



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

Ruthanne Fuller
Mayor

ZONING BOARD OF APPEALS

To: Zoning Board of Appeals Members

From: Adrianna Henriquez, Clerk

Date: September 18, 2020

Subject: Materials for **September 23, 2020** Public Hearing

Packet 2

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. Email dated March 19, 2020 from Liam M. Ryan of 125 Grasmere Street
2. Letter received September 15, 2020 from Liam M. Ryan of 125 Grasmere Street
3. Letters from abutters received September 15, 2020

Thank you,

Adrianna Henriquez

ahenriquez@newtonma.gov | (617) 796 1133

Adrianna Henriquez

From: Liam M. Ryan <liam@currierlawoffices.com>
Sent: Thursday, March 19, 2020 7:57 PM
To: Adrianna Henriquez
Subject: RE: 129 Grasmere Street

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

My comments are below:

I live at 125 Grasmere Street, directly next door to 129 Grasmere Street. I am opposed to the appeal by Marry Grasmere Realty LLC (the “appellant”) of the Notice of Zoning Violation that it received from the Commissioner of Inspectional Services relating to illegal apartments.

I am opposed to the use of 129 Grasmere as a multi-unit apartment building because the apartments in 129 Grasmere Street are the cause of additional car traffic and parking issues on the street. The neighborhood has small lots and 129 Grasmere does not have adequate off-street parking for a building with four separate dwelling units. The result is multiple cars always parked on the street, sometimes in front of my house. 129 Grasmere, like the other houses on the street, is zoned SR3, which permits single family residences only with one accessory apartment allowed by right. I am concerned the effect that the nonconforming use of the building has on my property value.

I am also very concerned with the safety of appellant’s building, both as relates to the tenants of the illegal apartments, but also the risk to adjacent structures should there be a fire in appellant’s building. I do not believe that the materials submitted by appellant prove the that the city ever knew about the additional apartments in the building, that those apartment were ever lawful, or that those apartment were ever inspected. It appears that the occupancy certificate relates to the third floor apartment only. As appellant has not proved that his nonconforming use is lawful, I believe that his appeal should be denied.

From: Liam M. Ryan <liam@currierlawoffices.com>
Sent: Thursday, March 19, 2020 7:04 PM
To: Adrianna Henriquez <ahenriquez@newtonma.gov>
Subject: Re: 129 Grasmere Street

Hi Adrianna,
Will the hearing be held next week? I want to make sure I can submit written comments in a timely fashion. Thanks!
Liam

Sent from my iPad

On Feb 20, 2020, at 10:50 AM, Adrianna Henriquez <ahenriquez@newtonma.gov> wrote:

Hi there,

Please see the attached agenda. As a reminder, you can submit public comment up to 5 business days before the hearing, which has been changed to March 25, 2020.

Thanks!

Adrianna Henriquez

Zoning Board of Appeals Clerk
Department of Planning and Development
City of Newton
1000 Commonwealth Avenue
Newton, Massachusetts 02459
ahenriquez@newtonma.gov | (617) 796 1133
www.newtonma.gov/zoningboardofappeals

From: Adrianna Henriquez
Sent: Tuesday, February 18, 2020 1:54 PM
To: 'Liam M. Ryan' <liam@currierlawoffices.com>
Subject: RE: 129 Grasmere Street

Hi Liam,

You may submit comments up to 5 business days before the hearing on 2/26. You can do this via email, or you may come to the hearing and speak during public comment (or both).

The packet sent to the board including both the agenda, and the 129 Grasmere appeal. You can find that document here: <http://www.newtonma.gov/civicax/filebank/documents/101863>.

Let me know if you have any questions.

Best,

Adrianna Henriquez

Zoning Board of Appeals Clerk
Department of Planning and Development
City of Newton
1000 Commonwealth Avenue
Newton, Massachusetts 02459
ahenriquez@newtonma.gov | (617) 796 1133
www.newtonma.gov/zoningboardofappeals

From: Liam M. Ryan <liam@currierlawoffices.com>
Sent: Tuesday, February 18, 2020 1:11 PM
To: Adrianna Henriquez <ahenriquez@newtonma.gov>
Subject: 129 Grasmere Street

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

Dear Ms. Henriquez,

I received a notice this weekend about a hearing on an appeal that my next-door neighbor filed to a Notice of Zoning Violation that he apparently received from the city. The subject property is 129 Grasmere Street and the hearing is 2/26 at 7pm.

I was wondering if it would be possible for me to obtain a copy of the appeal application that he filed. I would also like to submit something to the board in writing for consideration at the hearing

and would appreciate information about how I might do that. If you could let me know, that would be great.

Best,
Liam

Carrier
Law Offices LLC

One Liberty Square
Boston, MA 02109

Liam M. Ryan
liam@carrierlawoffices.com
T: 617.419.3344
C: 617.763.7063
F: 617.419.3399

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.

<02-26-2020 Agenda - Revised.pdf>

OPPOSITION STATEMENT OF LIAM M. RYAN
TO APPEAL BY MARRY GRASSMERE REALTY LLC TO NOTICE OF ZONING VIOLATION

I provide this statement to the Zoning Board of Appeals (“ZBA”) in opposition to the appeal by Marry Grassmere Realty LLC (the “LLC”) to the Notice of Zoning Violation (the “Notice”) it received from the Inspectional Services Department dated December 17, 2019, relating to building code violations and illegal use of the property at 129 Grasmere Street (the “Subject Property”) as a multi-family residence. I intend this statement to provide evidence that (i) the use of the Subject Property as a multi-family residence is not a lawful preexisting use and (ii) the use of the Subject Property as a multi-family residence is inconsistent with the character of the neighborhood and has a negative effect on me as an abutter and the neighborhood generally.

1. I live at 125 Grasmere Street, which is directly next door to the Subject Property. I purchased my house in September 2017 and moved in in March 2018. I bought my house on Grasmere Street specifically because it is in a single-family neighborhood.
2. I believe that the current use of the Subject Property has a detrimental effect on my property value.
3. The Subject Property has been in a single family residence district since the inception of zoning in 1922. In 1921, the Newton City Directory listed two residents, Mr. and Mrs. Loring L. Marshall. See excerpt from 1921 Newton City Directory attached hereto as Exhibit A.
4. The Subject Property is owned by an LLC. Ownership information regarding the LLC is not public, but George Marry (“Mr. Marry”), who does not live on the premises, represented to me that he owned it.
5. The structure on the Subject Property (the “Building”) has four separate dwelling units: one on the first floor, two on the second and one on the third. One (first floor) is occupied by George’s

brother Mark Marry and the other three are rented to unrelated persons. All four units have separate cooking facilities and all four are separate from each other within the Building. See internet listings for three of the four apartments (excluding the one occupied by Mark Marry) attached at Exhibit B.

6. There are no other houses on the street that are used as multi-family residences.
7. The Building is in poor condition and is poorly maintained.
8. The Building has been modified from its original state. It has two additions, one at the back and one on the left side of the building. Each addition contains a kitchen for one of the second floor units.
9. The additions are poorly constructed and are inconsistent with the character of the other houses on the street.
10. The front yard of the Subject Property is in poor condition and is poorly maintained. The side and back yards are overgrown with weeds, which creep onto my property and are a nuisance for me to maintain.
11. The Subject Property has a fence along my property line, which the owner has not maintained and has instead allowed to fall down onto my property. As panels fall out of the fence, Mr. Marry left them in my yard for me to clean up and dispose of.
12. The Subject Property has two off-street parking spots, and both are rented to tenants. Due to the number of occupants of the building, tenants and their guests store their cars on the street. There are frequently five cars belonging to Mr. Marry, Mark, tenants and guests parked on the street.
13. There are no other houses on the street that have a similar parking issue.

14. There is a two hour parking limit during the day on Grasmere Street. Mr. Marry, his brother Mark and the tenants and guests of the Subject Property make no attempt to comply with the parking restriction and routinely violate it.
15. Mr. Marry is a taxicab driver and he and his brother Mark store taxicabs belonging to their business (Holden's Taxi) on the street.
16. Mr. Marry confronted me after I submitted comments to the Board opposing his appeal in advance of the initial hearing. At that time, he claimed that the structure only has three apartments when in fact it has four.
17. Upon being challenged, Mr. Marry admitted that the building contains four units, but he then claimed that one unit did not have a kitchen and is part of another unit in the building. This statement was also false. That apartment (the studio) is advertised specifically as having a kitchen and has its own entrance at the back of the Building.
18. I made it known to Mr. Marry at the time that I took issue with the effects of his house on the neighborhood. I also told Mr. Marry that I was unhappy with the parking situation.
19. Mr. Marry responded by telling me that I shouldn't have moved to the neighborhood if I didn't like his use of the Subject Property.
20. Mr. Marry has made no attempt to mitigate the effect that his property has on the neighbors. There has been no positive change in relation to the property since the Notice was issued.
21. Mr. Marry has made no attempt to address the safety concerns cited in the Notice, which puts his tenants and me, as a direct abutter, at risk should there be a fire in the Building.
22. Instead, Mr. Marry and his brother Mark retaliated against me for commenting with respect to initial hearing, worsening the effect of their conduct rather than mitigating it.

23. Mr. Marry stopped maintaining the yard of the Subject Property completely. It wasn't mowed at all during the summer of 2020. He also stopped maintaining a bush that's along the property line, letting it grow out of control into my property.

24. Mark Marry intentionally hit my car with his taxicab when I was temporarily parked on the street, leaving his taxicab parked touching my car. This was very threatening to my partner who was home at the time and resulting in me calling the police. Mark Marry admitted to the police officer that responded to the call that he purposefully hit my car.

For the foregoing reasons, I believe that the ZBA should deny the appeal of Marry Grasmere Realty LLC to the Notice of Zoning Violation it received.

Submitted by:

Liam M. Ryan, Esq.
125 Grasmere Street
Newton, MA 02458

GRANT ST

*GRANT (Auburndale) from 62 Newell Road to 293 Auburn-dale Avenue ward 4

Right Side

8 Suhr Curt Mr & Mrs
Marshall Fred H Mr & Mrs

Left Side

11 Adams Harold W Mr & Mrs
Doe neau Eugene Mr & Mrs

*GRANT (West Newton) from 15 Foster to 18 Sheridan wd 3

Right Side

9 Perry Paul Mr & Mrs
Bonney Philip T machinist

Left Side

54 Feeney John F driver

GRANT AVENUE (Newton Centre) from 272 Ward across Commonwealth Avenue to 677 Beacon ward 6

Right Side

31 Edwards William P Mr & Mrs
" Eleanor b

COMMONWEALTH AV CROSSES

105 Peterschen Frank W Mr & Mrs

111 Wheeler Homer J Mr & Mrs

" Roland A b

" Carl O J b

" William E b

123 Hatch Frank C Mr & Mrs

" Paul mech eng b

131 McKey Arthur W Mr & Mrs

DEVON RD BEGINS

141 Foster Albert J Mr & Mrs

MARSHALL ST BEGINS

189 Ellis G H Mrs

EVERETT ST BEGINS

223 Pratt Norman F Mr & Mrs

" Charlotte b

233 Smith George S Mr & Mrs

" Malcolm H b

251 Lynch Jerome E Mr & Mrs

" Irene E b

" Eugene E b

Field Katherine Mrs

Left Side

COMMONWEALTH AV CROSSES

92 Underhill Arthur P Mr & Mrs

" Ruth b

98 Burbeck William G Mr & Mrs

" Doris b

Reed Edith F b

MONTVALE RD ENDS

156 Claffin Adams D Mr & Mrs

" William W banking b

GRAY CLIFF RD ENDS

238 Taylor Helen C Mrs

" Dorothy b

" Marjorie b

GRASMERE (Newton) from B & A R R crossing 59 Hunnewell Avenue south to 51 Washington near Waverley Av ward 7

Right Side

77 Colburn George C Mr & Mrs

GRASMERE ST

189

79 Baldwin Edward D Mr & Mrs

HUNNEWELL AV CROSSES

111 Slattery John R Dr

" Delia T b

" Anna G b

" Charles H b

115 Daiger Charles V Mr & Mrs

" Susan M Mrs b

" C Vincent mgr b

" J Gerald b

" Lillian Marie b

119 York Palmer Mr & Mrs

125 Lawton Mark A Mr & Mrs

" Mark W b

129 Marshall Loring L Mr & Mrs

Left Side

80 VanKleet Walter

HUNNEWELL AV CROSSES

102 Slattery Richard P Mr & Mrs

MERTON ST ENDS

124 Simpson Hiram L Mr & Mrs

Simpson Francis R student b

Russell Hannah Mrs b

128 Byfield Abraham Mr & Mrs

" Edith b

*GRAY BIRCH TERRACE (Newtonville) from 125 Highland Avenue north ward 2

Right Side

11 Vacant house

*GRAY CLIFF ROAD (Newton Centre) from 645 Beacon to 204 Grant Avenue ward 6

Right Side

21 Burdett George A Mr & Mrs

" Sylvia S b

35 May William Mrs

" William T b

39 Tyley Harry W Mr & Mrs

" Emily W teacher b

" Elizabeth b

" Catherine b

SQUIRREL LANE ENDS

43 Casson Robert Mr & Mrs

" Beatrice b

53 Copeland Charles Mr & Mrs

" Charlotte H b

" Margaret O b

65 Eddy Harrison P Mr & Mrs

Left Side

54 Mainland John Y Mr & Mrs

64 Smith Nathan G Mr & Mrs

70 Jones Harry L Mr & Mrs

GREEN (Newton) from 224 Pearl to 92 West wards 1, 2

Right Side

19 Levander Reinhold laborer

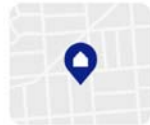
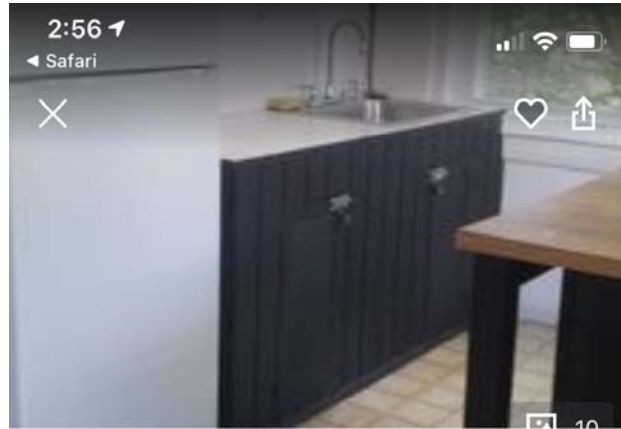
21 Lane Leo M machinist

25 Horan Thomas H Mrs

" Rose E clerk b

COOK ST CROSSES

EXHIBIT B
SECOND FLOOR "STUDIO" UNIT



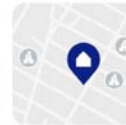
Map View



Street View



Crime



Schools

OFF MARKET

Contact For Estimate

129 Grasmere St
Newton Corner, Newton, MA 02458

4 Beds 4 Baths 3,312 sqft

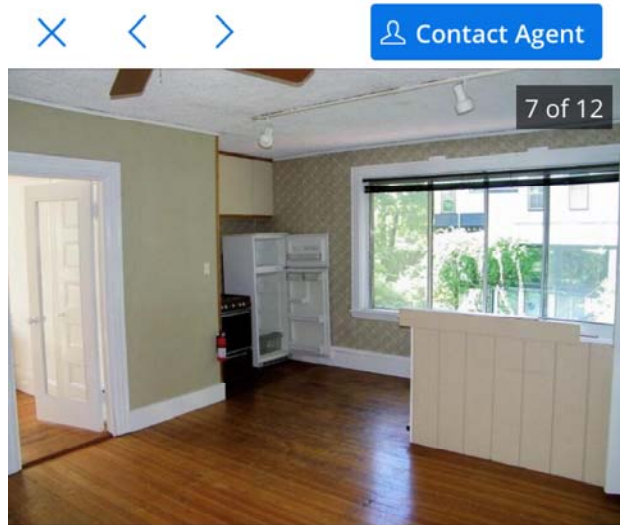
Description

Great 2 room studio on 2nd floor of owner occupied multifamily home, hardwood floors, built-ins, eat in kitchen with small frig, two burners, sink, full bath with tub, close to buses

[More](#)

Request Info

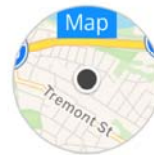
EXHIBIT B
SECOND FLOOR UNIT (ADDRESS IN LISTING IS INCORRECT)



ACTUALLY 129 GRASMERE

→ **126 Grasmere St,**
Newton, MA 02458
1 bed · 1 bath · -- sqft

● OFF MARKET
Zestimate®: None
Est. Refi. Payment: \$67/mo
[See current rates](#)



Note: This property is not currently for sale or for rent. The description below may be from a previous listing.

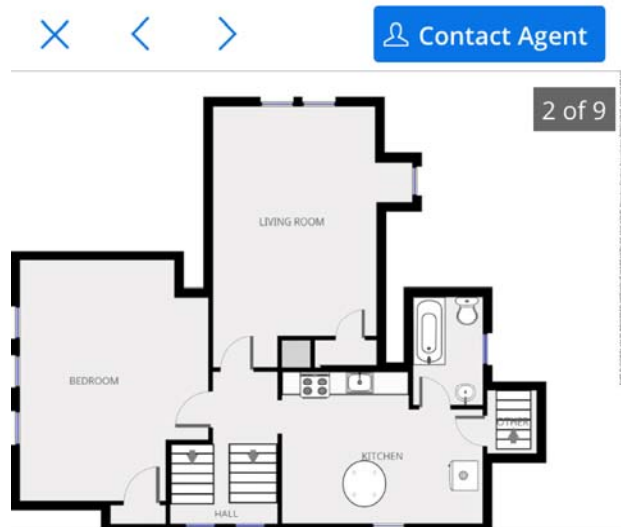
LARGE 1 bedroom Including Heat & Electric
2nd floor of owner occupied Victorian. Located
on a quiet side street in Newton Corner this unit

[Save](#)

[Share](#)

[More](#)

EXHIBIT B
THIRD FLOOR UNIT



129 Grasmere St,
Newton, MA 02458

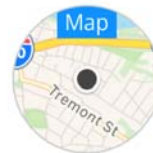
1 bed · 1 bath · 3,312 sqft

● OFF MARKET

Zestimate®: None

Est. Refi. Payment: \$67/mo

[See current rates](#)



Note: This property is not currently for sale or for rent. The description below may be from a previous listing.

No application fee or credit check fee! Third floor of a beautiful Victorian on a quiet street. This 1 bedroom unit is spacious and bright. Includes: _____

[Save](#)

[Share](#)

[More](#)




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

To Whom It May Concern:

I am opposed to the use of 129 Grasmere Street as a multi-family residence. I believe that such use is detrimental to the character of the neighborhood as a neighborhood of single-family homes.

Date: Aug. 15, 2020

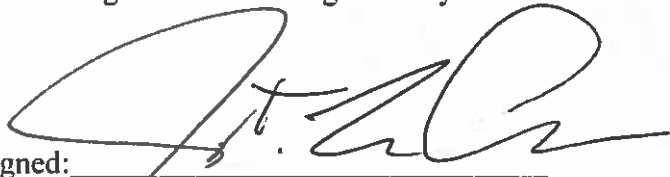
Signed: 
Name: Barbara & George Whitesides
Address: 124 Grasmere St.
Newton, MA 02458

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

To Whom It May Concern:

I am opposed to the use of 129 Grasmere Street as a multi-family residence. I believe that such use is detrimental to the character of the neighborhood as a neighborhood of single-family homes.

Date: 5/17/20

Signed: 
Name: JAY LeClair
Address: 28 COPLEY ST,
Newton, MA 02458

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

To Whom It May Concern:

I am opposed to the use of 129 Grasmere Street as a multi-family residence. I believe that such use is detrimental to the character of the neighborhood as a neighborhood of single-family homes.

Date: August 13, 2020

Signed: Kevin Vito
Name: Kevin Vito
Address: 128 Grasmere Street
Newton, MA 02458

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

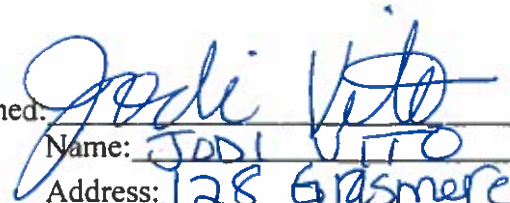
To Whom It May Concern:

I am opposed to the use of 129 Grasmere Street as a multi-family residence. I believe that such use is detrimental to the character of the neighborhood as a neighborhood of single-family homes.

Date:

August 17, 2020

Signed:


Name: JODI VITO
Address: 128 Grasmere St
Newton MA 02458

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

To Whom It May Concern:

I am opposed to the use of 129 Grasmere Street as a multi-family residence. I believe that such use is detrimental to the character of the neighborhood as a neighborhood of single-family homes.

Date: 8/13/2020

Signed: Rachel Kantor
Name: Rachel Kantor
Address: 125 Grasmere St
Newton, MA 02458