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From: stevedorrie@comcast.net

To: dcrossley@newtonma.gov

Sent: Wed, 18 May 2011 13:12:25 -0000 (UTC)

Subject: 14 Roland Street : Land Use Committee

Ms. Crossley:

It appears that the comments and observations on the attached correspondence forwarded to the City Clerk as requested at the 5-10-11 meeting were not sufficient to question your conscience decision to approve the petitioner's request for a variance from the current applicable setback requirements.

As an Architect, you should have been well aware of many of the legitimate concerns and comments noted in the attached correspondence prior to approval and would hope that Inspectional Services will not overlook these concerns as well.

It also appears that the somewhat self serving notes from that meeting did not reflect the entire discussion that took place that evening as well, which was surprising to me since this was my first venture into Newton City Politics.

Any questions or comments please do not hesitate to contact me.

Thank you,

Steve Praught

100 Charlemont Street

Newton, ma. 02461

May 12, 2011

Ms. Linda Finucane  
Associate City Clerk, City of Newton  
1000 Commonwealth Avenue  
Newton Centre, Ma. 02459-1449

Re: Petition # 279-98 (2)  
14 Roland Street

Dear Ms. Finucane:

As a follow up to the 7:00 PM, May 10, 2011 Land Use Committee meeting and in response to the receipt of the following Drawings, which were received on that date I offer the following

Essex Engineering & Survey Inc, January 11, 2011, Progress Print  
ROBERTS Architecture & Design Drawings A-1, Proposed Floor Plan (4-20-10)  
ROBERTS Architecture & Design Drawings A-3, Proposed Elevations (4-20-10)

Several comments/observations as follows:

- 1.) The Civil Drawings, Progress Print, do not match the Architectural Floor Plan, A-1 with regard to the walkway location and or materials to be used.
- 2.) The Trench drain at the exterior face of the Parking Garage on Architectural Floor Plan, A-1, is not located on the Civil Drawing, Progress Print.
- 3.) There are no hay bales included with the silt fencing on the Civil Drawing, Progress Print. Standard Sedimentation and Erosion Control measures as mandated by DEP include Hay bales and silt fencing, especially with the adjacent Conservation area in the rear of the property.
- 4.) Should there be drainage on the inside of the proposed Garage with and gas & Oil separator provided? The pitch from the street could overcome the limits of the Trench Drain and water would enter the Garage.
- 5.) The Finished Floor (FF) elevation of the Garage on the Civil Plan is 101.5, while there is no Finished Floor (FF) elevation on the Architectural Floor Plan, A-1.
- 6.) The Architectural Floor Plan, A-1, references elevations and or details on Drawing A-4 and A-5, which do not exist with this submission.
- 7.) Should there be an illumination study performed based on the proposed three (3) Light fixtures mounted on the Exterior face of the Garage, since these are proposed at 17'6" from the back of the existing sidewalk? Also motion detection devises to activate these light fixtures not allowed due to sensitivity.
- 8.) There are no wall types or designations included with this submission.

9.) There are no downspouts indicated on the Architectural drawings which will need to be coordinated with the underground drainage. Civil Drawing, Progress Print, indicate one (1) roof leader for the entire Garage.

10.) The Civil Drawing, Progress Print indicates a sidewalk elevation of 100.9 and a Garage Finish Floor elevation of 101.5, while the Architectural Drawing, A-1, indicates that the proposed driveway is to be sloped from the back of sidewalk to the trench drain.

11.) There is no foundation plan included with this submission. Footings and frost wall construction or haunches at the exterior walls? Drawing A-3, Elevation Plans, does indicate an outline of footing and frost wall for the proposed garage.

12.) The Civil Drawing indicates an overall outside dimension of 20'-0" x 20'-0" while the Architectural Plan indicates overall dimension of 25'-0" x 25'-0".

13.) There is a new exterior door located on Drawing A-3, Proposed Elevations, at the face of the existing structure which is not located on the Drawing A-1.

Based on the above questions and concerns, this application should be rejected because of its non conformance with the 8<sup>th</sup> edition of the State Building Code, non compliance with Department of Planning and Development memo dated May 6, 2011, non compliance with the dimensional standards of Section 30-15, table 1 and the 25' setback requirement, non compliance with Engineering Division memo dated May 2, 2011.

As represented at the Land Use Committee meeting on Tuesday, May 10, 2011, I want to formally advise your office of my strenuous opposition to the consideration and and/or possible approval of the applicant's amendment to the previously approved special permit.


- 1.) Since the connector is not connected to the house in an effort "to save closet space", there is no reason as to why the Garage could not be located in a manner to be in compliance with all applicable codes and standards.
- 2.) All of the houses indicated in paragraph A on page 4 of 6 in your May 6, 2011 memo are conforming and in compliance with applicable codes, standards and requirements relative to set back dimension, etc and it would be wrong to allow non compliance based on that fact alone.
- 3.) The City of Newton Engineering Division memo dated May 2, 2011, page 1 of 3, Attachment E, Executive Summary refers to the closing of one of the two existing curb cuts, which technically should be amended to reflect two curb cuts.
- 4.) The current plans do not include the specific items referenced on page 3 of 3 in the City of Newton Engineering Division memo dated May 2, 2011, Attachment E.

As you can see from the above comments and observations, there are significant legitimate objections noted that must lead to the rejection of the applicant's amendment to the existing special permit, which did not include any reference or consideration for a proposed Garage.

In the final analysis, once your committee has completed the Land Use committee review and if this determination is not satisfactory to the undersigned, I intend to pursue legal action to contest any decision to amend any and all applicable codes, standards or permits involved with this submission.

Any questions or comments please do not hesitate to contact me at [stevedorrie@comcast.net](mailto:stevedorrie@comcast.net) at your convenience.

Yours truly;

  
Stephen J. Praught  
100 Charlemont Street  
Newton Highlands, Ma. 02461