

From the Law Office of Terrence P. Morris, Esq.

Memorandum

To: Zachery LeMel, Chief of Long-Range Planning
From: Terrence P. Morris, Esquire
Cc: Zoning & Planning Committee; Client
Date: July 26, 2023
Re: 126-132 Charles Street

Background

This memo will explain the circumstances leading up to the petitioner's request for a rezoning of the subject properties, which the company had acquired on 12/9/2021 (#132) and 9/21/2022 (#126).

In November 2022, prior to obtaining legal counsel, the owner/petitioner was contemplating improvements to the existing commercial property (#132) that had been constructed in 1927. As part of its due diligence, the owner was referred to the city's Chief Zoning Code Official (CZO), Jane Santosuosso, for advice. The matter was complicated due to the patchwork of zoning classifications, as shown in the attached Existing Zoning Plan, which had a small part of the commercial building at the rear located within the multi-residence 1 (MR1) district, while the bulk of the building was in the manufacturing (MAN) district.

When the owners filed the application for a building permit with ISD, it was informed that the permit could not be issued because the building was located in 2 zoning districts, one of which was residential. The matter was ultimately resolved with the intervention of the CZO. The building permit was issued on January 4, 2023, to renovate the first floor to accommodate new lab equipment, upgrade the front entry and rear egress to facilitate handicap accessibility.

Even so, the CZO advised the owner to seek a comprehensive rezoning to avoid future complications for both properties. Needless to say, the whole experience left the owner with considerable uncertainty about the investment it had made in Newton. As a result, the owner sought legal counsel as to the most appropriate zoning district into which the property should be placed to accommodate its current operation and future needs. Among the immediate future needs is the use of the property at # 126 for office space in conjunction with laboratory use on the entire property. In doing so the owner sought predictability and flexibility in finding future tenants without the need for zoning relief upon every change in tenancy.

Attachment: Existing Zoning Plan

PREPARED FOR:
OWNER OF RECORD:
WZ DNA LAB, LLC
478 MAPLE STREET
FRANKLIN, MA 02038

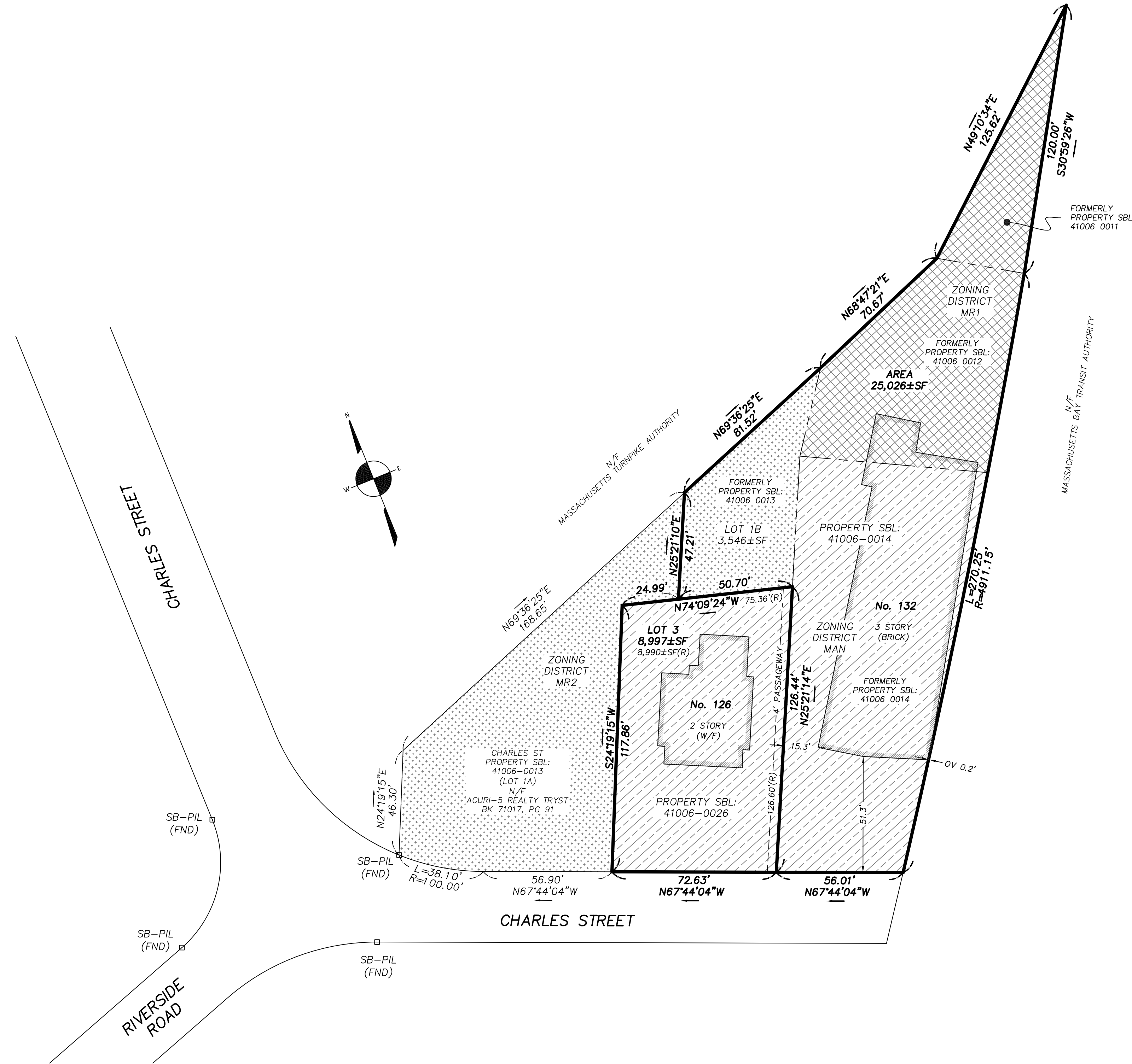
REFERENCES:
DEED: BK 79314, PG 510 #132 CHARLES STREET
BK 80734, PG 498 #126 CHARLES STREET
PLAN: PL 1940 #94
PL 1940 #105
PL 1941 #44
PL 1962 #1020
PL 1964 #943
PL 1970 #102
PL 1970 #153
PL 2015 #694

SITE PLAN OF LAND SHOWING THE EXISTING ZONING AT 126 - 132 CHARLES STREET NEWTON, MA

DATE: MARCH 24, 2023 SCALE: 1.0 INCH = 30.0 FEET



BOSTON
SURVEY, INC.
UNIT C-4 SHIPWAY PLACE
CHARLESTOWN, MA 02129
(617) 242-1313



LEGEND
ZONING DISTRICTS

	MR1 - MULTI RESIDENCE 1
	MAN - MANUFACTURING
	MR2 - MULTI RESIDENCE 2

I CERTIFY THAT THIS PLAN WAS MADE FROM AN INSTRUMENT SURVEY ON THE GROUND ON THE DATE OF JULY 31, 2015 AND ALL STRUCTURES ARE LOCATED AS SHOWN HEREON.

ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (F.E.M.A.) MAPS, THE MAJOR IMPROVEMENTS ON THIS PROPERTY FALL IN AN AREA DESIGNATED AS
ZONE: X
COMMUNITY PANEL: 25017C0534E
EFFECTIVE DATE: 06/04/2010

FIELD:	JJH
DRAFT:	JJH, GCC, RAP
CHECK:	GCC
DATE:	03/24/23
JOB #	15-00506

