

C. JOHN AND VALERIE ARPINO

February 21, 2012

Board of Aldermen
Newton City Hall
1000 Commonwealth Avenue
Newton Centre, MA 02459

Re: 37 Elm Street

Dear Members of the Board of Aldermen:

Thank you for providing an open process that allows my husband and I, as long-time residents of this neighborhood, and as owners of the lot abutting this proposed development, to express our very serious concerns about what is being proposed.

Attorney Morris, a former Newton Alderman, argued for almost an hour on February 10, 2012, that the zoning laws more than forty years ago—back in the 1970s—would have allowed this project. But times have changed. The zoning laws have been made more protective of the neighborhood precisely because the neighborhood needed more protection from excessive development. Unfortunately, “excessive development” is exactly what is being proposed here. As direct abutters to this excessive development, we respectfully ask the Board of Aldermen to apply the zoning laws to protect us.

The memorandum dated February 10, 2012, prepared by the Department of Planning and Development makes this point. The neighborhood as fully developed has an average lot coverage of 14.63%. The developer here seeks a lot coverage of 28.4%—or ***almost double the lot coverage of the existing neighborhood***. For that reason alone, the Board of Alderman should exercise its discretion to deny the request for excessive lot coverage. To do otherwise would allow a development widely out of character with the existing developed pattern of the neighborhood.

We applaud the Board of Aldermen for the additional information that was requested of the developer. The number of units, the units sizes, and proposed building sizes, need to be made smaller. The sheer size of what is being proposed—enormous “McTownhouses”—will overwhelm the neighborhood.

While reducing the size of the development to better fit the neighborhood is important, that is not the only issue. From the beginning, our fundamental concern has been that the proposed development includes massive new residences of excessive height with less than the minimum

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set back from our lot line, and windows directly overlooking our back yard. This will destroy any sense of privacy that we now enjoy.

We therefore oppose any relief from the 25 foot side yard requirement that would allow these structures to be closer to our lot line, any relief from the dormer limitation that would allow more occupied space at substantial heights overlooking our back yard, and any relief allowing additional dwelling units on this lot. Such relief would clearly serve only one purpose—allowing the developer to maximize development profit—instead of the purpose the zoning law was intended to serve—that of protecting City residents against excessive development.

We urge that it is the responsibility of any good developer who seeks discretionary zoning relief from the Board of Aldermen to first design a project *with sensitivity to existing neighbors*. As City residents, we have little choice but to look to the zoning laws to protect us from unwanted development. Here, the developers have ignored our reasonable privacy concerns, and instead are doing everything to maximize the development potential of their property without regard to our privacy concerns. We respectfully request the Board of Aldermen to exercise its discretion to protect us.

We ask that the development be redesigned so that these massive units no longer loom over our back yard. The housing units should be decreased both in size and in height, and perhaps in number, and moved farther away from the lot line abutting our back yard. In addition, the windows should be reoriented away from our back yard. The developer could accomplish these objectives by attaching the new units to the existing house, moving them closer to the rear of the existing house, or eliminating one of the proposed dwelling units.

Thank you for your consideration of these comments.

Sincerely,

C. John Arpino

Valerie Arpino

cc: Candace Havens, Director of Planning and Development
Aldermen Ted Hess-Mahan, Land Use Committee Chairman