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ATTORNEY AT LAW

July 9, 2015

IN HAND DELIVERY

Alderman Marc C. Larado, Chairman
Land Use Committee
Newton Board of Aldermen
1000 Commonwealth Avenue
Newton, MA 02459

DAVID A. O'CONNOR, CMO
Newton, MA 02459

2015 JUL -9 PM 1:45

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NEWTON CITY OFFICE

Re: 14 Charlemont Street/FAR waiver

Dear Chairman Larado:

I am writing on behalf of Joan Devine, Trustee of the 14 Charlemont Street Realty Trust, the owner of the above-referenced property, to provide some potentially needed background regarding this somewhat unique special permit request. Generically it appears is that all we are seeking is an FAR waiver from an allowed .45 to .58. Please let me explain the circumstances.

My (now) client purchase the property in May, 2014 with the intention of removing the existing house to the foundation, replacing it with a custom designed modular home and renovating the existing 2-car detached garage by replacing the roof and residing it to match the new house. The intention was to maintain all existing dimensional compliances, driveway, etc. She and her team worked with an out-of-state company on the home and, without the benefit of local zoning counsel, met with various city officials seeking to determine the exact size house which could be placed upon the foundation. Once a determination was reached they had the home designed, constructed and purchased it.

When the process for obtaining an actual building permit commenced they learned for the first time that no one had included the detached two -car garage or the possibility of certain basement space all being included in the FAR total as allowed. Thus when the FAR was calculated correctly (see attached FAR worksheet) they recognized that while the house was correctly designed to meet the applicable FAR, once the garage and basement were added they were over the limit.

Since the house had been custom designed for the site and the foundation, and purchased, they obtained a building permit with the understanding that if a special permit could not be obtained they would need to regrade areas around the foundation and, most damaging, they would need to demolish the garage.

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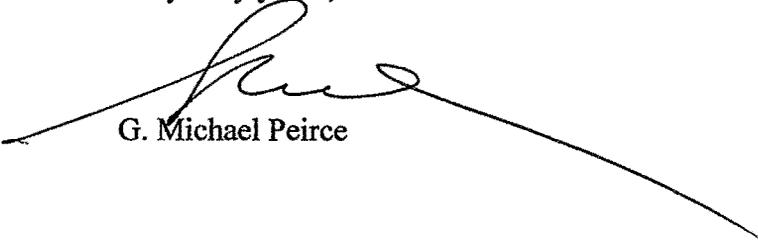
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Since having a garage in New England is an essential element that increases not just the value of the property to my client in its ultimate sale, but also to any new residents, retaining the garage is of critical importance. We believe that a site view, both of the property and the immediate neighborhood, could give the Committee the facts sufficient to reach the conclusion that the relief can be granted without any detriment to the neighborhood, for the following reasons:

1. As both the area plan and the site plan make clear, the garage is directly behind the house and thus is virtually invisible from the street, and thus there is no negative streetscape impact, for while Charlemont Street abutters will see the new house, the fact that there will remain garage behind it will have no effect upon the massing visible from the street.
2. There has been for decades a garage located in the backyard of this property.
3. A renovated garage as described herein would be a significant upgrade, visually, from the few abutters who may have a view.
4. A renovated garage allowing for sheltered parking would be preferable to looking at exposed cars parking in the backyard.
5. There is some mature vegetation along certain areas of the back yard perimeter that will further soften the view, should that be seen as a value.
6. The new house is not at all out of scale with a number of houses in the neighborhood that have been expanded or constructed in the past few years.

We very much look forward to a full presentation at the upcoming hearing and will welcome any questions from the committee.

Very truly yours,



G. Michael Peirce

Cc: Land Use Committee
Alderman Richard Lipoff
Alderman David Kalis
Alderman Cheryl Lappin
Alexandra Ananth, Chief Planner