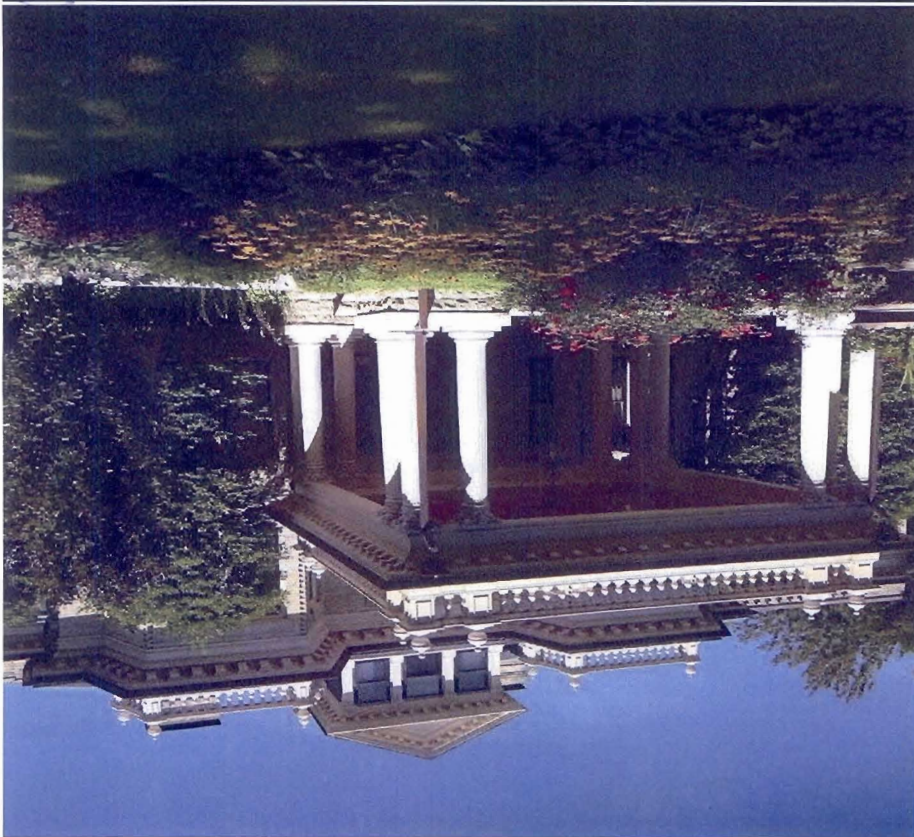


Petition of Michael and Dena Rashes #229-14
93 Bellevue Street



IdA. O'Brien, CMC
Michael Rashes

2014 SEP -5 PM 3: 32

RECEIVED
Newton City Clerk

Engineer/Surveyor:

Verne T. Porter, Jr., PLS

354 Elliot Street
Newton, MA 02464

Consulting

Landscape Architect:

Andrea Kelley

Rockwood Terrace Consultants
28 Putnam Street
Newton, MA 02465

Contractor:

Steve Daigneau
The Remodeling Co.
100 Cummings Center
Beverly, MA 01915

Architect:

David Boronkay

Slocum Hall Design Group
74 Barnard Avenue
Watertown, MA 02472

Landscape Architect:

Lucinda Brockway

Past Designs
53 High Street
Kennebunk, ME 04043

Attorney:

Stephen J. Buchbinder, Esquire
Schlesinger and Buchbinder, LLP
1200 Walnut Street
Newton, MA 02461-1267



1200 WALNUT STREET
NEWTON, MASSACHUSETTS 02461-1267

TELEPHONE (617) 965-3500
FACSIMILE (617) 965-6824
OF COUNSEL
ROBIN GORENBERG

E-Mail: sjbuchbinder@sab-law.com

September 5, 2014

BY HAND

Marc Laredo, Chairman
Land Use Committee
Newton Board of Aldermen
1000 Commonwealth Avenue
Newton, Massachusetts 02459-1449

Re: 93 Bellevue Street/Petition #229-14

Dear Chairman Laredo,

On behalf of my clients, Dena and Michael Rashes, I wanted to address certain issues respecting the above matter, as follows:

1. Use of Condominium Association's Driveway.

Several members of the Board of Aldermen have inquired as to why the petitioners cannot use the existing driveway of the condominium association at 99-109 Bellevue Street, next to the locus. The petitioners do have an easement to utilize a portion of that driveway as shown on the site plan attached hereto as Exhibit A. A copy of the easement and easement plan are attached hereto as Exhibit B. As you will note, the easement extends only approximately 100 feet from Bellevue Street. However, there is no easement which would permit the petitioners to reach the rear of their property where a garage is proposed to be located.

My understanding, based upon discussions with several of the condominium unit owners and the prior owner of the locus, George Naddaff, is that the existing detached garage on the Rashes property was used for sports cars owned by one of the Naddaffs' children. While those cars were on occasion driven back and forth over the condominium association's driveway, the use was rather infrequent, and was not a significant concern to the condominium unit owners. However, the use by the petitioners would be more intensive, and the condominium unit owners have made it very clear that they are not willing to extend the existing easement in order to give the petitioners access to a garage at the rear of the site. There are already six families from the condominium association sharing the driveway and they have made it explicitly clear that use by the petitioners would overburden their property. Although the petitioners theoretically could seek the judicial grant of an easement by filing an

appropriate action with the Land Court, the outcome of such litigation would not be certain, and in any event the petitioners do not want to engage in litigation with their neighbors. Thus, for the aforementioned reasons, the petitioners are seeking to locate a driveway on their own property. At the same time, in deference to the condominium unit owners, they have agreed to discontinue the use of the existing easement.

2. Proposed Driveway.

A. Restrictions on Lot 40.

Attached hereto as Exhibit C is a copy of my memorandum to the members of the Land Use Committee (as well as Aldermen Ciccone and Leary and staff) dated August 18, 2014. This memorandum discusses the applicable restrictions at length, and includes copies of the operative documents. In essence, there are two restrictions on Lot 40, namely (1) that no structure shall be erected thereon, and (2) that Lot 40 shall not be further subdivided.¹ There is nothing in the prior Board Order (#127-80, 127-80(2)) or the Conservation Restriction (copies of both of which are attached to the memorandum) which would prohibit a driveway since a driveway is not a structure under the Newton Zoning Ordinances. Additionally, a driveway does not create a subdivision.

B. Need For a Driveway.

While the petitioners do not have an absolute right to have a garage and a driveway on their property, the request for the same would seem to be reasonable, especially given the size of the locus (i.e., in excess of 93,000 square feet). The proposed addition would accommodate a conforming three-bay garage. The petitioners have four children, none of whom are driving as yet, but the oldest of whom will be driving relatively soon, to be followed by the others. The petitioners need a way to get to the garage, and hence the proposed driveway.

C. Design of Driveway.

The petitioners have retained Cindy Brockway, a nationally renowned historic landscape specialist from Maine, to design the driveway and associated landscaping. Ms. Brockway proposed locating the driveway in such a manner as to preserve the existing landscaped area to the east of the house. Ms. Brockway has articulated the proposed design in a letter dated July 23, 2014, a copy of which is attached hereto as Exhibit D. In her letter, she notes that the proposed design mirrors the design used for parks and estates in the nineteenth century, noting that "...driveways were pushed to the edges of the property, meandering through a tree belt as they wound their way to service yards and fields." Her letter goes on to state: "This driveway design does not

¹ The prior Board Order also prohibits any dumpsters on Lot 40.

interrupt the open views to the house across the east lawn, protects the specimen oak tree that dominates the east side of the house, and follows the smaller drop in elevation of the hillside. In its layout and landscape treatment, this driveway mirrors the traditional circulation systems of driveways and carriage paths of the 1870's Victorians."

Andrea Kelley, whom the petitioners have retained to work with Ms. Brockway in order to have a local presence, concurs with the proposed design, which is shown on the revised driveway and tree removal plan, a copy of which is attached hereto as Exhibit E. The driveway plan indicates that the upper portion of the proposed driveway will be crushed stone with a cobble edge to match the existing driveway leading to the main entrance to the house. Once the proposed new driveway reaches the far side of the wooded area, its surface will change to pigmented concrete with a granite curb and it would be heated from that point onward.

Attached hereto as Exhibit F is a copy of a letter from Timothy J. Cutler, President of T's Plumbing and Heating, Inc. The surface temperature of the driveway when heated is between 34-36 degrees F, which melts snow on contact. When temperatures are above 32 degrees F or there is no moisture in the air, the system will be off.

D. Loss of Trees.

Four trees with a diameter of 8" or more will be removed as part of the proposed improvements at the site, as noted on Exhibit E. Marc Welch, the city's Director of Urban Forestry, after reviewing the plans and visiting the site twice, has confirmed his support for the proposed landscape plan. He indicated that the three trees with a diameter of 8" that are proposed to be removed from the path of the driveway are in decline and he has no issue with their removal. The petitioners have agreed, at the recommendation of Mr. Welch, to retain a certified arborist to ensure the long-term health and prosperity of the trees and other vegetation on the property. The certified arborist would be retained at an early date to oversee the construction of the proposed driveway.

E. Landscape Plan.

A copy of a revised landscape plan is attached hereto as Exhibit G.

F. Lighting.

A copy of the driveway lighting plan is attached hereto as Exhibit H.

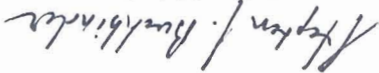
3. HVAC Unit.

The proposed HVAC unit will be located within the proposed addition and screened from view, at a distance of approximately 25 feet from the shared property line with the locus and

approximately 65 feet from the condominium building. A copy of a letter from Homans Associates is attached hereto as Exhibit H which describes the proposed unit. As noted in the engineering report, "[a]t 9 feet the condenser is around the sound level of normal conversation. At 30 feet the equipment will be compared to the sound of a refrigerator. At 65 feet the unit can be compared to a quiet house." It should be noted that there is a condenser located on the ground adjacent to the condominium building which is approximately 12 feet from the shared property line with the locus.

Please let me know if you or the other members of the Committee have further questions.

Sincerely,


Stephen J. Buchbinder

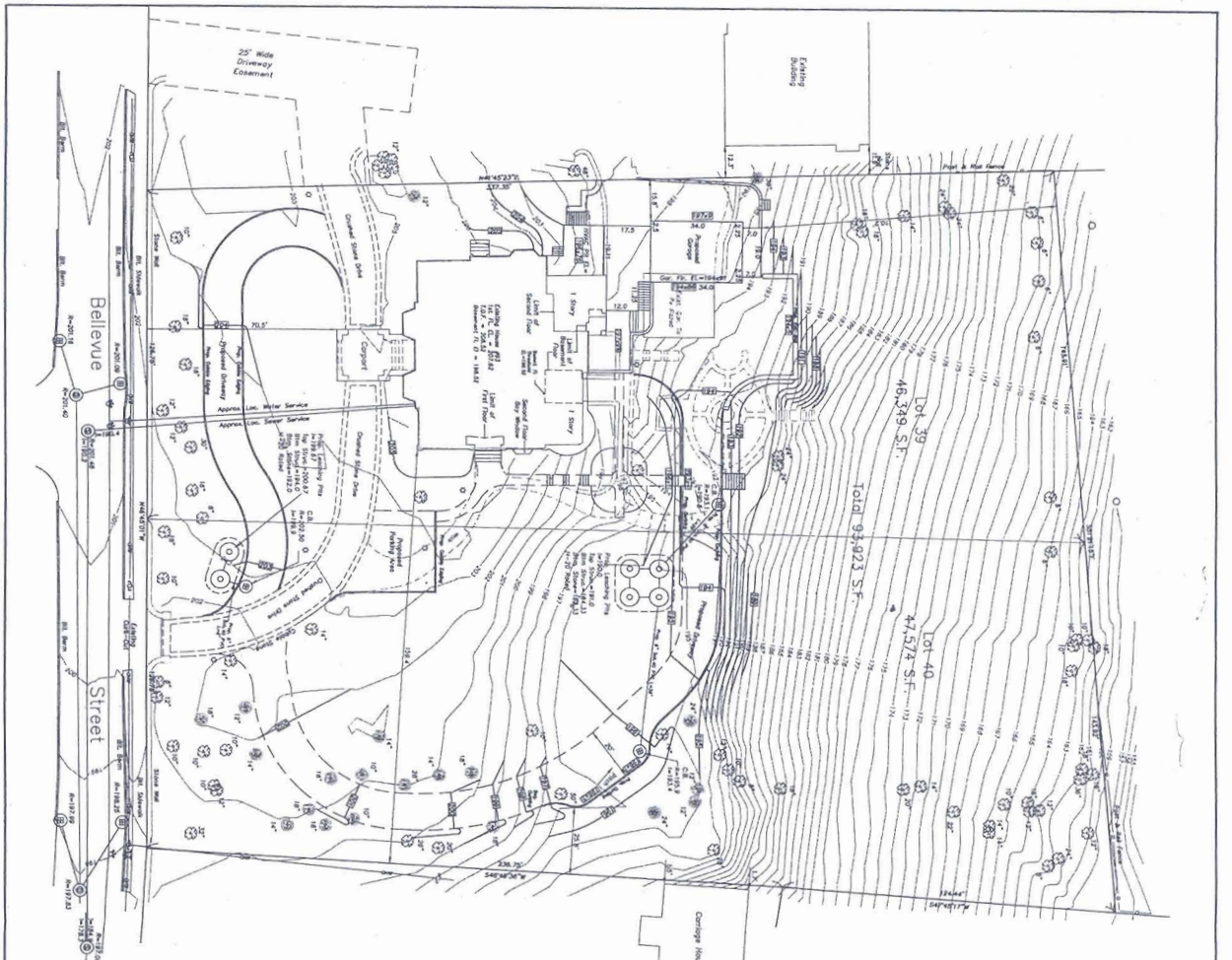
SJB/mer
enclosures

cc:

- (By Hand, w/enclosures)
- Alderman Scott F. Lennon
- Alderman Susan S. Albright
- Alderman James R. Cote
- Alderman John W. Harney
- Alderman Deborah Crossley
- Alderman Gregory Schwartz
- Alderman Richard Lipof
- Alderman Alison Leary
- Alderman Allan L. Ciccone, Jr.
- Ms. Linda Finucane
- Ouida C. M. Young, Esquire
- Ms. Alexandra Ananth
- Mr. Stephen Pantalone
- (By First Class Mail, w/enclosures)
- Mr. and Mrs. Michael Rashes
- Mr. David Boronkay
- Mr. Verne T. Porter, Jr.
- Ms. Lucinda Brockway
- Ms. Andrea Kelley

LIST OF EXHIBITS

- EXHIBIT A: Proposed Conditions Site Plan dated May 12, 2014, revised August 27, 2014 by Verne T. Porter, Jr., PLS
- EXHIBIT B: Easement Agreement and Plan
- EXHIBIT C: Memorandum from Stephen J. Buchbinder to members of the Land Use Committee (as well as Aldermen Ciccone and Leary and staff) dated August 18, 2014
- EXHIBIT D: Letter from Lucinda Brockway of Past Designs to members of the Land Use Committee dated July 23, 2014
- EXHIBIT E: Proposed Driveway and Tree Removal Plan dated August 29, 2014 by Past Designs
- EXHIBIT F: Letter from Timothy J. Cutler, President of T's Plumbing and Heating, Inc. to David Boronkay of Slocum Hall Design Group, LLC dated July 24, 2014
- EXHIBIT G: Proposed Landscape Planting Plan dated August 29, 2014 by Past Designs
- EXHIBIT H: Proposed Exterior Lighting Plan dated August 29, 2014 by Past Designs
- EXHIBIT I: Letter from Michael Gagner, Product Specialist with Homans Associates



Overhead Requirements Main House

Lot Area	Required/Allowed	Existing	Proposed
16,000 sq. ft.	34,823	34,823	34,823
Frontage	253.5'	203.5'	253.5'
Front Setback	30' Minimum	70.5'	70.5'
Side Setback	15' Minimum	34.5'	15.0'
Rear Setback	15' Minimum	19'	115.7'
Storeroom	2.5	3'	3'
Building Height	35' Maximum	42.24'	44.55m
Lot Coverage	20% Maximum	4.54%	7.25%
Open Space	65% Minimum	88.65%	78.22%

* Landmark Nonconforming as Average Grade Floor Reduced from 202.58 to 200.10

REVISIONS

DATE	DESCRIPTION
1-16-14	PRELIMINARY
5-27-14	FINAL



Note: Existing utilities shown are from field locations, outside plan from utility companies and City of Newton records. Conducted in the field by surveyors prior to 1979 construction.

~Proposed Conditions Site Plan~
 93 Bellevue Street
 Newton, Massachusetts
 Scale: 1"=20'
 May 12, 2014
 VERNIE T. PORTER Jr., PLS
 Land Surveyors - Civil Engineers
 354 Elliot Street Newton, MA 02464
 Drawing #1054500
 Checked By: _____
 Drawn By: _____



5:48 PM 1245 155E+10

BK 14628 PG 378

EXHIBIT

R10

NO, PETER ANASTOR and MICHAEL K. KHANNY, Trustees
 of the Bellevue Carriage House Trust of 150 Bodon Lane,
 Natick, Middlesex County, Massachusetts, under a Trust
 Agreement dated August 5, 1982 and recorded Middlesex
 South District Deeds, Book 1437B, Page 460, for consider-
 ation paid, and in full consideration of one and 00/100
 dollar (\$1.00) grant to Alfred N. Maddart of 718 High
 Street, Dedham, Norfolk County, Massachusetts, Trustee
 under a Trust Agreement dated August 1, 1972 and recorded
 in the Suffolk Registry of Deeds in Book 8582, Page 663,
 his heirs, executors, administrators, assigns and trans-
 ferees, rights of way and easements over that portion of
 the land of grantors marked right of way and flanking
 driveway, shown as lot 38 on Plan of Land in Newton,
 Mass., dated December 4, 1980 by John P. Hursey, Civil
 Engineer, recorded with Middlesex South District Registry
 of Deeds, Book 14250, Page 422, so as to provide access
 to lot 39 from Bellevue Street over said right of way
 and existing driveway, in common with the grantors for
 all purposes for which public ways are now or may here-
 after be commonly used in Newton, Middlesex County,
 Massachusetts. Said right of way and easement is
 created expressly to allow grantee, his executors, ad-
 ministrators, heirs, successors, assigns, transferees,
 guests and business invitees to pass and repass over the
 entire width and length of said right of way and easement

ment when proceeding to or exiting from the property
of said grantee from or to said Bellevue Street, Newton,
Massachusetts.

Neither grantor, grantee nor their respective
executors, administrators, heirs, assigns, transferees,
grantees and business invitees shall park motor vehicles
on said right of way and existing driveway which is part
of said easement.

Executed under seal this 10th day of April, 1982.

Trustee, Bellevue Carriage House Trust

Trustee, Bellevue Carriage House Trust

COMMONWEALTH OF MASSACHUSETTS

Michael, ss. March 11, 1982

Then personally appeared before me the above-named
PETER ANASTOS and MICHAEL K. KEARNEY, Trustees as afore-
said, who acknowledged the foregoing instrument to be
their free act and deed.

Notary Publics
My Commission Expires
9-30-81

LS

RECORDED, BOOK 47-512, PAGE 122
PLAN NUMBER 311

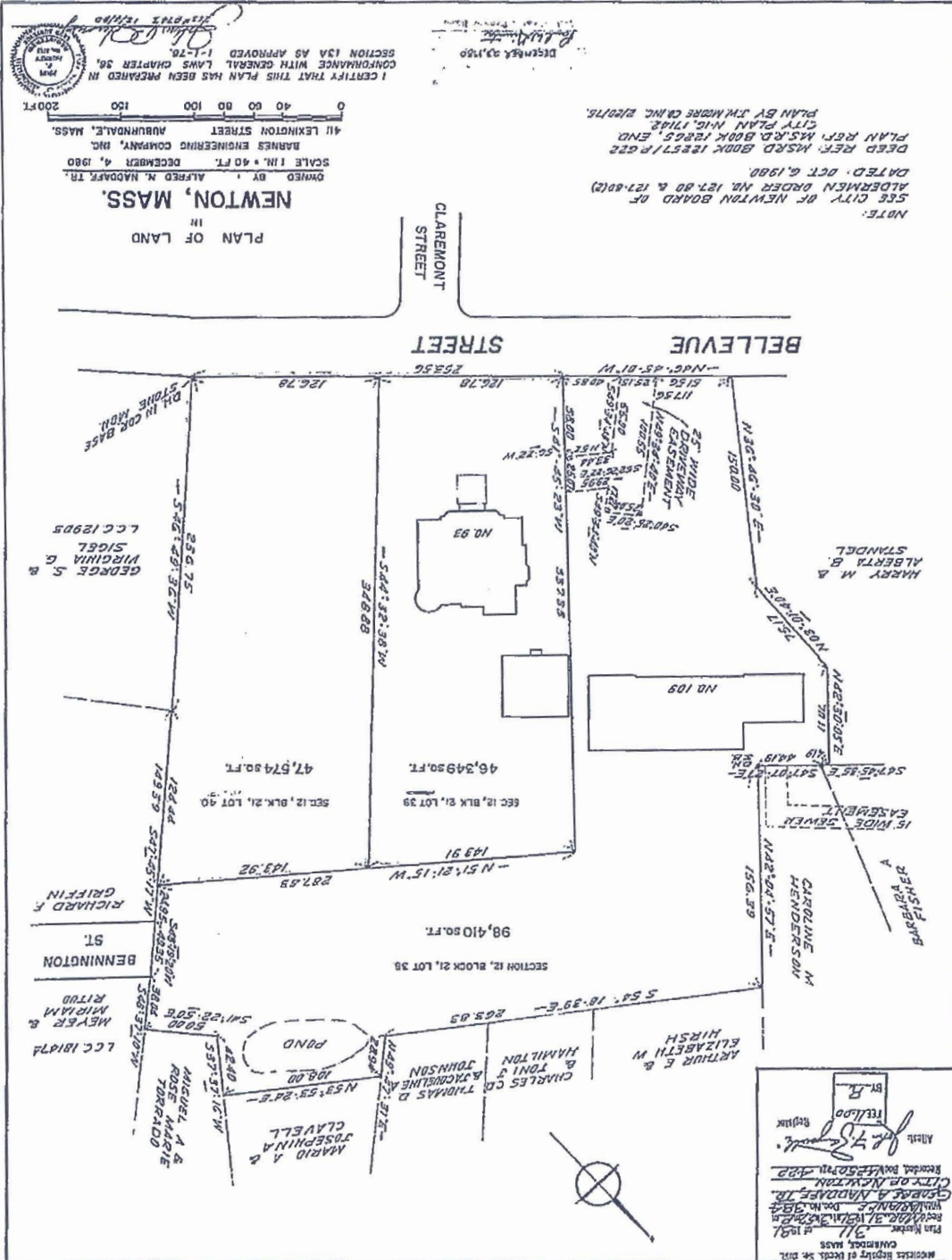


I CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN CONFORMANCE WITH GENERAL LAWS CHAPTER 26B, SECTION 13A AS APPROVED 1-1-76.

OWNED BY ALFRED N. MADDOX, INC.
SCALE 1 IN. = 40 FT. DECEMBER 4, 1980
BARNES ENGINEERING COMPANY, INC.
411 LEXINGTON STREET
AUBURNDALE, MASS.

NEWTON, MASS. PLAN OF LAND

NOTE:
5th CITY OF NEWTON BOARD OF ALDERMEN ORDER NR 127-80 & 127-80(2)
DATED OCT 6, 1980
DEED REF. M.S.R.D. BOOK 12871 P. 622
PLAN REF. M.S.R.D. BOOK 12865, END
CITY PLAN N.H.G. 7142
PLAN BY J.W. MOORE C.M.C. 2/20/75



Maple
By: *[Signature]*
FELIPE
RECORDS DEPARTMENT
CITY OF NEWTON
GEORGE A. MADDOX, JR.
REGISTERED PROFESSIONAL ENGINEER
No. 10,384
of 1981
Plan Number 311
COUNTY OF MIDDLESEX, MASS.



1200 WALNUT STREET
NEWTON, MASSACHUSETTS 02461-1267

TELEPHONE (617) 965-3500
FACSIMILE (617) 965-6824
OF COUNSEL
ROBIN GORENBERG

E-Mail: sjbuchbinder@sab-law.com

STEPHEN J. BUCHBINDER
ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
SHERMAN H. STARR, JR.
HEATHER G. MERRILL
PAUL N. BELL
KRISTINE H.R. HUNG
KATHERINE BRAUCHER ADAMS
FRANKLIN J. SCHWARZER
ACHAEL C. CARVER

By Hand and By Email

MEMORANDUM

To: Attached Distribution List

From: Stephen J. Buchbinder, Esquire

Re: Petition #229-14/93 Bellevue Street, Lot 40

Date: August 18, 2014

There seems to be some uncertainty as to the scope of the restrictions applicable to Lot 40. As you may recall, the locus is comprised of two lots, Lot 39 (on which the existing single-family residence is located) and Lot 40, which is landscaped but on which no structures exist. There are four documents of record which affect the use of Lot 40. I have attached copies of these documents for your information and review.

The first document is Board Order 127-80(2) (the "Board Order") which is recorded with the Middlesex South District Registry of Deeds (the "Registry") in Book 14250, Page 428. Condition #6 of the Board Order mandates that "...no structure shall be constructed on Lot 40...and Lot 40 shall not be subdivided." Condition #1a of the Board Order also required the recording of a separate instrument which prohibited the further subdivision of Lots 38, 39 and 40.

The other three documents comprise the so-called conservation restriction (the "Conservation Restriction"), which presumably satisfies the requirement of Condition #1a of the Board Order noted above. The first is recorded at the Registry in Book 14250, Page 426 and states, in pertinent part, that "...the Grantor) covenants not to subdivide Lot 38 (Carriage House) and Lot 39 (Riley House) and Lot 40 as long as the Carriage House contains more than one residence, in accordance with the Newton Subdivision Rules and Regulations." The terms of this restriction are repeated in another document recorded at the Registry in Book 14359, Page 538. The only differences between the first and second documents are that the names of the trustee and the names of the trusts have changed. The third document, recorded at the Registry in Book 14378, Page 459 and designated a "Confirmatory Conservation Restriction", states, in pertinent part, that

The use of the term conservation restriction is, I believe, somewhat misleading in this instance, and has undoubtedly contributed to some of the confusion surrounding this issue. Although a conservation restriction may serve other purposes, typically it has the explicit goal of protecting wetlands or a particular wildlife habitat.

"...the subdivision of Lots 38, 39, and 40 and construction of any structure on Lot 40" are subject to the conditions of Board Order 127-80(2)."

The effect of the Conservation Restriction as it relates to Lot 40 is to further memorialize the two restrictions set forth in the Board Order, namely the prohibition against (1) the erection of a structure on Lot 40, and/or (2) the further subdivision of the same.

It should be noted that the Conservation Restriction differs from the preservation restriction recorded at the Registry in Book 14250, Page 422 (the "Preservation Restriction") affecting Lot 38 (the Carriage House) and Lot 39. The Preservation Restriction, which was implemented pursuant to Massachusetts General Laws Chapter 184, Sections 31-33, was intended to "...protect the architectural integrity, basic topography and natural vegetation of a site historically significant for its architectural associations." The restrictions set forth therein, which include prohibitions against the excavation or removal of loam, gravel, rock or other mineral resources, or the destruction of trees or other vegetation, are completely different from the restrictions affecting Lot 40 as noted above. The provisions of the Preservation Restriction clearly could have been made applicable to Lot 40, but they were not. When the restriction governing Lots 38 and 39 (the Preservation Restriction) and Lot 40 (the Conservation Restriction) are compared, it seems clear that the goal of the Conservation Restriction was to prevent the development of Lot 40 for additional dwelling units.

There is nothing in either the Board Order or in the Conservation Restriction which would prohibit a driveway, since a driveway is not a structure under the Newton Zoning Ordinances. Moreover, a driveway does not create a subdivision. I do believe, however, that the driveway requires the approval of the Board of Aldermen. Since the driveway constitutes a change to the previously approved site plan, an amendment of the Board Order would be necessary.

Distribution

- Alderman Marc C. Laredo
- Alderman Gregory R. Schwartz
- Alderman Scott F. Lennon
- Alderman Susan S. Albrigth
- Alderman James R. Cote
- Alderman John W. Harney
- Alderman Deborah Crossley
- Alderman Richard A. Lipof
- Alderman Allan L. Ciccone, Jr.
- Alderman Alison M. Leary
- Ms. Linda Finucane
- Ms. Alexandra Ananth
- Mr. Stephen Pantalone
- Ouida C. M. Young, Esquire

This is a preliminary building plan for a building to be located on the site of the former building of the City of New York, located at the intersection of the East River and the East River. The building is to be a multi-story building and is to be used for office purposes. The building is to be constructed of steel and concrete and is to be designed to meet the requirements of the City of New York Building Code. The building is to be located on the site of the former building of the City of New York, located at the intersection of the East River and the East River.

Approved, subject to the following conditions:

1. The building shall be constructed in accordance with the requirements of the City of New York Building Code.

2. The building shall be constructed of steel and concrete.

3. The building shall be designed to meet the requirements of the City of New York Building Code.

4. The building shall be located on the site of the former building of the City of New York, located at the intersection of the East River and the East River.

5. The building shall be used for office purposes.

6. The building shall be constructed in accordance with the requirements of the City of New York Building Code.

7. The building shall be constructed of steel and concrete.

8. The building shall be designed to meet the requirements of the City of New York Building Code.

9. The building shall be located on the site of the former building of the City of New York, located at the intersection of the East River and the East River.

10. The building shall be used for office purposes.

11. The building shall be constructed in accordance with the requirements of the City of New York Building Code.

12. The building shall be constructed of steel and concrete.

13. The building shall be designed to meet the requirements of the City of New York Building Code.

14. The building shall be located on the site of the former building of the City of New York, located at the intersection of the East River and the East River.

15. The building shall be used for office purposes.

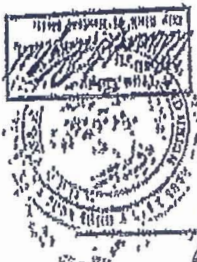
#127-00
 #127-00(2)

CITY OF NEW YORK
 IN FRONT OF SENATOR
 DECEMBER 6, 1980

BK 4280 PG 428

1. The Commission is composed of the following members: [illegible]
 2. The Commission shall have the honor to receive the following members: [illegible]
 3. The Commission shall have the honor to receive the following members: [illegible]
 4. The Commission shall have the honor to receive the following members: [illegible]
 5. The Commission shall have the honor to receive the following members: [illegible]
 6. The Commission shall have the honor to receive the following members: [illegible]
 7. The Commission shall have the honor to receive the following members: [illegible]
 8. The Commission shall have the honor to receive the following members: [illegible]
 9. The Commission shall have the honor to receive the following members: [illegible]
 10. The Commission shall have the honor to receive the following members: [illegible]

BK14260 PC42B
 1127-0023
 1127-0023



October 1980
City of New York
Department of Planning

The undersigned hereby certifies that the foregoing copy of the decision on the application for a Special Use Permit is a true and correct copy of the decision on the application for a Special Use Permit as shown on the attached copy of the decision on the application for a Special Use Permit and the City Clerk's Office.

Approved: _____
City Clerk

Approved: _____
October 1980

Planning Department
City of New York
115 West 57th Street
New York, NY 10019

- 1. The application for a Special Use Permit was submitted in accordance with the provisions of the City Charter and the City Code.
- 2. The application was reviewed by the City Planning Commission and the City Council.
- 3. The application was approved by the City Planning Commission and the City Council.
- 4. The application was approved by the City Planning Commission and the City Council.

14

~~My commission expires 12/31/82~~
~~Commissioner of the State Police~~

acknowledged the foregoing instrument to be his free and voluntary act and deed, before me
from personally appeared the above named Alfred N. Maddell, Jr., and
Middletown, New Jersey, on June 15, 1972

COMMISSIONER OF SUPERVISION

~~Alfred N. Maddell, Jr.~~
~~Commissioner of Supervision~~

the General Law.
commissioner in accordance with conditions organization pursuant to Chapter 120A of
tion, Job 38 (the Curragh House) shall be permitted to be converted into six (6)
more than one residence, in accordance with the Newton Subdivision Rules and Regula-
tions) and Job 38 (the Curragh House) and Job 40 as being in the Curragh House contain
incurious and assign, (the General) covenants not to subdivide Job 38 (Curragh
and recorded in the Suffolk County Registry of Deeds in Book 8882, Page 63, and ten
Alfred N. Maddell, Jr., trustee of an unexpired trust agreement dated August 1, 1972

COMMISSIONER OF SUPERVISION ON (CURRAGH HOUSE), JOB 38
AND JOB 39 (HARRY HOUSE) AND JOB 40, NEWTON, MASS.

5

BR 14359 P0538

11-25-81 10 1225 2058-4-81

25

...the following conditions shall be observed...

- 1. No trees, grass, gravel, and, rock or other material resources or material deposits shall be removed from and parcel in such a way as to exceed the surface of the property.
- 2. No trees, grass, gravel or other vegetation shall be cut or otherwise destroyed.
- 3. In order that the unique archeological sites of the Carnegie House be permanently preserved in perpetuity, no substantial alteration or the fabric of the building shall be undertaken without the approval of the Historic Preservation Commission.
- 4. The request for approval of the Historic Preservation Commission shall be accompanied by a detailed site plan showing the location of the proposed work and the location of the existing structures.

TERMS OF THE PRESERVATION RESTRICTION FROM A PORTION OF THE LAND OF THE CITY OF PITTSBURGH

Article 1



PAST DESIGNS
53 HIGH STREET KENNEBUNK, ME 04043
207 985 4326
WWW.PASTDESIGNS.COM

Land Use Committee
Newton Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton MA 02459
July 23, 2014

Members of the Land Use Committee:

I am pleased to present the proposed landscape plans for 93 Bellevue Avenue, Newton. The landscape plan has been developed with four goals in mind:

1. Respect the historic character of the property (house built 1875) and its surrounding neighborhood.
2. Be sensitive to the existing site features.
3. Meet the needs of the client and the family's use of the property.
4. Respect the safety considerations and other legal and conditional terms of the property.

The enclosed plans have been developed with respect to these conditions and in concert with the client, the architect, and the project team. For purposes of this description, project south is the street edge of the property. North is at the top of the drawings. The following paragraphs outline the ways in which the proposed landscape plans have been prepared with respect to these considerations.

Landscape Design

Victorian landscape designs in the greater Boston area followed the aesthetic concepts of the English landscape school, which promoted "nature enhanced" landscape designs. Boston area parks, cemeteries and rural estates developed this tradition for curvilinear (instead of straight) lines, and meandering paths and driveways that enhanced the natural and scenic views of the property. Except for the main entry turnaround, driveways were pushed to the edges of the property, meandering through a tree belt as they wound their way to service yards and fields. After 1850, expanses of open lawns, which now could be mown, provided the site and setting for the house. Specimen trees, urns and ornamental flower beds broke the greenswards in key locations to enhance views from the primary rooms of the house.

The proposed landscape plan respects these historic traditions and the existing character of the property. The sloped nature of the site demands careful consideration in planning the driveway and garden designs. The only flat lawn areas exist on the east side of the house; the rest of the site is characterized by dramatic slopes that fall away from the main house and provide beautiful views down onto the lower lawns. There is limited

space between the main house and western property line, affording room enough for a small garden area and path to access the doors on this side of the house.

Trees and Plantings

The many large trees that dominate the site are a significant asset and were carefully considered in all aspects of the landscape design. Out of 1,338" of trees over 8" DBH, the design requires the removal of 4 trees, a total of 108" DBH (8% of the total tree inches current on the property). One of these trees, a 50" ash is in significant decline. Two hemlocks are part of the wooded over-story on the east side of the property. These trees were not specimen trees, significantly impacted by the close proximity of the plantings in this area. With the threat of woolly adelgid that plagues this species, they were considered to be of limited landscape value to the existing property features. One 30" maple that currently grows along a lower path off the northeast corner of the house is to be removed to allow for the alignment of the new garden design.

A narrow tall evergreen hedge is proposed for the western property boundary. The narrow spatial limitations and existing plantings were carefully considered in building this privacy screen. The eastern property boundary is characterized by mixed evergreen (pine, hemlock) and deciduous trees (maple, ash, ornamentals) planted as a woodland border. The proposed plan calls for adding several additional trees and understory shrubs to this mix, to provide a new generation of trees to continue the wooded feel and to add seasonal ornamental interest to the understory.

At the front of the house some existing shrubs (rhododendrons and small dogwoods) will be relocated to accommodate the new driveway turnaround. These shrubs will be relocated nearby in the existing border plantings, screening the house and the front yard from view of the street.

The lawn areas are broken with existing and new specimen trees, placed to enhance views from the primary house windows. Ornamental garden beds break the lawn at the porte cochere and in the small garden off the northeast corner of the house. North of the driveway the lawn drops dramatically down the hillside, following the existing site contours, to the rear of the property. A low hedge separates the garden from the driveway and rear parking court. Specimen shade and ornamental trees add seasonal interest and define the edges of the garden area.

Driveway

An entry turnaround under the porte cochere provides access to the front door. The small guest parking area near the side entrance is an expansion of existing site parking in this location. The client hoped to eliminate the existing right of way exit out of the property at the front of the house, so the entry drive turns back in a long oval sweep across the front yard. Its layout mirrors other period driveway designs for Boston suburban estates of the 1870s. The driveway continues through the trees along the edge of the property eventually turning across the existing crest of the slope into the rear garage and service courtyard.

This driveway design does not interrupt the open views to the house across the east lawn, protects the specimen oak that dominates the east side of the house, and follows the smaller drop in elevation of the hillside. In its layout and landscape treatment, this driveway mirrors the traditional circulation systems of driveways and carriage paths of 1870's Victorians.

Lighting

There are currently 6 post lights along the existing driveway and pedestrian paths. These lights are approximately 18" Colonial lantern-style luminaires set on 6' posts. We are proposing to remove these fixtures and replace them with a total of 8 new lights consisting of 7'6" black Victorian iron posts with Victorian frosted globes. The lights have been placed well within the confines of the property to not spill any light onto adjacent neighbor's properties. These lights have been selected to enhance the 1870's Victorian aesthetic and to complement the house fixtures.

I am happy to answer any questions you may have about details of the proposed landscape design. Thank you for your thoughtful considerations of these details.

Sincerely yours,


Lucinda A. Brockway
Past Designs LLC

Rashes Residence
 93 Bellevue Street
 Newton MA

**Proposed Driveway
 & Tree Removal
 Plan**

Base: Existing Conditions
 Site Plan

Verne T. Porter Jr. LITS
 9.9.13 Rev. 10.25.13

For Client Review



Sheet: PD-L1
 Date: Rev. 8.29.14
 Rev.

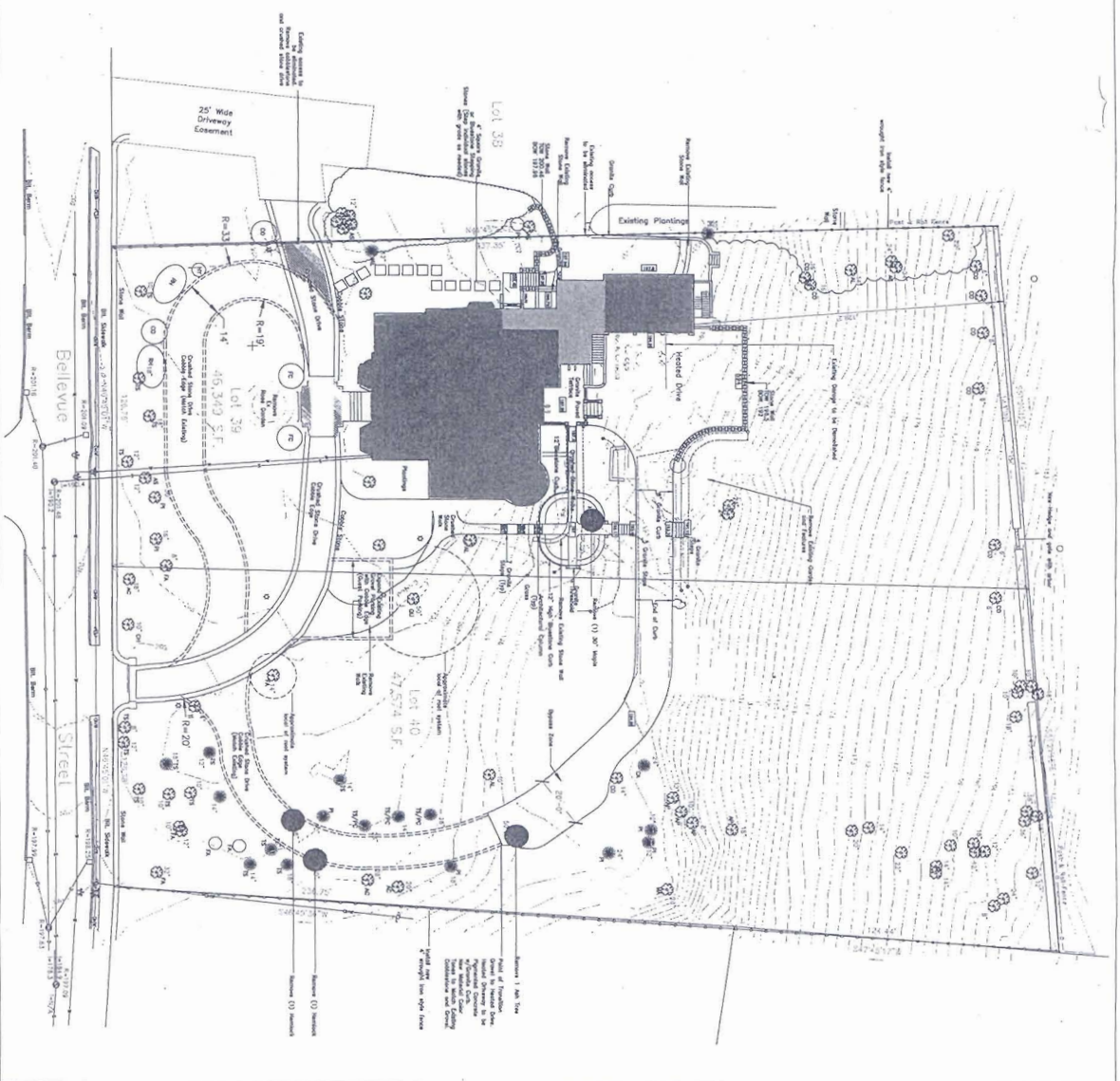
Notes

House plans provided by
 Secum Hall Design Group

Part Designs
 53 High Street
 Kancamak, MA 04043
 207-985-4326
 www.partdesigns.com

- EXISTING TREES
- AL ACER SACCHARUM
 - AL ALBIZIA JULIBRISSIN
 - AP ACER PLATANOIDES
 - AS ACER SACCHARINUM
 - CA CATALPA SPECIOSA
 - CO CORNUS FLORIDA
 - FA FAGUS SYLVATICA
 - FC FAGUS S. COLUMNARIS
 - FR FRAXINUS AMERICANA
 - HY HYDRANGEA P.G. TREE
 - IL ILEX OPACIFOLIA
 - PI PINUS SYLVESTRIS
 - QU QUERCUS ALBA
 - RH RHODODENDRON CALAWENSE
 - TL TILIA AMERICANA
 - TS TSUGA CANADENSIS

- Trees to be Removed:
- 1 50" Fraxinus americana
 - 1 30" Acer rubrum
 - 1 18" Tsuga canadensis
 - 10 10" Tsuga canadensis





TJS PLUMBING AND HEATING, INC.

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tcutler@tjsradiantheat.com
www.tjsradiantheat.com

Thursday, July 24, 2014

David P. Boronkay
Principal
Stocum Hall Design Group, LLC
Architecture + Interior Design

David,

I will do my best, in this letter, to explain how snowmelt systems work so that concerned neighbors understand that there isn't an adverse affect on the environment.

The heated driveway is insulated below with 2 inches of foam, which directs the heat in an upward direction causing only the slab to melt.

The driveway will only melt when temperatures are below 32 degrees F and moisture is detected in the air. So, the majority of the time, the system is off. The surface temperature of the slab is between 34-36 degrees F. This melts the snow on contact. You will find all areas outside of the melted area will have snow on them indicating that the ground below is still frozen. This also indicates that the snowmelt system has not changed the earth's temperature outside of the footprint of the driveway.

I strongly recommend a concrete base for the driveway. This will enhance the transfer of heat to the top of the slab. There are several options available for stamping the concrete that would help maintain the integrity of the property. I have attached a link from our website that shows all the areas outside the melted surface covered in snow!

<http://www.tjsradiantheat.com/services/radiant-heat/snowmelt/>

If there is anything else I can do to help, please let me know.

Thank you.

Timothy Cutler

Timothy J. Cutler, President
TJS Plumbing and Heating, Inc.

Rashes Residence
93 Bellevue Street
Newton MA

Proposed
Exterior
Lighting

Base: Existing Conditions
Site Plan
Verne T. Porter Jr. LTS
9.9.13 Rev. 10.25.13

For Client Review



Sheet: PD- L3
Date: Rev. 8.29.14
Rev:

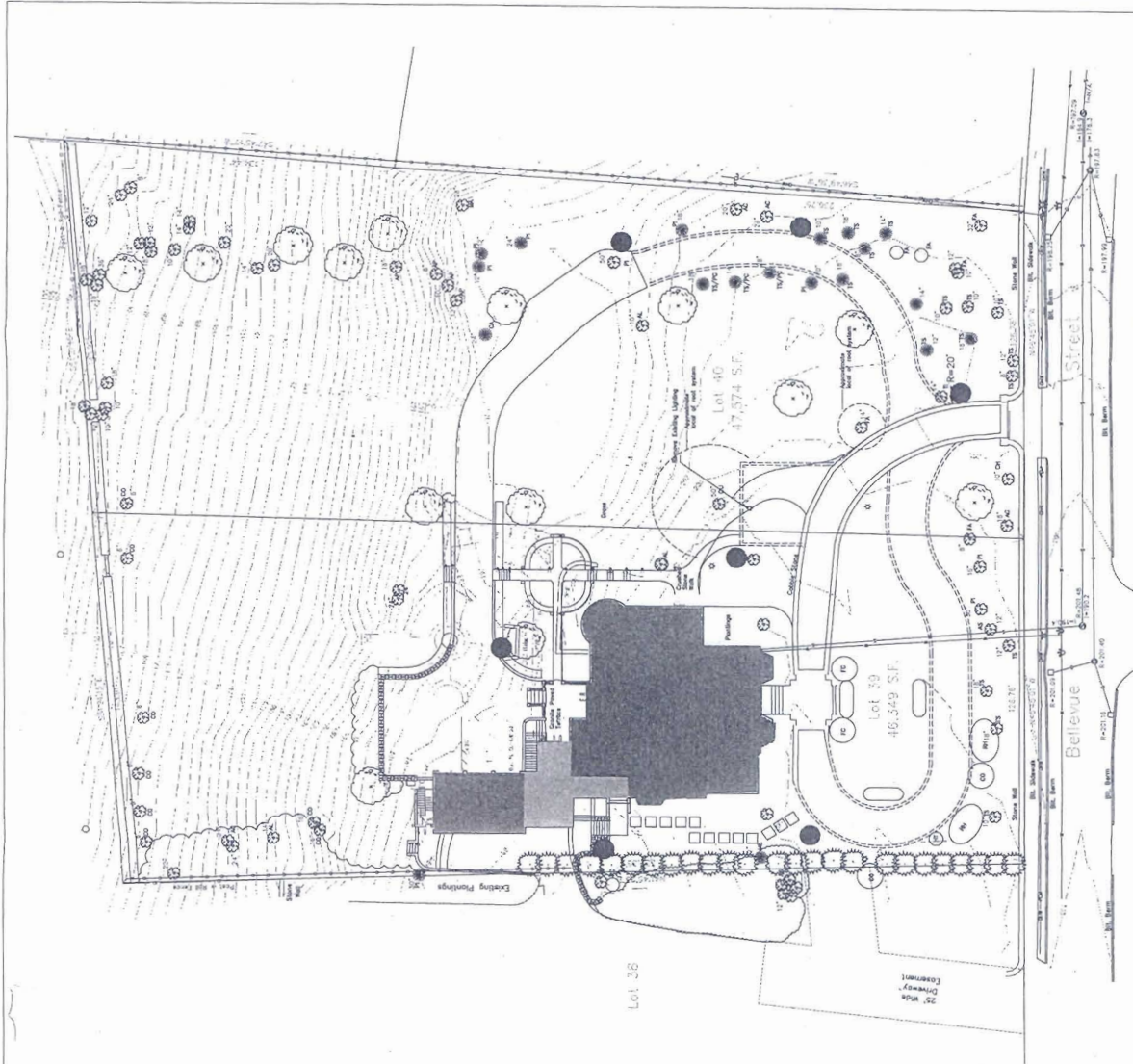
Notes

House plans provided by
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53 High Street
Kennebunk ME 04043
207-985-4326
www.pastdesigns.com

1	MANUFACTURER'S LIGHT SYMBOLS	SEE
2	EXISTING LIGHT SYMBOLS	2
3	EXISTING LIGHT SYMBOLS	3
4	EXISTING LIGHT SYMBOLS	4
5	EXISTING LIGHT SYMBOLS	5
6	EXISTING LIGHT SYMBOLS	6
7	EXISTING LIGHT SYMBOLS	7
8	EXISTING LIGHT SYMBOLS	8
9	EXISTING LIGHT SYMBOLS	9
10	EXISTING LIGHT SYMBOLS	10



To Whom It May Concern,

Please find below the data for the Mitsubishi outdoor unit that will be located at the residence at 93 Bellevue in Newton, MA.

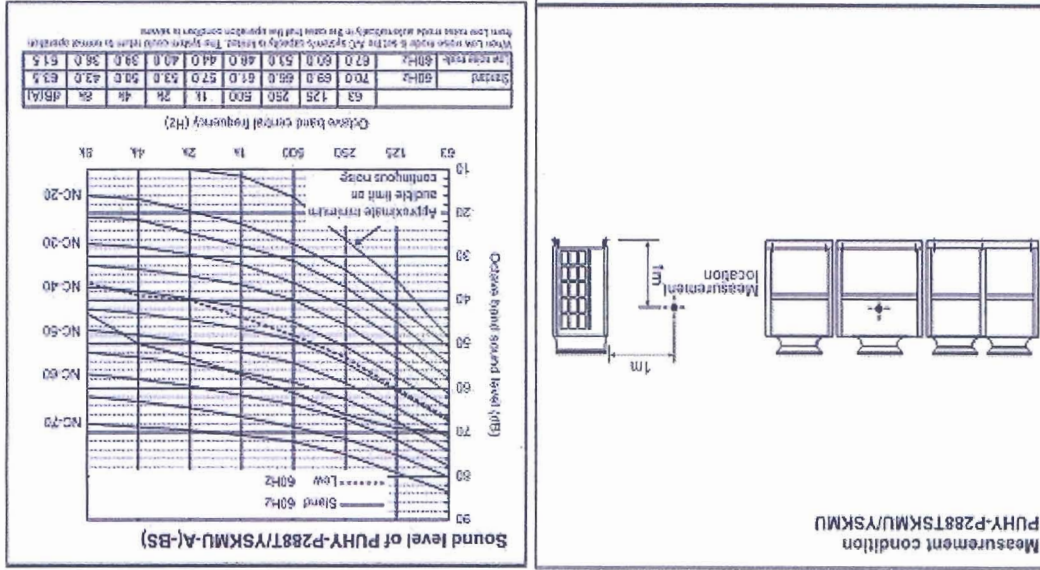
Mitsubishi units have been installed all over the Northeast Region. More and more of these units are being installed within feet of sitting and or picnic areas. The overall efficiency and inverter technology of these units make them extremely quiet compared to traditional units of the past.

Below is an example of the sound data that was tested at full load. The rating will be less most of the time since the unit will not be running full load, due to the inverter in the unit:

The testing for the sound data is taken approximately 3 feet from the front of the unit. See Figure 1.

Figure 1:

Testing Area and Sound Data from the Engineering Manual:



The data that is provided for the Octave Band Frequency is then inputted into a standard sound calculator. Below is the sound data inputted into the calculator. The calculator displays the sound dB rating of the unit at 9, 30 and 65 feet away from the testing point.

RI = Tested at 1 meter
 R2 = Distance from testing point
 N = Number of units
 Orange = Sound data from engineering manual
 Green = Actual dB rating

At 9 Feet:

93 Bellevue	24 ton Mitsubishi Unit	3.28	m or ft
RI (tested sound level)		9	m or ft
R2 (distance in/outed)		1	Units

Pressure	Actual db re .0002 Microbar @ R2'	61.2	60.2	57.2	52.2	48.2	44.2	41.2	34.2
Given from Sound Data sheet	Standard Mode 60 Hz dB(A)	70	69	66	61	57	53	50	43
		63	125	250	500	1K	2K	4K	8K
Octave Band Central Frequency (Hz)									

At 30 Feet:

93 Bellevue	24 ton Mitsubishi Unit	3.28	m or ft
RI (tested sound level)		30	m or ft
R2 (distance in/outed)		1	Units

Pressure	Actual db re .0002 Microbar @ R2'	50.8	49.8	46.8	41.8	37.8	33.8	30.8	23.8
Given from Sound Data sheet	Standard Mode 60 Hz dB(A)	70	69	66	61	57	53	50	43
		63	125	250	500	1K	2K	4K	8K
Octave Band Central Frequency (Hz)									

At 65 Feet:

93 Bellevue	24 ton Mitsubishi Unit	3.28	m or ft
RI (tested sound level)		65	m or ft
R2 (distance in/outed)		1	Units

Pressure	Actual db re .0002 Microbar @ R2'	44.1	43.1	40.1	35.1	31.1	27.1	24.1	17.1
Given from Sound Data sheet	Standard Mode 60 Hz dB(A)	70	69	66	61	57	53	50	43
		63	125	250	500	1K	2K	4K	8K
Octave Band Central Frequency (Hz)									

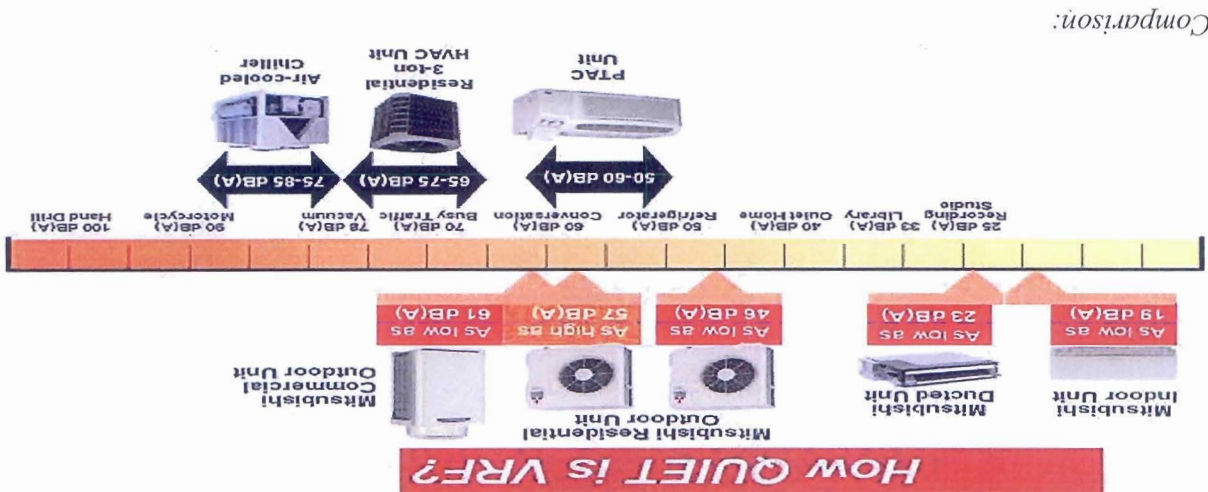
250 Ballarvale Street
 Wilmington, MA 01887

Phone: 978.988.9692
 Fax: 978.988.1420

www.homans.com

The calculated sound information above can be compared to other sound levels using Figure 2. At 9 feet the condenser is around the sound level of conversation. At 30 feet the equipment will be compared to the sound of a refrigerator. At 65 feet the unit can be compared to a quiet house.

Figure 2:



Comparison:

We can compare a Mitsubishi condenser with a 4-ton conventional condensing unit. A Mitsubishi has a sound level rating of 63.5dB and as seen from the chart below a 4-ton unit will have a rating of 75.

A-WEIGHTED SOUND POWER (dBA)



NOTE: Tested in accordance with ARI standard 270.95. (Not listed with ARI.)

UNIT SIZE-SERIES	STANDARD RATING	125	250	500	1,000	2,000	4,000	8,000
018-33	68	50.0	56.5	61.0	63.5	69.0	54.5	45.5
024-34	71	55.0	64.7	64.6	64.4	69.5	54.5	49.1
030-33	70	56.5	59.0	61.5	61.5	60.0	55.0	47.5
036-34	73	55.0	65.0	65.5	66.0	63.5	56.0	52.0
042-34	72	62.5	63.5	66.0	66.0	63.0	58.0	52.5
048-36	75	59.2	67.4	68.8	69.0	67.5	62.0	58.1
060-34	76	60.0	66.0	70.0	70.0	68.0	63.0	54.0

TYPICAL OCTAVE BAND SPECTRUM (without tone adjustment)

Also a very important note to figure in, the Carrier unit is a 4-ton conventional condenser compared to the Mitsubishi Unit that is 24 tons, 6 times the capacity.

Michael Gagner
Product Specialist
Homans Associates



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