

Continuation Sheet

The building and land at 556 Ward Street were used as a single family house from the time the lot was created in 1924 and the construction of the house and detached garage in 1923 until the petitioner and current occupant was given possession under a new lease by the new owner.

The current occupant since late 2005 is the Sephardic Congregation of Newton, Inc., which was incorporated as a charitable non-profit tax exempt religious organization on July 16, 2006. Its name is also "Beit Sasson". See Articles of Organization and Articles of Amendment.

There is a lease between the Congregation and the record owner Edmund I. Shamsi for an initial term of 10 years (up in 2016) with two additional ten year successive extension terms. As long as the lessee is not in default, the Congregation can unilaterally trigger each of the extension terms.

Because the Congregation does not own the fee of the land and buildings, which are in fact owned by an individual, the building and land are not exempt from real estate taxes, which the Congregation pays in behalf of the Lessor to the City.

Because of the nature of the Congregation as an organized non-profit religious institution, and because under the lease it occupies, controls and pays for all aspects of the building and land, i.e., maintenance, repairs, and replacement of the garage and primary building, and because the Congregation has control of the buildings and land essentially for 3 consecutive ten year terms, the use by the Congregation of the land and building fall within the non-profit religious exemption in MGL ch. 40A, §3.

PARKING

The calculations for existing and proposed uses under section 30-19(c)(3) are as follows:

<u>Original Use – single family house</u>	<u>spaces required</u>
section 30-19 requires 2 spaces per Unit	2
<u>Proposed-house of worship/place of public assembly</u>	
section 30-19 for place of public assembly	
1 space for every 3 seats where seating is not fixed	
94 seats in sanctuary ÷3=31.3 or 32 spaces	32 spaces
1 employee-i.e., the Rabbi @ 1 space for every 3 employees	1 space

Proposed use 33 spaces - 2 = 31 spaces required.
 5 on-site spaces provided
NET PARKING SPACES REQUIRING A WAIVER: 26

Note: section 30-19(provides that additional space within a house of worship/place of public assembly does not add to the total requirement for parking when the function space is not used concurrently with the sanctuary. That is typically when congregants and those clergy are worshipping in the sanctuary, the function hall is empty and when the worshipping phase is over the congregants and clergy move into the empty function hall.

Note: Similarly, when basement space is not used for functions but is the location for the young children of congregants while the service is ongoing upstairs in the main sanctuary and where the children are being watched and entertained by volunteers from the congregation, that also does not count against the parking

RECEIVED
 Newton City Clerk
 2014 OCT -9 PM 2: 12
 David A. Olson, CMC
 Newton, MA 02459

Note: Premises will not be used for: religious day school; afternoon religious school; day care center

The Congregation as applicant is a part of the Sephardic Orthodox branch of Judaism. Its members stem from those who were expelled from Spain in 1492 or had their ancestors raised in the Middle East centuries ago. As such it is a small minority of Orthodox Jews in the United States and particularly in the Northeast. There are differences in the customs and liturgy of those whose lineage stems from the Sephardic root as opposed to the majority of Orthodox Jews whose roots are from Central and Eastern Europe.

From 1987 to 2005 the Congregation was invited to have its own services in the basement of Beth El Atereth at 551 Ward Street, the number of its member families was relatively stable in the 30's and low 50's. When at the end of 2005 the owner of 556 Ward Street placed the house on the market and a congregant purchased it for the Congregation's house of worship. From 2005 through the present, the number of member families has been relatively stable in the low 50's, of which some member families are financial contributors but not uniformly active worshippers.

The Congregation is also Orthodox, meaning congregants walk, and do not drive, for Sabbath and Holiday services. This is also the key reason why the Congregation has limited choices to relocate out of Beth El's basement. Members of the Congregation for the most part buy their homes within a certain geographical walking distance from their Synagogue. Hence the importance and relevance to the Congregation when 556 Ward Street came on the market.

The following is the typically weekly use of the building:

Mon-Fri: services 6:30am-7:45am. 7-15 people. (people can drive, but the parking on site absorbs 80%-90%)

Fri: services at sundown for max one hour. 5-12 people. (people are not to drive)

Sat: services 8:30 am - 1:00 pm. 20-35 people. (people are not to drive)

services 5:00 pm-7:00 pm. 10-15 people (before sundown, people are not to drive)

Sun: services 8:00am-9:15am. 7-15 people. (people can drive, but parking on site absorbs 80%-90%)

Again, there is no on-site day care, and no on-site religious day school or after school.

What the impact would be on the neighborhood is the "impact" that has been generated from 1987 through the present, except that for almost 20 years it was within the building at 551 Ward (Beth El), and for the last eight years it has been within 556 Ward Street.

Since moving across the street to 556 Ward, the Congregation has enhanced the neighborhood by improving the building: the house was in dire need of renovations. The Congregation has completely renovated the front of the house, changing an ugly screened porch to a permanent sun room with new windows, changed a crumbling front staircase to a new stone staircase with safety railing, installed new columns and re-painted the whole exterior. All this while the exterior design and character of the building as a house was kept. In conversations with neighbors, the predominant neighborhood opinion was to keep the building looking like a house instead of an institution. And so the additions have been done in keeping with a residential appearance with a hint of Mediterranean!

Finally, when the Congregation moved 2006, it had let the immediate abutters in the neighborhood know about this. The Congregation has made significant efforts to be a good neighbor.