

**Public Hearing Statement 5/13/14:**

As residents of Newton, and tax-paying homeowners residing on Newtonville Avenue, we strongly urge that petitioner's request for a special permit/site plan approval be **denied** due to:

- petitioner's repeated display of gross negligence;
- historical reckless work habits;
- lack of proper permits secured in advance; and
- the unwillingness to communicate, discuss and respect neighboring residents' concerns regarding noise, property damage, and safety issues.

As recently as **PALM SUNDAY (4/13/14)**, the petitioner had workers arriving at **8am** in the morning to dismantle, install and repair a chain link fence (which had been damaged, and the subject of a criminal complaint filed by the resident of Riley Condominiums) all outside of the times allowed according to City work ordinances.

Based on a review of the plans submitted for approval, we call to question:

- the validity of the wall heights being proposed (it appears the calculations are still inaccurate);

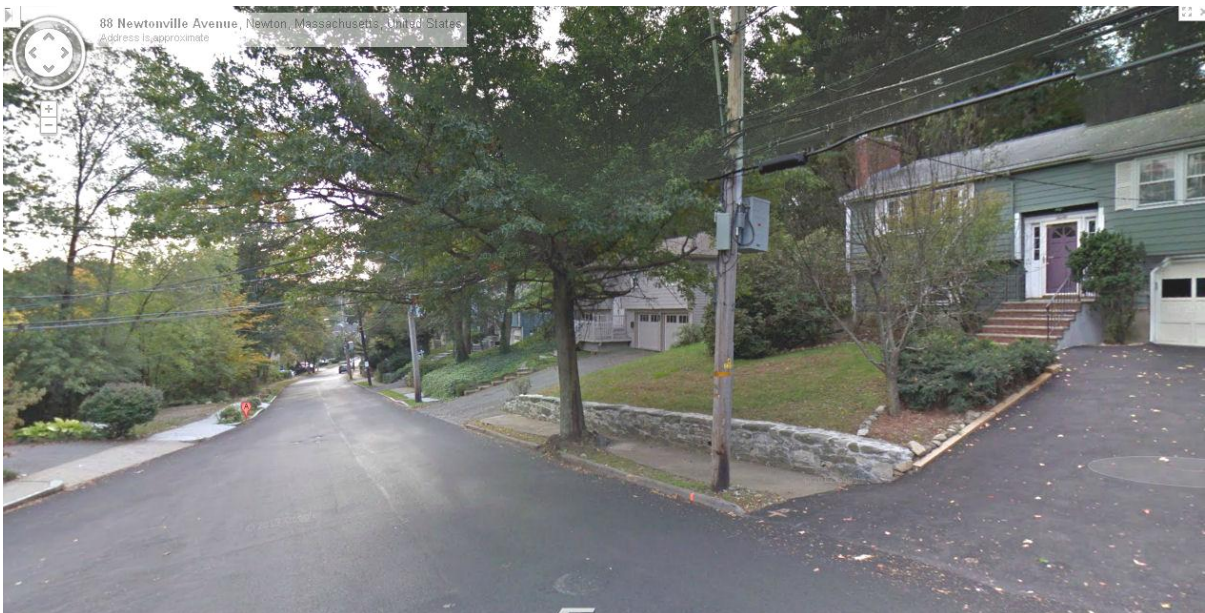
- the safety issues (for pedestrians and traffic) associated with not meeting the 5' required setback from the street;
- the accuracy of existing structures on the property and illustrated in plans submitted by petitioners;
- whether all outstanding permits have actually been closed as stated in the planning department memo (at least TWO/THREE appear to be open, including the Occupancy Permit - though the petitioners have been living here since mid-August, 2012 with no Occupancy Permit);
- whether the Land Use working session had indeed "approved" this project in November, since this is a different project in scope;
- the ability and willingness of petitioner to abide by any of the submitted draft construction management plan items and existing city laws/requirements;
- the need for ANY of this to go forward.

***Additionally***, the proposed plan would create an unsightly, dramatic change to the uninterrupted flow of the original estate's landscape as it meets Newtonville Avenue and cause additional parking problems for those using both the street and the sidewalk.

*We also urge the members of the Land Use Committee to drive by this property so you can see for yourself how the once beautiful, majestic landscape of the old Bellevue Avenue estate is being butchered*

The bottom line: The petitioner's project is unnecessary.

- The home was built in 1973, and since then has accommodated families, and their parking needs, year round for over 40 years without access problems.
- The last family who lived here, for nearly 13 years, drove their vehicles into the garages and unloaded their children safely, within their home, year after year.
- This was achieved in part by SHOVELING snow from the driveway and sidewalk AND treating the driveway's surface.



**(Present flow of Newtonville Ave landscape – looking east to Centre St)**

## SUMMARY OF CONSTRUCTION ISSUES

- Reckless, unsafe, inconsiderate and illegal work habits
- Newton Police Department logged **12 visits** to the property since May, 2012
  - Many more were not logged and this does not include traffic violations/tickets issues near this property
- Continuous work being performed without a permit at the property since the end of **April**/beginning of **May, 2012**
- Work performed (without a detail officer) affecting street traffic, public endangerment on streets and blocked sidewalks
  - Unsafe work site
  - Debris filled driveway unsecured/uncovered for weeks
  - Spoil, construction debris, gravel and stone dust uncovered for weeks at a time
- Owner occupancy as of mid-August, 2012 **WITHOUT** an occupancy permit
- Excessive number of mature trees (15-20?) taken down behind the home causing trespassing, damage/destruction of neighbor's fence, improper disposal of waste and unstable soil environment

- ❑ Liability issues created due to downed fencing and cement pond accessibility in neighboring yard
- ❑ Inspectional Services Department Notice of Violation (*FINALLY*) issued on 9/27/12 citing numerous violations/issues with property and work performed on the home and in the backyard (retaining walls)
- ❑ Neighbors “Right to Quiet Enjoyment” has been severely compromised by not adhering to the city noise ordinance
  - Working well past 7pm, sometimes til 10:30pm!
  - Working on Saturday, Sunday & holidays
- ❑ Rude encounters with the petitioner when attempting to resolve any issues related to work being performed at 74 Newtonville Ave
- ❑ Trespassing on my property, parking on my property, blocking my driveways and both handicapped ramps on Newtonville Ave.
  - Yard waste barrels taken from my property and used for spent roof shingles
- ❑ Unsafe site – debris filled driveway unsecured
  - Spoil, construction debris, gravel and stone dust
  - Blocked sidewalks and street without permits/detail police.