

DATE: October 7, 2014

TO THE HONORABLE BOARD OF ALDERMEN, CITY OF NEWTON

The undersigned hereby makes application for permit to erect and use, to alter and use, or to make such uses as may be hereinafter specified of a building or buildings at the location and for the purpose hereinafter specified under the provisions of Chapter 30 of the Revised Ordinances, 2007 as amended or any other sections, viz: for a multi-family dwelling under **section 30-11(d)(8)** and for a restaurant with more than 50 seats under **30-11(d)(9)**; to locate a retaining wall in excess of four feet within the side/rear setback as governed by **section 30-5(b)(4)**; to allow frontage to be measured along a public footway under **30-15(b)(2)**; to locate off-street parking facilities (i.e., part of a driveway) on a separate lot under **section 30-19(f)(1-2)**; to allow a 3-story building with a height to exceed 24 feet under **section 30-15, Table 3**; to allow 1¼ parking spaces per dwelling unit under **section 30-19(d)(2)**; to waive required parking spaces under **section 30-19(m)**; all under **section 30-24**; and site plan approval under **section 30-23**.

PETITION FOR: **Special Permit/Site Plan Approval**STREET AND WARD: **39 HERRICK ROAD WARD 6**SECTION: **61** BLOCK: **35** LOTS: **6 & 7**APPROXIMATE SQUARE FOOTAGE (of property): **12,979 SQUARE FEET (Lot 7)**TO BE USED FOR: **4-UNIT MULTI-FAMILY DWELLING AND GROUND FLOOR COMMERCIAL OVER AND ABOVE CAR PARKING GARAGE**CONSTRUCTION: **WOODFRAME**

EXPLANATORY REMARKS: This petition to erect a mixed-use building containing a 4-unit multi-family dwelling and ground floor commercial (i.e., restaurant) under sections 30-11(d)(8) and 30-11(d)(9) necessitates the grant of several exceptions to the dimensional controls for height and # of stories set forth in section 30-15 and the parking requirements in 30-19. The exceptions listed above are authorized under section 30-19(m) and 30-24.

LAND IS LOCATED IN A BUSINESS 1 (BU-1) ZONED DISTRICT.

The undersigned agree 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.

PETITIONER **Herrick Road Realty Trust**  
 ADDRESS & **907 Massachusetts Avenue, Cambridge, MA 02138**  
 TELEPHONE **617 547-6559**

SIGNATURE **Stuart Rothman**  
 Stuart Rothman, Trustee

ATTORNEY **Terrence P. Morris, Esquire**  
 ADDRESS AND TELEPHONE **57 Elm Road**  
**Newton, MA 02460-2144**  
**617 202-9132 (o) 617 594-6033 (c)**

NAME, ADDRESS **HERRICK ROAD REALTY TRUST**  
**907 Massachusetts Avenue, Cambridge, MA 02138**

AND  
 SIGNATURE OF OWNER **Stuart Rothman**  
 Stuart Rothman, as Trustee,  
 not individually

PLANNING AND DEVELOPMENT DEPARTMENT'S ENDORSEMENT:

RECEIVED  
 Newton City Clerk  
 2014 OCT - 7 PM 5:42  
 David A. Olson, CMC  
 Newton, MA 02459

