



Ruthanne Fuller  
Mayor

# CITY OF NEWTON, MASSACHUSETTS

City Hall  
1000 Commonwealth Avenue, Newton, MA 02459-1449  
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[www.newtonma.gov](http://www.newtonma.gov)

## ZONING BOARD OF APPEALS

**To:** Zoning Board of Appeals Members  
**From:** Brenda Belsanti, ZBA Clerk  
**Date:** June 7, 2022  
**Subject:** Materials for **June 22, 2022** Public Hearing

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### Packet 1

Hello,

Please see the following supplemental materials for the upcoming hearing on June 22, 2022 Public Hearing. The following board members are scheduled to sit: *Brooke Lipsitt (Chair), William McLaughlin, Treff LaFleche, Michael Rossi, and Stuart Snyder.*

1. June 22, 2022 Agenda
2. 128 Gibbs Street Variance Application
3. Draft minutes for 05-25-22

Thank you,

Brenda Belsanti

**[bbelsanti@newtonma.gov](mailto:bbelsanti@newtonma.gov)** |



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Mayor

**ZONING BOARD OF APPEALS**  
Brenda Belsanti, Zoning Board Clerk

**The Zoning Board of Appeals will hold this meeting as a virtual meeting on Wednesday, June 22, 2022 at 7:00 p.m.**

**To view and participate in this meeting using Zoom, click this link: <https://us02web.zoom.us/j/85138971843> or +13017158592,,85138971843#**

## **AGENDA** **6/22/22**

**A public hearing of the Newton Zoning Board of Appeals will be held virtually via Zoom on Wednesday, June 22, 2022 at 7:00 p.m. on the following petitions:**

- 1. #06-22** Ed Zielinski requesting to amend variances #1-80 and #10-08 to allow a reduced side setback. The subject property is located at 128 Gibbs Street within a Single-Residence 2 (SR-2) zoning district and consists of a 9,555 square foot lot
- 2.** Review and approval of minutes for May 25, 2022 meeting.

The location of this meeting/event is wheelchair accessible and Reasonable Accommodations will be provided to persons with disabilities who require assistance. If you need a Reasonable Accommodation, please contact the city of Newton's ADA/Section 504 Coordinator, Jini Fairley, at least two business days in advance (2 weeks for ASL or CART) of the meeting/event: [jfairley@newtonma.gov](mailto:jfairley@newtonma.gov) or (617) 796-1253. The city's TTY/TDD direct line is: 617-796-1089. For the Telecommunications Relay Service (TRS), please dial 711.



NewGov - Newton, MA

**RECEIVED**

*By Brenda Belsanti, ZBA Clerk at 3:24 pm, Jun 01, 2022*

06/01/2022

### VAR-22-11

Zoning Board of Appeals Variance Application

**RECEIVED**

*By City Clerk at 4:52 pm, Jun 01, 2022*

**Status:** Active

**Date Created:** Jun 1, 2022

#### Applicant

Edward Zielinski  
zielinskiaia@msn.com  
128 Gibbs St  
Newton, MA 02459  
7816088316

#### Location

128 GIBBS ST  
NEWTON CENTRE, MA 02459

#### Owner:

Edward Zielinski  
128 Gibbs St 128 GIBBS ST Newton, MA 02459

#### Applicant Information

**The individual submitting this application is the**  
Applicant and Property Owner

**Are there additional property owners?**

No

**Is the property owner a company, corporation, or other entity?**

No

#### Project Information

##### Zoning District

Single Residence 2

##### Current Use(s)

Single family home

##### Proposed Use(s)

Add an accessory apartment

**Briefly describe the requested relief identifying the specific zoning provisions?**

§3.1.3

§3.1.9

§7.8.2C.2

Request to further exceed nonconforming FAR

S. P. per §7.3.3

§3.1.3

§7.8.2.C.2

Request to further exceed nonconforming lot coverage

S.P. per §7.3.3

§3.1.3

§7.8.2.C.2

Request to further reduce nonconforming open space

S.P. per §7.3.3

**Briefly describe all proposed changes to the structure(s) and/or use(s)?**

Constructing the proposed addition, approximately 13'-9" x 7'-4", would provide a stairway to connect the basement, first and second floors and provide compliant egress to create a legal Accessory Apartment. It would also provide a second means of emergency egress for the basement and second floor of the dwelling.

**Any previous special permits or variances granted?**

Yes

**Does require review from other Boards and Commissions?**

Yes

---

**Supporting Statement**

**Explain the special circumstances related to soil conditions, the shape or the topography of the land or structure that are unusual and that do not generally affect other properties in the zoning district:**

The site was originally part of the larger corner lot at 112 Gibbs Street and was granted a Variance to subdivide the lot and build a dwelling on February 8, 1980. The applicant purchased the property in 2005, and was granted a building permit on November 5, 2005 (05110629) to construct a second-floor addition and interior improvements

**Explain how the literal enforcement of the Newton Zoning Ordinance will result in a substantial hardship to the owner and that the proposed variance is the minimum change that is necessary to allow the reasonable use of the land or structure:**

The owner plans to utilize the recently adopted Accessory Apartment clause to create a modest apartment to enable multi generational living space for their daughter and granddaughter. The proposed addition is the minimum required to provide legal egress and is within the variance dimension relief granted in 2008.

**Explain why granting the proposed variance will be in harmony with the purpose and intent of the Newton Zoning Ordinance and will not be detrimental to the neighborhood or the public welfare:**

The proposed addition has been reviewed with neighbors and letters of support have been attached. The actual addition is only visible from the abutting property to the west, but trees obscure their view from their property. The proposed addition is screened from the street by the existing trellis structure and trees.

## Digital Signature








**I (we) grant permission for officials and employees of the City of Newton to access my property for the purposes of this application. I (we) certify that I (we) have read the Board's Rules and Procedures before submitting to ensure the completeness of my (our) application. The undersigned, being the applicant, hereby certifies under the pains and penalties of perjury, that: the information above is true accurate to the best of my understanding and belief. Declaring that "The undersigned agree to comply with the requirements of the Zoning Ordinance and rules in connection with this application."**

Edward Zielinski

06/01/2022

---

## Attachments

-  Gibbs St 128 Zoning Review Memo 042822.pdf  
Uploaded by Edward Zielinski on Jun 1, 2022 at 2:33 pm
-  128 gibb\_Revised site plan 012622.PDF  
Uploaded by Edward Zielinski on Jun 1, 2022 at 2:34 pm
-  128 Gibbs Street Locus Map 060122.pdf  
Uploaded by Edward Zielinski on Jun 1, 2022 at 2:46 pm
-  FINAL 128 Gibbs Addition and Accessory dwgs 031222.pdf  
Uploaded by Edward Zielinski on Jun 1, 2022 at 2:32 pm
-  FINAL 128 Gibbs Addition and Accessory dwgs 031222.pdf  
Uploaded by Edward Zielinski on Jun 1, 2022 at 2:35 pm
-  2022 Tax Bill 128 Gibbs Street.pdf  
Uploaded by Edward Zielinski on Jun 1, 2022 at 2:46 pm
-  128 Gibbs Abutter support 052322.pdf  
Uploaded by Edward Zielinski on Jun 1, 2022 at 2:35 pm



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Mayor

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**Barney S. Heath**  
Director

## ZONING REVIEW MEMORANDUM

Date: April 26, 2022

To: John Lojek, Commissioner of Inspectional Services

From: Jane Santosuosso, Chief Zoning Code Official

Cc: Ed Zielinski, Applicant  
Barney S. Heath, Director of Planning and Development  
Jonah Temple, Associate City Solicitor

**RE: Request to amend Variances #1-80 and #10-08 to allow a reduced side setback, and a special permit to further reduce nonconforming open space, and to further increase nonconforming lot coverage and FAR**

Applicant: Ed Zielinski	
Site: 128 Gibbs Street	SBL: 61028 0005A
Zoning: SR2	Lot Area: 9,555 square feet
Current use: Single-family dwelling	Proposed use: No change

### BACKGROUND:

The property at 128 Gibbs Street is improved with a single-family dwelling on an undersized lot created by variance in 1980. The variance granted relief from the lot area and frontage requirements for a new lot. The variance was amended in 2008 to allow for an addition of a carport within the setback. The petitioner seeks to amend the variance again to allow for construction of a two-story side addition. The proposed addition will also require a special permit to address nonconformities relative to FAR, lot coverage and open space.

The following review is based on plans and materials submitted to date as noted below.

- Zoning Review Application, prepared by Ed Zielinski, applicant, submitted 3/12/2022
- Plan of Land Proposed Addition, signed and stamped by Bruce Bradford, surveyor, dated 1/25/2022
- FAR worksheet, submitted 3/12/2022
- Floor plans and elevations, signed and stamped by Edward C. Zielinski, architect, dated 2/7/2022
- Variance decisions #1-80 and #10-08

**ADMINISTRATIVE DETERMINATIONS:**

1. Variance #1-80 allowed for reduced lot area and frontage for the creation of the lot. Condition #2 of the variance required that the dwelling maintain a sideyard setback of at least 15 feet. A 2008 amendment, Variance #10-08, allowed for the construction of a carport within the required 15-foot setback at 5.2 feet, but was conditioned that the relief apply only to the carport and not to any subsequent construction. The petitioner seeks to amend Variances #1-80 and #10-08 to allow for construction of a two-story addition with a proposed side setback of 9.2 feet, where 15 feet is required by the decisions.
2. The existing nonconforming FAR is .48 where .39 is the maximum allowed per sections 3.1.3 and 3.1.9. The proposed two-story addition further increases the nonconforming FAR to .51, requiring a special permit per section 7.8.2.C.2.
3. At the time the lot was created, a property was allowed a maximum lot coverage of 30%, regardless of when it was created. Section 3.1.3 now allows a maximum lot coverage of 20% for lots created after December 7, 1953. The property has an existing nonconforming lot coverage of 27.9%. The proposed addition further increases the nonconforming lot coverage to 29.2%, requiring a special permit per section 7.8.2.C.2.
4. At the time the lot was created there were no requirements relative to open space. Per section 3.1.3, 65% open space is required for a new lot in the SR2 district. The existing nonconforming open space of 61% will be reduced to 60%, requiring a special permit per section 7.8.2.C.2.

SR2 Zone	Required	Existing	Proposed
Lot Size	9,555 square feet*	9,555 square feet	No change
Frontage	84 feet*	84 feet	No change
Setbacks			
• Front	30 feet	NA	No change
• Side	15 feet*	5.2 feet**	<b>No change (addition to 9.2 ft)***</b>
• Side	15 feet*	NA	No change
• Rear	15 feet	NA	No change
Max Number of Stories	2.5	2.5	No change
FAR	.39	<b>.48</b>	<b>.51***</b>
Max Lot Coverage	20%	<b>27.9%</b>	<b>29.2%***</b>
Min. Open Space	65%	<b>61%</b>	<b>60%***</b>

\*As required by Variance #1-80

\*\*As allowed by Variance #10-08

\*\*\*Requires relief

See "Zoning Relief Summary" below:

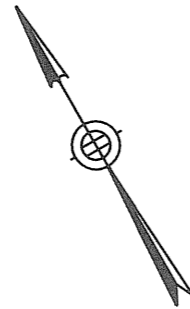
<b>Zoning Relief Required</b>		
<i>Ordinance</i>		<i>Action Required</i>
	Request to amend Variances #1-80 and 10-08	Variance per §7.6
§3.1.3 §3.1.9 §7.8.2C.2	Request to further exceed nonconforming FAR	S. P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further exceed nonconforming lot coverage	S.P. per §7.3.3
§3.1.3 §7.8.2.C.2	Request to further reduce nonconforming open space	S.P. per §7.3.3



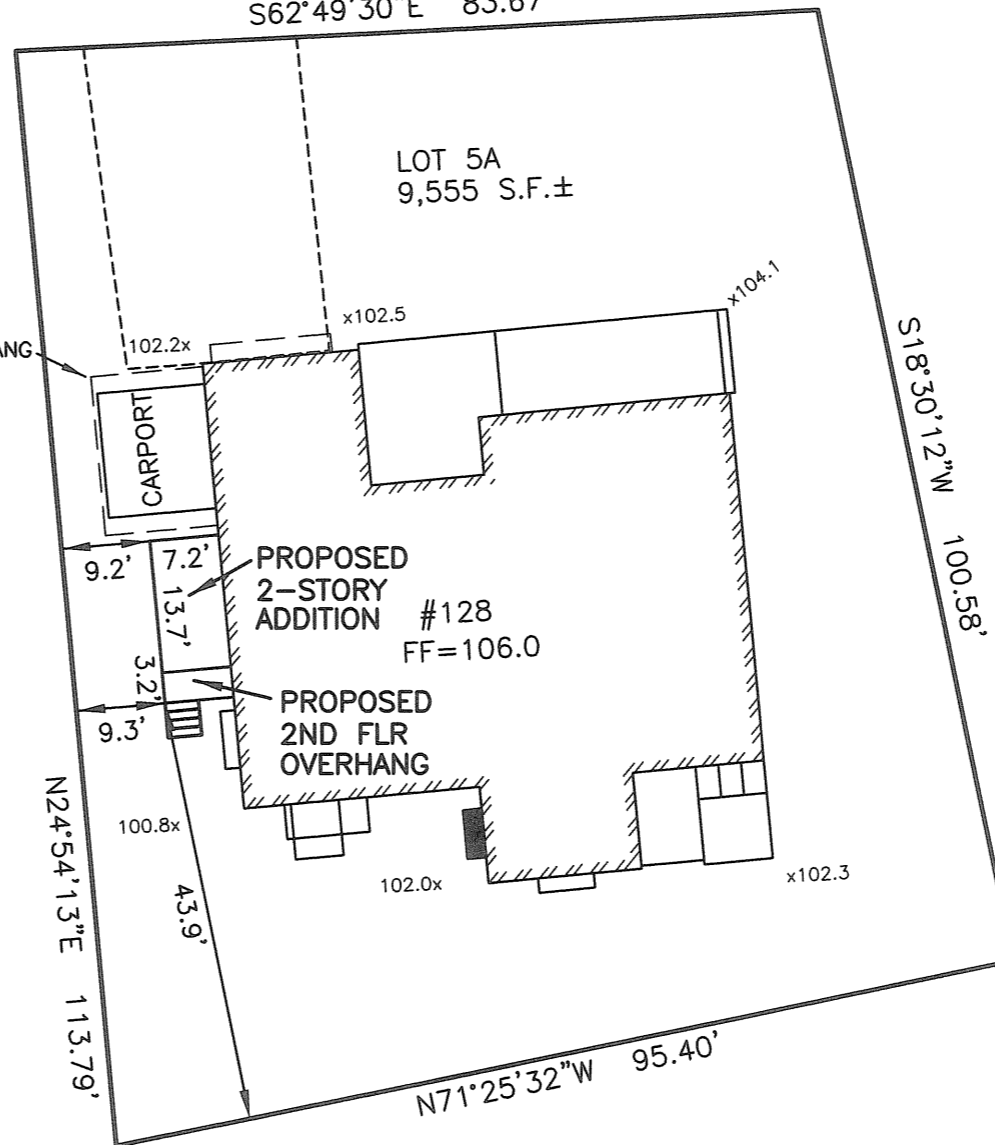
# GIBBS STREET

S62°49'30"E 83.67'

LOT 5A  
9,555 S.F.±



ROOF OVERHANG



## ZONING INFORMATION

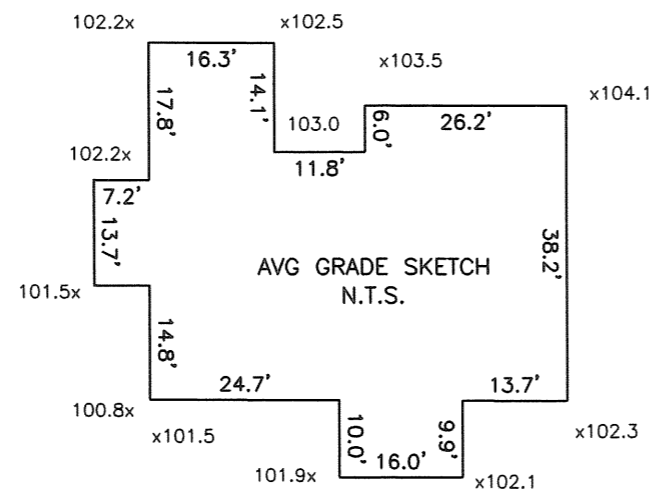
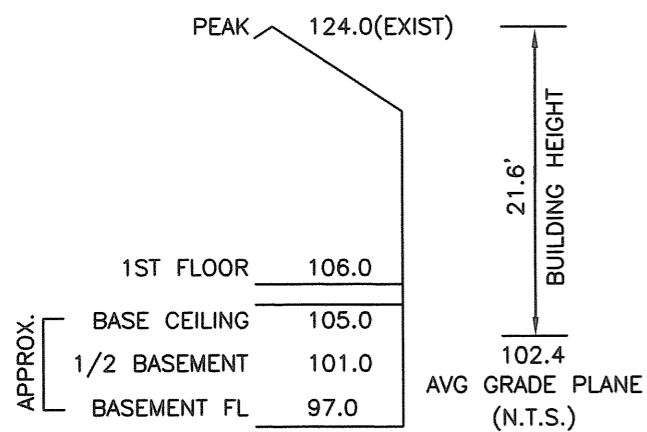
ZONE: SR-2  
PLAN DATED: MARCH 5, 1980  
DEED REFERENCE: BOOK 74264 PAGE 28

	EXISTING	PROPOSED	REQUIRED
BUILDINGS	2,673 S.F.	2,794 S.F.	
STRUCTURES	2,975 S.F.	3,096 S.F.	
DRIVE	718 S.F. ±	718 S.F. ±	
	3,693 S.F. ±	3,814 S.F. ±	
LOT COVERAGE	27.9%	29.2%	(20% MAX.)
OPEN SPACE	61% ±	60% ±	(65% MIN.)

ZONING COMPLIANCE DETERMINED BY MUNICIPALITY.  
AREAS FOR F.A.R. CALCULATION PROVIDED BY ARCHITECT.

INCREASE TO IMPERVIOUS AREA = 121 S.F.

## BUILDING HEIGHT CALCULATION



## AVERAGE GRADE CALCULATION: [SEC 1.5.4(F)]

$$AVG = \frac{\sum[L(E1+E2)]}{2} / P$$

$$AVG = 25365.865 / 247.6 = 102.4$$

GRADES REFER TO LOWEST POINT WITHIN 6' OF BUILDING  
NOT INTENDED FOR F.A.R. CALCULATION

ESTABLISHED 1916

# EMB

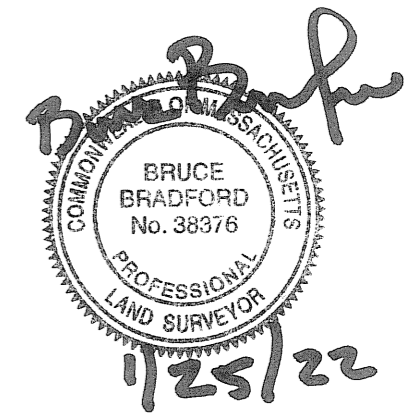
EVERETT M. BROOKS CO.

SURVEYORS & ENGINEERS

49 LEXINGTON STREET  
WEST NEWTON, MA 02465

(617) 527-8750

info@everettbrooks.com



## PLAN OF LAND IN NEWTON, MA

128 GIBBS STREET  
PROPOSED ADDITION

SCALE: 1 IN. = 20 FT.

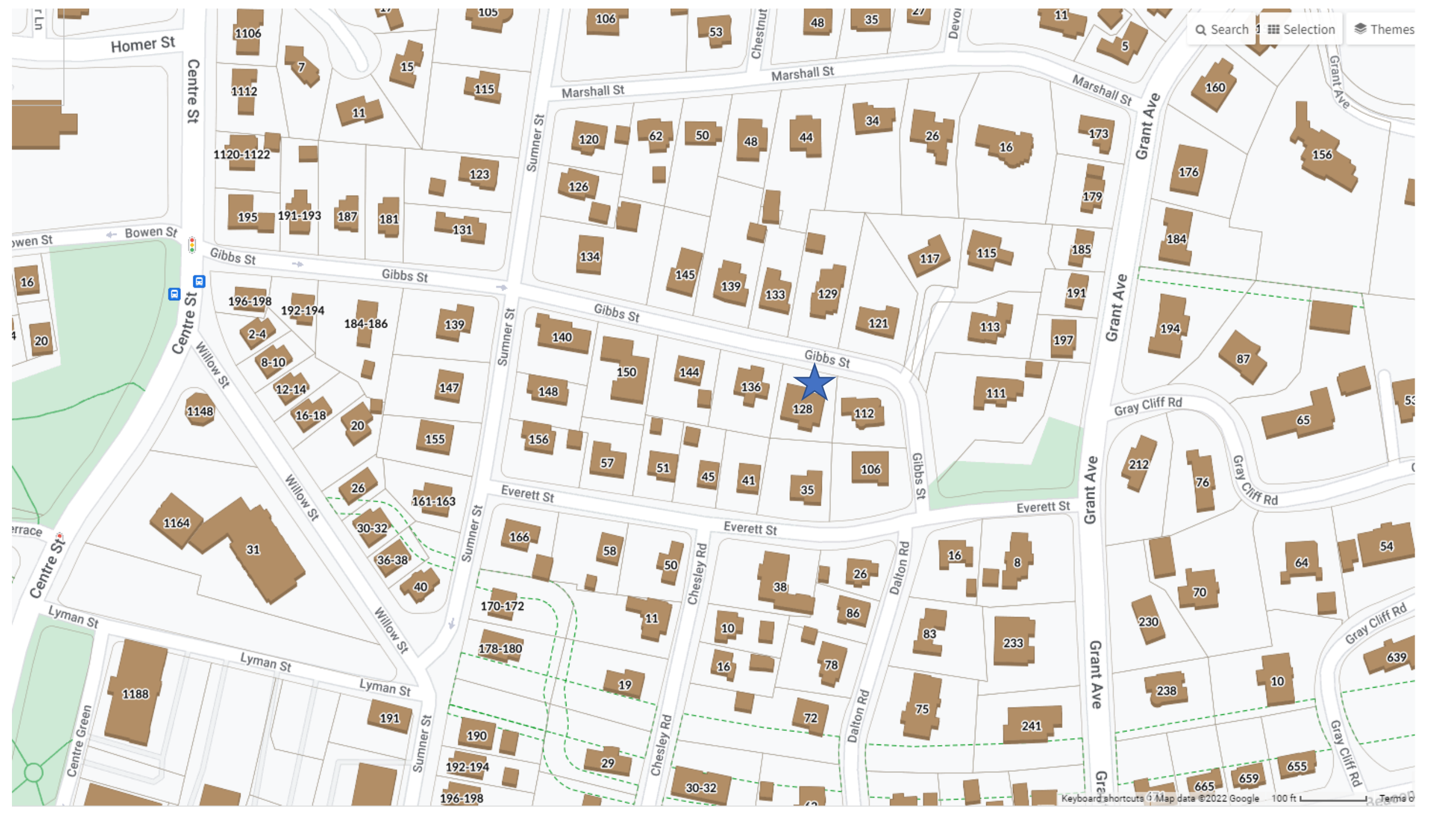
DATE: JANUARY 25, 2022

DRAWN: LNS

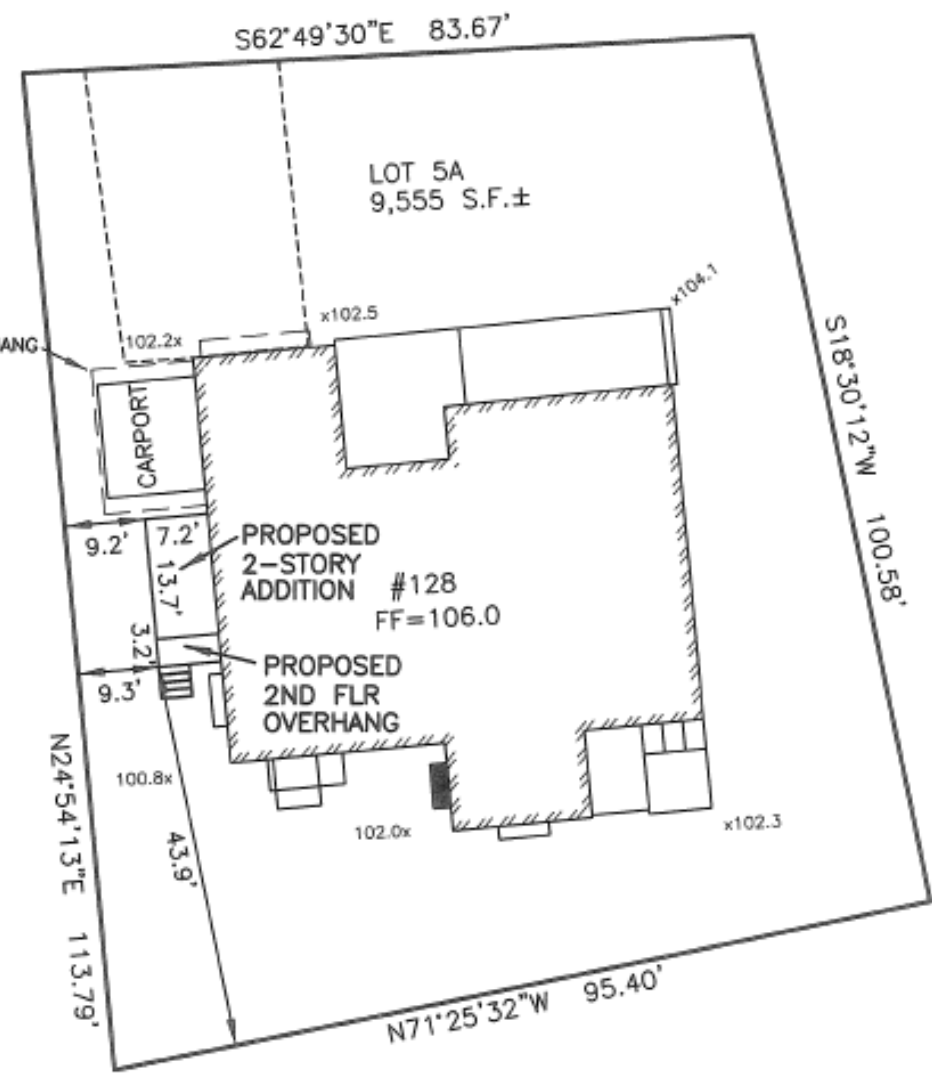
CHECK: BB

REVISIONS:


PROJECT NO. 26527



# GIBBS STREET



## ZONING INFORMATION

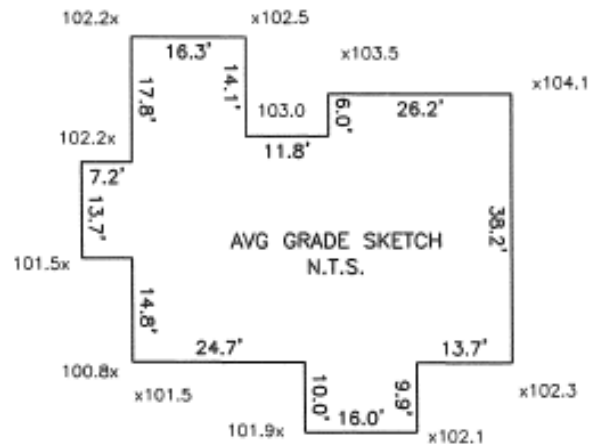
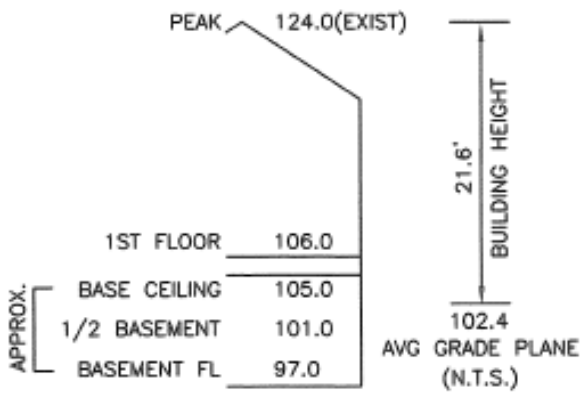
ZONE: SR-2  
 PLAN DATED: MARCH 5, 1980  
 DEED REFERENCE: BOOK 74264 PAGE 28

	EXISTING	PROPOSED	REQUIRED
BUILDINGS	2,673 S.F.	2,794 S.F.	
STRUCTURES	2,975 S.F.	3,096 S.F.	
DRIVE	718 S.F. ±	718 S.F. ±	
	3,693 S.F. ±	3,814 S.F. ±	
LOT COVERAGE	27.9%	29.2%	(20% MAX.)
OPEN SPACE	61% ±	60% ±	(65% MIN.)

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### BUILDING HEIGHT CALCULATION



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GRADES REFER TO LOWEST POINT WITHIN 6' OF BUILDING  
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ESTABLISHED 1916  
**EMB**  
 EVERETT M. BROOKS CO.  
 SURVEYORS & ENGINEERS  
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 WEST NEWTON, MA 02465  
 (617) 527-8750  
 info@everettbrooks.com



## PLAN OF LAND IN NEWTON, MA

128 GIBBS STREET  
 PROPOSED ADDITION

SCALE: 1 IN. = 20 FT.

DATE: JANUARY 25, 2022

DRAWN: LNS

CHECK: BB

REVISIONS:

PROJECT NO. 26527

## Proposed Addition & Renovations

128 Gibbs Street  
 Newton, MA 02459  
 Survey  
 Page 1 of 10

### GENERAL NOTES:

ALL CONSTRUCTION TO COMPLY WITH ALL CURRENT / RELEVANT REGULATORY CODE REQUIREMENTS

CONTRACTOR TO VERIFY ALL FIELD DIMENSIONS AND IF EXISTING CONDITIONS REFLECT SIGNIFICANT NON-CONFORMANCE TO DRAWINGS, CONTRACTOR TO NOTIFY ARCHITECT IMMEDIATELY

DIMENSIONS ARE TO BE USED AND NO DRAWINGS ARE TO BE SCALED FOR CONSTRUCTION

Monday, February 7, 2022

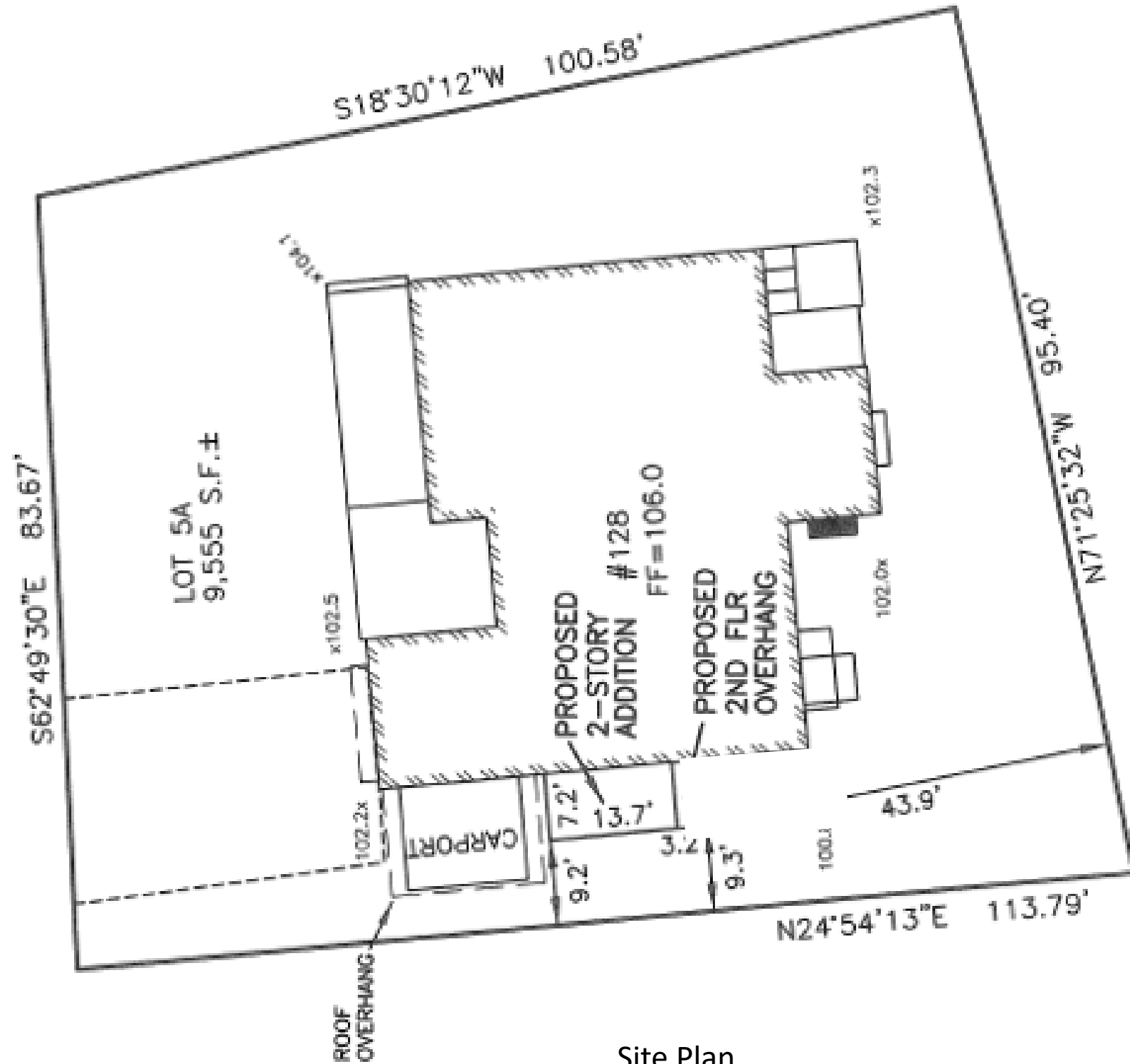
**Edward Zielinski, AIA**  
 128 Gibbs Street  
 Newton Centre, MA 02459  
[Zielinskiaia@msn.com](mailto:Zielinskiaia@msn.com)  
 (781) 608 8316

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## Survey



GIBBS STREET



Property

Property SBL	61028 0005A
Address	128 GIBBS ST
Tax Bill Number	2228315
Land Use	1010
Land Use Description	SINGLE FAMILY
Lot Size	9,555 sq ft
Zoning	SR2
Map ID	090NE
ID	61028 0005A

Proposed Accessory  
Apartment size 833.7 sq ft

Proposed Addition & Renovations

128 Gibbs Street  
Newton, MA 02459  
Site Plan  
Page 2 of 10

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Net new redevelopment area of 124 square feet does not trigger minimum 500 SF requirement for minor Stormwater Management permit.

Chapter 246 Stormwater Management

§ 246-6:

C. Storm Water Management Permit Thresholds. A Storm Water Management Permit shall be required for any of the following, except for an activity exempt per § 246-6:

(1) Minor Stormwater Permit.

(a) Any residential alteration, disturbance, development or redevelopment of 500 square feet to 2,000 square feet, except for construction of a new dwelling.

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Edward Zielinski, AIA

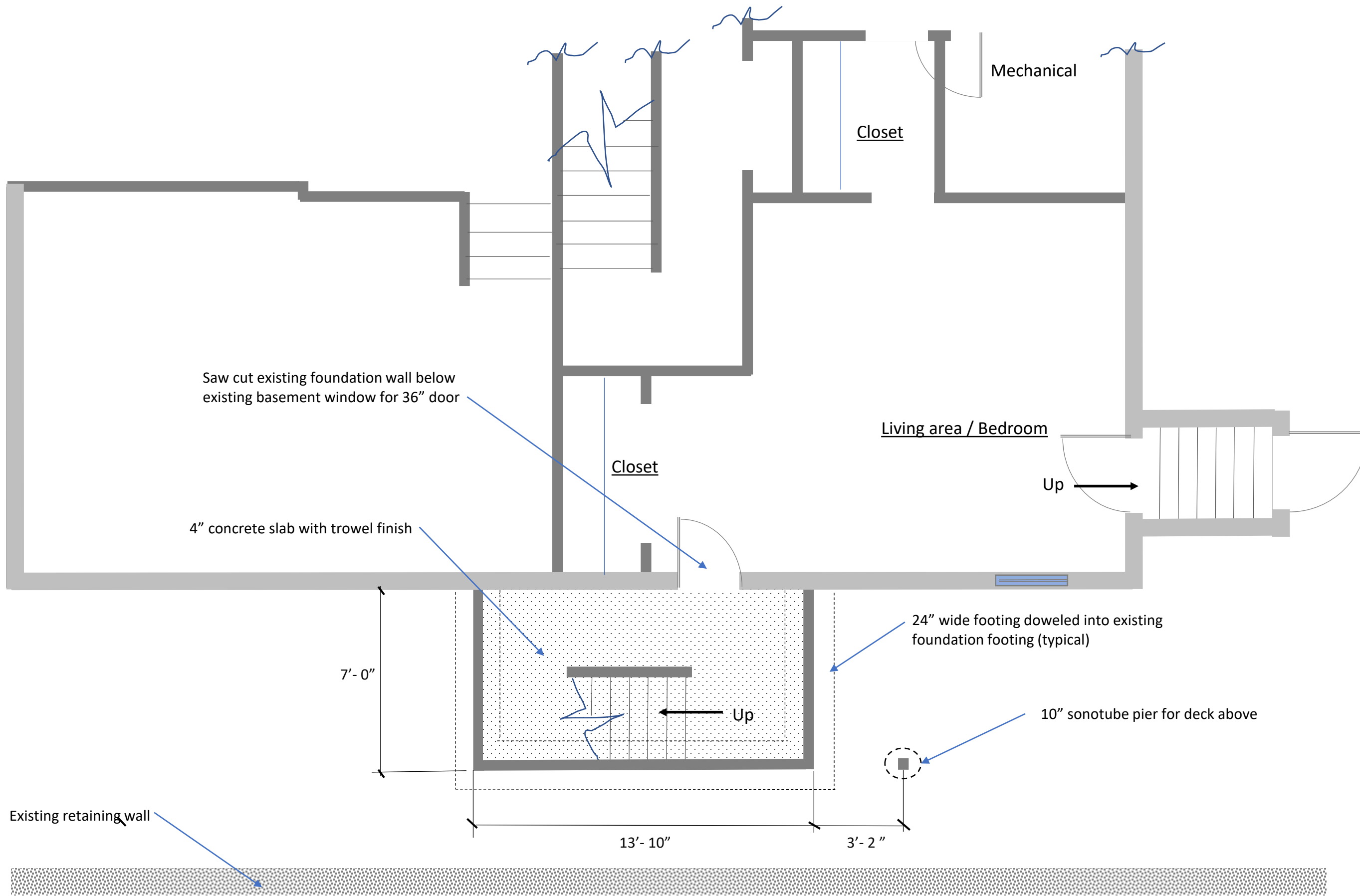
128 Gibbs Street

Newton Centre, MA 02459

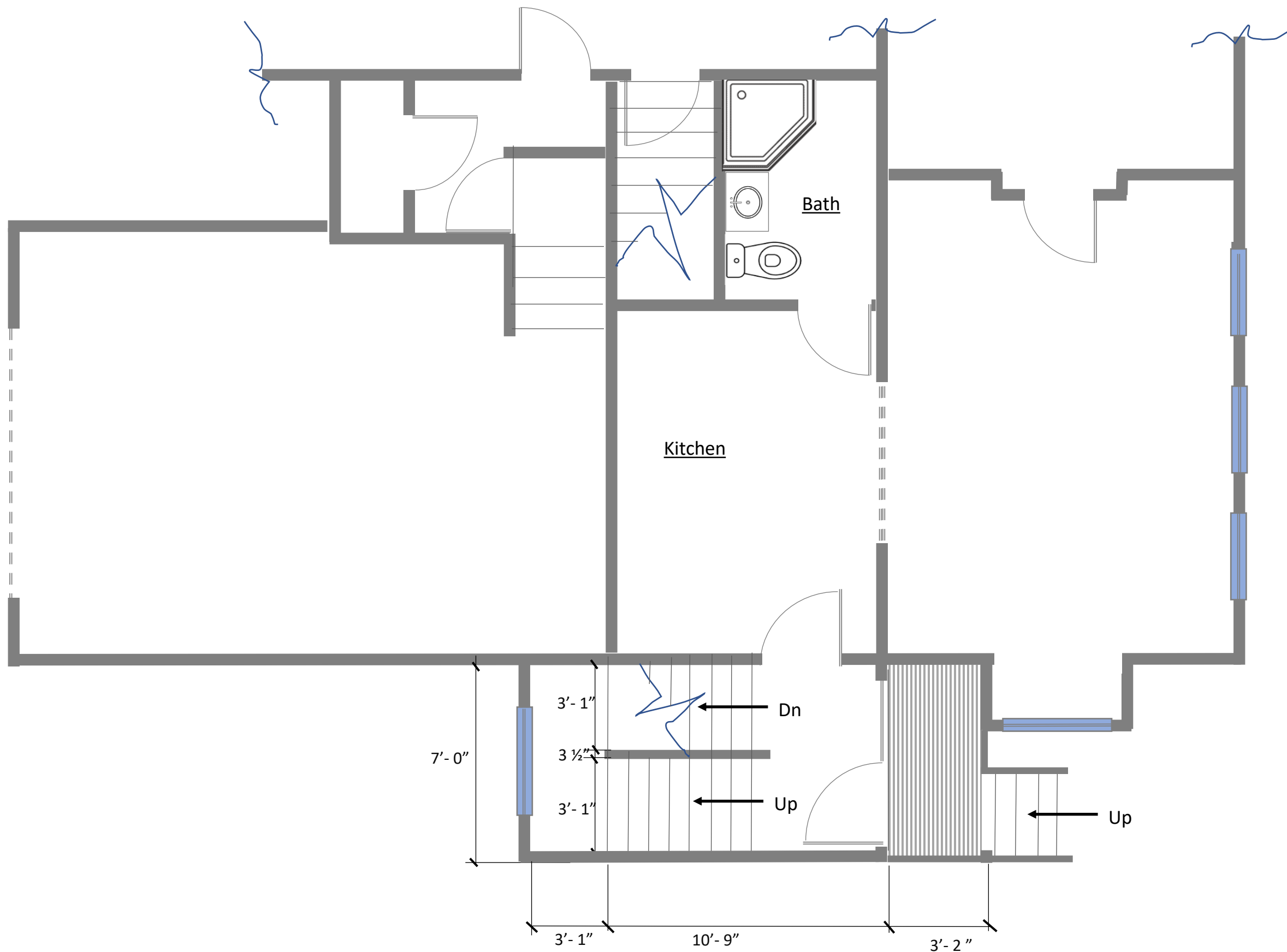
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Basement Plan



GENERAL NOTES:

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First Floor Plan

**GENERAL NOTES:**

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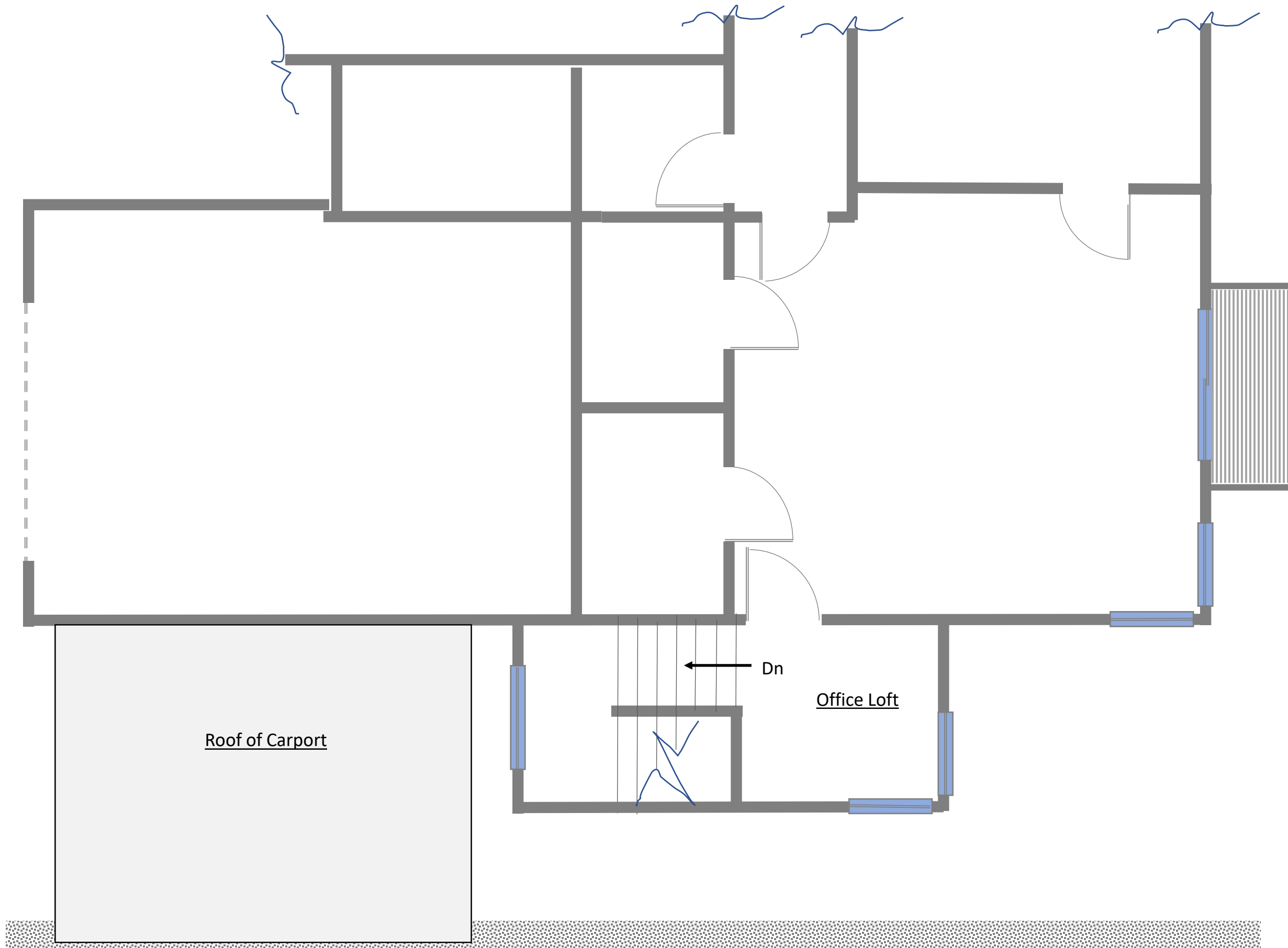
**128 Gibbs Street**

**Newton Centre, MA 02459**

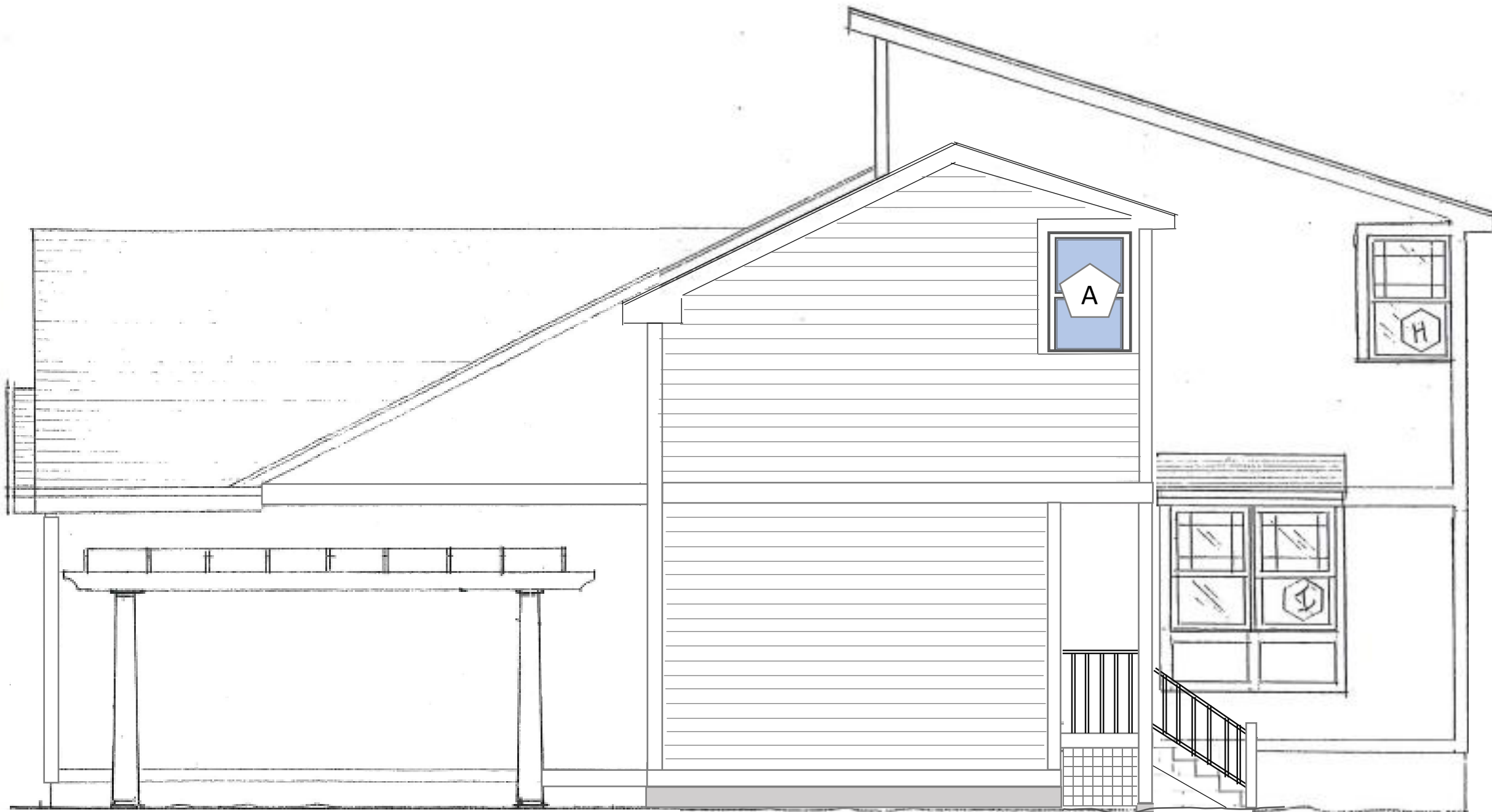
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**Second Floor Plan**



GENERAL NOTES:

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West Elevation





**GENERAL NOTES:**

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North Elevation

**GENERAL NOTES:**

ALL CONSTRUCTION TO COMPLY WITH ALL CURRENT / RELEVANT REGULATORY CODE REQUIREMENTS

CONTRACTOR TO VERIFY ALL FIELD DIMENSIONS AND IF EXISTING CONDITIONS REFLECT SIGNIFICANT NON-CONFORMANCE TO DRAWINGS, CONTRACTOR TO NOTIFY ARCHITECT IMMEDIATELY

DIMENSIONS ARE TO BE USED AND NO DRAWINGS ARE TO BE SCALED FOR CONSTRUCTION

Monday, February 7, 2022

**Edward Zielinski, AIA**  
**128 Gibbs Street**  
**Newton Centre, MA 02459**  
[Zielinskiaia@msn.com](mailto:Zielinskiaia@msn.com)  
**(781) 608 8316**

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South Elevation



**Door & Window Schedule**

Ref #	Elevation	Floor	Letter	Unit	Type	Mfg.	Mfg. #	R. O. Height	R. O. Width	Wall	Comments
1	West	2	A	Double Hung	Clad Designer	Pella	2947	48"	37"	2x6	Reuse existing windows
2	North	1	B	Transom	Clad 400 Series	Andersen	FWT 50110	21"	59"	2x6	
3	North	2	B	Transom	Clad 400 Series	Andersen	FWT 50110	21"	59"	2x6	
4	South	2	A	Double Hung	Clad Designer	Pella	2947	48"	37"	2x6	Reuse existing windows
5	South	1	D	French Door	Clad Designer	Pella	7281	80 1/2"	72"	2x6	
6	North	2	C	Skylight	Fixed	Velux		46 1/2"	22 1/2"	2x10	

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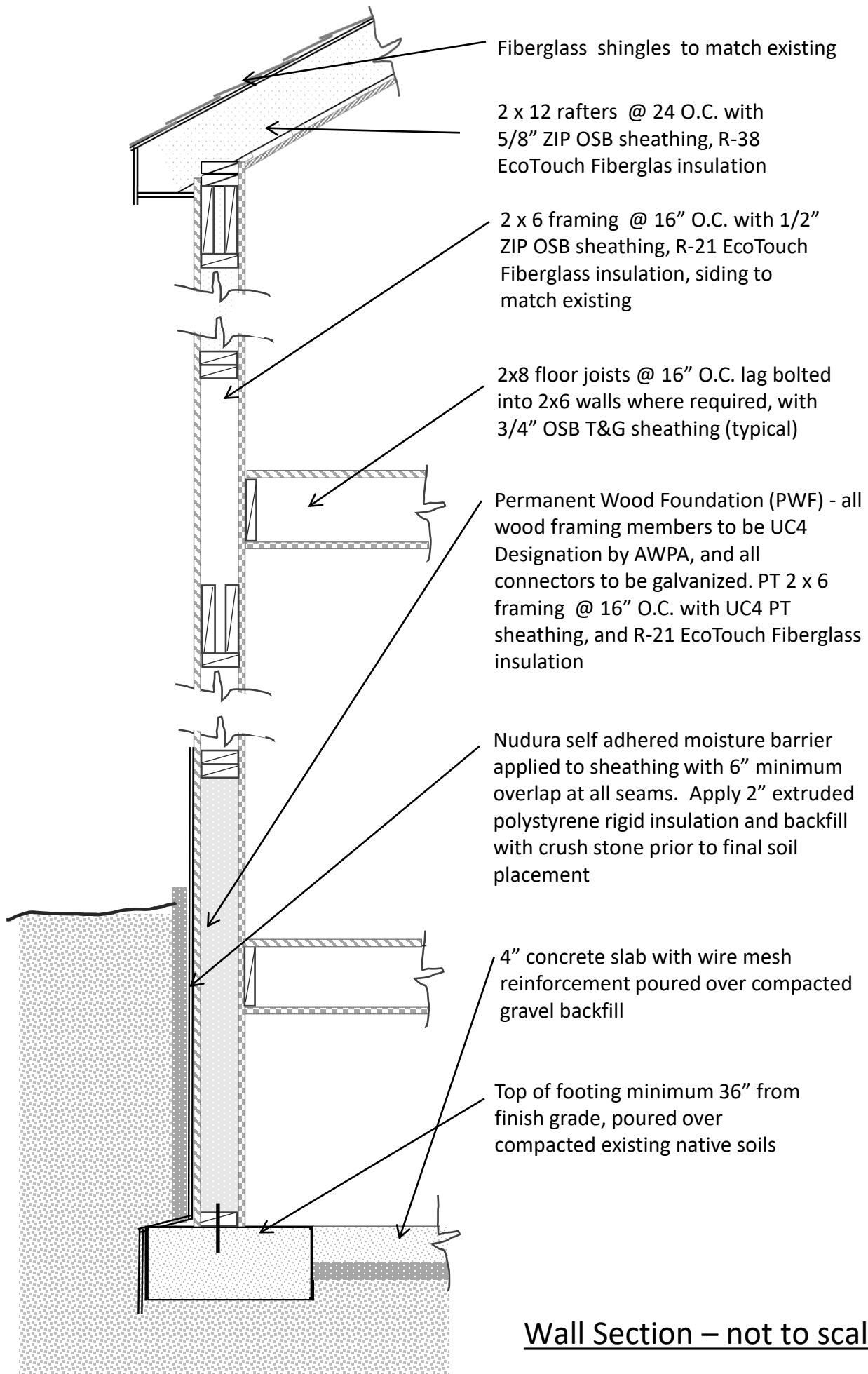
**128 Gibbs Street**

**Newton Centre, MA 02459**

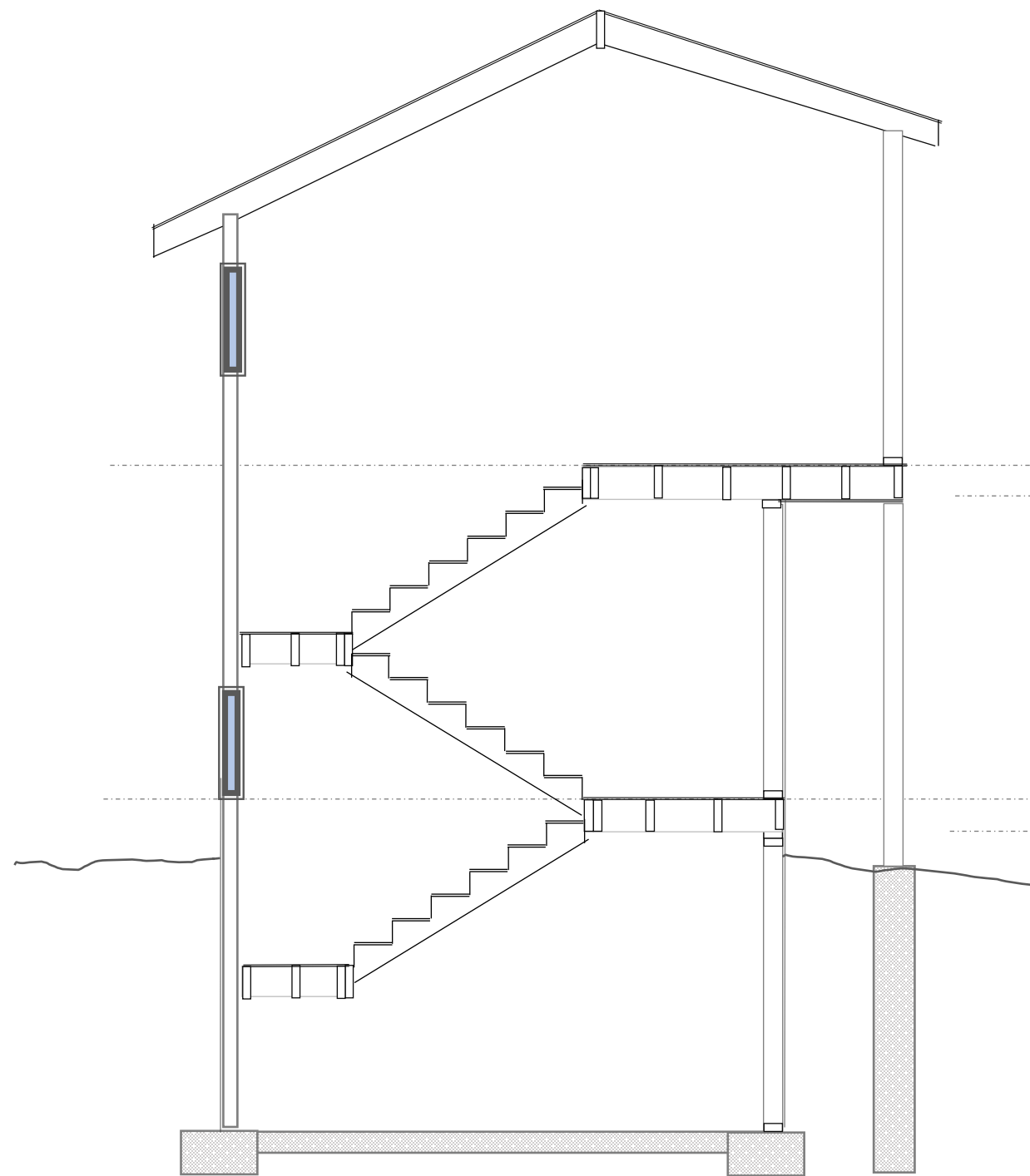
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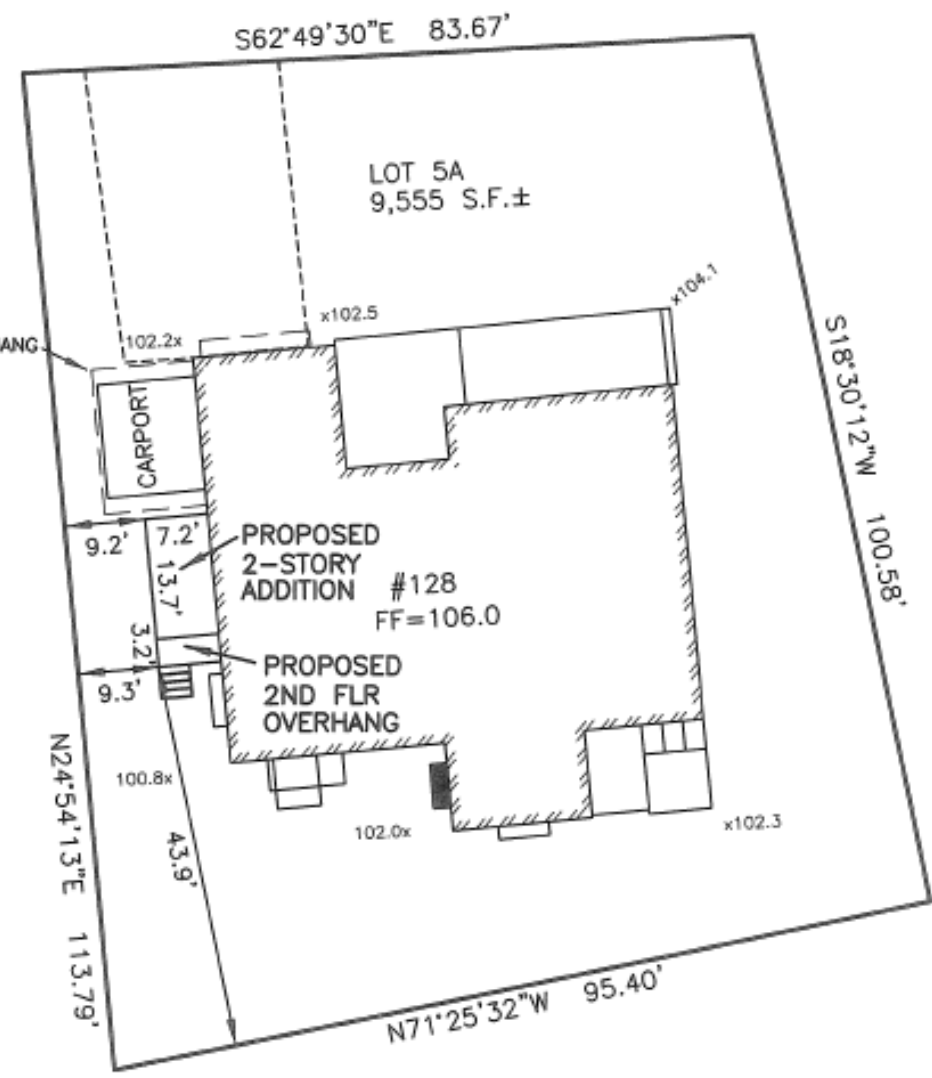


**Wall Section – not to scale**



**Section (from west)**

# GIBBS STREET



## ZONING INFORMATION

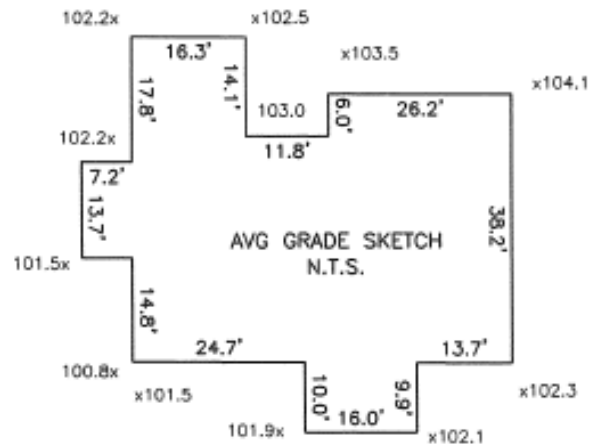
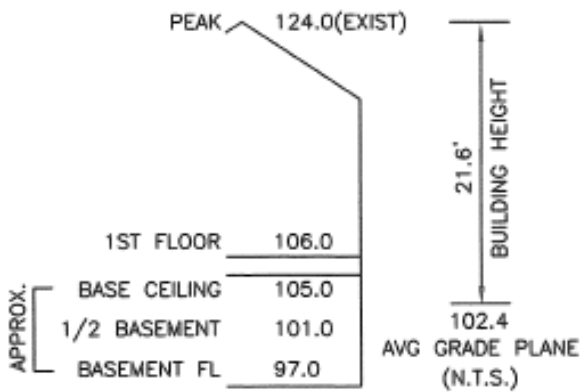
ZONE: SR-2  
 PLAN DATED: MARCH 5, 1980  
 DEED REFERENCE: BOOK 74264 PAGE 28

	EXISTING	PROPOSED	REQUIRED
BUILDINGS	2,673 S.F.	2,794 S.F.	
STRUCTURES	2,975 S.F.	3,096 S.F.	
DRIVE	718 S.F. ±	718 S.F. ±	
	3,693 S.F. ±	3,814 S.F. ±	
LOT COVERAGE	27.9%	29.2%	(20% MAX.)
OPEN SPACE	61% ±	60% ±	(65% MIN.)

ZONING COMPLIANCE DETERMINED BY MUNICIPALITY.  
 AREAS FOR F.A.R. CALCULATION PROVIDED BY ARCHITECT.

INCREASE TO IMPERVIOUS AREA = 121 S.F.

### BUILDING HEIGHT CALCULATION



### AVERAGE GRADE CALCULATION: [SEC 1.5.4(F)]

$$AVG = \frac{\sum[L(E1+E2)/2]}{P}$$

$$AVG = 25365.865 / 247.6 = 102.4$$

GRADES REFER TO LOWEST POINT WITHIN 6' OF BUILDING  
 NOT INTENDED FOR F.A.R. CALCULATION

ESTABLISHED 1916  
**EMB**  
 EVERETT M. BROOKS CO.  
 SURVEYORS & ENGINEERS  
 49 LEXINGTON STREET  
 WEST NEWTON, MA 02465  
 (617) 527-8750  
 info@everettbrooks.com



## PLAN OF LAND IN NEWTON, MA

128 GIBBS STREET  
 PROPOSED ADDITION

SCALE: 1 IN. = 20 FT.

DATE: JANUARY 25, 2022

DRAWN: LNS

CHECK: BB

REVISIONS:

PROJECT NO. 26527

## Proposed Addition & Renovations

128 Gibbs Street  
 Newton, MA 02459  
 Survey  
 Page 1 of 10

GENERAL NOTES:  
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Monday, February 7, 2022

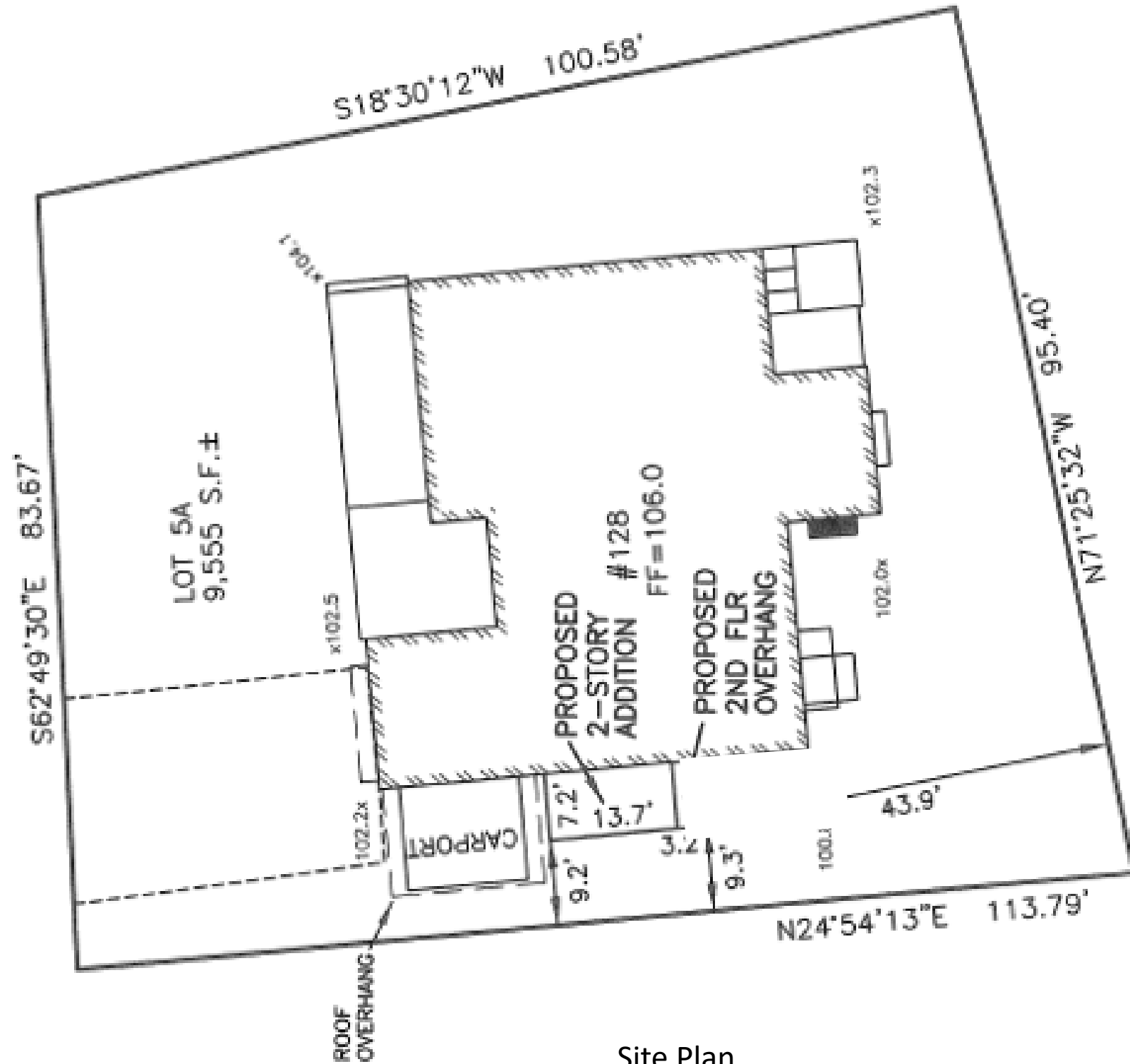
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## Survey



GIBBS STREET



Property

Property SBL	61028 0005A
Address	128 GIBBS ST
Tax Bill Number	2228315
Land Use	1010
Land Use Description	SINGLE FAMILY
Lot Size	9,555 sq ft
Zoning	SR2
Map ID	090NE
ID	61028 0005A

Proposed Accessory  
Apartment size 833.7 sq ft

Proposed Addition & Renovations

128 Gibbs Street  
Newton, MA 02459  
Site Plan  
Page 2 of 10

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Net new redevelopment area of 124 square feet does not trigger minimum 500 SF requirement for minor Stormwater Management permit.

Chapter 246 Stormwater Management

§ 246-6:

C. Storm Water Management Permit Thresholds. A Storm Water Management Permit shall be required for any of the following, except for an activity exempt per § 246-6:

(1) Minor Stormwater Permit.

(a) Any residential alteration, disturbance, development or redevelopment of 500 square feet to 2,000 square feet, except for construction of a new dwelling.

GENERAL NOTES:

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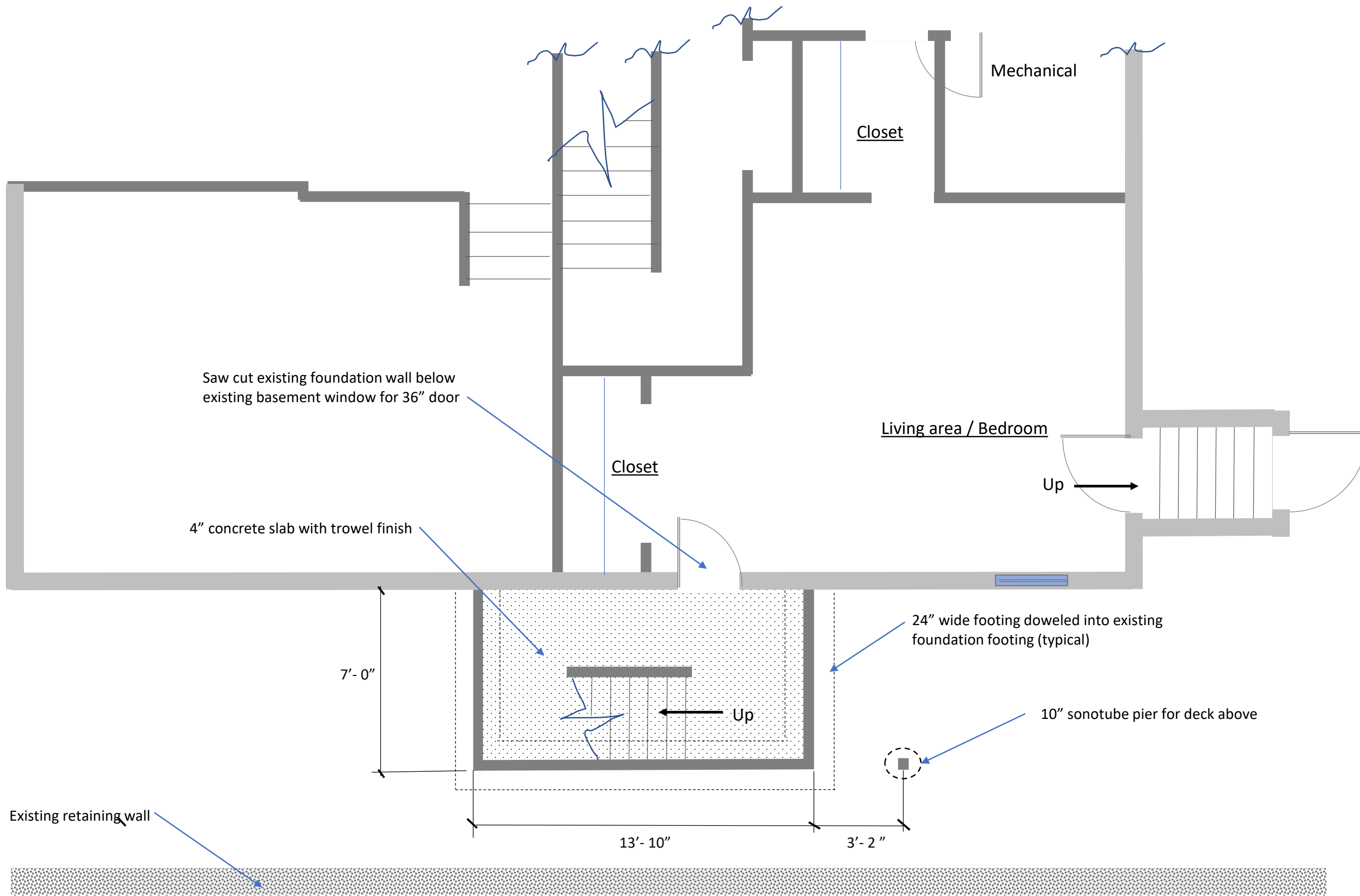
128 Gibbs Street

Newton Centre, MA 02459

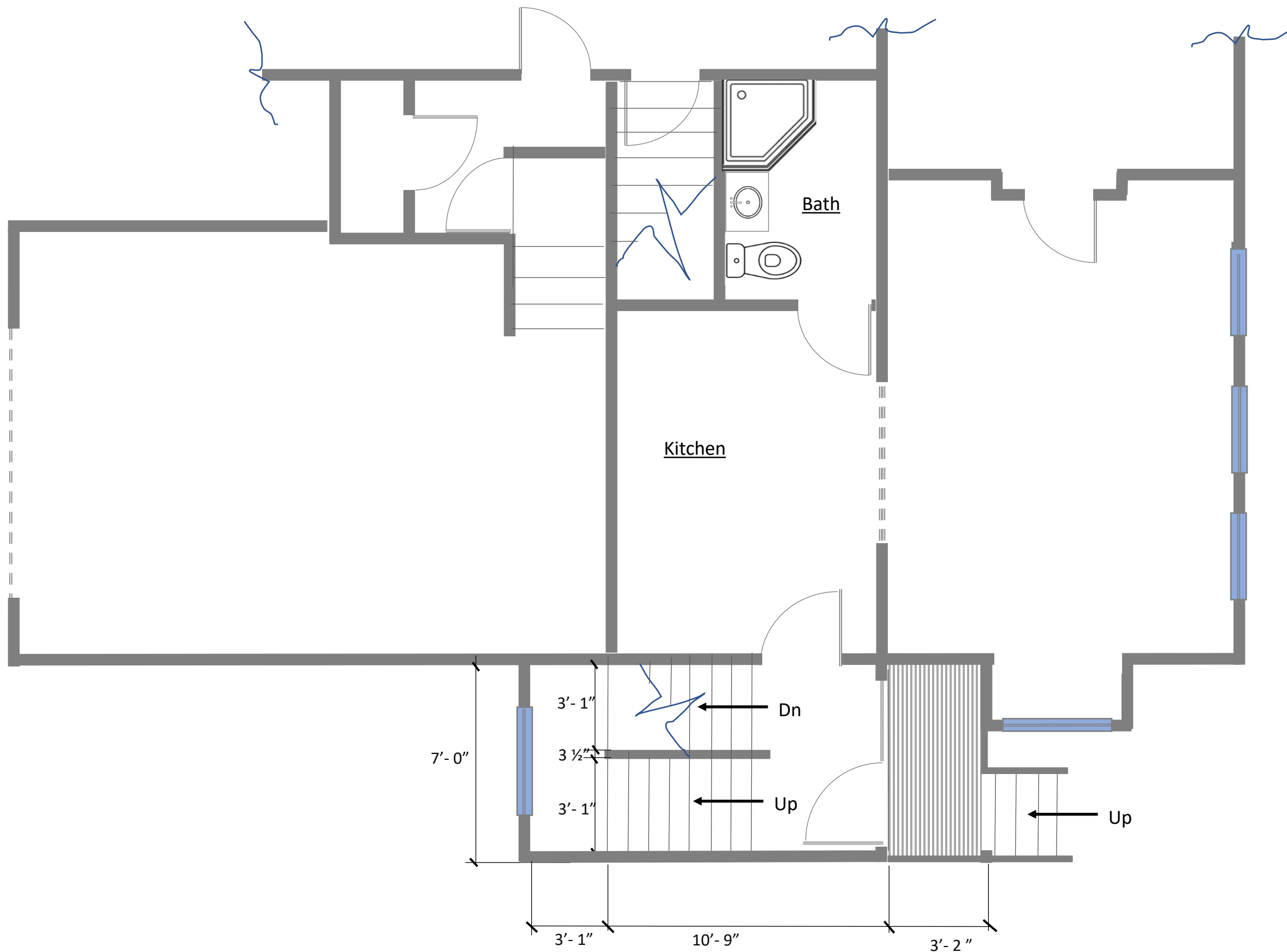
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Basement Plan



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First Floor Plan

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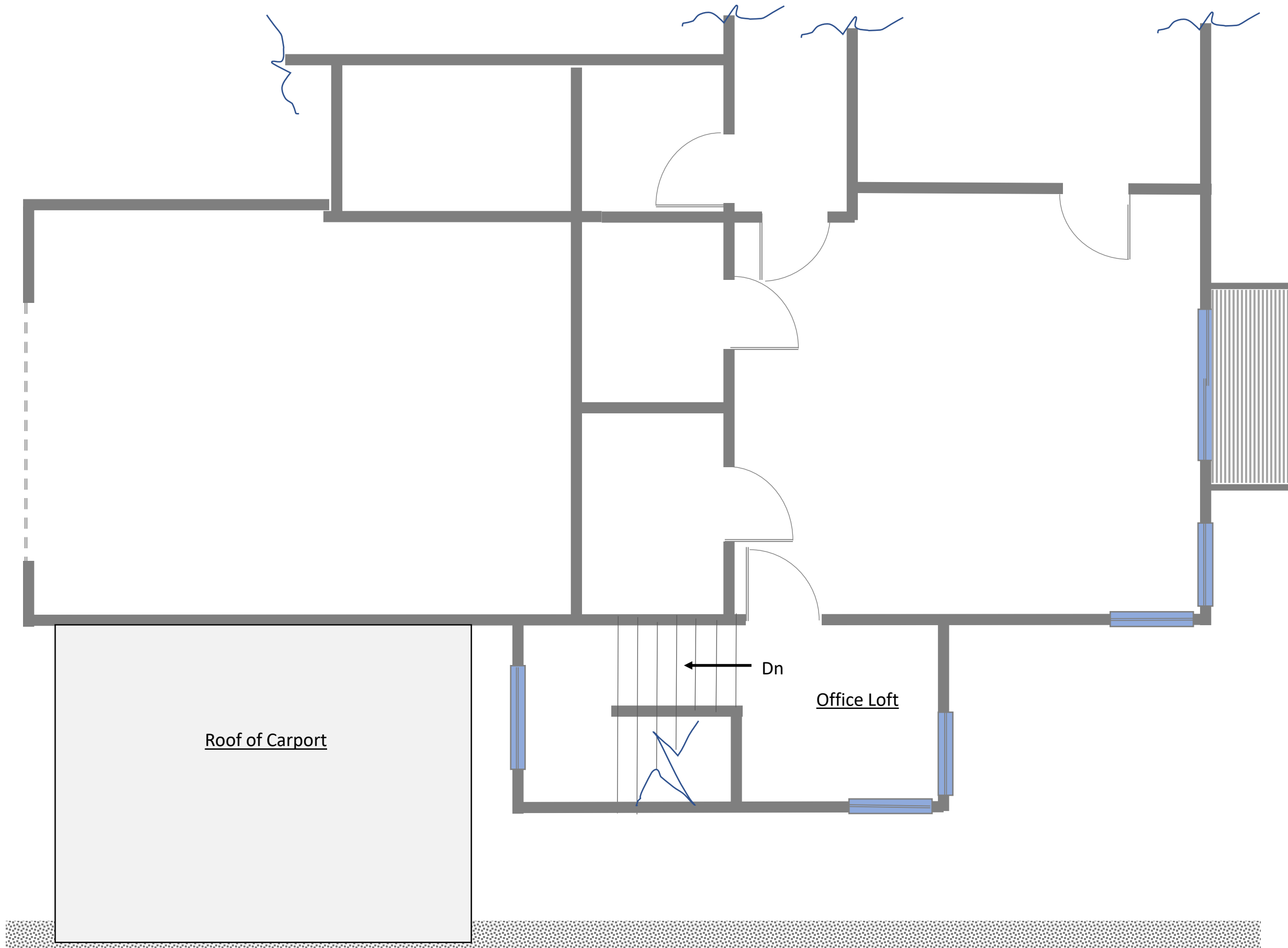
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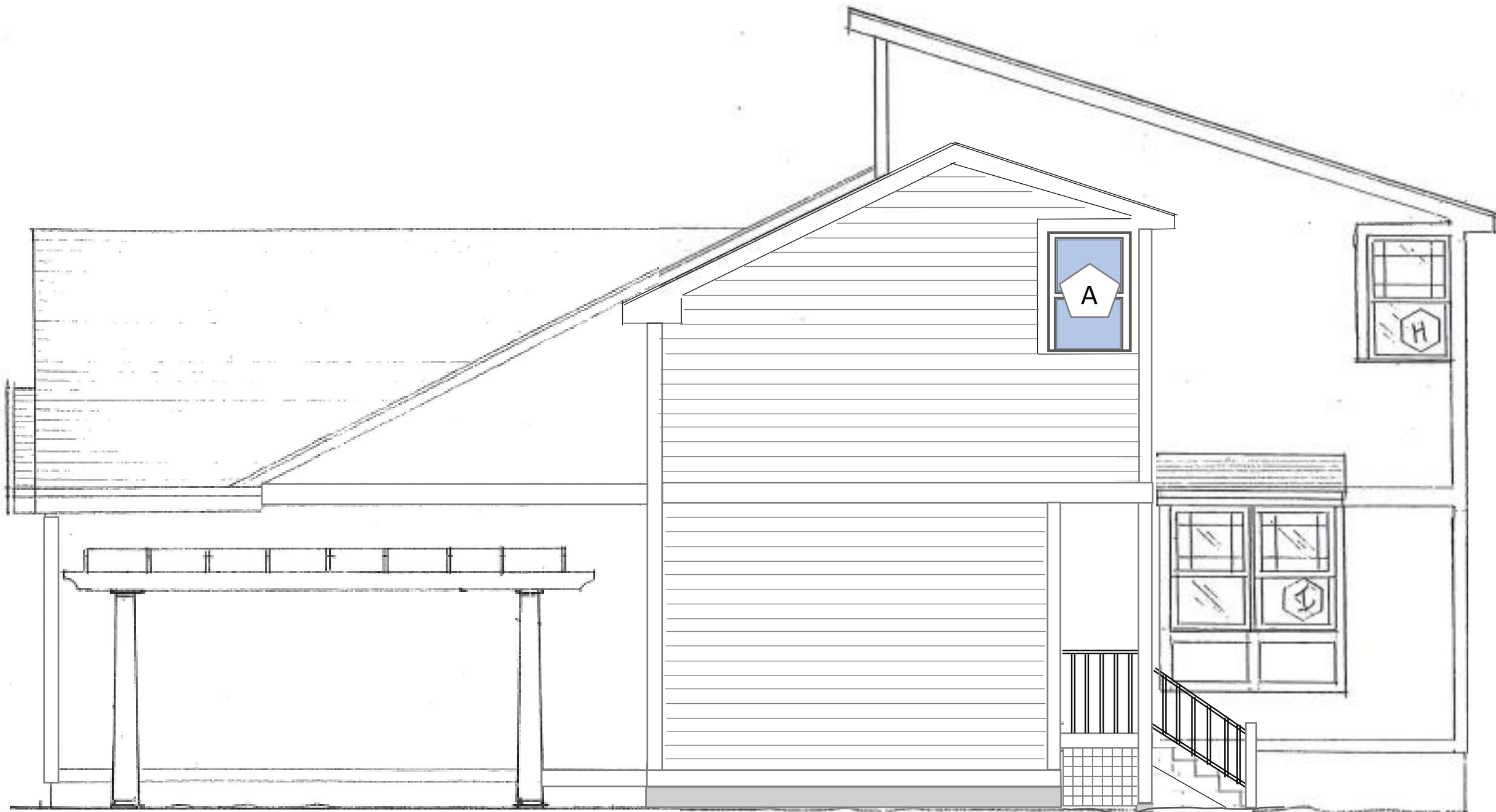
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**Second Floor Plan**





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West Elevation



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North Elevation

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South Elevation



**Door & Window Schedule**

Ref #	Elevation	Floor	Letter	Unit	Type	Mfg.	Mfg. #	R. O. Height	R. O. Width	Wall	Comments
1	West	2	A	Double Hung	Clad Designer	Pella	2947	48"	37"	2x6	Reuse existing windows
2	North	1	B	Transom	Clad 400 Series	Andersen	FWT 50110	21"	59"	2x6	
3	North	2	B	Transom	Clad 400 Series	Andersen	FWT 50110	21"	59"	2x6	
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5	South	1	D	French Door	Clad Designer	Pella	7281	80 1/2"	72"	2x6	
6	North	2	C	Skylight	Fixed	Velux		46 1/2"	22 1/2"	2x10	

**Proposed Addition & Renovations**

**128 Gibbs Street**

**Newton, MA 02459**

**Sections**

**Page 9 of 10**

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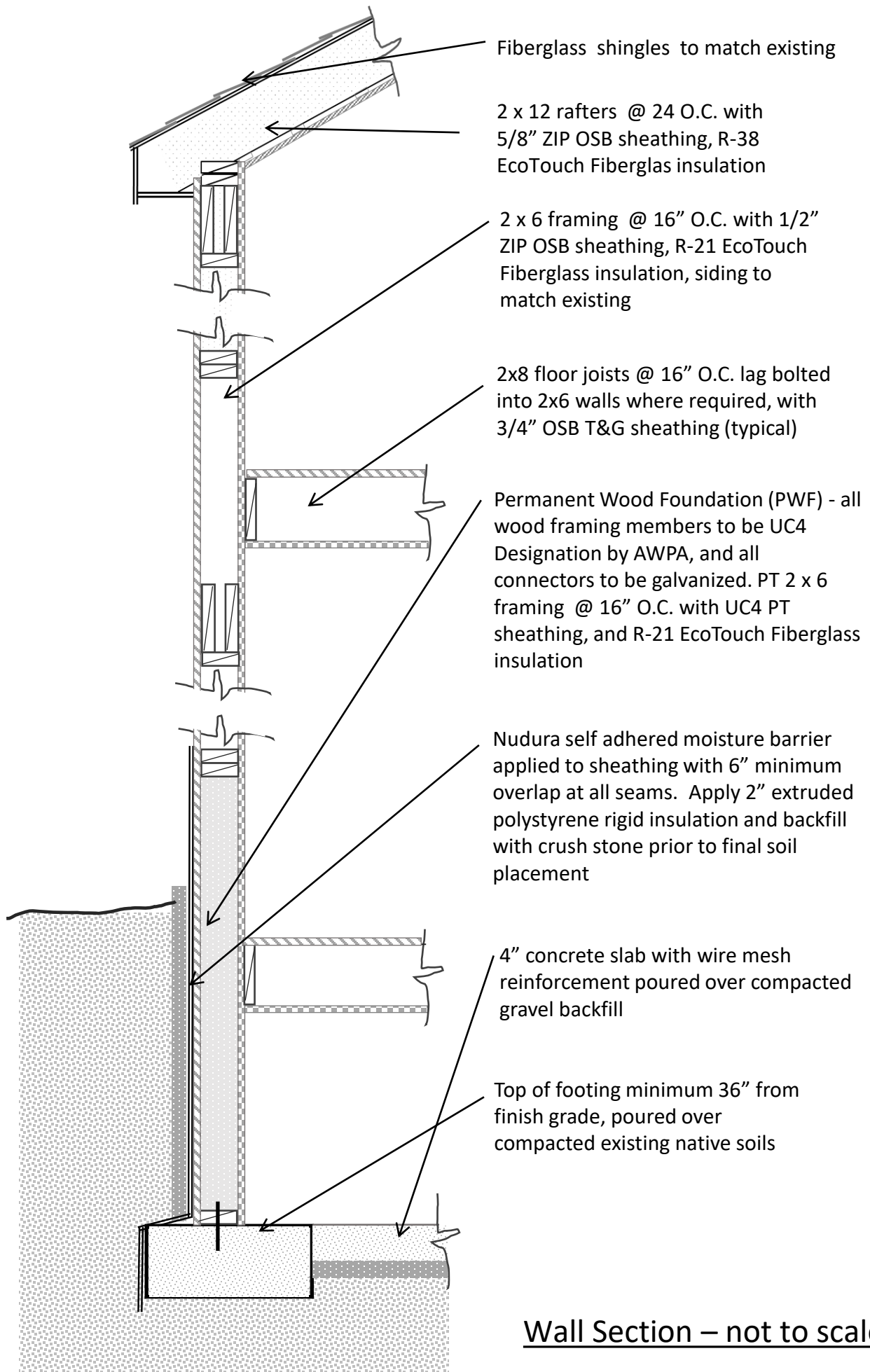
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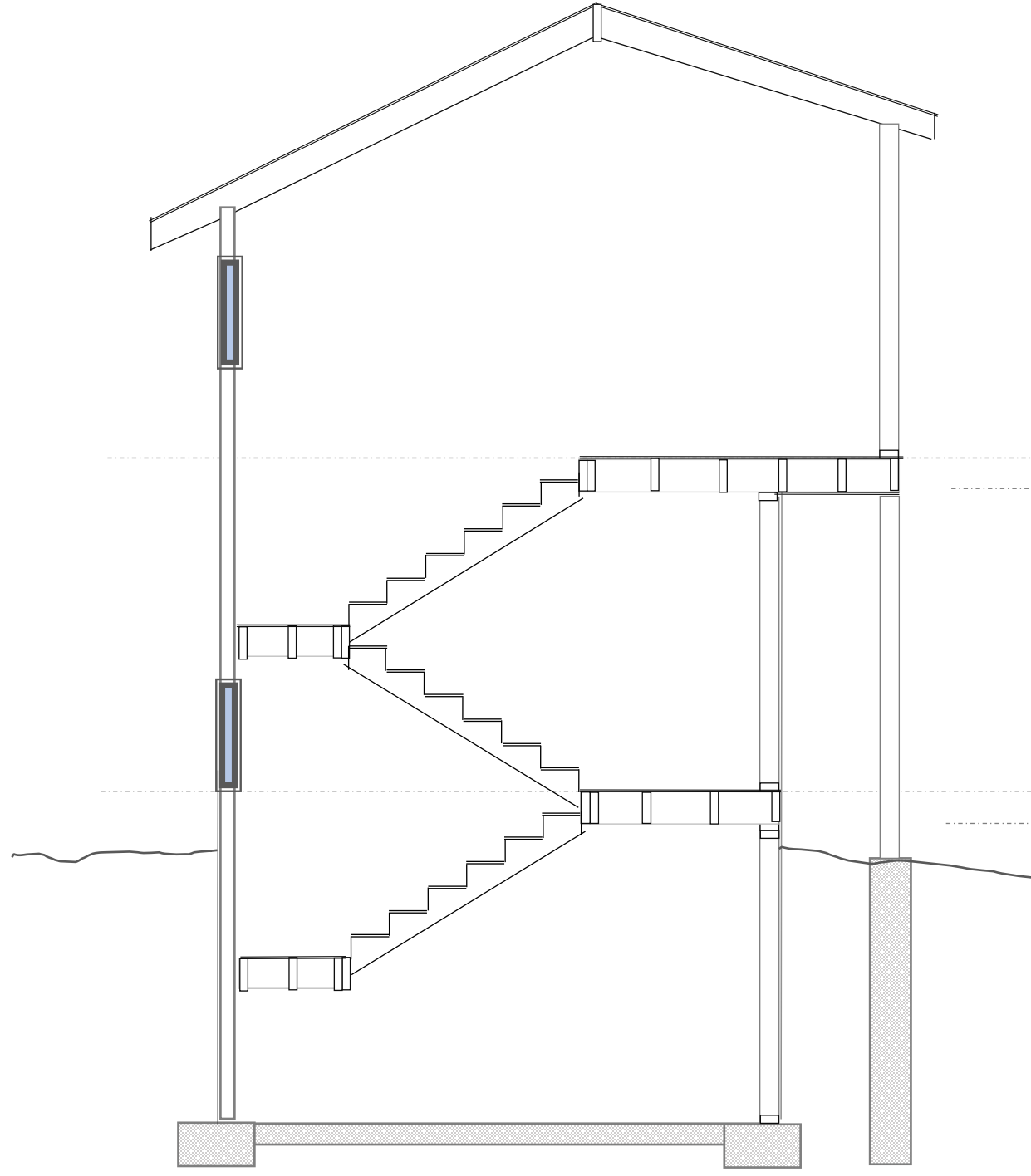
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**Wall Section – not to scale**



**Section (from west)**

CITY OF NEWTON  
TAX COLLECTOR  
1000 COMMONWEALTH AVE  
NEWTON, MA 02459-1449  
000026 0010594



The Commonwealth of Massachusetts  
**CITY OF NEWTON**  
FISCAL 2022 FOURTH QUARTER  
ACTUAL REAL ESTATE TAX BILL

Bill Number: 2228315  
Pay online: [www.newtonma.gov](http://www.newtonma.gov)

See Treasury & Assessing  
FAQs: [www.newtonma.gov](http://www.newtonma.gov)

Owner of Record 1/1/2021:

SCH 5-DIGIT 02459  
ZIELINSKI EDWARD C  
HINES ELIZABETH TRS  
GIBBS STREET REALTY TRUST  
128 GIBBS ST  
NEWTON, MA 02459-1928



01412082022202228315400003903572

**CITY OF NEWTON ELDERLY & DISABLED  
TAXATION AID FUND VOLUNTARY CONTRIBUTION**

\$1.00    \$25.00    \$50.00    \$100.00   \$ \_\_\_\_\_ Other

Please donate online or make check payable and mail to:  
Newton Taxation Aid Fund, Treasurer's Office  
1000 Commonwealth Ave.  
Newton, MA 02459-1449

For detailed program information visit:  
[www.newtonma.gov](http://www.newtonma.gov)

Contact: Office of the Collector: (617) 796-1330, [treasury@newtonma.gov](mailto:treasury@newtonma.gov)

Office of the Assessor: (617) 796-1160, [assessing@newtonma.gov](mailto:assessing@newtonma.gov)

Hours: Monday - Friday, 8:30AM - 5:00PM

TAXPAYER COPY  
FISCAL 2022  
REAL ESTATE TAX

Collector of Taxes M. Ronald Mendes, Esq. Your actual Real Estate Tax for the fiscal year beginning July 1, 2021 and ending June 30, 2022 on the parcel of REAL ESTATE described below is as follows:		The Commonwealth of Massachusetts  City of Newton P.O. Box 9137 Newton, MA 02460-9137		ISSUE DATE: 03/31/2022  Bill Number: 2228315  PARCEL ID: 6102800005A0			
PROPERTY DESCRIPTION		TAX SUMMARY				Total Tax & Liens	\$15,444.79
LOCATION: 128 GIBBS ST		Tax Rate	Residential	Comm.	Industrial	Preliminary Tax	\$7,637.65
Sqr. Feet: 9,555	CLASS: 101	Per \$1000	\$10.52	\$19.95	\$19.95	Third Quarter Tax	\$3,903.57
BOOK / PAGE	74264/28					Payments/Credits through 3/16	\$11,541.22
TOTAL VALUE	\$1,453,600					Balance	\$0.00
ZIELINSKI EDWARD C HINES ELIZABETH TRS GIBBS STREET REALTY TRUST 128 GIBBS ST NEWTON, MA 02459		Total Bett. / Liens				Interest on Balance	\$0.00
		Total CPA Tax				Fourth Quarter Tax	\$3,903.57
		Total Real Estate Tax				<b>Due &amp; Payable</b>	<b>\$3,903.57</b>
		Abatement / Exemptions				<b>05/02/2022</b>	
		Total Tax, Bett., Liens					

SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

Interest at a rate of 14% per annum will accrue on overdue payments from the due date until payment is made.

01412082022202228315400003903572

COLLECTOR COPY  
FISCAL 2022  
REAL ESTATE TAX

ZIELINSKI EDWARD C HINES ELIZABETH TRS GIBBS STREET REALTY TRUST 128 GIBBS ST NEWTON, MA 02459		<b>PAY ONLINE</b> <a href="http://www.newtonma.gov">www.newtonma.gov</a>		ISSUE DATE: 03/31/2022  Bill Number: 2228315  PARCEL ID: 6102800005A0		
		Total Tax & Liens				\$15,444.79
		Preliminary Tax				\$7,637.65
		Third Quarter Tax				\$3,903.57
		Payments/Credits through 3/16				\$11,541.22
		Balance				\$0.00
		Interest on Balance				\$0.00
		Fourth Quarter Tax				\$3,903.57
		<b>Due &amp; Payable</b>				<b>\$3,903.57</b>
		<b>05/02/2022</b>				

SEE REVERSE SIDE FOR IMPORTANT INFORMATION.

MAIL PAYMENTS AND MAKE PAYABLE TO:

City of Newton  
P.O. Box 9137  
Newton, MA 02460-9137

Interest at a rate of 14% per annum will accrue on overdue payments from the due date until payment is made.

01412082022202228315400003903572

May 26, 2022



## NewGov - Newton, MA

Jennifer Breslouf commented on Public Hearing Notice for Special Permit Application #SP-22-66

**"Please note: A public hearing has been scheduled before the Land Use Committee of the Newton City Council for this petition on Tuesday, June 7, 2022. The meeting will begin at 7:00 pm and may be attended either virtually or in-person. Please check for the location of the meeting on the Land Use Committee Agenda at the following link: <https://www.newtonma.gov/government/city-clerk/city-council/friday-packet>. The agenda will be posted on June 3, 2022.**

## Letters of support from Abutters and Neighbors



**From:** Matt Ottmer <mottmer@gmail.com>  
**Sent:** Friday, May 20, 2022 2:32 PM  
**To:** Lisa Hines <lisahines58@msn.com>  
**Cc:** meganmclean@verizon.net  
**Subject:** Re: Public Hearing Notice for Special Permit Application #SP-22-66 - 128 Gibbs Street

Hi Lisa & Ed,

We would like to go on record that we support your application to create an accessory apartment at 128 Gibbs Street, and the proposed construction of an approximate 7' x 14' addition to provide the required egress. The proposed addition is consistent with the neighborhood architecture and we have no objections to the structure as proposed.

Matt Ottmer & Megan McLean  
112 Gibbs St  
Newton, MA 02459

---

**From:** Barbara Joseph <bnjoseph2000@gmail.com>  
**Sent:** Friday, May 20, 2022 10:05 AM  
**To:** Lisa Hines <lisahines58@msn.com>  
**Cc:** afjoseph@gmail.com  
**Subject:** Public hearing

*Hello Ed & Lisa,*

*We would like to go on record that we support your application to create an accessory apartment at 128 Gibbs Street, and the proposed construction of a approximate 7' x 14' addition to provide the required egress. The proposed addition is consistent with the neighborhood architecture and we have no objections to the structure as proposed.*

*Barbara & Andrew Joseph  
35 Everett Street*

---

Barbara Joseph 617.861.7873  
Sent from my iPhone. Please excuse typos.

---

**From:** xtyl@comcast.net <xtyl@comcast.net>  
**Sent:** Thursday, May 19, 2022 5:27 PM  
**To:** 'Lisa Hines' <lisahines58@msn.com>  
**Subject:** RE: Public Hearing Notice for Special Permit Application #SP-22-66 - 128 Gibbs Street

Hello Ed & Lisa,

We would like to go on record that we support your application to create an accessory apartment at 128 Gibbs Street, and the proposed construction of a approximate 7' x 14' addition to provide the required egress. The proposed addition is consistent with the neighborhood architecture and we have no objections to the structure as proposed.

Jane Starkman  
Thomas N. Margulis

106 Gibbs Street  
Newton Centre, MA 02459

---

**From:** Lea Ben-Akiva <lea.benakiva@gmail.com>  
**Sent:** Thursday, May 26, 2022 8:41:51 AM  
**To:** Lisa Hines <lisahines58@msn.com>  
**Cc:** Ari Stern <astern29@gmail.com>  
**Subject:** We support!

*Hello Ed & Lisa,*

*We would like to go on record that we support your application to create an accessory apartment at [128 Gibbs Street](#), and the proposed construction of a approximate 7' x 14' addition to provide the required egress. The proposed addition is consistent with the neighborhood architecture and we have no objections to the structure as proposed.*

*Lea and Ari Stern*

*136 Gibbs Street*

*Newton, MA 02459*

**From:** Philip Keehn <keehn@brandeis.edu>  
**Sent:** Thursday, May 19, 2022 5:12:07 PM  
**To:** lisahines58@msn.com <lisahines58@msn.com>  
**Subject:** Re: Fwd: Public Hearing Notice for Special Permit Application #SP-22-66 - 128 Gibbs Street

*Hello Ed & Lisa,*

*We would like to go on record that we support your application to create an accessory apartment at 128 Gibbs Street, and the proposed construction of a approximate 7' x 14' addition to provide the required egress. The proposed addition is consistent with the neighborhood architecture and we have no objections to the structure as proposed.*

*Lillian and Philip Keehn  
121 Gibbs Street  
Newton*

*PS WE HOPE YOUR PROJECT IS SUCCESSFUL AND WISH YOU WELL WITH YOUR ADDITION.*

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**From:** Pamela Bromberg <pamela.bromberg@simmons.edu>  
**Sent:** Thursday, May 19, 2022 4:37 PM  
**To:** Lisa Hines <lisahines58@msn.com>  
**Cc:** Pamela Bromberg <bromberg@simmons.edu>; lbromberg <lbromberg@mccarter.com>  
**Subject:** Bromberg approval of Special Permit Application #SP-22-66 128 Gibbs Street

Dear Ed and Lisa,

We are writing to give you our support for your application to create an accessory apartment at 128 Gibbs Street and for the proposed construction of an approximate 7' x 14' addition to provide the required egress. The proposed addition is consistent with the neighborhood architecture and we have no objections to the structure as proposed.

Best regards,  
Pam and Lee Bromberg  
129 Gibbs Street  
Newton Centre, MA 02459

Pamela Bromberg  
Professor of English  
Simmons College

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**From:** Rachel Goldstein <rgoldstein2000@gmail.com>  
**Sent:** Monday, May 23, 2022 9:36:36 AM  
**To:** Lisa Hines <lisahines58@msn.com>  
**Subject:** Re: FW: Public Hearing Notice for Special Permit Application #SP-22-66 - 128 Gibbs Street

*Hello Ed & Lisa,*

*We would like to go on record that we support your application to create an accessory apartment at 128 Gibbs Street, and the proposed construction of a approximate 7' x 14' addition to provide the required egress. The proposed addition is consistent with the neighborhood architecture and we have no objections to the structure as proposed.*

*Rachel and Allan Goldstein  
133 Gibbs St  
Newton, MA 02459*

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**From:** Nancy Olin <nancyolin@rcn.com>  
**Sent:** Wednesday, May 25, 2022 3:44 PM  
**To:** Lisa Hines <lisahines58@msn.com>  
**Subject:** Re: Public Hearing Notice for Special Permit Application #SP-22-66 - 128 Gibbs Street

*Hello Ed & Lisa,*

*We would like to go on record that we support your application to create an accessory apartment at 128 Gibbs Street, and the proposed construction of a approximate 7' x 14' addition to provide the required egress. The proposed addition is consistent with the neighborhood architecture and we have no objections to the structure as proposed.*

*Nancy Olin and Steve Steinberg  
144 Gibbs St  
Newton, MA 02459*





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Ruthanne Fuller  
Mayor

**ZONING BOARD OF APPEALS**  
Brenda Belsanti, Zoning Board Clerk

## **MEETING MINUTES**

**Wednesday, May 25, 2022**

**7:00 p.m.**

**Virtually via Zoom**

**Board Members Present:** Brooke Lipsitt (Chair), Michael Rossi, Elizabeth Sweet, Stuart Snyder, Lei Reilley, Denise Chicoine, and Jennifer Pucci (all participated remotely)

**Staff Present:** Heather Zaring, Executive Assistant; Brenda Belsanti, ZBA Clerk, Barney Heath, Director of Planning & Development, Jennifer Wilson, Assistant City Solicitor, Jonah Temple, Assistant City Solicitor and Jenna Berkowitz, Law Intern

**A public hearing of the Newton Zoning Board of Appeals was held virtually via Zoom on Wednesday, May 25, 2022, at 7:00 p.m. on the following petitions:**

1. **#04-22** John Realty Inc. requesting a variance from Section 3.2.3 of the Newton Zoning Ordinance to reduce the required lot area to 8,880 square feet and to reduce the required lot area per unit to 4,400 square feet to allow a two-family dwelling. The subject property is located at 34 John Street within a Multi-Residence 1 (MR-1) zoning district and consists of a 8,800 square foot lot.
2. **#05-22** 10 Champa Street LLC requesting to amend variance #379-59 to remove the condition that limits the use of the property to a single-family dwelling. The subject property is located at 10 Champa Street within a Multi-Residence 1 (MR-1) zoning district and consists of a 9,567 square foot lot.
3. Review Zoning Board of Appeals fees
4. Review and approval of minutes for April 27, 2022 meeting.

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**Agenda Item 3:** Review Zoning Board of Appeals Fees. This agenda item was heard first to get input from a majority of the Board

### **Documents Submitted:**

1. ZBA memorandum dated May 6, 2022.



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2. ZBA supplemental memorandum dated May 25, 2022.

## Testimony:

Mr. Heath stated the discussion surrounding ZBA fees was precipitated due to the loss of the Newton Tab for legal advertising. Advertising must be in a paper of general circulation such as the Boston Globe and we are looking at the Boston Herald as an option as well. Research was done in the adjacent communities without a local community paper. Application fees consist of cost of advertising and general costs of administration for variance, appeal, and comprehensive permit. Newton has not adjusted their fees since at least 2014. The Town of Brookline is upping fee from \$350 to \$3500 to equate to the rise in cost of advertising fees. The Boston Globe is 5 to 10 times the fee of The Tab. Staff proposed to raise the fees from \$400 for appeals and \$500 for variances to a flat \$1000 for each to reflect that increase primarily in advertising fees. As we saw from the previous training there are some applications that can take significant staff and administrative time.

Chairperson Lipsitt asked if we have used the Globe yet and at what cost.

Mr. Heath responded that yes, the ad for this evening's meeting was over \$1000 which normally in the Tab it would be \$100 to \$150 range.

Ms. Belsanti added to Mr. Heath's remarks by commenting that when speaking to other communities, she found out that Watertown and Brookline were most affected like Newton and that Brookline stated that the ad they placed was \$1300 per day for \$2600 total for two days. Watertown is discussing to possibly use the Cambridge local newspaper or the high school newspaper while Weston was discussing raising their fees.

Mr. Snyder asked for clarification for the \$3500 cost.

Ms. Belsanti responded that it was for the Boston Globe advertising for variance application. Also, she commented on other fees that other towns are adding instead of flat fees to make up costs.

Mr. Snyder stated if ads are \$1300 per day, we should at least be covering costs.

Ms. Belsanti responded that she did not ask the length of their ads so that is another variable to consider.



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Mr. Heath stated that staff worked with Mr. Temple and the Law team to shorten the length of the ads to meet the minimum requirements.

Attorney Temple stated that staff pared down the public notice to save money and looked at the Brookline notice which was for a comprehensive permit and those are larger and the fees for those are already much higher to account for that. He believed the proposed fees will cover the administrative hard costs with ads and abutter notices.

Mr. Rossi questioned if Watertown is looking at using a Cambridge paper what the scope of the obligation is and what does the statute say. He continued on and inquired if Newton could use the Needham paper and encouraged staff to be as creative as possible.

Attorney Temple responded that he does not see how Watertown will be able to use the Cambridge paper.

Chair Lipsitt asked for the definition of a paper of general distribution. Chair Lipsitt questioned how to meet the letter of the law and also meet the intent of the law. She stated that staff need to be using a publication that is circulated in Newton.

Mr. Rossi responded that he believed that the amount of people that are actually reading these notices in the paper is so small, but if we are putting notices on the city website and everywhere else that we could do something to save the applicants some money but he did not think we would be flaunting the law if staff did notice in another local paper but understands honoring the spirit of it.

Ms. Sweet stated that she believed that the \$1000 would cover the cost. She remarked that people have to buy the Globe whereas the Tab was free and questioned how many people were actually buying the Globe and seeing it.

Attorney Harrington suggested contacting probate court to see what they are doing and contact the State House because the regulation comes from the state, as they may be working on a plan for electronic postings.

Chair Lipsitt compared appeals and variances. The Board have two types of appeals that come in – someone who is a property owner that is denied a building permit and then there are appeals from people who feel aggrieved by a decision by the Inspectional Services Department. Chair Lipsitt stated that she didn't know if she sees appeals as equal to a variance as variances are requests by



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someone who is looking to improve their property and asked if anyone was in agreement.

Ms. Chicione agreed with the Chair that she sees a distinct difference between someone who is renovating a house or expanding versus someone that is challenging a denial or something a neighbor has done. She questioned if other towns make a distinction between the different appeals. Mr. Heath responded that it is a mix. If there is an adjustment it is \$50 or \$100, but for most it appears to be a flat fee.

Attorney Temple stated that the fee should not be based on the type of relief being requested or impact on the homeowner. The purpose of the fee is to reimburse the city of the administrative costs so it should be looked at on the back end of the city's administrative cost for a variance versus an appeal and for the most part they are the same. The cost for mailings and advertisement and staff cost is generally the same. Staff time for appeals would be higher.

Chair Lipsitt questioned how comprehensive permits for non-profits could potentially be less than \$1000 and inquired if staff are looking to raising comprehensive permit fees.

Mr. Heath responded that the baseline starts at \$1000 then \$50 per unit and we rarely see less than seven units and for-profits start at \$2000 and up.

Chair Lipsitt questioned the members of the Board if they had enough information to make a decision on the item.

Mr. Snyder responded he was willing to accept the recommendations and if there was further information at a later time, we could reconsider looking at the item again.

Attorney Temple clarified that this motion would be to amend the ZBA Rules and Regulations to reflect these fees

A motion was made by Stuart Snyder to amend the ZBA Rules and Regulations to reflect the fee recommendations, seconded by Michael Rossi. The motion passed 6-0



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## ZONING BOARD OF APPEALS

Brenda Belsanti, Zoning Board Clerk

**Agenda Item 1:** #04-22 -- John Realty Inc. for 34 John Street. Sitting Members: Brooke Lipsitt (Chair), Michael Rossi, Elizabeth Sweet, Stuart Snyder, and Lei Reilly

### Documents Submitted:

3. 34 John Street stamped application dated April 8, 2022.
4. 34 John Street supplemental memorandum dated May 25, 2022.

### Testimony:

Representing the petitioner, Attorney Peter Harrington, of Harrington & Harrington, 505 Waltham Street, stated that there are two separate lots of 4,400 square feet in 1953 that were thought to be merged if owned by the same person. It is common practice that if two lots are owned by the same person and are next to one another that it tends to be considered as joined, but that is not what the law states. The lots were officially combined in 2021 and by doing so, the owner needs two variances in order to construct a two-family home as the property does not have appropriate lot area per unit and lot size.

Attorney Harrington stated this property is in a two-family zone on a dead-end street and the neighborhood consists of single and two-family homes. The proposed project would be in keeping in kind of use in the neighborhood.

Attorney Harrington stated there are two separate hardships to claim. First -- one lot was bought/deeded in 1941 and one lot was bought/deeded in 1946. The owner married and deeded one lot with the house to himself and his wife but kept the other lot deeded in his name only. He stipulated that the vacant lot the wife had had a statutory ownership interest and a common-law ownership interest in the property called a dollar right. The husband could not sell the property without her. The couple together owned the property therefore the lots were owned by the same people and caused the merger per the 1953 plan. If the Board find that the lots were merged, then there would be no variance required and they could go on with constructing the building. The second variance is needed is for shape of the land. There was a previous decision in 2019 petition #08-19 for 34 Morton Street that was granted that had a similar problem due to the owners having divided lots and the shape of the lot was a hardship due to it not being big enough on its own as the other parcel was sold. The separation of land had happened when there were no restrictions. At one



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time the land at 34 John Street met the requirements to build a two-family house, but due to changes in the law it had eliminated their right and was looking to get the right reestablished. Attorney Harrington's argument is the size of the lot is covered under the scope of the shape of the lot which is an issue in the statute and the ordinance. Another hardship deals with the building not the land and is also related to the 2019 case. A civil engineer found there are no footings for the cement foundation of the current structure at 34 John Street. An addition cannot be added without a large expenditure of money, plus it still would not guarantee safety due to the potential of the shifting of the foundation. Any changes to existing house would result in needing to re-dig the foundation, along with having to keep a percentage of the existing house and the sides, and install new footings, The connecting of a new and old structure would create safety issues, along with being a hardship financially and would not guarantee the safety of the structure.

Petitioner, Olivia Zhou, of 10 Woodbury Drive, Westwood, stated the building department advised her to merge the lots to build a two-family if she kept 50% of the original structure. The home is not historical per review with Newton Historical Commission, and they gave approval to demolish the existing house if the property owner chooses to do so.

Chair Lipsitt wanted clarification regarding merger hardship issue – one document is confirmatory quick claim deed as a single lot of 8,800 square feet dated May 2021 and she believed it addressed the issue of the merger. Attorney Harrington responded that the petitioner had merged the lots after consultation with the Building Department, but the merger is not retroactive. There still needs approval by the ZBA. Chair Lipsitt addressed Attorney Temple for clarification. Attorney Temple recommended not to account for the merger issue.

Chair Lipsitt wanted clarification regarding size of land and shape of land being the same even though size of land is not a factor under Chapter 40A. Attorney Harrington argued that the size falls under the umbrella of shape. Chair Lipsitt referred to Attorney Temple for comment and he stated an undersized lot does not fall under special circumstances.

Mr. Rossi wanted clarification regarding the hardship of not being able to build a two-family house vs. being able to build single-family house. Attorney Harrington was not aware there is a need for a variance since it's in a two-family zone. The question is the size of the lot to build any house on



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it and that house could be in that zone as a matter of right. Also, the owner cannot use the property for purposes for which it is zoned. Ms. Zhou commented that she could build two-family on merged lot no matter the variance if we kept 50% existing building. If no variance approval, we would need to come up with integrated plan for old and new building. Attorney Temple responded that Ms. Zhou was not correct and any conversion from single-family to two-family would trigger new lot requirements and a variance.

Chair Lipsitt stated that Attorney Harrington seemed to be making a case for a new single-family home to be built on a lot less than 10,000 square feet not a case for a two-family home. Attorney Harrington responded that it was zoned as a two-family and his clients need a variance of size not use. The owner can build a house with a separate apartment.

There was no comment from the public.

A motion was made by Betsy Sweet to close the public hearing, seconded by Stuart Snyder. The motion passed 5-0 and the public hearing was closed.

### **Deliberation:**

The Board then discussed and deliberated the merits of the petition. Board members focused their discussion on whether the petition meets the statutory standard for uniqueness of the lot and substantial hardship.

Accordingly, a motion was made by Michael Rossi, duly seconded by Betsy Sweet, to approve the requested amendment to the variance that the lot area required be reduced to 8,800 square feet from 10,000 square feet required by the zoning ordinance. The motion passed five in favor and none opposed. Therefore, the request for a variance is granted.

A second motion was made by Michael Rossi, duly seconded by Stuart Snyder, to deny the requested amendment to the variance to reduce the required lot area per unit to 4,400 square feet from 5,000 square feet. The motion passed five in favor and none opposed. Therefore, the request for a variance is denied.



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## ZONING BOARD OF APPEALS

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**Agenda Item 2:** #05-22—10 Champa Street. Sitting Members: Brooke Lipsitt (Chair), Michael Rossi, Elizabeth Sweet, Stuart Snyder, and Lei Reilley

### **Documents Submitted:**

1. 10 Champa Street stamped application dated May 5, 2022.

### **Testimony:**

Attorney Lawrence Lee, of Rosenberg, Freedman, & Lee, 246 Walnut Street, Newton, stated “one quick clarification before I start - the request is to amend an existing variance that was granted in 1959. We are not asking to really eliminate the condition, but to amend the condition”. The 1959 variance condition states any house that shall be erected on Lot B shall be for occupancy for not more than one family. Attorney Lee presented his argument via visuals. His argument was that his client did not want to make any proposed changes to the existing site, but rather undo the hardship placed on the property due to that particular condition. Decision tonight would not allow anything different other than a single-family house. The subject premises is Lot B and was split from a larger parcel. The applicant is seeking to remove the condition which will allow them to either file for a special permit with the City Council so they can develop the property or construct an accessory apartment. Amending the condition on the variance removes an undue hardship and restriction on the land and allows a possible use consistent with the neighborhood.

Chair Lipsitt asked if modifying the condition to allow an internal accessory apartment would meet the applicant’s needs. Attorney Lee responded at first that it would not suit his clients needs, but after discussion with his client said that he would be happy to be allowed the option to seek approval if only for an accessory apartment

Mr. Rossi asked in the reading of the 1959 variance if there was a reason for the condition that could be found. Attorney Lee responded that he could not find a reason for the rationale.

Mr. Snyder asked what criteria the Board should consider when making a determination. Attorney Lee responded is this condition puts an undue burden on the property that it can only be used as a single-family home

### **Public Comment:**

Ms. Linda Ghiron, 17 Champa Street, Newton stated she has lived for 34 years across the street and a developer has bought the lot. The existing home is in pristine condition. The street has thirteen homes in total but there are only two two-family homes. The streets is on a ledge and she is concerned about the amount of drilling to get through the ledge, which can take months. She concluded her





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remarks by talking about how parking is already an issue and adding extra cars will only exacerbate the parking problem.

Ms. Janet Park, 17 Champa Street, Newton stated that there are already issues with construction on her street as it has been the staging area for the new gas lines daily for more than six months. 23 Champa Street was built as a two-family home in the 1980's via a variance on a lot and it was only 6,980 square feet 23 Champa Street is very close to her home and the noise was horrendous. She had to petition the city to remove an illegal accessory apartment there due to the increase in cars and no parking. There is nowhere to put an accessory apartment on the lot at 10 Champa Street.

Ms. Stephanie Gianno, 27 Champa Street, Newton agreed with Ms. Ghiron's assessment and confused about the ask from Mr. Lee as the lot is not large enough for multi-dwelling, but an accessory apartment would not meet the applicant's needs. Daily use and disruption of the neighborhood and limited parking of multi-family construction would ruin the neighborhood.

Dr. Miguel Roque, 37 Champa Street, Newton, stated the applicant's request broadcasts intent to construct more. Nothing that could be constructed would be affordable, it would be high priced, high value, real estate for the developer. Granting the request would improve the petitioner's chances to sell to another developer and the next homeowner would be back before the Board asking for more. He would like to see the character of the neighborhood remain.

Mr. Kevin Hennigan, 27 Champa Street, Newton, stated this is a foot in the door for a multi-family and would push low to middle-income families out of Newton.

A motion was made by Stuart Snyder to close the public hearing, seconded by Betsy Sweet. The motion passed 5-0 and the public hearing was closed

### **Deliberation:**

The Board then discussed and deliberated the merits of the petition. Board members focused their discussion on whether the petition meets the statutory standard and substantial hardship in light of the previous granted variance condition

Accordingly, a motion was made by Stuart Snyder, duly seconded by Betsy Sweet, to deny the requested amendment to the variance. The motion passed five in favor and none opposed. Therefore, the request for a variance is denied.



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**Agenda Item 4:** Review and approval of minutes for April 27, 2022, meeting.

A motion was made by Elizabeth Sweet to approve the minutes as circulated. This motion was duly seconded by Lei Reilly. The motion passed 5-0.

Adjourned 9:02 p.m.

**ZBA DECISIONS can be found at [www.newtonma.gov/ZBA](http://www.newtonma.gov/ZBA)**

DRAFT