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April 26, 2013

Ms. Linda Finucane  
Board of Aldermen - Clerk's Office  
Newton City Hall  
1000 Commonwealth Avenue  
Newton Centre, MA 02459

RECEIVED  
Newton City Clerk  
2013 MAY - 1 PM 3:51  
David A. Olson, CMC  
Newton, MA 02459

Re: Application for Special Permit for 44 Sylvan Avenue, Ward 2

Dear Linda:

In behalf of our client, Arthur X. Duffy as Trustee of the 44 Sylvan Avenue Trust (owner and petitioner), we are filing for a special permit for the property at 44 Sylvan Avenue to allow a 3-car attached garage with a 953 gross square foot area (waiver of 700 gsf maximum area). The house is under construction as a by-right project at this time.

We enclose the following:

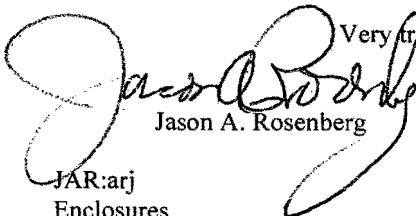
- a check for the filing fee of \$350.00 to the City of Newton
- 4 original executed special permit applications including decision of the Zoning Code Officer
- 15 sets of plans together with copies of the application
- CD with digital copies of the documents

We have filed a set of plans and the application with City Engineering, Fire, Planning and ISD.

We request that this be docketed for the June 11 public hearing.

Thanks as always for your assistance.

Very truly yours,



Jason A. Rosenberg

Laurance S.L. Lee

JAR:arj

Enclosures

Cc Aldermen Susan Albright, Marcia Johnson and Stephen Linsky  
Eve Tapper, Chief Planner for Current Planning  
John Lojek, Commissioner of Inspectional Services  
Assistant Fire Chief Paul Chagnon  
John Daghlian, Associate City Engineer  
Arthur X. Duffy, Trustee  
Michael Chase  
Michael McClung

Date: APR 26, 2013

**TO THE HONORABLE BOARD OF ALDERMEN  
City of Newton**

Ladies and Gentlemen:

The undersigned hereby makes application for permit to erect and use, to alter and use, or to make such use as may be hereinafter specified of building or buildings, at the location and for the purpose hereinafter specified under the provisions of Chapter 30 of the Revised Ordinances, 1984 (Zoning Ordinance) as amended, or any other sections, viz:

Petition for: Section 30-8(b)(7) – garage exceeding 700 sq. ft.;  
Section 30-24 special permit; and  
Section 30-23 site plan approval

Located as follows:

Street and Ward: 44 Sylvan Avenue,  
Section(s): 32  
Block(s): 53  
Lot(s): 51  
Approximate Square Footage of lot: 43,000.00+/- sq. ft. of land

To be used for: Single Family House

Construction: New construction of single-family house.

Explanatory remarks: Please See Rider

Land referred to is located in a Single Residence 1 Zoning District.

The undersigned agrees to comply with the requirements of the Zoning Ordinance and rules of the Land Use Committee of the Board of Aldermen in connection with this application.

Signature of Petitioners: [Handwritten Signatures]  
by Attorneys Jason Rosenberg and Laurance S. Lee:

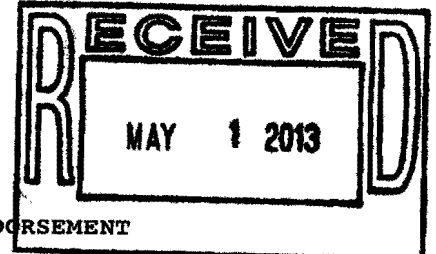
Addresses and Telephones of Petitioners:

Proposed Tenant: Arthur X. Duffy, Trustee of Sylvan Avenue Realty Trust  
c/o Rosenberg Freedman & Goldstein LLP  
246 Walnut Street, Newton, MA 02460

Attorney of Record: Jason Rosenberg and Laurance Lee  
Address and Telephone: Rosenberg, Freedman & Lee LLP  
246 Walnut Street, Newtonville, Ma 02460  
Tel. 617-964-7000, Fax 617-964-4025  
Email: llee@rfl-law.com

Name of Property Owner: Arthur X. Duffy, Trustee of Sylvan Avenue Realty Trust

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Rider to Special Permit Application

The property consists of 43,000 sq. ft. in an SR-1 zone. The previously existed house was demolished and a new house is currently being built under a by-right building permit. The by-right building provides for an attached two-car garage with the SAME footprint as the proposed 3-car garage. The only difference in exterior is simply between a regular door versus a garage door. Otherwise, the shape, size, scale, and mass of the house are all the same between the by-right development and the proposed special permit development.

The only special permit relief being sought is for the garage exceeding 700 sq. ft. with a proposed three-car garage of 953 sq. ft. under Sections 30-8(b)(7), 30-24, and 30-23.