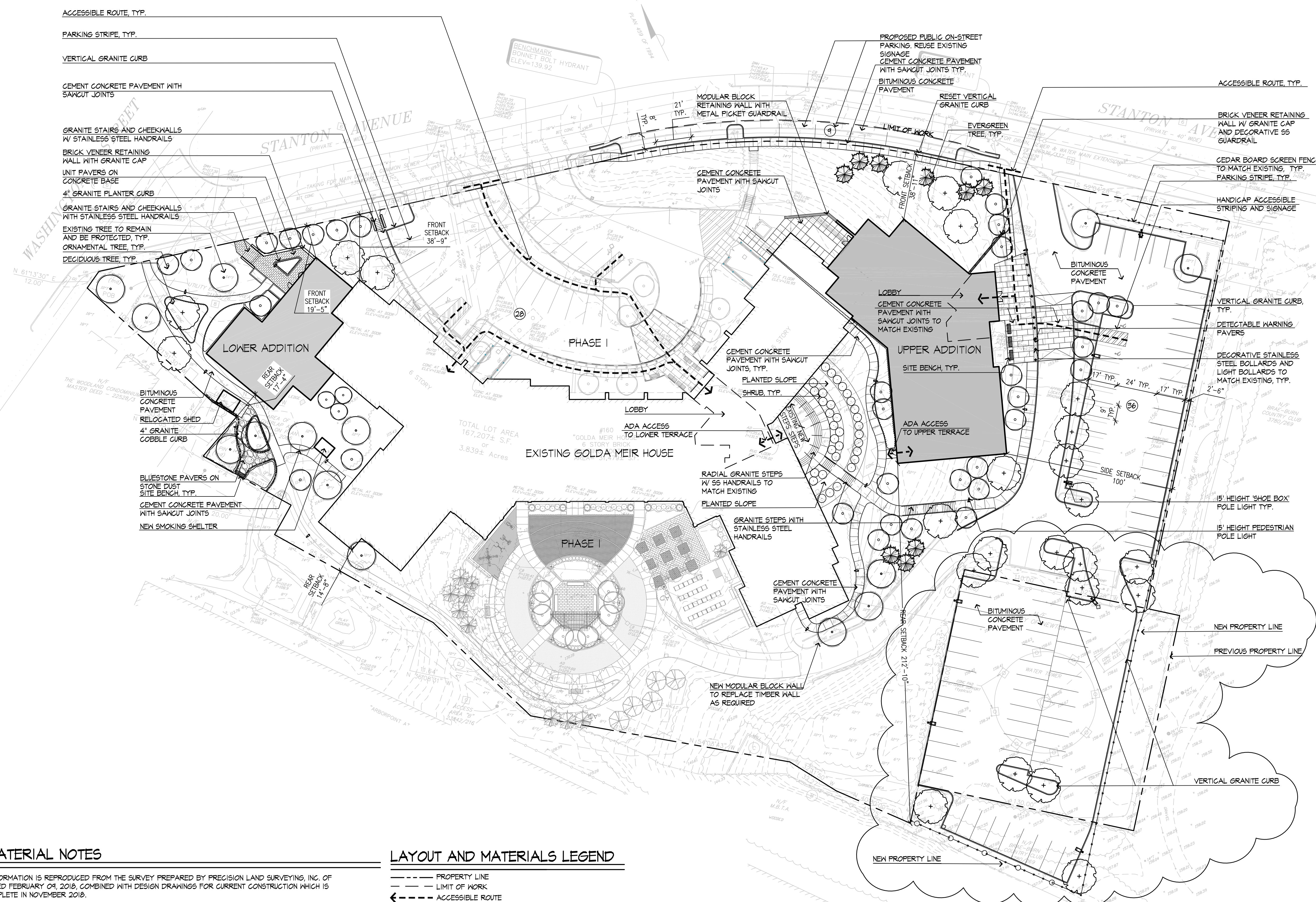


ORIGINAL ISSUE:
11/30/18

SCALE: AS NOTED

SITE PLAN

L-100



LAYOUT AND MATERIAL NOTES

- EXISTING CONDITIONS INFORMATION IS REPRODUCED FROM THE SURVEY PREPARED BY PRECISION LAND SURVEYING, INC. OF SOUTHBOROUGH, MA, DATED FEBRUARY 09, 2018, COMBINED WITH DESIGN DRAWINGS FOR CURRENT CONSTRUCTION WHICH IS ANTICIPATED TO BE COMPLETE IN NOVEMBER 2018.
- THE LOCATIONS OF UNDERGROUND UTILITIES SHOWN ARE BASED ON THE SURVEY REFERENCED ABOVE. THE CONTRACTOR SHALL NOTIFY DIGSAFE AND THE PROPER LOCAL AUTHORITIES OR RESPECTIVE UTILITY COMPANIES TO CONFIRM THE LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK. ANY DAMAGE DUE TO FAILURE OF THE CONTRACTOR TO CONTACT THE PROPER AUTHORITIES SHALL BE BORNE BY THE CONTRACTOR.
- CONTRACTOR(S) SHALL THOROUGHLY FAMILIARIZE THEMSELVES WITH ALL CONSTRUCTION DOCUMENTS, SPECIFICATIONS, AND SITE CONDITIONS PRIOR TO BIDDING AND PRIOR TO CONSTRUCTION.
- ANY DISCREPANCIES BETWEEN DRAWINGS, SPECIFICATIONS, AND SITE CONDITIONS SHALL BE REPORTED IMMEDIATELY TO THE OWNER'S REPRESENTATIVE FOR CLARIFICATION AND RESOLUTION PRIOR TO BIDDING OR CONSTRUCTION.
- ALL WORK CONDUCTED WITHIN PUBLIC RIGHT-OF-WAYS SHALL CONFORM TO THE REQUIREMENTS AND SPECIFICATIONS OF THE CITY OF NEWTON AND THE MASSACHUSETTS HIGHWAY DEPARTMENT.
- SEE ARCHITECTURAL DRAWINGS FOR EXACT BUILDING DIMENSIONS AND ALL DETAILS CONTIGUOUS TO THE BUILDING, INCLUDING SIDEWALKS, RAMPS, UTILITY ENTRANCE LOCATIONS, WALL PACKS, CONCRETE DOOR PADS, ROOF DRAINS, ETC.
- ACCESSIBLE CURB RAMP SHALL BE PER THE MASSACHUSETTS ARCHITECTURAL ACCESS BOARD (AAB) AND THE AMERICANS WITH DISABILITIES ACT (ADA) ACCESSIBILITY GUIDELINES, WHICHEVER IS MORE STRINGENT.
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- SCREENED IMAGES SHOW EXISTING CONDITIONS. WHERE EXISTING CONDITIONS LIE UNDER OR ARE IMPINGED UPON BY PROPOSED BUILDINGS AND/OR SITE ELEMENTS, THE EXISTING CONDITION WILL BE REMOVED, ABANDONED AND/OR CAPPED OR DEMOLISHED AS REQUIRED.

LAYOUT AND MATERIALS LEGEND

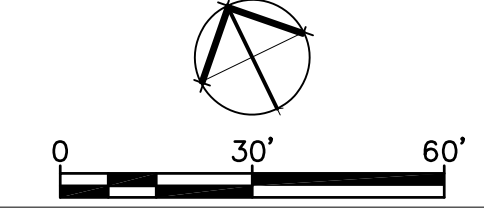
- PROPERTY LINE
- - - LIMIT OF WORK
- ACCESSIBLE ROUTE
- CEDAR SCREEN FENCE
- 4' HT. METAL PICKET GUARDRAIL
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- PL 15' HT. PEDESTRIAN POLE LIGHT
- LB LIGHT BOLLARD
- DB DECORATIVE BOLLARD
- VC VERTICAL GRANITE CURB
- FC FLUSH GRANITE CURB
- AE ALIGN ELEMENTS

TREE ORDINANCE NOTE

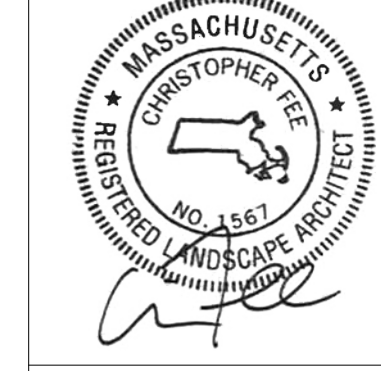
THE PROPOSED TOTAL CALIPER INCHES FOR NEW TREES IS 221. DECIDUOUS TREES WILL BE INSTALLED AT 4-4.5" CALIPER, WHILE EVERGREEN AND ORNAMENTAL TREES WILL BE INSTALLED AT 3-3.5" CALIPER. PER THE SURVEY, 410 TOTAL INCHES OF PROTECTED TREES WILL BE REMOVED, WHICH PROJECTS TO BE A DEFICIT OF 183 CALIPER INCHES. PRIOR TO CONSTRUCTION, THE PROJECT TEAM WILL WORK WITH THE CITY OF NEWTON'S DIRECTOR OF URBAN FORESTRY TO CONFIRM TREES THAT ARE TO BE REMOVED AND ENSURE THAT THE PROJECT IS IN COMPLIANCE WITH THE CITY'S TREE PRESERVATION ORDINANCE.

ZONING CHART

ZONE: MR3		REQUIRED		PROPOSED	
LOT AREA	EXISTING 167,208 SF	FAR	0.38 MAX.	PROPOSED 1.38	
BUILDING COVERAGE	31,480 SF (18.8%)	FRONT SETBACKS	15 FT	15	30,000 SF GROSS
OPEN SPACE (50% MIN.)	97,968 SF (58.5%)	SIDE	7.5 FT	NA	28 UNITS (25 1 BEDROOMS (7) 2 BEDROOMS
PAVED AREA	37,760 SF (22.5%)	REAR	15 FT	15 FT	
GROSS BUILDING AREA	181,631 SF (EXIST.)	HEIGHT	30 FT (FIM Roof)	62'-0" (Existing)	UPPER ADDITION
GROSS BUILDING AREA	78,750 SF (NEW)	AVERAGE GRADE PLANE:		132.29'	46,750 SF GROSS
TOTAL GROSS BUILDING AREA	258,381 SF	PARKING	70	113	45 UNITS (36) 1 BEDROOMS (4) 2 BEDROOMS
UNIT COUNT	199 (EXISTING)	(1 per 4 Elderly Units)			
UNIT COUNT	72 (NEW)				
UNIT COUNT	- 4 (LOST within exist. bldg)				
TOTAL UNIT COUNT	267				



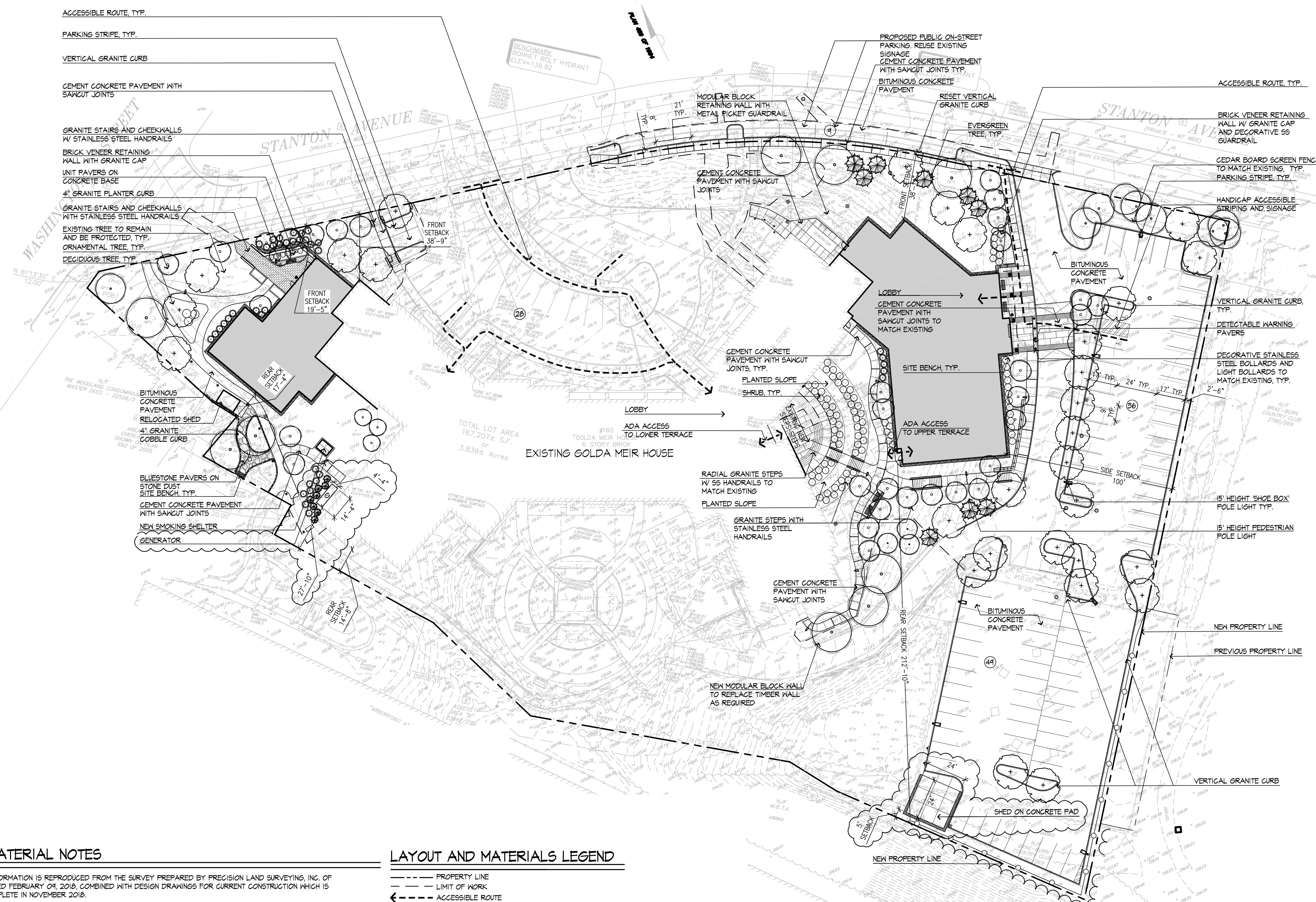
REVISIONS:	DATE	DESCRIPTION
1	7/24/2019	Property Line Adjustment with Neighbor and Revised Parking Layout
2	8/14/2020	Added Generator and Shed



ORIGINAL ISSUE: 11/30/18

SCALE: AS NOTED

SITE PLAN



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LAYOUT AND MATERIALS LEGEND

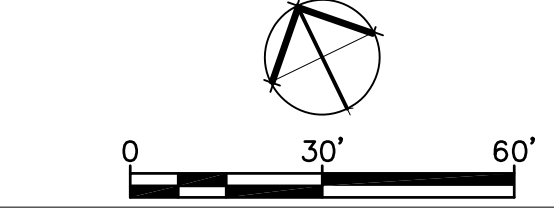
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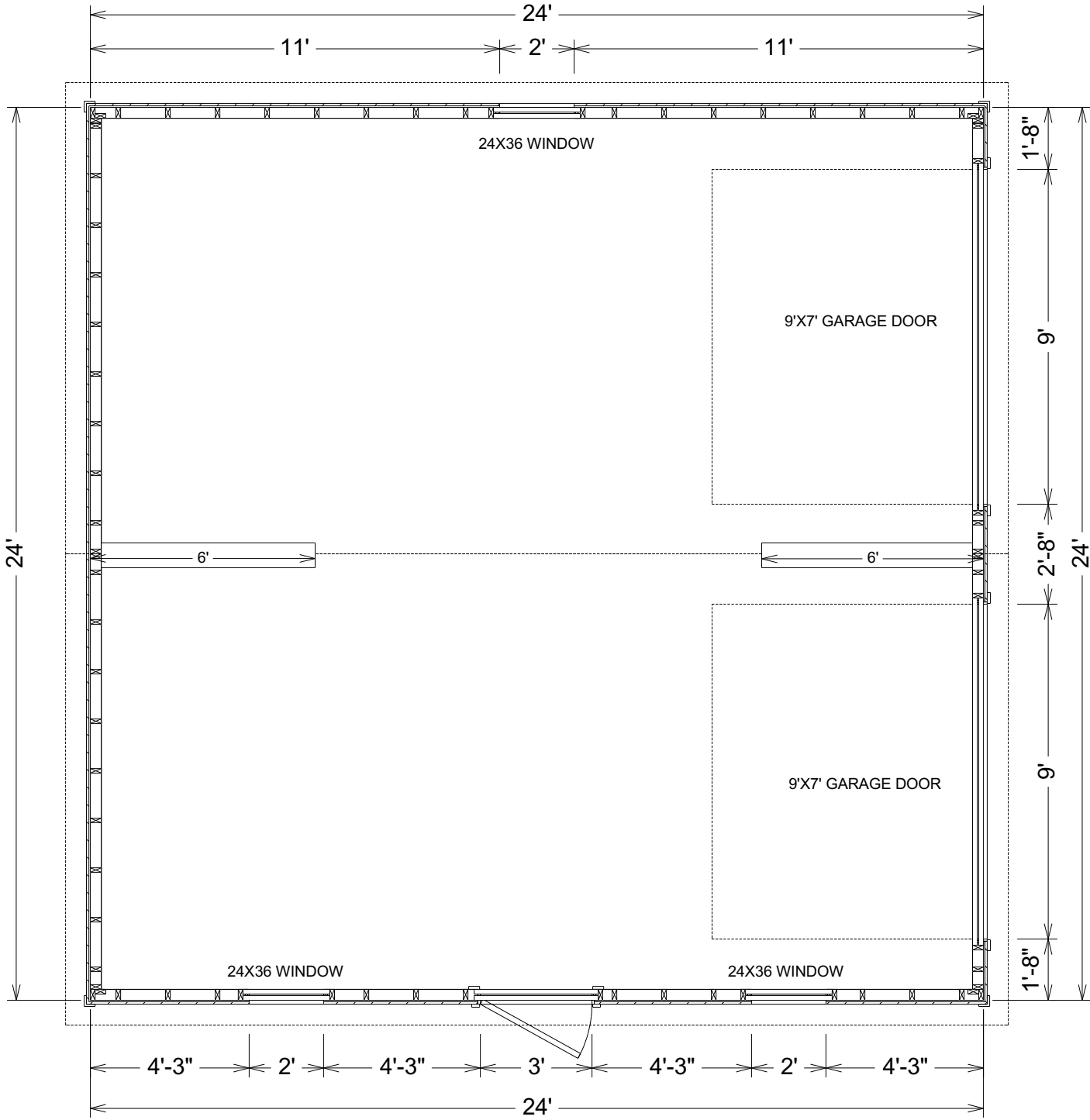
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OPEN SPACE	97,968 SF (58.5%)	SIDE	7.5 FT	15	
PAVED AREA	37,760 SF (22.5%)	REAR	15 FT	N/A	
GROSS BUILDING AREA	181,931 SF (EXIST.)	HEIGHT	30 FT (Flat Roof)	62'-0" (Existing)	
GROSS BUILDING AREA	75,876 SF (NEW)	AVERAGE GRADE PLANE:		132.29'	
TOTAL GROSS BUILDING AREA	257,807 SF	PARKING	70	113	
UNIT COUNT	199 (EXISTING)	(1 per 4 Elderly Units)			
UNIT COUNT	72 (NEW)				
UNIT COUNT	-4 (LOST WITHIN EXIST. BLDG)				
TOTAL UNIT COUNT	267				





seal:

REVISIONS:

Job Name: SO #8561
 Patty Mcgrath
 795 Pinesbridge Rd
 Ossining, NY 10562

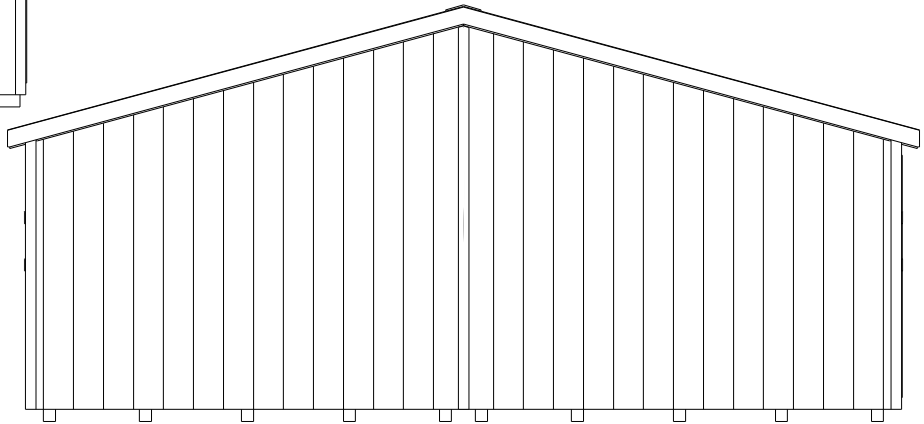
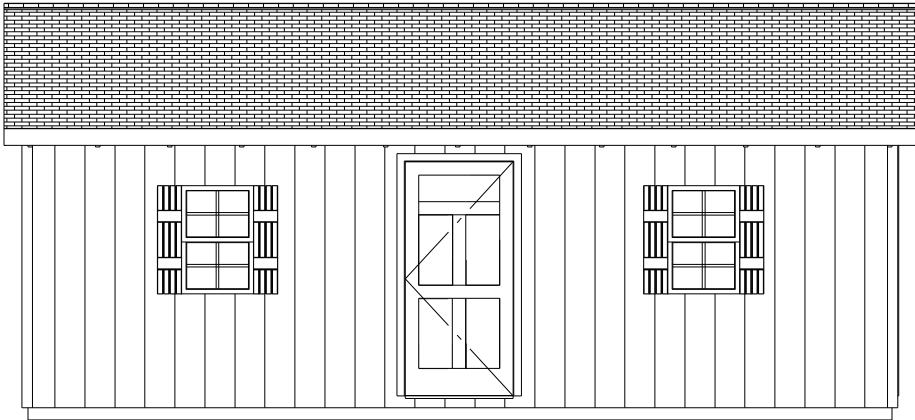
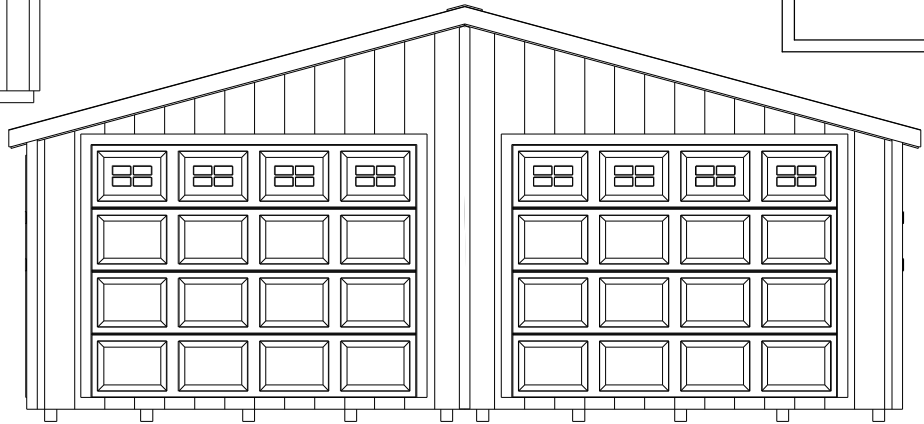
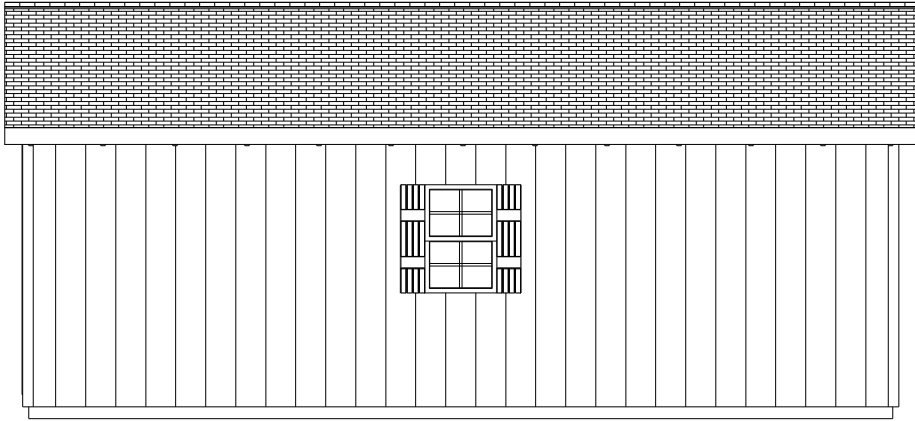
Sheds Unlimited LLC
 2025 Valley Rd
 Morgantown, PA 19543
 Drawn By: AMB

DATE:
 6/13/2020

SCALE:
 3/16"-1'

SHEET:
A1.1

seal:



REVISIONS:

Job Name: SO #8361

Patty Mcgrath
795 Pinesbridge Rd
Ossining, NY 10562

Sheds Unlimited LLC
2025 Valley Rd
Morgantown, PA 19543

Drawn By: AMB

DATE:

6/13/2020

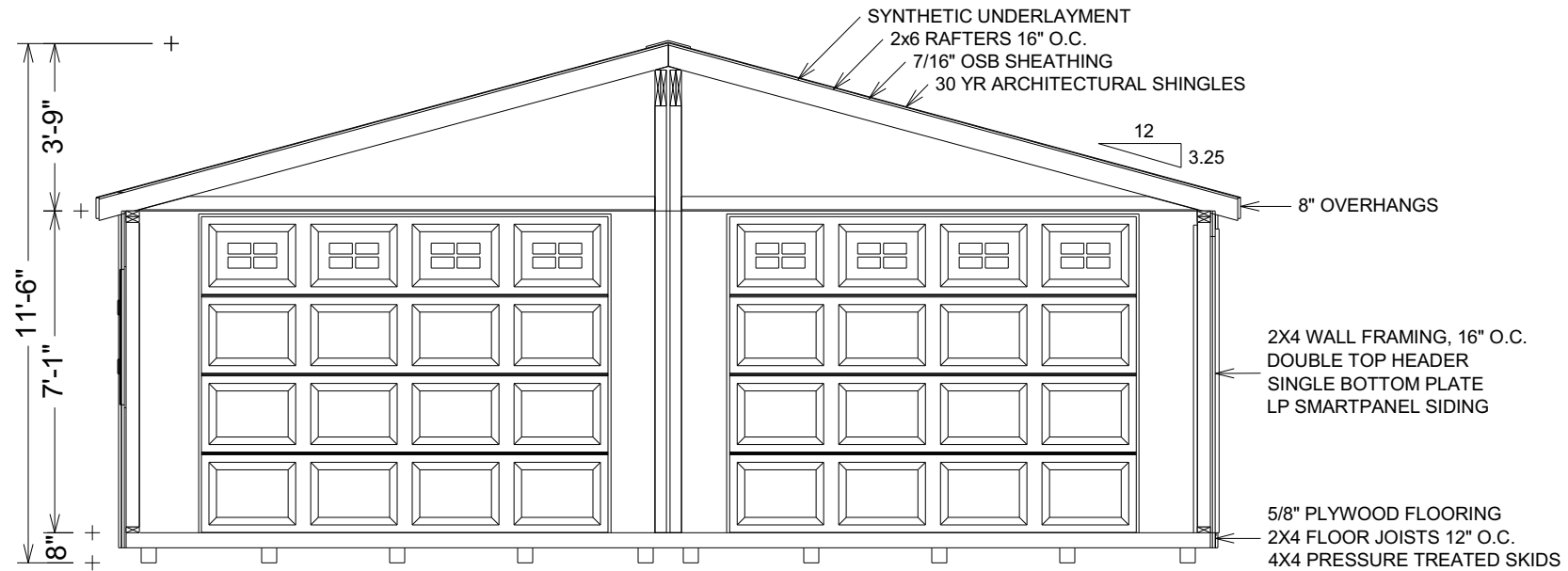
SCALE:

3/16"-1'

SHEET:

A2.1

seal:



REVISIONS:

SO #8561

Job Name:

Patty Mcgrath
795 Pinesbridge Rd
Ossining, NY 10562

Sheds Unlimited LLC
2025 Valley Rd
Morgantown, PA 19543

Drawn By: AMB

DATE:

6/13/2020

SCALE:

1/4"-1'

SHEET:

A3.1