

July 29, 2014

By Electronic Transmission  
Ald. Marc Laredo, Chairman ([mlaredo@newtonma.gov](mailto:mlaredo@newtonma.gov))  
Land Use Committee  
Newton Board of Aldermen  
1000 Commonwealth Avenue  
Newton, MA 02459

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RE: Public Hearing Petition #166-14 for June 10<sup>th</sup>, 2014 and July 29<sup>th</sup>, 2014.

Dear Mr. Chairman:

We are writing in regards to Petition #166-14 by CREDERE VENTURES LLC, petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND A NONCONFORMING STRUCTURE at 22 Lenox Street, West Newton (the "Subject Property").

We are also writing in regards to our neighbor's objection letter dated June 9, 2014 as authored by Mary Beth and Adam Kirsch 274 Otis Street, West Newton, MA 02465, which we became aware of yesterday.

#### I. BACKGROUND

We were contacted via an unsolicited phone call from Mr Adam Kirsch in September 2013. Mr Kirsch indicated that he lived in the neighborhood and was impressed by our work at 28 Regent Street, Newton. Mr Kirsch asked if we would be interested in purchasing another home as a project in the neighborhood. We indicated that we were interested and asked how we could further the discussions. Mr Kirsch requested that we meet at 28 Regent to walk the property so that we can have a discussion regarding our company and a possible sale of another home in West Newton Hill.

Upon the completion of a project tour at 28 Regent, Mr Kirsch indicated that he had an executed Purchase and Sale agreement for 22 Lenox Street, Newton, that he would like to sell at the same price for which he had executed with the former owners (Mr John and Ellen Newell) Mr. Kirsch indicated that while he would like to see a renovation similar to 28 Regent and that such a renovation was above his skill set. Mr Kirsch congratulated us for our level of craftsmanship and design on 28 Regent Street.

After the meeting and project tour with Mr Kirsch, we started the process to purchase 22 Lenox Street for the same amount that Mr. Kirsch had executed

previously with the prior owners (John and Ellen Newell). Mr. Kirsch requested specific business terms, which we provided and subsequently revised at Mr. Kirsch's request. We then were able to complete our due diligence with site visits as indicated in the proposed purchase and sale from Mr Kirsch. Upon our first available site visit to the home at 22 Lenox Street, Mr Kirsch had requested that we not mention to the prior owners, that we are interested in purchasing the property. Mr Kirsch requested we represent ourselves as his contractors for a project.

We disagree with much of Mr Kirsch's statements in his June 9<sup>th</sup> letter regarding the special permit. We find the letter to be self-serving and containing several outright fabrications about the background, prior conversations, alleged acknowledgements, design and other aspects of the project.

While there are too many erroneous allegations to refute one by one, we need to note for the record that the assertion that there was some kind of side agreement, verbal promise outside of the fully executed P&S regarding a garage, alteration or project scope of 22 Lenox Street has no basis in fact.

## II CONCLUSION

It is our understanding that the Special Permit process allows for a neighbor to appeal the Special Permit (if it is approved) and challenge further. Ultimately, we are not willing to go through this type of process to obtain approval. We have lender obligations that must be met.

We strongly believe that a garage would be a benefit to the new homeowners who will purchase 22 Lenox Street. However, we are not able to proceed on their behalf to obtain the final approval for a garage. 22 Lenox Street is a very lovely home, rebuilt to standards and a style that reflect the incredible neighborhood of West Newton Hill.

We hope that our efforts and hard work at 22 Lenox Street are recognized and remembered by the many neighbors and passer-byes who, throughout the project duration, were kind enough to stop and offer us words of encouragement such as "very, well done" ..... "thank you for re-building this into such a nice home" ..... "you guys did a great job at Regent Street and this looks even more incredible... thank you for working in our neighborhood " ....

We are regrettably withdrawing our request for a special permit.

With Much Regard,

*Brian DiBlasi*

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