

Linda M. Finucane

From: Pedro Arboleda <pma555@gmail.com>
Sent: Tuesday, March 17, 2015 11:44 AM
To: David A. Olson
Cc: jrice@tsnn.com; Brian E. Yates; Linda M. Finucane; Marc C. Laredo; Gregory J. Schwartz; Susan Albright; James R. Cote; Deborah J. Crossley; John W. Harney; Richard Lipof; Scott F. Lennon; Ann Salk Rosenberg; LARRY ROSENBERG; Per Dutton; Ben Seigal; danielkernan@comcast.net; Gisela Voss; Caterina Betancourt
Subject: request to deny special permit to 143 Lincoln St
Attachments: 122 Lincoln St signed request to deny special permit to 143 Lincoln St.pdf

Dear Newton Land Use Committee,

Please see attached signed request from residents of 122 Lincoln St asking the Committee to deny a special permit for 143 Lincoln St.

Our main objection is the size of the building and hence the special permit petition not conforming to the FAR requirements this community has established. The allowed sq ft for 143 Lincoln St is 4239 sq ft (FAR=0.36) whereas the plans submitted for the special permit, even after revisions, are at 5267 sq ft (FAR=0.44). As best we could tell, the application for 143 Lincoln St is not even close to meeting the FAR requirements.

At the end of the day the FAR requirements were created for exactly these situations and we are requesting that the Committee adhere to the community's established guidelines.

Although neither of us are able to attend tonight's meeting, we hope you take our signed petition into consideration in your deliberations.

Sincerely,

Pedro Arboleda and Caterina Betancourt Arboleda

Residents at 122 Lincoln St

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Pedro Arboleda

Dear Land Use Committee,

We want to thank you for your service to the city and residents of the city. We are sure you hear more complaints than appreciation.

We the residents of Newton Highlands abutting 143 Lincoln St. request that you represent us. This project, PETITION #366-14, specifically the size and density of the proposed structure, will have a negative impact on one of the flagship neighborhoods in Newton. We all oppose this building and ask that you use your discretion as our elected officials to deny this special permit and only approve projects that are consistent with the size and scale and density within the majority of the neighborhood.

We believe this violates section 30-15 u (2) where increased FAR may be allowed if the proposed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood. This proposal is clearly out of scale with regard to size and scale compared to the rest of the neighborhood.

We believe this also violates section 30-24 (d) (1) and (2). This site is not appropriate for this size structure. We believe the proposed structure will adversely affect the neighborhood by adding too much housing mass on an inappropriately small lot.

Signed:

PA CB

Name

Pedro Arbolada Caterina Belancourt Arbolada

Address

122 Lincoln St, Newton Highlands, MA 02461

Date

3/17/15

Sec. 30-15. Density/dimensional requirements.

(u) The floor area ratio (FAR) shall apply to all one and two family structures, except on rear lots created under the provisions of section 30-15(r), whether new or existing, according to the FAR limits contained in Table A below. The following exceptions shall apply:

(1) For construction on lots created before 12/7/1953, an additional increase in FAR of .02 above the amount shown in Table A shall be allowed, provided that new construction proposed using additional FAR granted under this paragraph shall comply with setback requirements for post-1953 lots. Any increase in FAR granted through this section may not create or increase nonconformities with respect to lot coverage or open space and may not be used in conjunction with section 30-21(c).

(2) An increased FAR may be allowed by special permit if the proposed structure is consistent with and not in derogation of the size, scale and design of other structures in the neighborhood.

Sec. 30-24. Special Permits.

(d) The board of aldermen may grant a special permit when, in its judgment, the public convenience and welfare will be served, and subject to such conditions, safeguards and limitations as it may impose. The board of aldermen shall not approve any application for a special permit unless it finds, in its judgment, that the use of the site will be in harmony with the conditions, safeguards and limitations herein set forth, and that the application meets all the following criteria (except that uses accessory to activities permitted as a matter of right and which activities are necessary in connection with scientific research or scientific development or related production may be permitted provided the board of aldermen finds that the proposed accessory use does not substantially derogate from the public good):

- (1) The specific site is an appropriate location for such use, structure;
- (2) The use as developed and operated will not adversely affect the neighborhood;
- (3) There will be no nuisance or serious hazard to vehicles or pedestrians;
- (4) Access to the site over streets is appropriate for the type(s) and number(s) of vehicles involved;
- (5) In cases involving construction of building(s) and/or structure(s) or additions to existing building(s) and/or structure(s), if those proposed building(s) and/or structure(s) or additions contain individually or in the aggregate 20,000 or more square feet in gross floor area, the site planning, building design, construction, maintenance or long-term operation of the premises will contribute significantly to the efficient use and conservation of natural resources and energy.

(h) **Conditions of Approval.** The board of aldermen shall not approve any application for a special permit unless it finds that said application complies in all respects with the requirements of this ordinance. In approving a special permit, the board of aldermen may attach such conditions, limitations, and safeguards as it deems necessary to protect or benefit the neighborhood, the zoning district and the City. Such conditions may include, but are not limited to, the following:

- (1) requirement of front, side or rear yards greater than the minimum required by this ordinance;
- (2) limitation of the number of occupants, size, method of time of operation, or extent of facilities;
- (3) requirement of off-street parking or other features beyond the minimum required by this, or any other applicable ordinance.