

May 2, 2017

SENT VIA EMAIL TO:  
nkhan@newtonma.gov  
AND IN-HAND TO

Marc C. Laredo, Chairman  
The Land Use Committee  
City of Newton  
1000 Commonwealth Ave.  
Newton, MA 02459

Re: Patrick J. Slattery/P&K Realty Trust II - Objections to Washington Place

Dear Chairman Laredo:

This office represents Patrick J. Slattery and the P&K Realty Trust II. As you may know, Mr. Slattery owns the property known as and numbered 227 Walnut Street in Newton. His property is a direct abutter to the properties commonly referred to as the "Orr Block" in Newtonville upon which the developer, Mark Newtonville LLC (the "Developer"), seeks (i) a zoning change, and (if approved) (ii) several special permits, as well as (iii) site plan approval, to construct the development known as "Washington Place." The Trust owns the property known as and number 221 Walnut Street in Newton. Its property lies within 300 feet of the "Orr Block," and is an abutter to an abutter to the proposed development site.

Both Mr. Slattery and the Trust have several concerns about the proposed zoning change, the Developer's application for special permits, and its request for site plan approval. Several of these concerns were set forth in my letters to the Land Use Committee, dated January 12, 2017, and January 31, 2017, and remain open and unresolved. Mr. Slattery's additional concerns are set forth in bullet-points below. He kindly asks that this Committee publicly address them before issuing any recommendation to the Newton City Council on the above-referenced matters.

1. The proposed vehicular ingress and egress point for Washington Place at 227 Walnut Street: As you may know, this access point as presently proposed will run parallel to an existing driveway that serves the Carriage House located at 227 Walnut Street and is separated by fence. It is also situated less than forty-five (45) feet from the main house on the property. Accordingly, Mr. Slattery is not only concerned about the inadequacy of site-lines for vehicles entering and exiting Washington Place at this location (including, but not limited to large trucks using this access point to make deliveries to the project



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site), he is also worried about the noise created by these truck at night and during the early morning houses, as well as fumes generated by these vehicles (which pose a threat to the health, safety and welfare occupant of the Carriage House and main house). As such, he asks the Land Use Committee to compel the Developer to relocate this access point to a more appropriate location abutting Washington Street (i.e. the location where as it was depicted in the Developer's original plan for Washington Place).

2. The proposed underground garage ingress and egress point for Washington Place: Mr. Slattery is concerned that the pitch of the ramp for the underground garage will cause headlights from exiting vehicles, and tail lights from entering vehicles, to shine directly into the Carriage House on his property. He is also worried about the noise generated by these vehicles, as well as that created when the gate that will block the entrance for underground garage opens and closes. The screen proposed by the Developer is simply not an adequate solution. Accordingly, Mr. Slattery petitions the Land Use Committee to compel the Developer to relocate underground garage to a location where the noise, light and fumes created by it will not interfere with any abutters' ability to use and enjoy their property.
3. The proposed height of the building abutting 227 Walnut Street will cast an unreasonably large and lasting shadow on Mr. Slattery's property: As referred to in my letter to you, dated January 31, 2017, Mr. Slattery engaged AEI Consultants to review the "shadow study" that Developer commissioned Bohler Engineering to complete. According to the Bohler study, AEI confirmed that the proposed five (5) story structure that is to be built on the northeast corner of the project site will cast a day-long shadow over Mr. Slattery's entire property during winter months. AEI also confirmed that this building will cast a prolonged shadow over the carriage house located on his property during the spring and fall. As it evidences that the proposed height of the building in its present location will adversely affect Mr. Slattery's property, he asks that the Land Use Committee compel the Developer to redesign this portion of Washington Place to eliminate this harm – possibly by requiring the Developer to remove a story and provide a ninety (90) foot setback from Mr. Slattery's property.
4. The proposed roof deck on the building abutting 227 Walnut Street: The height of the building, and its proximity to Mr. Slattery's property, means that those situated on the proposed roof deck of the building located on the northeast corner of the project site will have a clear view into (i) the Carriage house, (ii) the main house, and (iii) Mr. Slattery's yard. This will eliminate all privacy on the property. Mr. Slattery is also concerned that noise generated by those using the proposed roof deck will fall directly onto his property. As such, the proposed roof deck is simply incongruous with the surrounding residences. Therefore, Mr. Slattery asks that the Land Use Committee compel the Developer to redesign this portion of Washington Place to eliminate it.

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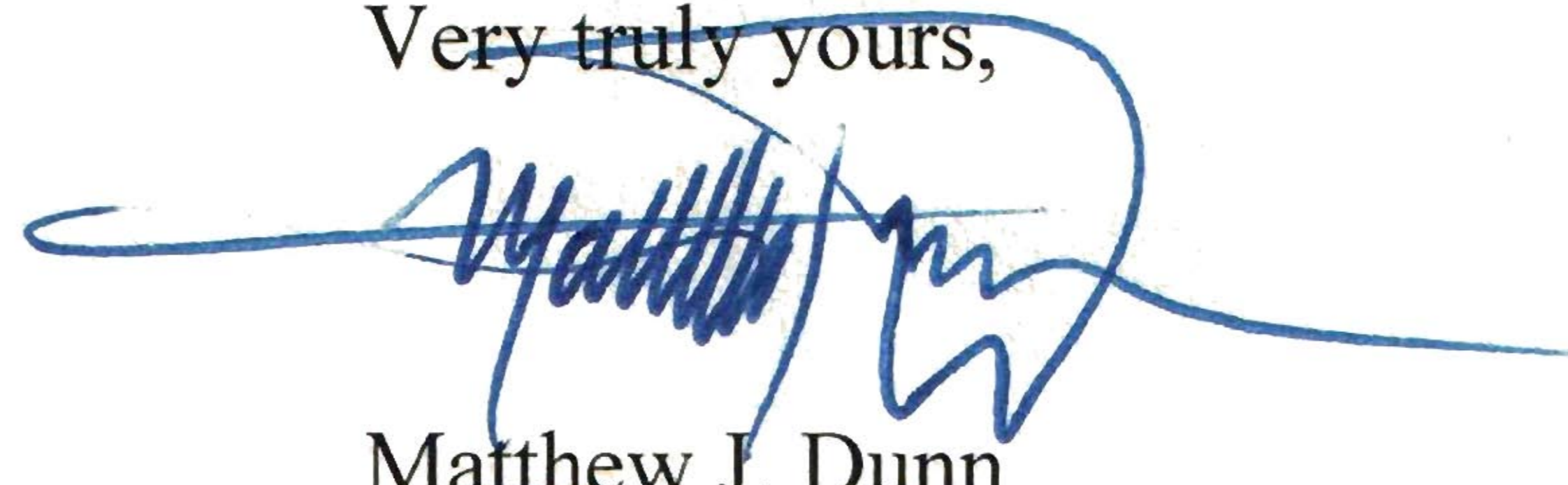


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- 5. Off-site parking: Given the number of residential units proposed by the Developer at Washington Place, it is reasonable to expect an increased demand for off-site parking in the area. However, the existing two (2) hour parking restriction on Walnut Street should not be compromised because it makes parking available to those visiting the area. As such, Mr. Slattery asks that the Land Use Committee to preserve the existing two (2) hour parking restriction on Walnut Street.

As the proposed changes set forth above, and those previously identified in my letters of January 12, 2017, and January 31, 2017, are reasonable in light to the potential harm to Mr. Slattery's property and the surrounding residential neighborhood as a whole, it is his hope that the Developer will adequately address each of them, and that this Committee will ultimately require that they be incorporated into any final plan for Washington Place.

Very truly yours,



Matthew J. Dunn

MJD  
*Encl.*  
Cc: client (w/out encl.) via email