

While I am pleased that the Applicant has worked closely with the neighbors on redesigning the project and while I am pleased that the Applicant has chosen to preserve the original residential structure at 49 Coolidge Street, I write to express my concern and opposition to the developer's requested waivers for office, retail and consumer uses for 49 Coolidge Street.

As you are aware, the Applicant proposes commercial uses at 49 Coolidge Street, such as a research lab for scientific or medical research (36A), package store (29), or restaurant (30). As you are also aware, 49 Coolidge Street is located in a district that is not zoned for commercial uses. Granting waivers to allow commercial uses at this location is simply not permitted under c. 40B. While case law (Warren Jepson vs Zoning Board of Appeals of Ipswich) allows a zoning board to approve incidental commercial uses in a 40B development when a commercial use is already permitted under a local bylaw, the ruling states that a board cannot use the 40B law to expand a commercial use into a property in a residential zone that does not permit such use.

In addition, I want to voice my opposition to the waiver request for 420 Harvard (38) that would allow for seasonable outdoor seating for a licensed food vendor. This will create a major nuisance for the immediate neighbors as well as infringe on the limited open space for building residents. The open space should be used only for the enjoyment of the residents.

Michael Jacobs  
41 Coolidge Street