

From: [Albert Pinkhasov](#)
To: [Stephen Pantalone](#); [Cheryl Lappin](#); [David Kalis](#); [Richard Lipof](#)
Subject: Re: Regarding 78 Lovett Road, Newton Retaining Wall
Date: Saturday, April 12, 2014 6:54:13 PM

78 Lovett Rd

On Saturday, April 12, 2014 6:36 PM, David Gordon <David@4thGeneration.com> wrote:

Hi Scott,

My name is David Gordon and I live at 89 Lovett Road here in Newton and as a neighbor of 78 Lovett Road, with a direct view of the retaining wall in question, I felt that it was important to speak up and state my views with all that is going on and the variance/special permit that has been requested.

First and foremost, I am in favor of the variance being granted! The new home there has done nothing but add value to our neighborhood and the retaining wall that was put up has actually improved the view from what was there. Prior, that was just overgrown brush and weeds on a slope. A change for the better!

From my understanding and from attending one of the meetings to discuss the variance I am sensitive to some of the concerns involved but am very disappointed to hear that there is trepidation by some of those on the committee to grant a variance. From what I know, and I believe has been stated at the meetings, Albert tried to everything that he should. He hired a surveyor and he hired what he thought was a reputable contractor to install the wall. He left it to them, as we all would as homeowners, to do the job properly and to do it according to code. He also chose to utilize what would be considered a more expensive choice with respect to materials and design. As you probably have seen, this was not an inexpensive wall of railroad ties. It is a whole system which is what someone would want, especially neighbors of the property. It is a magnificent looking wall and will be even more so once the intended landscaping goes in. Fact is, it only enhances my view from diagonally across the street as I look directly into that backyard from my front living room. To have someone say the opposite would be to have someone with ulterior motives...

Many variances have been granted over the years by the City of Newton. My very strong opinion is that this is a variance that should be granted. There are numerous reasons, to me, why this variance/special permit should be given:

- This isn't a developer who is trying to achieve a variance only to benefit financially. This is a homeowner of the City.
- This is someone who didn't try to do it themselves and skirt the process. He hired licensed professionals including a surveyor to have it done right and expected it to be to code
- He tried to do it right and even chose exceptionally nice and visually pleasing materials. Not low budget railroad ties. It only enhances our view and adds overall value as neighbors
- From what I know, the wall system is structurally sound and does not impose a safety risk to the properties or the neighbors.
- The abutting neighbors to the left and right side of the property do not have a negative

opinion of the wall, nor does it negatively impact their properties and aren't against the variance

- Should the wall have to be taken down, all the of the neighbors will be negatively impacted with the noise, dust and additional construction vehicles that would be accessing the street and property.
- The financial burden put on the owner will be tremendous since the city has no way to compel the contractor to come back and redo or prevent him from doing additional projects in the City.
- I question if the wall were taken away or pulled within the setbacks that the area that is now not behind a retaining wall would be safe and sturdy or cause more problems or issues.
- I truly believe that if the homeowner had come to the city for the variance on the back portion of the wall prior, it would have been granted. I don't believe the city would want to stop a homeowner from being able to maximize the enjoyment of their yard as long as it was done properly and didn't negatively impact the immediate neighbors on either side of the property. The extenuation circumstances here are also the side setbacks for which the homeowner, as stated, hired a surveyor and professional, licensed contractor to do properly... it wasn't to everyone's surprise but this was to do with setbacks and not safety... if constructed safely and properly it should remain and a variance/special permit given.

Most importantly is that I have heard through, the grapevine, that some members feel that "an example must be made and a line drawn in the sand" with respect to this situation. This is most surprising to me if true. You have a taxpayer of the city who relied on professionals to do the job and do it correctly. If there ever is a time to do draw a line in the sand, don't you think it would be with a developer of a property who is doing it for financial gain and where the immediate abutting neighbors oppose it? Here, the neighbors to the left and right of the property do not oppose the variance/special permit. That in itself should be telling...

I hope you and the other members will see that this variance/special permit should be issued.

Sincerely,
David Gordon
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