



Land Use Committee Agenda

City of Newton In City Council

Tuesday, March 10, 2020

7:00 PM
Council Chamber

- #89-20** **Petition to allow waivers for a rear lot subdivision at 40 Williston Road**
LAUREN AND DAVID BROOKS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a rear lot subdivision and construct a new single-family dwelling on the rear lot, requiring relief to exceed FAR on the front (from .40 to .42) and rear (from .24 to .30) lots, and to allow a retaining wall greater than four feet in the setback at 40 Williston Road, Ward 4, Auburndale, on land known as Section 43 Block 28 Lot 06, containing approximately 25,099 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.5, 3.1.10.A, 3.1.3, 3.1.9, 3.1.5, 3.1.10.C, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.
Please see the attached request for a continuance

Referred to Land Use and Finance Committees

- #165-20** **Requesting CPA funding be awarded to the Newton Housing Authority**
COMMUNITY PRESERVATION COMMITTEE requesting that one million one hundred and five thousand (\$1,105,000) in CPA funding for the support of Community Housing be awarded to the Newton Housing Authority for the acquisition of the CAN-DO Housing Portfolio.

Request for a Consistency Ruling relative to Special Permit Council Order #124-15 to allow conversion of approximately 10,500 sq. ft. of existing office space to be used for childcare at 2 Wells Avenue.

Request for a Consistency Ruling relative to Special Permit Council Order #362-18 to allow a change in the façade of the building from Hardie board to vinyl.

- #118-20** **Petition to extend nonconforming setback at 112 Grasmere Street**
JEN AND CHRIS MURPHY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND THE NONCONFORMING SETBACK by constructing a covered front porch and entry, decreasing the nonconforming setback from 20.9' to 18.6' where 20.8 is allowed at 112 Grasmere Street, Ward 1, Newton, on land known as Section 71 Block 28 Lot 09,

The location of this meeting is 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 Coordinator, Jini Fairley, at least two business days in advance of the meeting: 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.

containing approximately 9,254 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: Sec. 7.3.3, 7.4, 3.1.3, 7.8.2.C.2 of the City of Newton Rev Zoning Ord, 2017.

#337-16(2) Petition to amend Special Permit Council Order #337-16 at 41 Dorset Road
TIMOTHY LEARY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Council Order #337-16, which approved an oversized dormer, an accessory structure with ground floor area in excess of 700 sq. ft. and an accessory apartment in a detached structure, to make changes to the site plan at 41 Dorset Road, Ward 5, Waban, on land known as Section 55 Block 10 Lot 45, containing approximately 24,936 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3, 7.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#16-20 Petition to allow parking waiver and restaurant with more than 50 seats at Piccadilly Sq.
FIRST GENERAL REALTY GROUP petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a restaurant with more than 50 seats and a parking waiver of 478 parking stalls in Ward 6, Newton Centre, at 93-105 Union Street, (containing approximately 31455 sq. ft. of land) on land known as Section 61 Block 36 Lot 09, 1280 Centre Street (containing approximately 27,560 sq. ft. of land) on land known as Section 61 Block 36 Lot 05, 47-61 Langley Road (containing approximately 10,037 sq. ft. of land) on land known as Section 61 Block 36 Lot 06, 49-63 Union Street (containing approximately 8,735 sq. ft. of land) on land known as Section 61 Block 36 Lot 07 and 790-794 Beacon Street (containing approximately 7,400 sq. ft. of land) on land known as Section 61 Block 36 Lot 03, all zoned BUSINESS USE 1. Ref: 7.3.3, 7.4, 5.1.4.A, 5.1.13, 4.4.1, 6.4.29 of the City of Newton Rev Zoning Ord, 2017.

Land Use Approved 6-0 (Laredo Recused); Public Hearing Closed 01/14/2020

#15-20(2) Petition to amend Deed Restriction and Orders #148-15(2) and (3) at 180 Wells Ave
180 WELLS AVENUE, LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to amend Special Permit Board Orders #148-15(2) and (3) to revise the design of the parking structure and surface parking to the approved three-story office building, to reduce interior landscaping requirements, to reduce loading bay length requirements and to allow reduced minimum open space requirements which requires an amendment to the deed restriction at 180 Wells Avenue, Ward 8, Newton Centre, on land known as Section 84 Block 34A Lot 03, containing approximately 219,980 sq. ft. of land in a district zoned LIMITED MANUFACTURING. Sec. 7.3.3, 7.4, 5.1.9.B.1, 5.1.13, 5.1.12.D.1, 4.3.3 of Chapter 30 of the City of Newton Rev Zoning Ord, 2017.

#15-20(3) Petition to amend Deed Restriction at 180 Wells Ave
180 WELLS AVENUE, LLC. requesting an amendment to the restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments including 148-15(3) be further amended to allow a waiver of the minimum open space requirement to less than 40% at 180 Wells Avenue, Ward 8, Newton Centre. *NOTE: Public Hearing not required.*

**8:00 PM
Or Later**

- #71-20** **Amended Petition to allow 27-unit multi-family dwelling at 1114 Beacon Street**
1114 BEACON STREET LLC. petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow a 27-unit multi family dwelling greater than 20,000 sq. ft. of new gross floor area, a four-story structure up to 48' in height, alteration of a nonconforming front setback, to allow ground floor residential use, to allow an FAR of up to 2.0, a waiver of 4 parking stalls, a waiver for parking in the side setback, a waiver of the minimum stall depth requirements and a waiver of the sustainable design standards at 1114 Beacon Street, Ward 6, Newton Highlands, on land known as Section 54 Block 22 Lot 04, containing approximately 51,745 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 4.4.1, 4.1.2.B.1, 4.1.2.B.3, 4.1.3, 7.8.2.C.2, 5.1.4.A, 5.1.13, 5.1.7.A, 5.1.8.B.2, 5.1.8.D.2, 5.4.2.B, 5.12 of the City of Newton Rev Zoning Ord, 2017.
- #119-20** **Request to waive I&I fee for Special Permit #71-20 at 1114 Beacon Street**
1114 BEACON STREET LLC. Request an abatement of the infiltration/inflow mitigation fee pursuant to the City of Newton Revised Ordinances, Chapter 29 Section 29-170.
- #90-20** **Discussion regarding utility undergrounding costs for special permit projects**
COUNCILORS LAREDO, ALBRIGHT, CROSSLEY AND LEARY requesting a discussion of whether to require, as part of the Special Permit process for projects over a certain size, that developers provide a project-specific cost estimate for undergrounding utilities, both on the project site and in adjacent streets and sidewalks, so that the City Council can decide whether to include such requirements in the special permit.
- #139-20** **Reappointment of Elizabeth Smith to the Washington Place Liaison Committee**
PRESIDENT ALBRIGHT reappointing Elizabeth Smith, 40 Foster Street, Newtonville, to the Washington Place Construction Liaison Committee (as created by condition #19 of the Special Permit Council Order #96-17) for a term to expire December 31, 2021.
- #140-20** **Reappointment of Meghan Smith to the Washington Place Liaison Committee**
PRESIDENT ALBRIGHT reappointing Meghan Smith, 34 Foster Street, Newtonville, to the Washington Place Construction Liaison Committee (as created by condition #19 of the Special Permit Council Order #96-17) for a term to expire December 31, 2021.
- #141-20** **Reappointment of Wayne Koch to the Washington Place Liaison Committee**
PRESIDENT ALBRIGHT reappointing Wayne Koch, 64 Greylock Road, West Newton, to the Washington Place Construction Liaison Committee (as created by condition #19 of the Special Permit Council Order #96-17) for a term to expire December 31, 2021.

#120-20 Temporary license to hold Nonantum Village Day

NONANTUM NEIGHBORHOOD ASSOCIATION requesting a temporary license pursuant to Chapter 30 Section 6(k) of the City of Newton Ordinances to hold NONANTUM VILLAGE DAY on Sunday, June 7, 2020.

#41-19(3) Extension of Time to Exercise Special Permit #41-19 at 24-26 Elliot St

CYPRESS TREE MANAGEMENT, INC requests a two-year EXTENSION OF TIME to EXERCISE Special Permit petition #41-19 for a SPECIAL PERMIT/SITE PLAN APPROVAL which amended Special Permit Council Order #288-18 to allow retail marijuana sales in conjunction with as the approved RMD (Registered Medical Dispensary) at 24-26 Elliot Street, Ward 5, Newton Highlands, on land known as Section 51 Block 25 Lot 01, containing approximately 25,320 sq. ft. of land in a district zoned BUSINESS USE 2. Ref: Sec. 7.3.3, 7.4, 6.10.3.D, 4.4.1, 6.10.3.E.15, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.1, 5.1.8.C.2, 5.1.13, 5.1.9.A, 5.1.9.B, 5.1.10.A, 5.1.10, 7.3.2.E of the City of Newton Rev Zoning Ord, 2017. Said EXTENSION OF TIME will run from May 6, 2020 to May 6, 2022.

Respectfully Submitted,

Richard A. Lipof, Chair

ROSENBERG, FREEDMAN & LEE LLP
ATTORNEYS AT LAW

246 Walnut Street
Newton, Massachusetts 02460-1639

617-964-7000
Fax: 617-964-4025
Sender's e-mail: llee@rfl-law.com

Jason Allen Rosenberg
Donald N. Freedman
Laurance S.L. Lee
Paula J. Morgan
Susan H. Levin
Ellen M. McVay
Hope C. Vassos
Andrea Hickey *
Peter C. Beebe
Ashley Y. Aubuchon

Of Counsel:
Karen M. Buckley*
Elizabeth Baum, P.C.
*admitted in MA and NY

March 3, 2020

Nadia Khan, Clerk
City Council
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

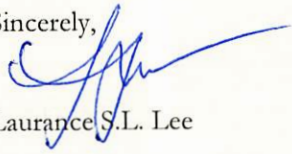
Re: 40 Williston Road, Newton

Dear Nadia:

On behalf of Lauren Brooks and David Brooks, the owners of 40 Williston Road, and as Petitioners for the Special Permit Application for said property, please accept this letter as a formal request for a Continuance without prejudice of the Land Use Committee public hearing scheduled for March 10, 2020.

Please call or email me with any questions. As always, thank you, for your help.

Sincerely,


Laurance S.L. Lee

Enclosures

cc: Michael Gleba, Senior Planner
Lauren Brooks and David Brooks

RECEIVED

CITY COUNCIL
CITY OF NEWTON

2020 FEB 26 AM 10:53 DOCKET REQUEST FORM

DEADLINE NOTICE: Council require items to be docketed with the Clerk of the Council NO LATER THAN 7:45 P.M. TUESDAY, PRIOR TO THE MONDAY FULL COUNCIL MEETING in order to be voted to be assigned to Committee(s) that evening.

To: Clerk of the City Council

Date: February 25, 2020

From (Docketer): Lara Kritzer, for Community Preservation Committee

Address/phone/email: Planning & Development Dept., Newton City Hall, lkritzer@newtonma.gov,
617-796-1144

Additional sponsors:

1. Please docket the following item (edit if necessary):

The COMMUNITY PRESERVATION COMMITTEE recommending that \$1,105,000 in CPA funding for the support of Community Housing be awarded to the Newton Housing Authority for the Acquisition of the CAN-DO Housing Portfolio.

2. The purpose and intended outcome of this item is:

- | | |
|--|---|
| <input type="checkbox"/> Fact-finding & discussion | <input type="checkbox"/> Ordinance change |
| <input checked="" type="checkbox"/> Appropriation, transfer, expenditure, or bond authorization | <input type="checkbox"/> Resolution |
| <input type="checkbox"/> Special permit, site plan approval, zone change (public hearing required) | <input type="checkbox"/> License or renewal |
| | <input type="checkbox"/> Appointment confirmation |
| | <input type="checkbox"/> Other |

3. I recommend that this item be assigned to the following committees:

- | | | |
|---|--|--|
| <input type="checkbox"/> Programs & Services | <input checked="" type="checkbox"/> Finance | <input type="checkbox"/> Real Property |
| <input type="checkbox"/> Zoning & Planning | <input type="checkbox"/> Public Safety | <input type="checkbox"/> Special Committee |
| <input type="checkbox"/> Public Facilities | <input checked="" type="checkbox"/> Land Use | <input type="checkbox"/> No Opinion |
| <input type="checkbox"/> Post Audit & Oversight | | |

4. This item should be taken up in committee:

- Immediately (Emergency only, please). Please state nature of emergency: _____
- As soon as possible, preferably within a month**
- In due course, at discretion of Committee Chair
- When certain materials are made available, as noted in 7 & 8 below
- Following public hearing

PLEASE FILL OUT REVERSE SIDE

5. I estimate that consideration of this item will require approximately:

- One half hour or less
 More than one hour
 More than one meeting
- Up to one hour
 An entire meeting
 Extended deliberation by subcommittee

6. The following people should be notified and asked to attend deliberations on this item. (Please check those with whom you have already discussed the issue, especially relevant Department Heads):

City personnel

Lara Kritzer, CPA Program Manager, x1144,
lkritzer@newtonma.gov

Barney Heath, Director, Planning &
 Development x1131,
bheath@newtonma.gov

Project sponsor

Amy Zarechian, Executive Director, Newton
 Housing Authority, 617-552-5501
azarechian@newtonhousing.org

7. The following background materials and/or drafts should be obtained or prepared by the Clerk's office prior to scheduling this item for discussion *:

8. I have or intend to provide additional materials and/or undertake the following research independently prior to scheduling the item for discussion. *

CPC funding recommendation, with proposal and supporting documents.

(*Note to docketer: Please provide any additional materials beyond the foregoing to the Clerk's office by 2 p.m. on Thursday before the upcoming Committee meeting when the item is scheduled to be discussed so that Councilors have a chance to review all relevant materials before a scheduled discussion. Materials not submitted 48 hours in advance of a meeting to discuss an item will require a vote to suspend the rules the night of the Committee's discussion.)

Please check the following:

9. I would like to discuss this item with the Chairman before any decision is made on how and when to proceed.

10. I would like the Clerk's office to contact me to confirm that this item has been docketed,
 and inform me of the docket item number.

Email contact preferred: lkritzer@newtonma.gov

My daytime phone number is: 617-796-1144

11. I would like the Clerk's office to notify me when the Chairman has scheduled the item for discussion.

Thank you.

Lara Kritzer

Signature of person docketing the item

[Please retain a copy for your own records]



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development
1000 Commonwealth Avenue Newton, Massachusetts 02459

165-20
Telephone
(617) 796-1120
Telefax
(617) 796-1142
TDD/TTY
(617) 796-1089
www.newtonma.gov

Barney S. Heath
Director

Community Preservation Committee Funding Recommendation for Newton Housing Authority Acquisition of CAN-DO Housing Portfolio

Date: March 5, 2020
From: Community Preservation Committee
To: The Honorable City Council
Cc: Her Honor Mayor Ruthanne Fuller

PROJECT GOALS & ELIGIBILITY This project provides funding for the Newton Housing Authority's acquisition of 33 affordable housing units currently owned by the Citizens for Affordable Housing in Newton Development Organization (CAN-DO). These units serve low-income households located in 12 scattered sites projects throughout Newton. This project will preserve and stabilize this important portfolio by reducing its bank debt and addressing its immediate capital needs. As a result, the portfolio's rental income, which is limited by its permanent income restrictions, will be able to cover both future capital needs and resident services. The Newton Housing Authority has extensive experience in managing affordable housing units and their proposal plans for both a reserve fund for future capital needs as well as additional staffing to provide necessary services for its residents. The individuals and families served by these units are identified as priority populations in the City's FY16-FY20 Consolidated Plan. This project is CPA-eligible as the support of affordable housing.

RECOMMENDED FUNDING On February 10, 2020, the Community Preservation Committee voted 8-0 (member Robert Maloney absent) to recommend appropriating \$1,105,000 from the Community Preservation Fund's current reserve and fund balance for housing, and as needed from its FY20 unrestricted reserve, to the control of the Planning & Development Department for a grant to the Newton Housing Authority for the purpose of acquiring the CAN-DO housing portfolio and any other related expenses as stated below:

USES of FUNDS	
Bank debt repayments, financing fees (new debt, CPA, CDBG)	\$1,929,148
Reserves (replacement \$500,000, operating \$250,000)	\$750,000
Capital Improvements (CDBG)	\$551,352
Services & Fees (legal, recording, development consultant, appraisal)	\$224,500
TOTAL USES	\$3,455,000
SOURCES of FUNDS	
Newton Housing Authority (contribution)	\$250,000
Village Bank (\$250,000 grant + new/refinanced debt)	\$900,000
CPA	\$1,105,000
CDBG	\$1,200,000
TOTAL SOURCES	\$3,455,000

website www.newtonma.gov/cpa

contact Lara Kritzer, Community Preservation Program Manager

email lkritzer@newtonma.gov phone 617.796.1144

Preserving the Past  Planning for the Future

SPECIAL ISSUES CONSIDERED BY THE CPC

During the CPC's public hearing on this project, members unanimously expressed their support for the NHA's proposal and project goals. Newton has a critical need for affordable housing and the CPC's recommendation considered both the importance of preserving the City's existing affordable housing inventory as well as the fact that these units serve some of Newton's most vulnerable households. Members agreed that the NHA had worked hard with the Planning staff to develop a well thought out proposal to integrate the new units into their existing housing portfolio that takes into consideration both the maintenance needs of these properties and the services required by their residents. The project has received numerous letters of support from Newton affordable housing organizations.

The CPC also recognized that this project is well leveraged with only 32% of the overall project funding requested from CPA funds. The rest of the funding is divided between CDBG funding (35%), a new loan from The Village Bank (TVB) (19%), and funding grants from The Village Bank and NHA (14%). The CPC also noted that the units already have affordable housing restrictions in place.

ADDITIONAL RECOMMENDATIONS *(funding conditions)*

1. The CPC assumes all recommended funds will be appropriated, and the transfer of the portfolio to the Housing Authority will be completed, within twelve (12) months after the date of this recommendation. If this deadline cannot be met, the Housing Authority should submit a written request to the CPC to extend that deadline.
2. The release of CPA funds for the project will be governed by a detailed grant agreement that includes but is not limited to conditions which are generally agreed upon and required for a CPA-funded housing project including the initial release of funds upon the submission of required documentation and the direct payment of funds to the bank(s) for payment of past debt.
3. Any CPA funds appropriated but not used for the purposes stated herein should be returned to the Newton Community Preservation Fund.

KEY OUTCOMES

The Community Preservation Committee will evaluate this project based on its success in using Newton CPA funds to preserve CAN-DO's income-restricted housing portfolio as well as the supportive services and capital needs improvements described in the Housing Authority's proposal, which will rely on non-CPA funding sources. The timeliness of the project and the Housing Authority's ability to meet the completion deadline for the project will also be considered.

ATTACHMENTS

(delivered to the clerks of the Land Use Committee and Finance Committee)

- Revised Proposal letter and selected attachments submitted to the CPC on January 29, 2020
- Planning Department's Memorandum submitted for the February 11 joint Planning Board/CPC Meeting
- Presentation from February 11, 2020 CPC public hearing
- Copy of CPC project webpage, with links to additional information not attached to this recommendation: http://www.newtonma.gov/gov/planning/cpa/projects/housing_authority.asp#NHA-CAN-DO-portfolio



NEWTON HOUSING AUTHORITY
82 Lincoln Street
Newton Highlands, Massachusetts 02461

Telephone: (617) 552-5501
Telecopier: (617) 964-8387
TD: (617) 332-3802

Amy Zarechian
Executive Director

January 29, 2020

Community Preservation Committee
Planning and Development Board
C/o Amanda Berman, Director of Housing and Community Development
Planning and Development Department
City of Newton
1000 Commonwealth Avenue
Newton, MA 02459

Re: NHA Acquisition of CAN-DO Portfolio

Dear Ms. Berman,

Following its presentation to the Newton Housing Partnership on January 7, 2020, the Newton Housing Authority (NHA) has worked closely with the City of Newton's Department of Planning and Development staff and their consultant to address questions raised by the Newton Housing Partnership regarding the NHA's proposed acquisition of the 33-unit CAN-DO (Citizens for Affordable Housing in Newton Development Organization) real estate portfolio.

Through this collaborative effort, the NHA has made the following changes to its proposal and requests that this current version replace the full proposal previously submitted.

- NHA will acquire the CAN-DO portfolio in a transaction in which the existing private debt from the Village Bank, Cambridge Savings Bank, and the Boston Community Loan Fund will be paid down, and the NHA will assume all deferred financing and related affordable housing use agreements from various public agencies, including the City and CPA. No cash consideration will be paid to any party for the acquisition.
- At the suggestion of the City's Department of Planning and Development, the NHA has increased its request for CDBG funds to \$1,200,000 to address immediate capital needs and fund a portion of the elimination of existing private debt, allowing for a decrease in the amount of new private debt from the Village Bank to \$650,000, which will also fund a portion of the private debt elimination.
- In addition, the request for CPA funds to be used to fund the remaining portion of the private debt elimination has been reduced to \$1,105,000.
- In response to comments from the Newton Housing Partnership regarding potential under estimation of construction costs and service needs for the portfolio, the new proposal increases the capital budget by 15% and the supportive services budget to \$1,000 per unit per year.
- The new proposal also allows for an increase in the annual contribution to the replacement reserve to \$2,000 per unit per year from operating income and eliminates the need for proceeds from the new Village Bank debt to be placed into the replacement reserve.
- The new Village Bank debt will be used to create a \$250,000 operating reserve, as well as cover the predevelopment and closing costs.
- The Village Bank's generous \$250,000 grant and the NHA's own contribution of \$250,000 will continue to be placed into the replacement reserve in annual \$25,000 installments over a period of ten years.

The NHA is confident that this revised proposal responds to the concerns of the Newton Housing Partnership and the Department of Planning and Development, provides sufficient funds to address current and future capital needs and reduce debt, and ensures sustainable management of this important portfolio.

We look forward to meeting with the Community Preservation Committee and Planning and Development Board to discuss our proposal further.

Thank you for all your help through this process.

Sincerely,



Amy Zarechian
Executive Director
Newton Housing Authority
82 Lincoln Street
Newton Highlands, MA 02461



January 27, 2020

Amy Zarechian
Executive Director
Newton Housing Authority
82 Lincoln Street
Newton, MA 02461

Amy:

I am pleased to submit this Term Sheet for your consideration. The Village Bank (the "Bank") will provide Newton Housing Authority with financing and a grant for the CAN-DO properties as detailed below.

1) Borrower:

Newton Housing Authority

2) Purpose:

To provide partial financing for the purchase of the CAN-DO properties.

3) Loan Amount:

\$650,000

4) Terms:

Thirty (30) year maturity and thirty (30) year amortization

5) Interest Rates:

Fixed at 4.75%

6) Fees:

Whether or not the Loans close, the Borrower is responsible for paying all closing costs, including, but not limited to, legal, appraisal, recording, flood certification and tax service fees incurred by the Bank.

**7) Repayment:**

The loan will amortize over thirty (30) years. Monthly principal and interest payments will be approximately \$3,418. Payments will be made in arrears and interest on the unpaid balance shall be computed on a 365/360 basis; that is, by applying the ratio of the annual interest rate over a year of 360 days, multiplied by the outstanding principal balance, multiplied by the actual number of days the principal balance is outstanding.

8) Security:

First real estate mortgage and assignment of rents on:

12-13 Cambria Road, Newton

18-20 Cambria Road, Newton

163 Jackson Road, Newton

20-22 Falmouth Road, Newton

54 Eddy Street, Newton

2148 Commonwealth Avenue, Newton a/k/a Veterans House

9) Guarantors:

None

10) Depository Account(s):

The Borrower must maintain its main operating checking account(s) at the Bank.

11) Prepayment

There is no prepayment penalty

12) Grant:

The Bank will provide Newton Housing Authority with a \$250,000 grant payable \$25,000 annually for ten years. The first grant payment will be made in 2020. The use of the grant will be restricted to funding replacement reserves for the properties securing the subject loans.

Sincerely,

Andrew Franklin
Senior Vice President



Member FDIC
Member SIF
NMLS# 408536

320 Needham Street • Suite 200 • Newton, MA 02464
(617) 527-6090 • village-bank.com



29 January 2020

NHA Acceptance of CAN-DO Portfolio, CPA/CDBG PROPOSAL REVISIONS

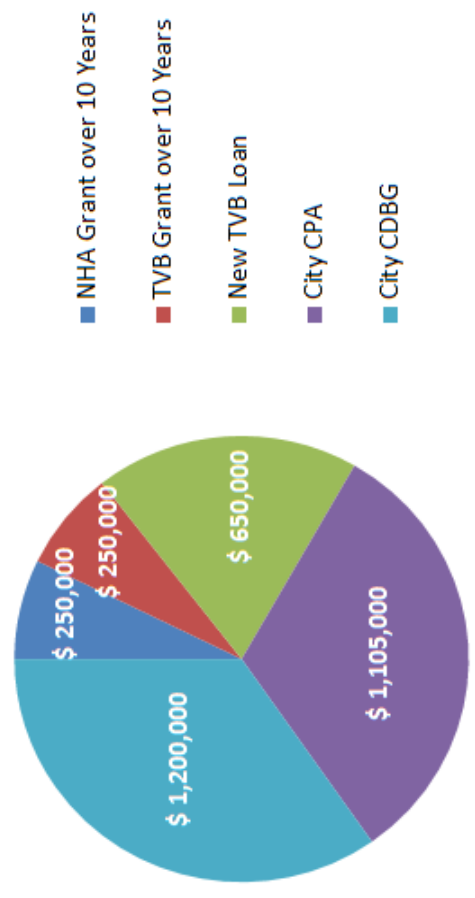
SOURCES FOR USES

Can-Do Developments 25-01-20

SOURCES	
NHA Grant over 10 Years	250,000
TVB Grant over 10 Years	250,000
New TVB Loan	650,000
City CPA	1,105,000
City CDBG	1,200,000
TOTAL SOURCES	3,455,000

USES	
TVB Loan Repayment	1,498,784
CSB Loan Repayment	343,486
BCLF Loan Repayment	80,378
Replacement Reserve	500,000
Operating Reserve	250,000
Capital Improvements	551,352
Financing Fees (1%)	6,500
Legal Fees	150,000
Title & Recording	40,000
Development Consultant	30,000
Appraisal	4,500
TOTAL USES	3,455,000
SURPLUS / (DEFICIT)	0

CAN DO DEVELOPMENTS



¹ New TVB Debt at 4.75%, 30 year amortization.

² To fund capital needs in 2020.

NHA Acceptance of CAN-DO Portfolio, CPA/CDBG PROPOSAL REVISIONS 29 January 2020									
USES FOR SOURCES									
									25-01-20
<u>Can-Do Developments</u>									
SOURCES	NHA	TVB	New TVB Loan	City CPA	City CDBG	TOTAL SOURCES			
TVB Loan Repayment			169,000	681,136	648,648	1,498,784			
CSB Loan Repayment				343,486		343,486			
BCLF Loan Repayment				80,378		80,378			
Replacement Reserve	250,000	250,000				500,000			
Operating Reserve			250,000			250,000			
Capital Improvements					551,352	551,352			
Financing Fees (1%)			6,500			6,500			
Legal Fees			150,000			150,000			
Title & Recording			40,000			40,000			
Development Consultant			30,000			30,000			
Appraisal			4,500			4,500			
USES	250,000	250,000	650,000	1,105,000	1,200,000	3,455,000			
SURPLUS / (DEFICIT)	-	-	-	-	0	0			

NHA Acceptance of CAN-DO Portfolio, CPA/CDBG PROPOSAL REVISIONS 29 January 2020													25-01-20
CAN DO vs. NHA OPERATING													
	CAN DO				NHA				Footnotes (p. 2)	Higher of Can Do & NHA			
	Audit 2017	Per 33 Units	Unaudited 2018	Per 33 Units	NHA 12-31-18	NHA 57 Units	NHA with Can Do	Per 90 Units					
Can-Do Developments													
Rental Income													
Rental Subsidy	555,933	16,846	580,915	17,603	-	-	-	-	-	-	-	-	
Vacancies & Bad Debt	(15,068)	(457)	(1,744)	(53)	-	-	-	-	-	-	-	-	
Laundry & Miscellaneous	3,822	116	3,905	118	-	-	-	-	-	-	-	-	
Rental Income	544,687	16,506	583,076	17,669	-	-	-	-	-	-	-	-	
Rental Expenses													
Salaries	21,045	638	62,797	1,903	-	-	-	-	-	-	-	-	
Taxes & Benefits	5,789	175	4,930	149	-	-	-	-	-	-	-	-	
Consultants	19,788	600	-	-	-	-	-	-	-	-	-	-	
Office Rent	-	-	-	-	-	-	-	-	-	-	-	-	
Condo Fees	8,971	272	5,900	179	-	-	-	-	-	-	-	-	
Advertising & Marketing	-	-	400	12	-	-	-	-	-	-	-	-	
Telephone & Internet	613	19	-	-	-	-	-	-	-	-	-	-	
Audit & Payroll Services	-	-	-	-	-	-	-	-	-	-	-	-	
Filing Fees	-	-	500	15	-	-	-	-	-	-	-	-	
Bank Charges	-	-	306	9	-	-	-	-	-	-	-	-	
Supplies	-	-	87	3	-	-	-	-	-	-	-	-	
Miscellaneous	914	28	137	4	-	-	-	-	-	-	-	-	
Subtotal Administrative	57,120	1,731	75,056	2,274	233,176	4,091	308,176	3,424	1	3,424			
Maintenance	128,546	3,895	71,987	2,181	-	-	-	-	-	-	-	-	
Janitorial	-	-	-	-	-	-	-	-	-	-	-	-	
Repairs	-	-	50,251	1,523	-	-	-	-	-	-	-	-	
Landscaping & Snow Removal	-	-	-	-	-	-	-	-	-	-	-	-	
Extermination	-	-	150	5	-	-	-	-	-	-	-	-	
Vehicle Expense	-	-	-	-	-	-	-	-	-	-	-	-	
Subtotal Maintenance	128,546	3,895	122,388	3,709	158,514	2,781	277,714	3,316	2	3,709			
Supportive Services	5,544	168	2,970	90	-	-	33,000	1,000	3	1,000			
Security	-	-	-	-	-	-	-	-	-	-	-	-	
Utilities	61,957	1,877	75,580	2,290	113,849	1,997	179,762	1,997	4	2,290			
Real Estate Taxes	71,379	2,163	66,927	2,028	-	-	-	-	-	-	-	-	
Insurance	26,110	791	34,018	1,031	42,314	742	66,812	742	5	1,031			
Rental Expenses	350,656	10,626	376,939	11,422	547,853	9,611	865,463	10,480		11,454			

NHA Acceptance of CAN-DO Portfolio, CPA/CDBG PROPOSAL REVISIONS 29 January 2020									
CAN DO vs. NHA OPERATING									
									25-01-20
1	Adds \$70,000 to Administrative salaries + \$5,000 to Legal prorated over 90 units.								
2	Adds \$80,000 + 34% Taxes & Benefits to Maintenance salaries prorated over 90 units + \$12,000 Turnover prorated over 33 units only.								
3	Supportive Service prorated over 33 units only.								
4	Utilities prorated over 90 units.								
5	Insurance prorated over 90 units.								

NHA Acceptance of CAN-DO Portfolio, CPA/CDBG PROPOSAL REVISIONS 29 January 2020														
2019 NOI assuming NHA Operating														
	10-11 Cambria Road		11-13 Cambria Road		18-20 Cambria Road		163 Jackson Road		20-22 Falmouth Road		61 Pearl Street Park House		14 Nonantum Place Garfield House	
	2	units	2	units	2	units	2	units	2	units	3	units	3	units
Number of Units	1,575	NHA	916	NHA	1,700	MBHP	1,600	NHA	1,625	NHA	1,255	N/A	2,100	NHA
Monthly Rent	1,691	NHA	1,573	WHA	2,330	NHA	2,000	NHA	1,608	MBHP	1,255	N/A	2,327	NHA
											1,464	NHA	2,419	NHA
Gross Possible Rent	39,192		29,868		48,360		43,200		38,796		47,688		82,152	
Vacancy (15%)	(5,879)		(4,480)		(7,254)		(6,480)		(5,819)		(7,153)		(12,323)	
Net Effective Income	33,313		25,388		41,106		36,720		32,977		40,535		69,829	
Max Can Do or NHA Expenses														
Administrative	6,848		6,848		6,848		6,848		6,848		10,273		10,273	
Maintenance	7,417		7,417		7,417		7,417		7,417		11,126		11,126	
Supportive Services	2,000		2,000		2,000		2,000		2,000		3,000		3,000	
Replacement Reserve	4,000		4,000		4,000		4,000		4,000		6,000		6,000	
Utilities	4,581		4,581		4,581		4,581		4,581		6,871		6,871	
Real Estate Taxes	-		-		-		-		-		-		-	
Insurance	2,062		2,062		2,062		2,062		2,062		3,093		3,093	
Total Expenses	26,908		26,908		26,908		26,908		26,908		40,362		40,362	
Net Operating Income	6,405		(1,520)		14,198		9,812		6,068		173		29,467	
Debt Service														
TVB	-		16,202		20,768		20,992		19,619		-		9,417	
TVB Balance			199,486		189,838		219,492		216,424				97,672	
CSB	-		-		6,896		-		-		14,644		-	
CSB Balance					109,987				233,499					
BCLF	-		-		-		-		-		-		-	
BCLF Balance														
Total Debt Service	-		16,202		27,663		20,992		19,619		14,644		9,417	
Net Cash Flow	6,405		(17,723)		(13,465)		(11,180)		(13,551)		(14,471)		20,050	
Loan Balances	01-01-20													
TVB	1,498,784													
CSB	343,486													
BCLF	80,378													
Loan Balances	1,922,648													

NHA Acceptance of CAN-DO Portfolio, CPA/CDBG PROPOSAL REVISIONS 29 January 2020												
2019 NOI assuming New TVB Loan											01-25-20	
Can-Do Developments	10-11 Cambria Road		12-13 Cambria Road		18-20 Cambria Road		163 Jackson Road		20-22 Falmouth Road		61 Pearl Street	14 Nonantum Place
	units		units		units		units		units		Park House	Garfield House
Number of Units	2		2		2		2		2		3	3
Monthly Rent	1,575	NHA	916	NHA	1,700	MBHP	1,600	NHA	1,625	NHA	1,255	N/A
	1,691	NHA	1,573	WHA	2,330	NHA	2,000	NHA	1,608	MBHP	1,255	N/A
											1,464	NHA
Gross Possible Rent	39,192		29,868		48,360		43,200		38,796		47,688	82,152
Vacancy (15%)	(5,879)		(4,480)		(7,254)		(6,480)		(5,819)		(7,153)	(12,323)
Net Effective Income	33,313		25,388		41,106		36,720		32,977		40,535	69,829
Max Can Do or NHA Expenses												
Administrative	6,848		6,848		6,848		6,848		6,848		10,273	10,273
Maintenance	7,417		7,417		7,417		7,417		7,417		11,126	11,126
Supportive Services	2,000		2,000		2,000		2,000		2,000		3,000	3,000
Replacement Reserve	4,000		4,000		4,000		4,000		4,000		6,000	6,000
Utilities	4,581		4,581		4,581		4,581		4,581		6,871	6,871
Real Estate Taxes	-		-		-		-		-		-	-
Insurance	2,062		2,062		2,062		2,062		2,062		3,093	3,093
Total Expenses	26,908		26,908		26,908		26,908		26,908		40,362	40,362
Net Operating Income	6,405		(1,520)		14,198		9,812		6,068		173	29,467
Debt Service												
New TVB Debt Service	-		-		-		-		-		-	-
New TVB Loan Amount												
Total Debt Service	-		-		-		-		-		-	-
Net Cash Flow	6,405		(1,520)		14,198		9,812		6,068		173	29,467
												CEDAC HIF

NHA Acceptance of CAN-DO Portfolio, CPA/CDBG PROPOSAL REVISIONS 29 January 2020												
20 YEAR PROJECTION												
	2019	Per Unit	25-01-20									
			2020	2021	2022	2023	2024	2025	2026	2027	2028	2029
Can-Do Developments												
Trend: 2% Income												
Trend: 3% Expense												
Gross Possible Rent	626,016	18,970	638,536	651,307	664,333	677,620	691,172	704,996	719,096	733,478	748,147	763,110
Vacancy	(93,902)	(2,846)	(95,780)	(97,696)	(79,720)	(81,314)	(69,117)	(70,500)	(57,528)	(58,678)	(59,852)	(61,049)
Vacancy Rate	15%	15%	15%	15%	12%	12%	10%	10%	8%	8%	8%	8%
Net Effective Income	532,114	16,125	542,756	553,611	584,613	596,305	622,055	634,496	661,568	674,799	688,295	702,061
Max Can Do or NHA Expenses												
Administrative	112,998	3,424	116,388	119,879	123,476	127,180	130,995	134,925	138,973	143,142	147,437	151,860
Maintenance	122,388	3,709	126,059	129,841	133,736	137,748	141,881	146,137	150,521	155,037	159,688	164,479
Supportive Services	33,000	1,000	33,990	35,010	36,060	37,142	38,256	39,404	40,586	41,803	43,058	44,349
Replacement Reserve	66,000	2,000	67,980	70,019	72,120	74,284	76,512	78,807	81,172	83,607	86,115	88,698
Utilities	75,580	2,290	77,847	80,183	82,588	85,066	87,618	90,246	92,954	95,742	98,614	101,573
Real Estate Taxes	-	-	-	-	-	-	-	-	-	-	-	-
Insurance	34,018	1,031	35,039	36,090	37,173	38,288	39,437	40,620	41,838	43,094	44,386	45,718
Total Expenses	443,984	13,454	457,303	471,022	485,153	499,708	514,699	530,140	546,044	562,425	579,298	596,677
Net Operating Income	88,130	2,671	85,453	82,589	99,460	96,598	107,356	104,356	115,524	112,374	108,997	105,384
Debt Service												
New TVB Debt Service	40,688		40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688
New TVB Loan Amount		650,000										
Total Debt Service	40,688		40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688
Net Cash Flow	47,441		44,764	41,900	58,772	55,909	66,668	63,668	74,835	71,686	68,309	64,696
Debt Service Coverage Ratio	2.17		2.10	2.03	2.44	2.37	2.64	2.56	2.84	2.76	2.68	2.59

NHA Acceptance of CAN-DCNHA Acceptance of CAN-DO Portfolio, CPA/CDBG PROPOSAL REVISIONS 29 January 2020												
20 YEAR PROJECTION												
	11	12	13	14	15	16	17	18	19	20	25-01-20	
	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039		
<u>Can-Do Developments</u>												
Trend: 2% Income												
Trend: 3% Expense												
Gross Possible Rent	778,372	793,940	809,818	826,015	842,535	859,386	876,574	894,105	911,987	930,227		
Vacancy	(62,270)	(63,515)	(64,785)	(66,081)	(67,403)	(68,751)	(70,126)	(71,528)	(72,959)	(74,418)		
Vacancy Rate	8%	8%	8%	8%	8%	8%	8%	8%	8%	8%		
Net Effective Income	716,102	730,424	745,033	759,934	775,132	790,635	806,448	822,577	839,028	855,809		
Max Can Do or NHA Expenses												
Administrative	156,415	161,108	165,941	170,919	176,047	181,328	186,768	192,371	198,142	204,087		
Maintenance	169,413	174,496	179,730	185,122	190,676	196,396	202,288	208,357	214,607	221,046		
Supportive Services	45,680	47,050	48,462	49,915	51,413	52,955	54,544	56,180	57,866	59,602		
Replacement Reserve	91,359	94,100	96,923	99,831	102,826	105,911	109,088	112,361	115,731	119,203		
Utilities	104,620	107,759	110,991	114,321	117,751	121,283	124,922	128,669	132,530	136,505		
Real Estate Taxes	-	-	-	-	-	-	-	-	-	-		
Insurance	47,090	48,502	49,957	51,456	53,000	54,590	56,227	57,914	59,652	61,441		
Total Expenses	614,577	633,015	652,005	671,565	691,712	712,464	733,837	755,853	778,528	801,884		
Net Operating Income	101,525	97,410	93,028	88,368	83,420	78,171	72,610	66,724	60,500	53,925		
Debt Service												
New TVB Debt Service	40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688		
New TVB Loan Amount	-	-	-	-	-	-	-	-	-	-		
Total Debt Service	40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688		
Net Cash Flow	60,837	56,721	52,339	47,680	42,732	37,483	31,922	26,036	19,811	13,236		
Debt Service Coverage Ratio	2.50	2.39	2.29	2.17	2.05	1.92	1.78	1.64	1.49	1.33		

NHA Acceptance of CAN-DO Portfolio, CPA/CDBG PROPOSAL REVISIONS 29 January 2020											
REPLACEMENT RESERVE BALANCE (without CDBG funding)											
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	25-01-20
Can-Do Developments	1	2	3	4	5	6	7	8	9	10	
Starting Replacement Reserve	-	(439,191)	(377,024)	(363,028)	(321,068)	(239,803)	(183,764)	(92,704)	(68,074)	33,107	
Monthly Contribution at 3%	5,500	5,665	5,835	6,010	6,190	6,376	6,567	6,764	6,967	7,176	
Yearly Contribution at 3%	66,000	67,980	70,019	72,120	74,284	76,512	78,807	81,172	83,607	86,115	
Total Replacement Reserve	66,000	(371,211)	(307,005)	(290,908)	(246,785)	(163,291)	(104,957)	(11,533)	15,533	119,222	
Interest on Reserve at 1.5%	495	(6,078)	(5,130)	(4,905)	(4,259)	(3,023)	(2,165)	(782)	(394)	1,142	
Total Funds Available	66,495	(377,289)	(312,135)	(295,812)	(251,044)	(166,314)	(107,122)	(12,314)	15,139	120,364	
NHA & TVB Grants	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	
Capital Needs	555,686	49,735	100,893	75,256	38,760	67,450	35,582	105,760	32,032	111,091	
Reserve Balance	(439,191)	(377,024)	(363,028)	(321,068)	(239,803)	(183,764)	(92,704)	(68,074)	33,107	59,273	
Over 20 Years											
Yearly Contributions	1,773,445										
Interest on Reserve @ 1.5%	(21,779)										
Capital Needs	(2,391,184)										
NHA & TVB Grants	500,000										
Reserve Balance in Year 20	(139,517)										

NHA Acceptance of CAN-DO Portfolio: NHA Acceptance of CAN-DO Portfolio, CPA/CDBG PROPOSAL REVISIONS 29 January 2020											
REPLACEMENT RESERVE BALANCE (without CDBG funding)	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	25-01-20
Can-Do Developments	11	12	13	14	15	16	17	18	19	20	
Starting Replacement Reserve	59,273	33,028	67,167	89,871	100,871	12,584	(130,626)	(112,212)	(211,901)	(195,141)	
Monthly Contribution at 3%	7,392	7,613	7,842	8,077	8,319	8,569	8,826	9,091	9,363	9,644	
Yearly Contribution at 3%	88,698	91,359	94,100	96,923	99,831	102,826	105,911	109,088	112,361	115,731	
Total Replacement Reserve	147,971	124,388	161,267	186,795	200,701	115,410	(24,715)	(3,124)	(99,540)	(79,410)	
Interest on Reserve at 1.5%	1,554	1,181	1,713	2,075	2,262	960	(1,165)	(865)	(2,336)	(2,059)	
Total Funds Available	149,526	125,569	162,980	188,870	202,963	116,370	(25,880)	(3,989)	(101,876)	(81,469)	
NHA & TVB Grants	-	-	-	-	-	-	-	-	-	-	
Capital Needs	116,497	58,402	73,109	87,999	190,379	246,996	86,332	207,912	93,265	58,049	
Reserve Balance	33,028	67,167	89,871	100,871	12,584	(130,626)	(112,212)	(211,901)	(195,141)	(139,517)	
Over 20 Years											
Yearly Contributions			1,773,445								
Interest on Reserve @ 1.5%			(21,779)								
Capital Needs			(2,391,184)								
NHA & TVB Grants			500,000								
Reserve Balance in Year 20			(139,517)								

NHA Acceptance of CAN-DO Portfolio, CPA/CDBG PROPOSAL REVISIONS 29 January 2020											
REPLACEMENT RESERVE BALANCE (with CDBG funding)	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	25-01-20
Can-Do Developments	1	2	3	4	5	6	7	8	9	10	
Starting Replacement Reserve	-	112,161	182,598	204,989	255,469	345,382	410,199	510,168	543,841	654,201	
Monthly Contribution at 3%	5,500	5,665	5,835	6,010	6,190	6,376	6,567	6,764	6,967	7,176	
Yearly Contribution at 3%	66,000	67,980	70,019	72,120	74,284	76,512	78,807	81,172	83,607	86,115	
Total Replacement Reserve	66,000	180,141	252,618	277,109	329,752	421,894	489,006	591,340	627,448	740,316	
Interest on Reserve at 1.5%	495	2,192	3,264	3,616	4,389	5,755	6,744	8,261	8,785	10,459	
Total Funds Available	66,495	182,334	255,882	280,725	334,141	427,648	495,750	599,601	636,233	750,774	
NHA & TVB Grants	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	
City CDBG	551,352	-	-	-	-	-	-	-	-	-	
Capital Needs	555,686	49,735	100,893	75,256	38,760	67,450	35,582	105,760	32,032	111,091	
Reserve Balance	112,161	182,598	204,989	255,469	345,382	410,199	510,168	543,841	654,201	689,683	
Over 20 Years											
Yearly Contributions	1,773,445										
Interest on Reserve @ 1.5%	158,486										
Capital Needs	(2,391,184)										
NHA & TVB Grants	500,000										
City CDBG	551,352										
Reserve Balance in Year 20	592,099										

NHA Acceptance of CAN-DO Portfolio: NHA Acceptance of CAN-DO Portfolio, CPA/CDBG PROPOSAL REVISIONS 29 January 2020											
REPLACEMENT RESERVE BALANCE (with CDBG funding)	2030	2031	2032	2033	2034	2035	2036	2037	2038	25-01-20	
	11	12	13	14	15	16	17	18	19	20	
Can-Do Developments											
Starting Replacement Reserve	689,683	672,895	716,631	749,078	769,965	691,715	558,692	587,446	498,252	525,664	
Monthly Contribution at 3%	7,392	7,613	7,842	8,077	8,319	8,569	8,826	9,091	9,363	9,644	
Yearly Contribution at 3%	88,698	91,359	94,100	96,923	99,831	102,826	105,911	109,088	112,361	115,731	
Total Replacement Reserve	778,382	764,254	810,732	846,001	869,796	794,541	664,603	696,534	610,612	641,395	
Interest on Reserve at 1.5%	11,010	10,779	11,455	11,963	12,298	11,147	9,175	9,630	8,316	8,753	
Total Funds Available	789,392	775,033	822,187	857,964	882,094	805,688	673,777	706,164	618,929	650,148	
NHA & TVB Grants	-	-	-	-	-	-	-	-	-	-	
City CDBG	-	-	-	-	-	-	-	-	-	-	
Capital Needs	116,497	58,402	73,109	87,999	190,379	246,996	86,332	207,912	93,265	58,049	
Reserve Balance	672,895	716,631	749,078	769,965	691,715	558,692	587,446	498,252	525,664	592,099	
Over 20 Years											
Yearly Contributions			1,773,445								
Interest on Reserve @ 1.5%			158,486								
Capital Needs			(2,391,184)								
NHA & TVB Grants			500,000								
City CDBG			551,352								
Reserve Balance in Year 20			592,099								

NHA Acceptance of CAN-DO Portfolio, CPA/CDBG PROPOSAL REVISIONS 29 January 2020											
CAPITAL NEEDS BY PROPERTY	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	25-01-20
Can-Do Developments	1	2	3	4	5	6	7	8	9	10	
10-11 Cambria Road	16,852	-	-	279	-	190	1,164	3,628	-	-	-
11-13 Cambria Road	47,780	1,751	-	-	549	3,058	15,463	-	-	-	848
18-20 Cambria Road	6,940	-	-	30,383	732	754	-	3,690	1,001	-	-
163 Jackson Road	95,395	-	-	-	-	2,611	1,194	2,460	-	-	-
20-22 Falmouth Road	100,030	-	-	-	-	4,408	-	2,400	-	-	-
61 Pearl Street	7,491	7,472	1,326	328	2,983	3,322	-	11,376	-	-	77,520
14 Nonantum Place	94,218	9,553	1,247	-	-	12,204	-	39,487	-	-	984
90 Christina Street	6,108	11,647	39,165	18,251	18,102	25,512	8,866	1,291	784	-	9,786
2148-2150 Commonwealth	48,474	2,987	-	-	366	2,622	388	1,876	1,520	-	-
54 Eddy Street	11,391	2,802	-	1,366	4,097	424	-	-	24,548	-	3,392
54 Taft Avenue	13,863	80	-	10,015	5,121	-	2,004	-	-	-	4,071
228 Webster Street	34,664	6,956	45,996	4,819	1,756	3,547	1,863	25,697	-	-	-
Annual Totals	483,206	43,248	87,734	65,441	33,706	58,652	30,942	91,905	27,853	96,601	
Capital Needs	483,205	43,248	87,733	65,440	33,704	58,652	30,941	91,965	27,854	96,601	
Capital Needs Inflated by 15%	555,686	49,735	100,893	75,256	38,760	67,450	35,582	105,760	32,032	111,091	

NHA Acceptance of CAN-DO NHA Acceptance of CAN-DO Portfolio, CPA/CDBG PROPOSAL REVISIONS 29 January 2020												
CAPITAL NEEDS BY PROPERTY												
	2030	2031	2032	2033	2034	2035	2036	2037	2038	25-01-20		
	11	12	13	14	15	16	17	18	19	20		
Can-Do Developments												
10-11 Cambria Road	4,991	2,768	4,919	-	-	39,747	14,433	31,707	-	-		
11-13 Cambria Road	3,696	-	-	-	12,098	12,522	4,814	-	-	1,140		
18-20 Cambria Road	3,091	-	2,545	8,195	983	8,024	-	4,959	68,711	-		
163 Jackson Road	5,423	-	-	-	-	17,037	1,605	3,306	-	-		
20-22 Falmouth Road	5,548	-	-	-	-	15,818	-	3,306	-	-		
61 Pearl Street	7,482	27,561	15,719	441	454	3,895	587	7,520	-	5,773		
14 Nonantum Place	22,741	2,116	428	-	48,564	13,013	3,771	-	-	1,322		
90 Christina Street	2,688	-	21,895	22,972	8,055	7,608	7,836	51,673	9,495	34,263		
2148-2150 Commonwealth	17,117	12,693	-	-	492	67,518	522	2,521	2,894	-		
54 Eddy Street	4,926	900	13,110	44,715	75,487	-	-	-	-	-		
54 Taft Avenue	15,939	4,745	3,707	-	-	4,440	30,451	14,727	-	7,978		
228 Webster Street	7,660	-	1,250	198	19,414	25,159	11,054	61,075	-	-		
Annual Totals	101,302	50,783	63,573	76,521	165,547	214,781	75,073	180,794	81,100	50,476		
Capital Needs	101,302	50,784	63,573	76,521	165,547	214,779	75,071	180,793	81,100	50,477		
Capital Needs Inflated by 15%	116,497	58,402	73,109	87,999	190,379	246,996	86,332	207,912	93,265	58,049		



Ruthanne Fuller
Mayor

City of Newton, Massachusetts
Department of Planning and Development

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Barney S. Heath
Director

M E M O R A N D U M

CPC staff note:
This memo was
submitted 29
January 2020 for
public hearing
scheduled 11
February 2020.

To: Planning and Development Board & Community Preservation Committee

From: Eamon Bencivengo, Housing Development Planner
Amanda Berman, Director of Housing and Community Development

Re: Newton Housing Authority Acquisition of CAN-DO Portfolio

Date: February 11, 2020

BACKGROUND

In January 2017, CAN-DO (Citizens for Affordable Housing in Newton Development Organization) executed an affiliation agreement with Metro West Collaborative Development (Metro West) for Metro West to oversee management of CAN-DO’s 33-unit real estate portfolio. In 2019, the two organizations agreed to disaffiliate, placing the management of the CAN-DO portfolio in jeopardy. Several months ago, the Newton Housing Authority (NHA) approached the City of Newton with the intent to acquire the CAN-DO portfolio. In the intervening months, City Planning Staff has worked closing with the NHA to create financing structure that transfers ownership and management of the portfolio to NHA to ensure its long-term stabilization.

The 33-unit portfolio is spread across 12 scattered site projects serving very low-income individuals who require a variety of supportive services. Not only is the City concerned in the well-being of these individuals should the portfolio be neglected, but it is also committed to preserving the deep level of affordability provided in these units. With the approximate \$126,700 of City investment awarded each bedroom of the the portfolio over the life span of CAN-DO, the City is compelled to ensure the portfolio continues to serve the most vulnerable in Newton.

PROPOSED PROGRAM RESTRUCTURING

Over the past several weeks, Planning Department Staff, in consultation with the assistance of a third-party consultant and advice from the Newton Housing Partnership (NHP), has collaborated with the NHA to develop a financing structure that allows the NHA to acquire the portfolio through both the responsible allocation of public dollars and leveraging of private investment. As a result, the portfolio maintains a reasonable debt service coverage ratio and healthy replacement reserve over the 20-year projection.

The following two tables summarize the requested funding sources and their corresponding uses. CPA and CDBG funds will be used to reduce the portfolio’s existing debt, with remaining CDBG funds being used to support eligible rehab projects outlined in the first year of NHA’s capital needs projection.

Table 1. Sources for Uses

SOURCES	
NHA Grant over 10 Years	250,000
TVB Grant over 10 Years	250,000
New TVB Loan	650,000
City CPA	1,105,000
City CDBG - FY 2019 & 2020	1,200,000
TOTAL SOURCES	3,455,000

¹

USES	
TVB Loan Repayment	1,498,784
CSB Loan Repayment	343,486
BCLF Loan Repayment	80,378
Replacement Reserve	500,000
Operating Reserve	250,000
Capital Improvements	551,352
Financing Fees (1%)	6,500
Legal Fees	150,000
Title & Recording	40,000
Development Consultant	30,000
Appraisal	4,500
TOTAL USES	3,455,000

²

SURPLUS / (DEFICIT)	
	0

¹ New TVB Debt at 4.75%, 30 year amortization.

² To fund capital needs in 2020.

Table 2. Uses for Sources

SOURCES	NHA	TVB	New Loan	City CPA	City FY 19 &	TOTAL SOURC
TVB Loan Repayment			169,0	681,1	648,6	1,498,7
CSB Loan Repayment				343,4		343,4
BCLF Loan Repayment				80,3		80,3
Replacement Reserve	250,0	250,0				500,0
Operating Reserve			250,0			250,0
Capital Improvements					551,3	551,3
Financing Fees (1%)			6,5			6,5
Legal Fees			150,0			150,0
Title & Recording			40,0			40,0
Development Consultant			30,0			30,0
Appraisal			4,5			4,5
USES	250,0	250,0	650,0	1,105,0	1,200,0	3,455,0

SURPLUS / (DEFICIT)	
	0

STAFF RECOMMENDATIONS

Given the uniqueness and complexity of this portfolio deal, Planning Staff commends the NHA willingness to utilize the feedback offered by the NHP and third-party consultants in order to preserve the deep affordability of these critical housing units. As a result, Planning Staff is supportive of the NHA funding structure and request to acquire the CAN-DO portfolio. Planning Staff is confident the NHA will not only stabilize, but strengthen the portfolio, ensuring that residents continue to experience a high-quality of life.

Newton Housing Authority Acquisition of CAN-DO Portfolio

Community Preservation Committee
Planning and Development Board
February 11, 2020

Amy Zarechian, Executive Director
Vincent O'Donnell, Commissioner



Newton Housing Authority

- **Newton Housing Authority (NHA)**
 - Established in 1959
 - Largest provider of affordable housing in Newton
 - Over 1300 residents
 - 500 public housing units
 - 441 Rental Assistance Vouchers
 - 57 management units
- **Mission of the NHA**
 - Provide a high standard of housing
 - Create a sense of community for residents
 - Increase affordable housing opportunities in City of Newton
 - Provide robust social services



Jackson Gardens

NHA Programs

- **Federal Public Housing**
 - 298 units for seniors and individuals with disabilities
 - Funded by operating and capital subsidies from US Housing and Urban Development (HUD)
- **State Public Housing**
 - 216 units for families, elders, and individuals with disabilities funded by operating and capital subsidies from MA Dept. of Housing and Community Development (DHCD)
- **Housing Choice Voucher Program (Section 8)**
 - 441 federally subsidized vouchers
 - Includes 15 vouchers set-aside for victims of domestic violence
- **YMCA Project-Based Section 8**
 - 25 project-based section 8 vouchers at the West Suburban YMCA for single, homeless men
- **Mass Rental Voucher Program**
 - 32 state-subsidized vouchers

NHA Management Program

- **Management Portfolio**
 - 57 units of NHA owned and operated unsubsidized units
 - Purchased with Inclusionary Zoning Funds, donated in two cases
 - Occupied by NHA Section 8 voucher holders
 - Locations:

52-54 Wyman Street	68-70 Wyman Street
76 Webster Park	36, 38, 40, 46 Crescent St.
1115 #8 Beacon Street	9A, 17A Baldwin Street
23 Considine Rd.	50-52 Fuller Street
15-17 Jackson Terrace	31 Murray Rd.
45 Pelham Street	90 Newtonville Ave.
83-85 West Street	



52-54 Wyman Street

NHA Resident Services

Tenant Demographics

Federal Public Housing:

- 67% Elderly (62yrs +)
- 33% Persons with disabilities
- 30% Mandarin speaking

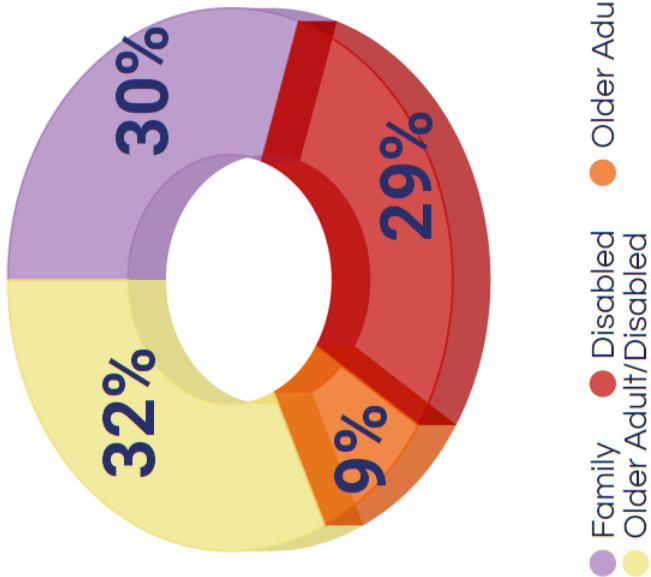
State Public Housing:

- 33% Under 18 years old
- 14% Persons with disabilities

Resident Services Department

- 2 Licensed Social Workers- fluent in Spanish and Mandarin
- 102 clinical cases open in 2019- 48% clinical cases involved mental health as contributing factor
- 262 residents served in 2019

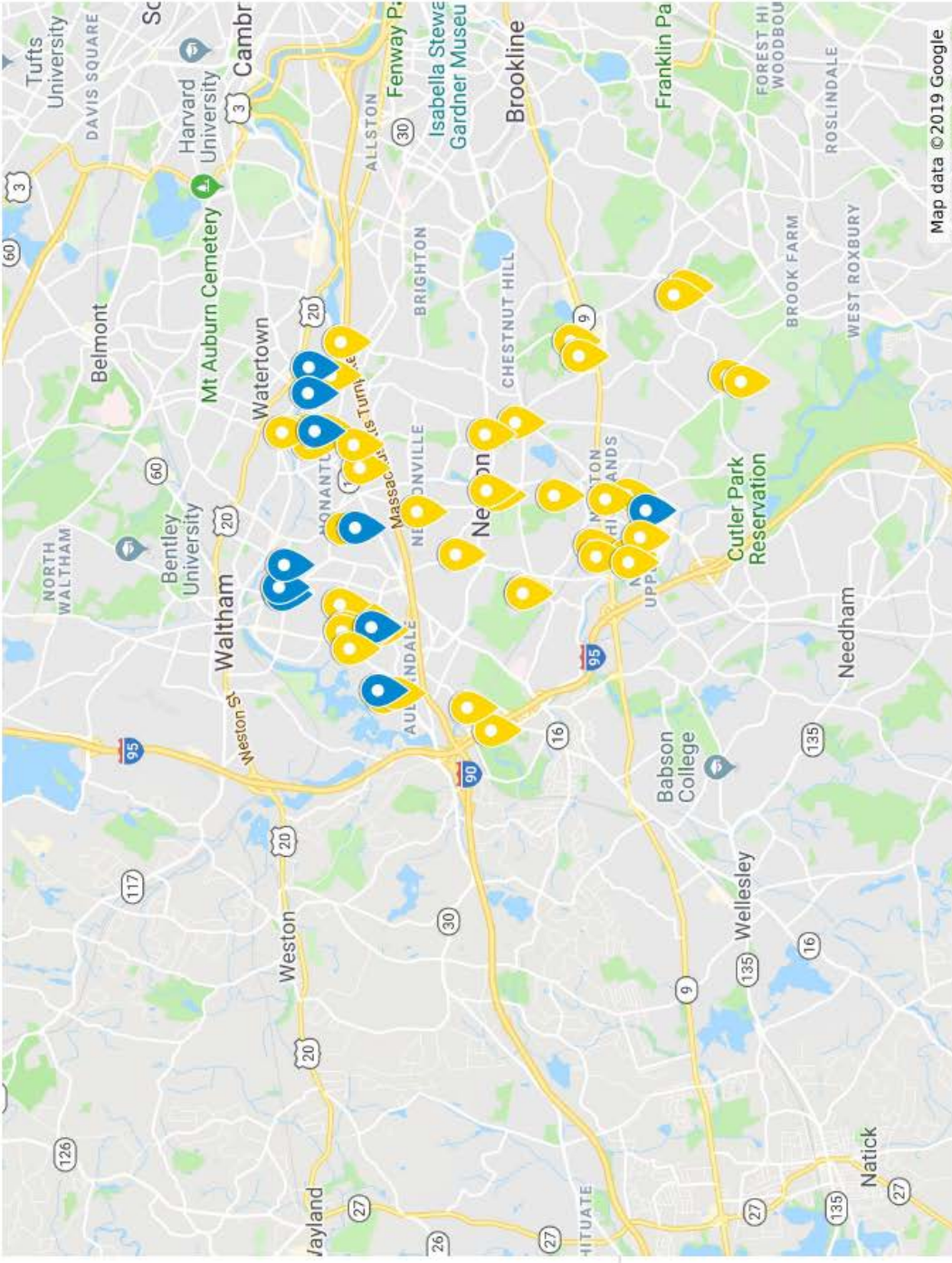
Residents Utilizing RSD in 2019



CAN-DO Acquisition

- On January 1, 2017, CAN-DO and Metro West Collaborative Development became affiliates upon retirement of CAN-DO's Executive Director
- The two organizations have disaffiliated and Metro West CD management contract expired 1/31/2020
- NHA began a due diligence process, looking carefully at financial projections and commissioning a Capital Needs Assessment
- Due diligence has shown that the portfolio does not have sufficient operating income to break even over time and does not have the reserves necessary for long-term management
- NHA committed to increasing the number of affordable units in the City and preserving CAN-DO portfolio as an important resource, particularly for the vulnerable tenant population served

CAN-DO and NHA Properties



CAN-DO Portfolio

- 14 Nonantum Pl
- 90 Christina St
- 10-12 Cambria Rd
- 11 Cambria Rd
- 18 Cambria Rd
- 163 Jackson Rd
- 20 Falmouth Rd #22
- 228 Webster St
- 54 Eddy St
- 61 Pearl St

- 2148 Commonwealth Avenue
- 54 Taft Ave

NHA Properties

- 21 Parker St
- 111 Kennedy Cir
- 676 Watertown St
- 58 Ash St
- 80 Thurston Rd
- 239 Watertown St
- 234 Central St
- 82 Lincoln St
- 541 Grove St
- 15 Wilson Cir



Map data ©2019 Google

CAN-DO Portfolio

Address	Units	City Sources	Total City \$
14 Nonantum Place/Garfield House	3	HOME, NHRF	\$308,611
90 Christina St./Kayla House	5	CDBG, HOME	\$695,574
10-12 Cambria Rd.	2	CDBG, HOME, CPA	\$855,370
11-13 Cambria Rd.	2	CDBG, CPA	\$630,850
18-20 Cambria Rd.	2	CDBG, CPA	\$541,417
163 Jackson Rd.	2	CDBG, CPA	\$587,750
20-22 Falmouth Rd.	2	CDBG, CPA	\$651,202
228 Webster St.	6	HOME, NHRF	\$237,957
54 Eddy Street	2	CDBG, CPA	\$945,250
61 Pearl Street	3	CDBG, HOME, CPA	\$1,145,000
2148 Comm. Ave./Veteran House	2	CDBG, CPA	\$675,000
54 Taft Ave.	2	CDBG, HOME, CPA	\$1,089,029



228 Webster Street

CAN-DO Acquisition

- NHA worked closely with the City's Department of Planning and Development to align proposed funding sources with permissible uses
- At the Department's suggestion, NHA increased CDBG request to \$1,200,000 to address immediate capital needs and fund a portion of the elimination of existing private debt
- This allowed for a decrease in the new private debt to \$650,000
- CPA funds request reduced to \$1,105,000, which will also fund a portion of the elimination of existing private debt
- Based on comments from the Newton Housing Partnership, NHA increased capital budget by 15% and supportive services budget by \$1000/unit/year
- The annual contribution to the replacement reserve has been increased to \$2,000/unit/year
- New Village Bank debt will be used to create \$250,000 operating reserve
- Village Bank grant of \$250,000 and NHA grant of \$250,000 will be placed into replacement reserve in annual \$25,000 installments

CAN-DO Acquisition

Sources for Uses

Sources:

Village Bank (TVB) Grant over 10 years	\$250,000
NHA Grant over 10 years	\$250,000
New TVB Loan*	\$650,000
City CPA	\$1,105,000
City CDBG	\$1,200,000
Total:	\$3,455,000

*New TVB debt at 4.75%, 30 year amortization

Uses:

TVB Debt Repayment	\$1,498,784
Cambridge Savings Debt Repayment	\$343,486
Boston Community Loan Fund Repayment	\$80,378
Replacement Reserve	\$500,000
Operating Reserve	\$250,000
Financing Fees (1%)	\$10,381
Legal Fees	\$150,000
Title & Recording	\$40,000
Development Consultant	\$30,000
Appraisal	\$4,500
Total:	\$3,455,000

CAN-DO Acquisition Uses for Sources

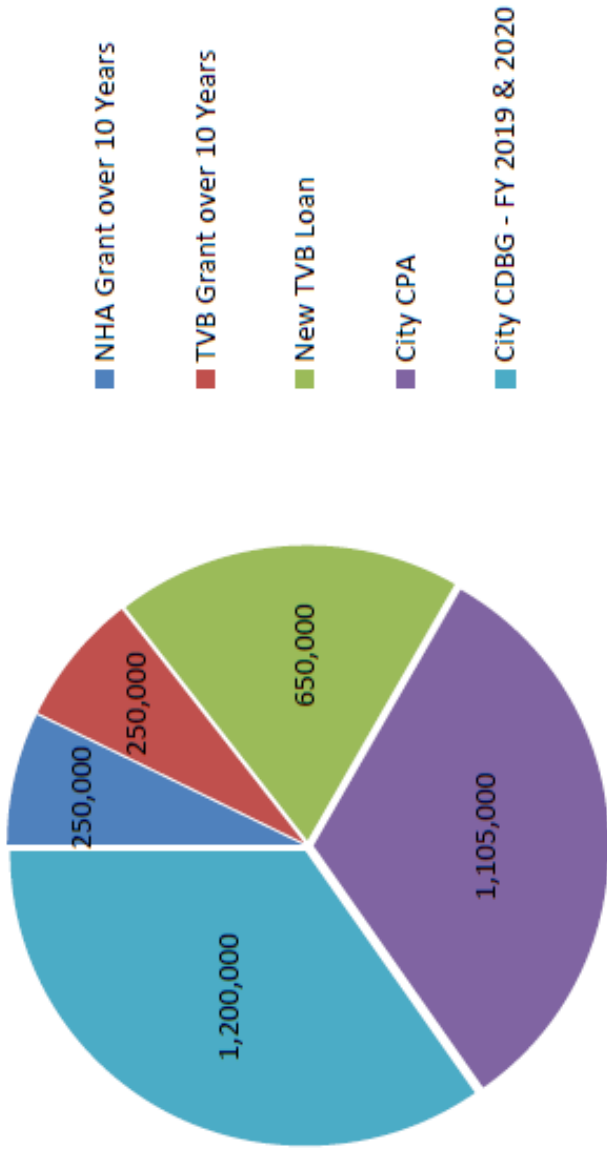
SOURCES	NHA	TVB	New TVB Loan	City CPA	City CDBG FY 19 & 20	TOTAL SOURCES
TVB Loan Repayment			169,000	681,136	648,648	1,498,784
CSB Loan Repayment				343,486		343,486
BCLF Loan Repayment				80,378		80,378
Replacement Reserve	250,000	250,000				500,000
Operating Reserve			250,000			250,000
Capital Improvements					551,352	551,352
Financing Fees (1%)			6,500			6,500
Legal Fees			150,000			150,000
Title & Recording			40,000			40,000
Development Consultant			30,000			30,000
Appraisal			4,500			4,500
USES	250,000	250,000	650,000	1,105,000	1,200,000	3,455,000

SURPLUS / (DEFICIT) - - - - 0 0



CAN-DO Acquisition Sources

CAN DO DEVELOPMENTS



CAN-DO 20 Year Projection

	<u>2019</u>	<u>Per Unit</u>	<u>2020</u>	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>	<u>2026</u>	<u>2027</u>	<u>2028</u>	<u>2029</u>
Trend: 2% Income												
Trend: 3% Expense												
Gross Possible Rent	626,016	18,970	638,536	651,307	664,333	677,620	691,172	704,996	719,096	733,478	748,147	763,110
Vacancy	(93,902)	(2,846)	(95,780)	(97,696)	(79,720)	(81,314)	(69,117)	(70,500)	(57,528)	(58,678)	(59,852)	(61,049)
Vacancy Rate	15%	15%	15%	15%	12%	12%	10%	10%	8%	8%	8%	8%
Net Effective Income	532,114	16,125	542,756	553,611	584,613	596,305	622,055	634,496	661,568	674,799	688,295	702,061
Max Can Do or NHA Expenses												
Administrative	112,998	3,424	116,388	119,879	123,476	127,180	130,995	134,925	138,973	143,142	147,437	151,860
Maintenance	122,388	3,709	126,059	129,841	133,736	137,748	141,881	146,137	150,521	155,037	159,688	164,479
Supportive Services	33,000	1,000	33,990	35,010	36,060	37,142	38,256	39,404	40,586	41,803	43,058	44,349
Replacement Reserve	66,000	2,000	67,980	70,019	72,120	74,284	76,512	78,807	81,172	83,607	86,115	88,698
Utilities	75,580	2,290	77,847	80,183	82,588	85,066	87,618	90,246	92,954	95,742	98,614	101,573
Real Estate Taxes	-	-	-	-	-	-	-	-	-	-	-	-
Insurance	34,018	1,031	35,039	36,090	37,173	38,288	39,437	40,620	41,838	43,094	44,386	45,718
Total Expenses	443,984	13,454	457,303	471,022	485,153	499,708	514,699	530,140	546,044	562,425	579,298	596,677
Net Operating Income	88,130	2,671	85,453	82,589	99,460	96,598	107,356	104,356	115,524	112,374	108,997	105,384
Debt Service												
New TVB Debt Service	40,688		40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688
New TVB Loan Amount		650,000										
Total Debt Service	40,688		40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688	40,688
Net Cash Flow	47,441		44,764	41,900	58,772	55,909	66,668	63,668	74,835	71,686	68,309	64,696
Debt Service Coverage Ratio	2.17		2.10	2.03	2.44	2.37	2.64	2.56	2.84	2.76	2.68	2.59



CAN-DO Capital Needs

	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
<u>Can-Do Developments</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>
10-11 Cambria Road	16,852	-	-	279	-	190	1,164	3,628	-	-	4,991
11-13 Cambria Road	47,780	1,751	-	-	549	3,058	15,463	-	-	848	3,696
18-20 Cambria Road	6,940	-	-	30,383	732	754	-	3,690	1,001	-	3,091
163 Jackson Road	95,395	-	-	-	-	2,611	1,194	2,460	-	-	5,423
20-22 Falmouth Road	100,030	-	-	-	-	4,408	-	2,400	-	-	5,548
61 Pearl Street	7,491	7,472	1,326	328	2,983	3,322	-	11,376	-	77,520	7,482
14 Nonantum Place	94,218	9,553	1,247	-	-	12,204	-	39,487	-	984	22,741
90 Christina Street	6,108	11,647	39,165	18,251	18,102	25,512	8,866	1,291	784	9,786	2,688
2148-2150 Commonwealth	48,474	2,987	-	-	366	2,622	388	1,876	1,520	-	17,117
54 Eddy Street	11,391	2,802	-	1,366	4,097	424	-	-	24,548	3,392	4,926
54 Taft Avenue	13,863	80	-	10,015	5,121	-	2,004	-	-	4,071	15,939
228 Webster Street	34,664	6,956	45,996	4,819	1,756	3,547	1,863	25,697	-	-	7,660
Annual Totals	483,206	43,248	87,734	65,441	33,706	58,652	30,942	91,905	27,853	96,601	101,302
Capital Needs	483,205	43,248	87,733	65,440	33,704	58,652	30,941	91,965	27,854	96,601	101,302
Capital Needs Increased by 15%	555,685.75	49,735.20	100,892.95	75,256.00	38,759.60	67,449.80	35,582.15	105,759.75	32,032.10	111,091.15	116,497.30

CAN-DO Acquisition Replacement Reserve

REPLACEMENT RESERVE BALANCE

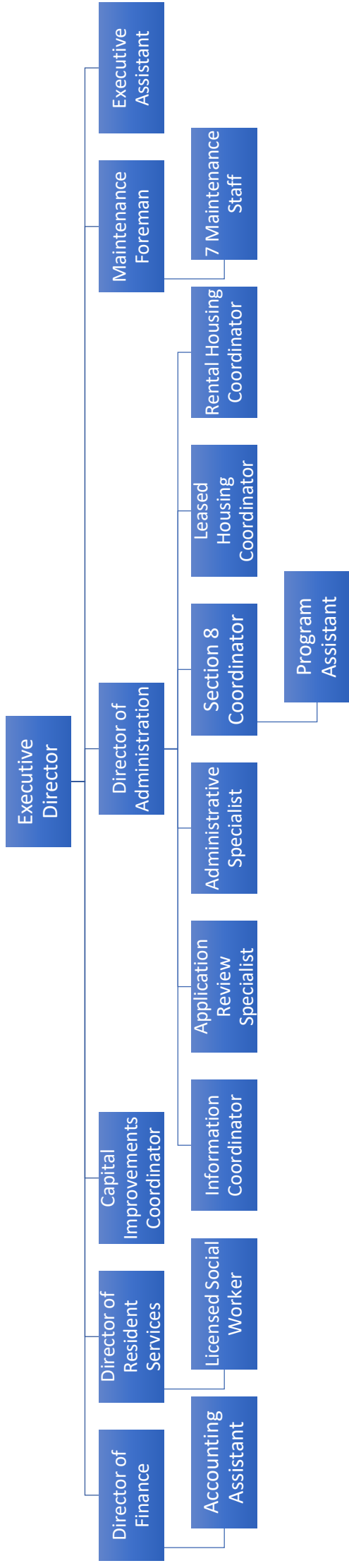
	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030
	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>	<u>6</u>	<u>7</u>	<u>8</u>	<u>9</u>	<u>10</u>	<u>11</u>
Can-Do Developments											
Starting Replacement Reserve	-	(439,191)	(377,024)	(363,028)	(321,068)	(239,803)	(183,764)	(92,704)	(68,074)	33,107	59,273
Monthly Contribution at 3%	5,500	5,665	5,835	6,010	6,190	6,376	6,567	6,764	6,967	7,176	7,392
Yearly Contribution at 3%	66,000	67,980	70,019	72,120	74,284	76,512	78,807	81,172	83,607	86,115	88,698
Total Replacement Reserve	66,000	(371,211)	(307,005)	(290,908)	(246,785)	(163,291)	(104,957)	(11,533)	15,533	119,222	147,971
Interest on Reserve at 1.5%	495	(6,078)	(5,130)	(4,905)	(4,259)	(3,023)	(2,165)	(782)	(394)	1,142	1,554
Total Funds Available	66,495	(377,289)	(312,135)	(295,812)	(251,044)	(166,314)	(107,122)	(12,314)	15,139	120,364	149,526
NHA & TVB Grants	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	50,000	-
Capital Needs	555,686	49,735	100,893	75,256	38,760	67,450	35,582	105,760	32,032	111,091	116,497
Reserve Balance	(439,191)	(377,024)	(363,028)	(321,068)	(239,803)	(183,764)	(92,704)	(68,074)	33,107	59,273	33,028

Over 20 Years

Yearly Contributions	1,773,445
Interest on Reserve @ 1.5%	(21,779)
Capital Needs	(2,391,184)
NHA & TVB Grants	500,000
Reserve Balance in Year 20	(139,517)

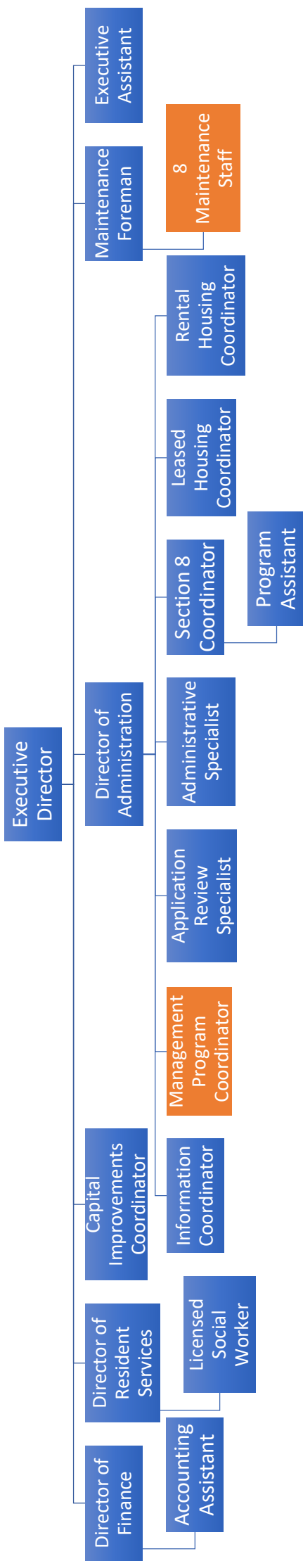


NHA Organizational Chart December 2019



NHA Organizational Chart December 2019

Post CAN-DO Property Acquisition



CAN-DO Acquisition Timeline

- CPC/P&D full-proposal/public hearing February 2020
- Purchase and Sale Agreement March 2020
- CPC/CDBG funding awards April 2020
- Closing Spring 2020

CPA Proposals & Projects

Newton Housing Authority

contacts:

- Amy Zarechian, Executive Director
Newton Housing Authority
82 Lincoln Street, Newton Highlands, MA 02461
email: azarechian@newtonhousing.org
phone: 617.552.5501

projects below:

- [Housing Authority Acceptance of CAN-DO Portfolio](#)
- [Haywood House/Jackson Road New Senior Housing](#)
- [Wyman Street Apartments](#)

Housing Authority Acceptance of CAN-DO Portfolio

Sites throughout the city. See map submitted with the proposal.

goals:

Preserve the 33 units of scattered-site, deed-restricted rental housing developed throughout the City by CAN-DO (Citizens for Affordable Housing in Newton Development Organization), by reducing bank debt and addressing deferred capital needs under Newton Housing Authority ownership and management.

total funding

(updated 31 January 2020, based on [29-31 January 2020 submission below](#))

\$1,105,000

CPA funds requested



\$1,200,000	CDBG funds requested (Newton-controlled federal funds)
\$250,000	Newton Housing Authority contribution
\$250,000	Village Bank grant
\$650,000	Village Bank debt (new)
\$3,455,000	total project cost

Funding Process

24-25 June 2019 - **pre-proposal**, including:

- **pre-proposal**, including: project summary, property descriptions, maps & budgets
- **CAN-DO portfolio capital needs assessment**, completed in November 2018 for the Newton Housing Authority, including photos of CAN-DO properties

2 January 2020 - **full proposal**, divided into the following files:

- **proposal with attachments**, including: project summary, map & description of CAN-DO's scattered-site housing portfolio, market analysis, project team qualifications, affirmative marketing and fair housing policies, letters of support; please note revisions below submitted 29 January 2020
- **appraisal of CAN-DO portfolio, with photos**
- **project finances**, including: sources, uses, and 20-year projections for operating income, operating expenses, replacement reserves and capital needs; please note revisions below submitted 29 January 2020
- **organizational information for both the Housing Authority and CAN-DO**, including: organizational charts, audits or financial statements, and a description of the Housing Authority's own scattered-site "management portfolio"

29 January 2020 - **revised funding request and project finances**

31 January 2020 - **letters and memos about this proposal** (Newton Housing Partnership, Planning & Development Dept. staff, community letters)

11 February 2020 - The CPC voted to recommend the requested funding. Their recommendation will be posted here shortly.

Haywood House/Jackson Road

New Senior Housing

fronting on John F. Kennedy Circle, Newton Corner, MA 02458; rear facing Jackson Road

Click on the following links to

- go directly to **this project's proposal #3 to the CPC** (submitted June 2018)



February 10, 2020

City Of Newton
Inspectional Services Department
1000 Commonwealth Ave
Newton, MA 02459
Attn: Mr. John D. Lojek

RE: Bright Horizons Childcare Center at 2 Well Ave.

Mr. Lojek,

Bright Horizons is looking to convert 10,500 sqft of existing single story office space to childcare. The center will operate Monday – Friday 7:00am to 6:00pm. This center will be licensed for 90 children ages 6 weeks to 6 years. There will be 21 teachers and administrative staff for this center. The center will have age appropriate play yards totaling approx. 10,470 sqft with the required 4' landscape buffer. There will be direct access to the playgrounds from the classrooms. We are promoting a natural look and feel with natural and permeable surfaces, different scales of plantings (grass, shrubs, and trees) and organic paths and shapes. For the parking we have calculated 39 stalls will be required of which 18 spaces will be marked for pick up and drop off. This childcare center will also be open to the community for enrollment.

We understand that there is a special permit on the property, and are looking to receive a consistency determination from your office to keep the project moving forward, hopefully to open at the same time as our new corporate world headquarters in Fall 2020. As you can see per the attached set of drawings we have reduced the amount of parking spaces but still exceed the required amount of parking spaces per zoning and added one more handi-capped parking spot to the site. We also are proposing to increase the open space by adding an approximate 10,470 sqft playground with natural play areas and plantings, thereby creating more pervious surfacing on site.

Should you have any questions please feel free to contact me at 617-785-6968

Regards,
Steven Geller
Sr. Director of Design & Preconstruction
Bright Horizons Children Centers

CC: Jane Santosuosso
Deb Finamore



#124-15

CITY OF NEWTON

IN BOARD OF ALDERMEN

August 10, 2015

11699-535

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to construct a three-story addition to a one-story building, which will increase the gross floor area in aggregate by more than 20,000 square feet, and retaining walls greater than four feet within the setbacks, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The specific site is an appropriate location for the expanded office building, , because it is located within the Wells Avenue Office Park proximate to other large office buildings §30-24(d)(1))
2. The construction of retaining walls greater than four feet in height within the setbacks is appropriate in this location because rock outcroppings limit the full use of the site. (§30-5(b)(4) and §30-24(d)(1))
3. The proposed use, as developed and operated, will not adversely affect the neighborhood, as it is a use allowed by right in the Limited Manufacturing district and is consistent with the used permitted by the Deed Restriction.. (§30-24(d)(2))
4. The proposed project will not result in the creation of a nuisance or hazard to vehicles or pedestrians on the site or in the surrounding neighborhood. (§30-24(d)(3))
5. Access to the site, is appropriate for the types and number of vehicles involved. The Traffic Impact Assessment report indicates that Wells Avenue has adequate capacity to accommodate the additional vehicle trips generated by the proposed expansion of the office use, and the petitioner has agreed to implement a Transportation Demand Management Plan, which includes participation in the 128 Business Council shuttle bus. In addition, City planned improvements to the signalization at the entrance/exit to the Wells Avenue office park and at the Winchester/Nahanton Street intersection are intended to mitigate additional traffic generated by potential future development within the Wells Avenue Office Park. (§30-24(d)(4))
6. The proposed project will contribute significantly to the efficient use and conservation of natural resources and energy. The petitioner has incorporated numerous environmentally responsible and sustainable features into the building design, site design and facility programming, including, but not limited to low VOC and recycled building

recycled building
Attest

City Clerk of Newton, Mass.

2 Wells Ave, Newton

8

JS

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NEWTON, MASS.

Consistency Ruling 124-15 - 2 Wells Ave

#124-15
Page 2 of 8

materials, high efficiency heating, cooling and lighting systems, low-flow plumbing fixtures, a roof membrane with high solar reflectance, highly insulated roof and wall assemblies, no disruption of adjacent sensitive ecological areas, extensive landscaping using primarily native and drought tolerant tree and plant species, and programs to encourage employees to use modes of transit other than single-occupancy vehicles trips. The petitioner will implement an advanced stormwater management system designed to capture and infiltrate runoff generated in a 1% ("100 year") storm for both the new and existing building as well as for new parking and nearly all of the existing parking areas, substantially relieving the city stormwater system and improving water quality. (§30-24(d)(5))

7. The petitioner's voluntary contribution of the construction of concrete sidewalks and pedestrian aprons along the frontage of the property bordering Wells Avenue between the two driveways of the site is a public benefit to the City that will enhance the safety of pedestrians and improve pedestrian movements in the Wells Avenue Office Park.
8. The petitioner's voluntary contribution to a Traffic Mitigation Fund will help pay for future infrastructure improvements to the Winchester/Nahanton Streets intersection and Wells Avenue/Nahanton Street intersection as well as other traffic improvements or studies that the City may undertake to improve traffic circulation into and out of Wells Avenue Office Park and along the Nahanton traffic corridor. In addition, the petitioner has expressed its willingness to cooperate in the development of a second means of access/egress to the office park over a portion of its property should this be undertaken by the City in the future.

PETITION NUMBER: #124-15

PETITIONER: Wells Avenue, LLC.

LOCATION: 2 Wells Avenue, Ward 8, on land known as Section 84, Block 34, Lot 2K, containing approx. 436,175 square feet of land ✓

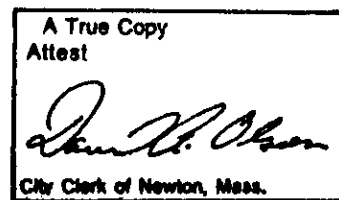
OWNER: Wells Avenue, LLC. and The CCS Companies

ADDRESS OF OWNER: 2 Wells Avenue
Newton, MA 02459 ✓

TO BE USED FOR: Office Building and Retaining Walls

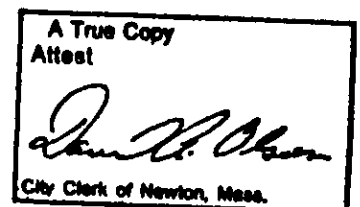
EXPLANATORY NOTES: §30-13(g)(2), to allow the construction of an addition to a building greater than 20,000 square feet; and §30-5(b)(4), to allow the construction of retaining walls in excess of four feet in height within setbacks.

ZONING: Limited Manufacturing district



Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. Architectural plan set titled "Two Wells Ave – 2 Wells Ave., Newton, MA", prepared by Spagnolo Gisness & Associates, Inc., dated May 8, 2015. The plan set consists of the following ten (10) sheets:
 - i. Site Plan;
 - ii. Site Plan with Existing;
 - iii. Site Plan Zoning;
 - iv. Perspective View;
 - v. Level 1;
 - vi. Level 2;
 - vii. Level 3;
 - viii. Elevations, revised on June 18, 2015;
 - ix. Elevations, revised on June 18, 2015; and
 - x. Abutters.
 - b. Civil plan set titled "2 Wells Avenue Expansion, Newton Massachusetts", prepared Nitsch Engineering. The plan set consists of the following forty-three (43) sheets:
 - i. Cover, dated May 8, 2015;
 - ii. Notes, Abbreviations, and Legend, Sheet C-0.0, dated May 8, 2015;
 - iii. Area Wide Plan and Key Plan, Sheet C-1.0, dated May 8, 2015;
 - iv. Existing Conditions Plan, Sheet EX-1.1, dated September 5, 2014;
 - v. Existing Conditions Plan, Sheet EX-1.2, dated September 5, 2014;
 - vi. Existing Conditions Plan, Sheet EX-1.3, dated September 5, 2014;
 - vii. Existing Conditions Plan, Sheet EX-1.4, dated September 5, 2014;
 - viii. Existing Conditions Plan, Sheet EX-1.5, dated September 5, 2014;
 - ix. Layout and Materials Plan, Sheet C-2.0, dated May 8, 2015;
 - x. Layout and Materials Plan, Sheet C-2.1, dated May 8, 2015;
 - xi. Layout and Materials Plan, Sheet C-2.2, dated May 8, 2015;
 - xii. Layout and Materials Plan, Sheet C-2.3, dated May 8, 2015;
 - xiii. Fire Access Plan, Sheet C-2.4, dated May 8, 2015;
 - xiv. Soil Test Pit data (Form 11), Sheet C-2.5, dated May 8, 2015;
 - xv. Soil Test Pit Data (Form 11), Sheet C-2.6, dated May 8, 2015;
 - xvi. Utility and Grading Plan, Sheet C-3.0, dated May 8, 2015;
 - xvii. Utility and Grading Plan, Sheet C-3.1, dated May 8, 2015;
 - xviii. Utility and Grading Plan, Sheet C-3.2, dated May 8, 2015;
 - xix. Utility and Grading Plan, Sheet C-3.3, dated May 8, 2015;
 - xx. Average Grade Plane Plan, Sheet C-3.4, dated May 8, 2015;

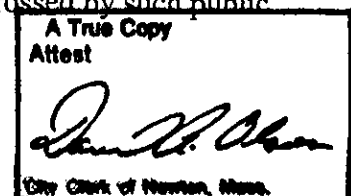


Consistency Ruling 124-15 - 2 Wells Ave

#124-15

Page 4 of 8

- xxi. Erosion and sedimentation Control Plan, Sheet C-4.0, May 8, 2015;
 - xxii. Erosion and sedimentation Control Detail, Sheet C-5.0, May 8, 2015;
 - xxiii. Erosion and sedimentation Control Detail, Sheet C-5.1, May 8, 2015;
 - xxiv. Civil Construction Details 1, Sheet C-5.2, May 8, 2015;
 - xxv. Civil Construction Details 2, Sheet C-5.3, May 8, 2015;
 - xxvi. Civil Construction Details 3, Sheet C-5.4, May 8, 2015;
 - xxvii. Civil Construction Details 4, Sheet C-5.5, May 8, 2015;
 - xxviii. Civil Construction Details 5, Sheet C-5.6, May 8, 2015;
 - xxix. Site Cross-Sections, Sheet C-6.1, dated May 8, 2015;
 - xxx. Tree Removal Plan 1, Sheet L-0.0, dated May 8, 2015;
 - xxxi. Tree Removal Plan 2, Sheet L-0.1, dated May 8, 2015;
 - xxxii. Tree Removal Plan 3, Sheet L-0.2, dated May 8, 2015;
 - xxxiii. Tree Removal Plan 4, Sheet L-0.3, dated May 8, 2015;
 - xxxiv. Planting Plan 1, Sheet L-1.0, dated May 8, 2015;
 - xxxv. Planting Plan 2, Sheet L-1.1, dated May 8, 2015;
 - xxxvi. Planting Plan 3, Sheet L-1.2, dated May 8, 2015;
 - xxxvii. Planting Plan 4, Sheet L-1.3, dated May 8, 2015;
 - xxxviii. Plant Schedule and Details, Sheet L-1.4, dated May 8, 2015
 - xxxix. Lighting Plan 1, Sheet L-2.0, dated May 8, 2015;
 - xl. Lighting Plan 2, Sheet L-2.1, dated May 8, 2015;
 - xli. Lighting Plan 3, Sheet L-2.2, dated May 8, 2015; and
 - xlii. Lighting Plan 4, Sheet L-2.4, dated May 8, 2015.
2. The trash collection area shall be maintained in a sanitary condition at all times when not in use. The collection/emptying of such receptacles shall only occur on weekdays between 8:00 a.m. and 5:00 p.m.
 3. Snow shall only be stored in approved locations identified as "Snow Storage Area" on the "Layout and Materials Plans" listed above in Condition #1.
 4. The petitioner shall not use salt or associated chemicals on roadways and parking areas.
 5. All landscaping associated with this Special Permit/Site Plan Approval shall be maintained in good condition. Any plant material that becomes diseased or dies shall be replaced on an annual basis with similar material.
 6. The petitioner agrees that the petitioner and all successor in title to the petitioner for the period of 15 years from the date of approval of this special permit will refrain from altering, developing, building or constructing anything, whether above or below grade, on the portion of its property north of the developed portion of the site that would impede, obstruct or increase the difficulty of the City of Newton in creating a second means of vehicular access and egress for the Wells Avenue Office Park. Because the exact location and dimensions of such public way are unclear at this time, and because various private and public entities have legal interests in or regulatory authority over the area which would be crossed by such public



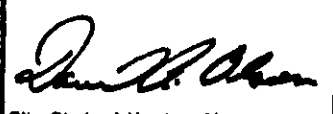
Consistency Ruling 124-15 - 2 Wells Ave

#124-15

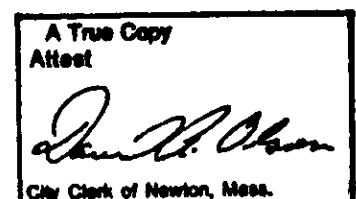
Page 5 of 8

way. it is uncertain when and if such a public way will be feasible. In the event that the City takes affirmative steps to develop a second means of access and egress to the Wells Avenue Office Park through the petitioner's site, upon receipt of written notice from the City that the City is undertaking the development of such public way, the petitioner agrees to enter into an option agreement with the City to acquire a public way easement on such mutually agreeable terms and conditions to be negotiated at that time. Any design plans by the City for such public way on the petitioner's property must include such screening, both natural landscaping and otherwise that is consistent with the Wells Avenue Office Park. The area of petitioner's property that would be impacted by this condition is reflected in the shaded area on Sheet #C-1.0 identified in Condition #1 above.

7. The petitioner shall execute a Traffic Mitigation Fund Agreement and donate \$67,500.00 which it has offered to pay for the cost of traffic and roadway improvements, studies/technical assistance, and transportation programs selected by the City that will mitigate potential impacts of the project or improve traffic safety and flow at the intersection of Wells Avenue and Nahanton Street, the intersection of Nahanton Street and Winchester Street, and on Wells Avenue and Nahanton Street. The form of the Traffic Mitigation Fund Agreement is set out in Exhibit A attached to this Board Order. Each project funded, in whole or in part through the Traffic Mitigation Fund shall be undertaken or constructed by the City or a contractor engaged by the City, not by the petitioner. The Commissioner of Public Works, or her/his designee, shall request the Mayor to request an appropriation from the Board of Aldermen for any project to be funded, in whole or in part, by the Traffic Mitigation Fund.
8. The petitioner shall implement a transportation demand management program to be reviewed and approved by the Department of Planning and Development, which program shall encourage the use of public transportation, promote the use of bicycles by provisions of lockers and shower facilities for cyclists, promote ride sharing, and assistance in the organization as well as participation in a shuttle service for the Wells Avenue Office Park.
9. Signage shall conform to the City standards and provisions of the Deed Restriction. The Urban Design Commission and the Director of Planning and Development shall review and approve all by-right signs.
10. Prior to the issuance of any building permit, the petitioner shall submit final lighting details or manufacturer's cut-sheets, illustrating light poles and shielded light fixtures that will be installed on the site, for review and approval by the Director of Planning and Development.
11. Prior to the issuance of any building permit, the petitioner shall submit final architectural details and plans for the roof-top mounted acoustical shielding.
12. Prior to the issuance of any building permit, the petitioner shall submit a Construction Management Plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer. The Construction Management Plan shall be consistent and not in conflict with relevant conditions of this Board Order and shall include, but not be limited to, the following provisions:
 - a. 24-hour contact information for the general contractor of the project.
 - b. Hours of construction: construction shall be limited to between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, and between the hours of 8:00 a.m. and 5:00 p.m. on

Attest

City Clerk of Newton, Mass.

- Saturdays. No construction is permitted on Sundays or holidays except in emergencies, and only with prior approval from the Commissioner of Inspectional Services. Except as to construction within the proposed building once it is fully enclosed.
- c. The proposed schedule of the project, including the general phasing of the construction activities.
 - d. Site plan(s) showing the proposed location of contractor and subcontractor parking, on-site material storage area(s), on-site staging areas(s) for delivery vehicles, and location of any security fencing.
 - e. Proposed truck route(s) that minimize travel on local streets.
 - f. Proposed methods for dust control including, but not limited to: covering trucks for transportation of excavated material; minimizing storage of debris on-site by using dumpsters and regularly emptying them; using tarps to cover piles of bulk building materials and soil; locating a truck washing station to clean muddy wheels on all truck and construction vehicles before exiting the site.
 - g. Proposed methods of noise control, in accordance with the City of Newton's Ordinances. Staging activities should be conducted in a manner that will minimize off-site impacts of noise. Noise producing staging activities should be located as far as practical from noise sensitive locations.
 - h. A plan and proposed methods for control of any blasting work, in accordance with City and State regulations.
 - i. Tree preservation plan to define the proposed method for protection of any existing trees to remain on the site.
 - j. A plan for rodent control during construction.
13. Prior to issuance of a certificate of occupancy, the petitioner, at its sole expense, shall complete pedestrian safety improvements consisting of the installation of concrete sidewalks and pedestrian aprons along the frontage of the property bordering Wells Avenue between the two driveways to the site. The petitioner shall submit final details and plans for such improvements to the City Engineer for review and approval as part of the building permit process.
14. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioners has:
- a. Recorded a certified copy of this Board Order for the approved Special Permit/Site Plan Approval and an amendment to the Deed Restriction as proposed in Board Order #124-15(2) with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Submitted final lighting details or manufacture's cut-sheets for review and approval by the Director of Planning and Development.
 - d. Submitted final architectural details and plans for the roof-top mounted acoustical shielding for review and approval by the Director of Planning and Development.



Consistency Ruling 124-15 - 2 Wells Ave

#124-15

Page 7 of 8


- e. Submitted a construction management plan for review and approval by the Commissioner of Inspectional Services, the Director of Planning and Development, and the City Engineer.
 - f. Submitted construction details and plans for the pedestrian safety improvements for review and approval by the City Engineer.
 - g. Filed a tree permit with the Tree Warden.
 - h. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - i. Execution of the Traffic Mitigation Fund Agreement and payment of the traffic mitigation contribution per Condition 7.
15. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioners has:
- a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development, a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Submitted to the Department of Inspectional Services and the Department of Planning and Development, a final as-built survey plan in paper and digital format by a licensed surveyor.
 - c. Constructed, at its sole expense, the pedestrian safety improvements referenced in Condition #10, above, and all consistent with the plans to be approved by City Engineer. The petitioner shall submit a final as-built for the foregoing proposed improvements to the City Engineer for review and approval.
 - d. Filed with the Department of Planning and Development, a statement from the City's Tree Warden stating that the petitioner has complied with all requirements of the City's Tree Preservation Ordinance.
 - e. Filed with the City Clerk and the Department of Inspectional Services a statement by the Director of Planning and Development approving final location, number and type of plant materials, final landscape features, fencing, signage and parking areas.
16. Notwithstanding the provisions of Condition #12e above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the site prior to installation of final landscaping, fencing, signage and parking areas provided that the Petitioner shall first have filed with the Director of Planning and Development a bond, letter of credit, cash or other security in the form satisfactory to the Director of Planning and Development in an amount not less than 135% of the value of the aforementioned remaining site work to secure installation of such landscaping, fencing, signage and parking areas.

Under Suspension of Rules

Readings Waived and Approved

16 yeas 0 nays 8 absent (Aldermen Baker, Blazar, Brousal-Glaser-, Gentile, Harney, Kalis, Leary, and Rice)

The undersigned hereby certifies that the foregoing copy of the decision of the Board of Aldermen granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of the decision,

Attest

City Clerk of Newton, Mass.

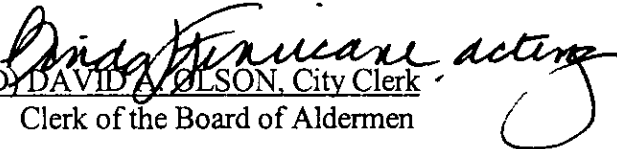
Consistency Ruling 124-15 - 2 Wells Ave

#124-15

Page 8 of 8

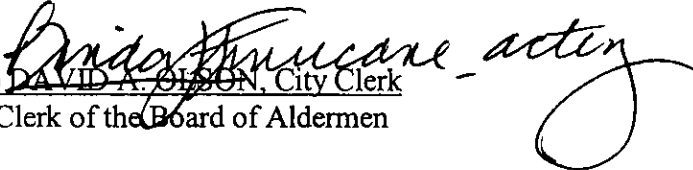
the original of which having been filed with the CITY CLERK on August 12, 2015. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

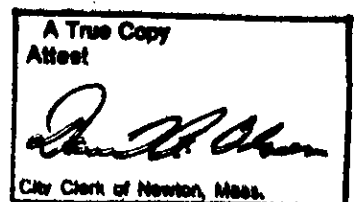
ATTEST:


(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen

I, David A. Olson, as the Clerk of the Board of Aldermen and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that Twenty days have elapsed since the filing of the foregoing decision of the Board of Aldermen in the Office of the City Clerk on 8/12/15 and that NO APPEAL to said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:


(SGD) DAVID A. OLSON, City Clerk
Clerk of the Board of Aldermen



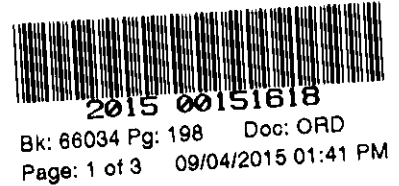
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#124-15(2)

CITY OF NEWTON

IN BOARD OF ALDERMEN

August 10, 2015



ORDERED:

That the Board, finding that the proposed amendment can be made without substantially derogating from the purpose for which the City of Newton was granted certain restriction in a deed from the Trustees of the "Newton at 128 Realty Trust" to the City of Newton dated May 22, 1969 and recorded with the Middlesex South Registry of Deeds in Book 11699, Page 535, the Board hereby agrees to amend the aforesaid restriction as follows:

PETITION NUMBER: 124-15(2)

PETITIONER: Wells Avenue, LLC

LOCATION: 2 Wells Avenue; Ward 8, Section 84, Block 34, Lot 2K ✓

OWNER: Wells Avenue, LLC and The CCS Companies ✓

ADDRESS OF OWNER: 2 Wells Avenue
Newton, MA 02459

TO BE USED FOR: Office Building, Parking Lot, and Retaining Walls

2 Wells Ave, Newton

That the restriction adopted by the Board Order #276-68(3) as conveyed to the City of Newton by a Deed recorded with Middlesex South District Registry of Deeds in Book 11699, Page 535 as amended by Board Order nos. 570-71(2), 189-72, 734-72, 591-76, 541-89(2), 282-91, 293-93(2), 469-93, 428-01(B), 38-03(2), 324-06(2), 325-06(2), 231-07(2), 56-12, and 257-13(3) be further amended as specifically set out in **Exhibit A** attached hereto for the sole purpose of permitting the construction of a three-story addition to the existing office building, with an expanded parking lot and retaining walls at 2 Wells Avenue as proposed in Special Permit Board Order #124-15, to be used for offices and all accessory uses as are proper, usual and customary in connection with such use.

1. The Board finds that granting the specific amendment to the deed restriction to allow for the expanded commercial use proposed for 2 Wells Avenue will not diminish the safeguards for which the restriction was implemented, including floodplain management and watershed protection.
2. The amendment to the deed restriction authorized by this Board Order is limited to the extent necessary to develop the special permit project at 2 Wells Avenue, authorized by Special Permit Board Order #124-15.

A True Copy
Attest

City Clerk of Newton, Mass.

Consistency Ruling 124-15 - 2 Wells Ave

3. The amendment to the deed restriction authorized by this Board Order is subject to the approval and exercise of Special Permit Board Order #124-15 in accordance with the terms and conditions of such Board Order.
4. His Honor the Mayor be and hereby is authorized to execute on behalf of the City such recordable documents as may be usual, customary or necessary to give effect to this Order of the Board.

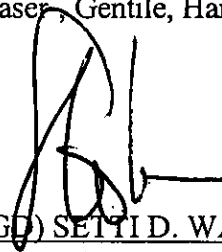
Under Suspension of Rules

Readings Waived and Approved

16 yeas 0 nays 8 absent (Aldermen Baker, Blazar, Brousal-Glaser, Gentile, Harney, Kalis, Leary, and Rice)



(SGD) DAVID A. OLSON
City Clerk



(SGD) SETTI D. WARREN
Mayor

Date: 8/13/15

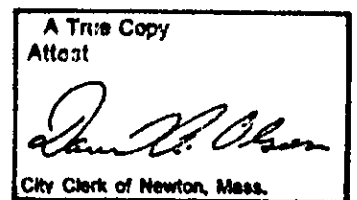


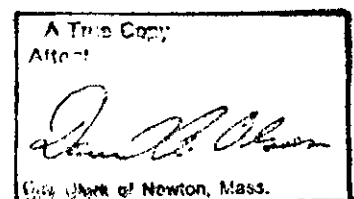
EXHIBIT A

To Board Order #124-15(2)

REQUESTED AMENDMENTS TO THE WELLS AVENUE DEED RESTRICTION FOR THE SOLE PURPOSE OF THE DEVELOPMENT OF 2 WELLS AVENUE AS PROPOSED IN SPECIAL PERMIT BOARD ORDER #124-15 AND IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF SUCH SPECIAL PERMIT BOARD ORDER.

That the restriction adopted by Board Order #276-68(3), dated November 18, 1968, and subsequent amendments be further amended to allow the following at 2 Wells Avenue only as proposed in Special Permit Board Order #124-15(2):

- (1) a greater percentage of office space in the entire office park to exceed 800,000 square feet in floor area;
- (2) less open space as to the subject parcel and all other parcels constituting Parcel 1 than the maximum 40% requirement;
- (3) the property and proposed building thereon to exceed the maximum Floor Area Ratio of 0.25, and to allow the maximum Floor Area Ratio for the entire Wells Office Park to exceed 0.25;
- (4) a portion of the existing parking spaces and maneuvering area to be within 40 feet of the northeasterly boundary line of Parcel 1 on the plan #1183 of 1960 of which the land of 2 Wells Avenue is a part, and which boundary line is designated on said plan as "950" feet;
- (5) retaining walls of 4 feet or greater as may be necessary within 80 feet of the northerly boundary line of said lot;
- (6) the proposed building addition to be 36 feet in height although the specified minimum setback for the proposed building from the southerly street line of Nahanton Street is 321 feet.



2 WELLS AVENUE EXPANSION NEWTON, MASSACHUSETTS

PERMITTING DOCUMENTS SPECIAL PERMIT MAY 08, 2015

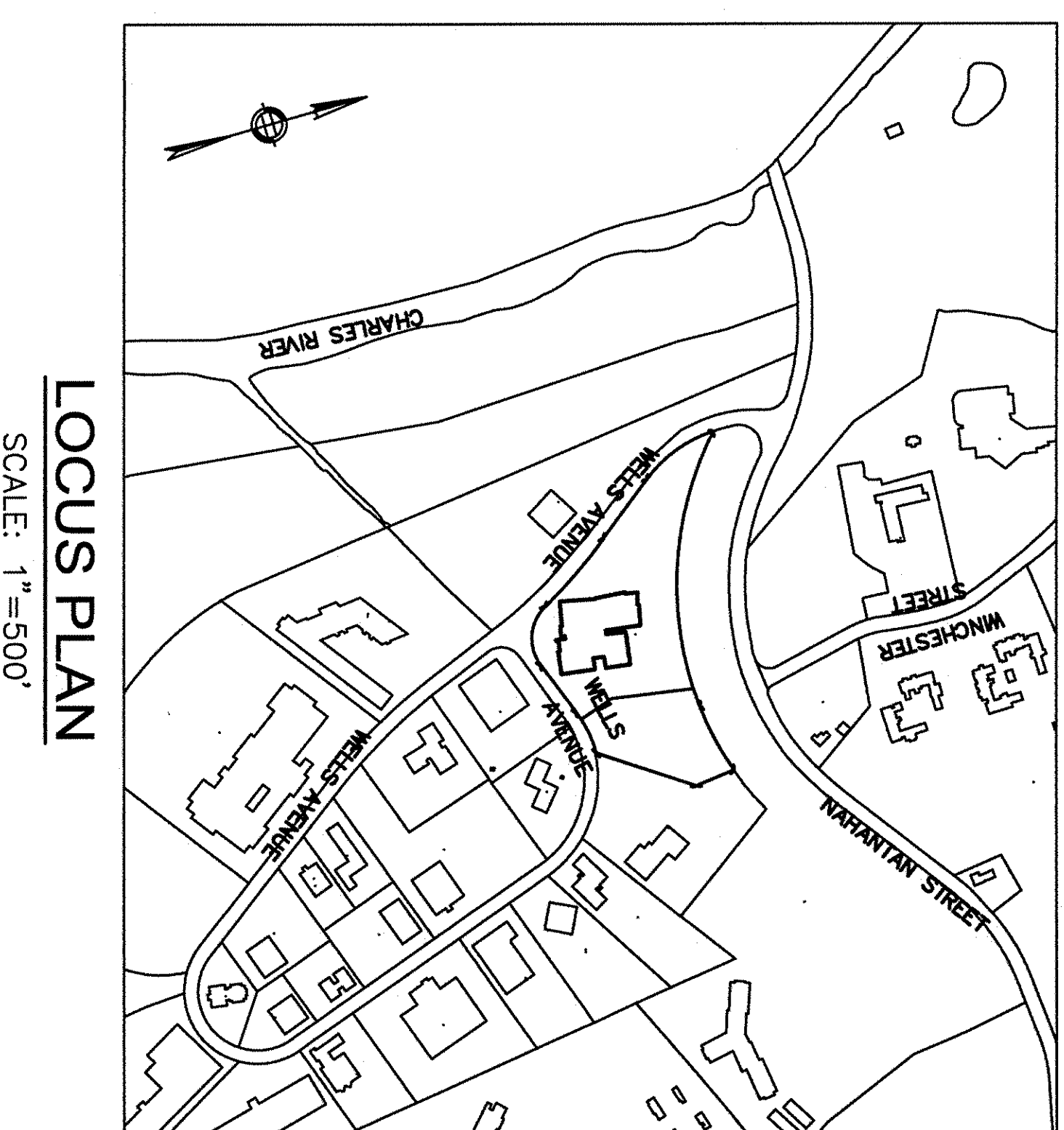
RESUBMITTED JANUARY 15, 2016
RESUBMITTED FEBRUARY 16, 2016
RESUBMITTED APRIL 20, 2017

LIMITED MANUFACTURING DISTRICT (LMD) ZONING TABLE:

01/17/2020 - UPDATE FOR CHANGED ITEMS:		DAYCARE=10,500 SF, 90 CHILDREN, 21 EMPLOYEES	
REQUIRED	PROPOSED	REQUIRED	PROPOSED
---	---	BUILDING GROSS FLOOR AREA	EXISTING 68,740 SF
---	---	MAX # OF STORIES	1
---	---	BLDG. HEIGHT	22.7 FT
---	---	TOTAL FAR	0.16
---	---	GSF INCREASE THRESHOLD FOR SPECIAL PERMIT	N/A
---	---	MINIMUM LOT AREA	0
---	---	LOT COVERAGE	0.16
---	---	BENEFICIAL OPEN SPACE	0.53
---	---	MINIMUM FRONT SETBACK	40 FT (BUILDING)
---	---	MINIMUM SIDE SETBACK	29 FT (BUILDING)
---	---	MINIMUM REAR SETBACK	148 FT (PARKING)
---	---	MINIMUM REAR SETBACK	81 FT (BUILDING)
---	---	BUILDING FOOTPRINT	6 FT (PARKING)
---	---	PARKING SPACES	282
---	---	ACCESSIBLE PARKING SPACES	8
---	---	BIKE PARKING SPACES	0
---	---	OFF-STREET LOADING BAY	1
---	---	INTERIOR LANDSCAPING	1.1%
---	---	REQUIRED	N/A
---	---	PROPOSED	132,598 SF
---	---	3	36.0 FT
---	---	0.30	63,858 SF
---	---	441,600 SF	0.15
---	---	0.42	25.0 FT (BUILDING)
---	---	25.6 FT (PARKING)	25.6 FT (PARKING)
---	---	298.0 FT (BUILDING)	201.4 FT (PARKING)
---	---	137.2 FT (BUILDING)	6.3 FT (PARKING)
---	---	64,754 SF	477
---	---	10	13 (INSIDE)
---	---	1	17 (OUTSIDE)
---	---	5.4%	1

① NUMBER OF PARKING SPACES CONSTRUCTED IN 2017 WILL BE 455. APPLICANT RESERVES THE RIGHT TO CONSTRUCT ADDITIONAL 22 PARKING SPACES IF REQUIRED FOR BUILDING USE.

DRAWING LIST:



DRAWING LIST:

SHEET NO.	TITLE	BID SET	ISSUE DATE
C-0.0	COVER SHEET	10/16/2015	
C-1.0	NOTES, ABBREVIATIONS, AND LEGEND	10/16/2015	
EX-1.1	AREA WIDE PLAN AND KEY PLAN	05/08/2015	
EX-1.2	EXISTING CONDITIONS PLAN	10/08/2015	
EX-1.3	EXISTING CONDITIONS PLAN	10/08/2015	
EX-1.4	EXISTING CONDITIONS PLAN	10/08/2015	
EX-1.5	EXISTING CONDITIONS PLAN	10/08/2015	
C-2.0	LAYOUT AND MATERIALS PLAN	05/08/2015	
C-2.1	LAYOUT AND MATERIALS PLAN	05/08/2015	
C-2.2	LAYOUT AND MATERIALS PLAN	05/08/2015	
C-2.3	LAYOUT AND MATERIALS PLAN	05/08/2015	
C-2.4	FIRE ACCESS PLAN	05/08/2015	
C-2.5	SOIL TEST PIT DATA (FORM 11)	05/08/2015	
C-2.6	WELLS AVE. PUBLIC SIDEWALK RECONSTRUCTION PLAN	10/16/2015	
C-2.7	GRADING AND UTILITY PLAN	10/16/2015	
C-3.0	GRADING AND UTILITY PLAN	10/16/2015	
C-3.1	GRADING AND UTILITY PLAN	10/16/2015	
C-3.2	GRADING AND UTILITY PLAN	10/16/2015	
C-3.3	GRADING AND UTILITY PLAN	10/16/2015	
C-3.4	AVERAGE GRADE PLANE PLAN	10/16/2015	
C-4.0	EROSION AND SEDIMENTATION CONTROL PLAN	05/08/2015	
C-5.0	EROSION AND SEDIMENTATION CONTROL PLAN	05/08/2015	
C-5.1	EROSION AND SEDIMENTATION CONTROL DETAILS	05/08/2015	
C-5.2	CIVIL CONSTRUCTION DETAILS 1	05/08/2015	
C-5.3	CIVIL CONSTRUCTION DETAILS 2	05/08/2015	
C-5.4	CIVIL CONSTRUCTION DETAILS 3	10/07/2015	
C-5.5	CIVIL CONSTRUCTION DETAILS 4	05/08/2015	
C-5.6	CIVIL CONSTRUCTION DETAILS 5	05/08/2015	
C-6.1	SITE GROSS-SECTIONS	05/08/2015	
L-0.0	TREE REMOVAL PLAN 1	05/08/2015	
L-0.1	TREE REMOVAL PLAN 2	05/08/2015	
L-0.2	TREE REMOVAL PLAN 3	05/08/2015	
L-0.3	TREE REMOVAL PLAN 4	05/08/2015	
L-1.0	PLANTING PLAN 1	10/16/2015	
L-1.1	PLANTING PLAN 2	10/16/2015	
L-1.2	PLANTING PLAN 3	10/16/2015	
L-1.3	PLANTING PLAN 4	10/16/2015	
L-1.4	PLANT SCHEDULE AND DETAILS	10/16/2015	
L-2.0	LIGHTING PLAN 1	10/16/2015	
L-2.1	LIGHTING PLAN 2	10/16/2015	
L-2.2	LIGHTING PLAN 3	10/16/2015	
L-2.3	LIGHTING PLAN 4	10/16/2015	
L-3.0	SITE IMPROVEMENTS PLAN	10/16/2015	
L-3.1	SITE IMPROVEMENTS PLAN	10/16/2015	
L-3.2	PAVING JOINTS AND CURBS	10/16/2015	
L-4.0	PAVING JOINTS AND CURBS	10/16/2015	
L-4.1	SITE IMPROVEMENT DETAILS 2	10/16/2015	

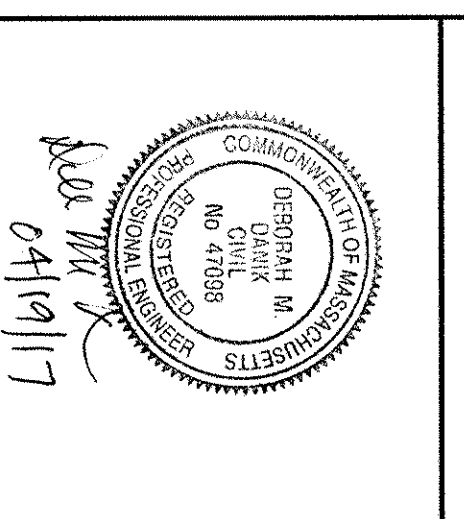
LOCUS PLAN
SCALE: 1"=500'

① NUMBER OF PARKING SPACES CONSTRUCTED IN 2017 WILL BE 455. APPLICANT RESERVES THE RIGHT TO CONSTRUCT ADDITIONAL 22 PARKING SPACES IF REQUIRED FOR BUILDING USE.

SHEET NO.	TITLE	BID SET	ISSUE DATE
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C-3.3	GRADING AND UTILITY PLAN	10/16/2015	
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L-2.2	LIGHTING PLAN 3	10/16/2015	
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L-4.0	PAVING JOINTS AND CURBS	10/16/2015	
L-4.1	SITE IMPROVEMENT DETAILS 2	10/16/2015	

COVER SHEET
2 WELLS AVENUE
NEWTON, MA 02459

PERMIT RESUBMISSION	04/19/17	
ADDENDUM #	02/16/16	
PERMIT RESUBMISSION	01/15/16	
CONTRACTOR RECORD	10/16/15	
NO.	REVISION	DATE
NITSCH PROJECT # 10444		
FILE: 10244.CGS		
SCALE: 1"=500'		
DATE: 05/08/2015		
PROJECT MANAGER: DMD		
DRAWN BY: MLD		
CHECKED BY: DMD		

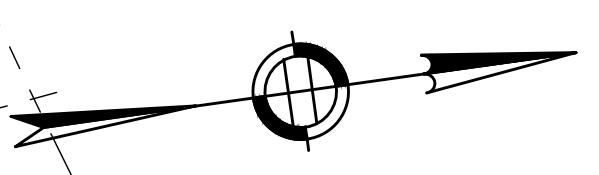
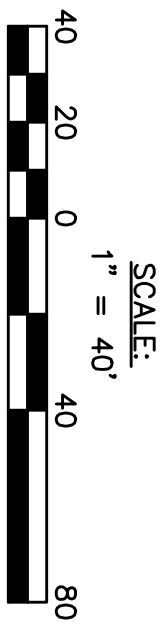
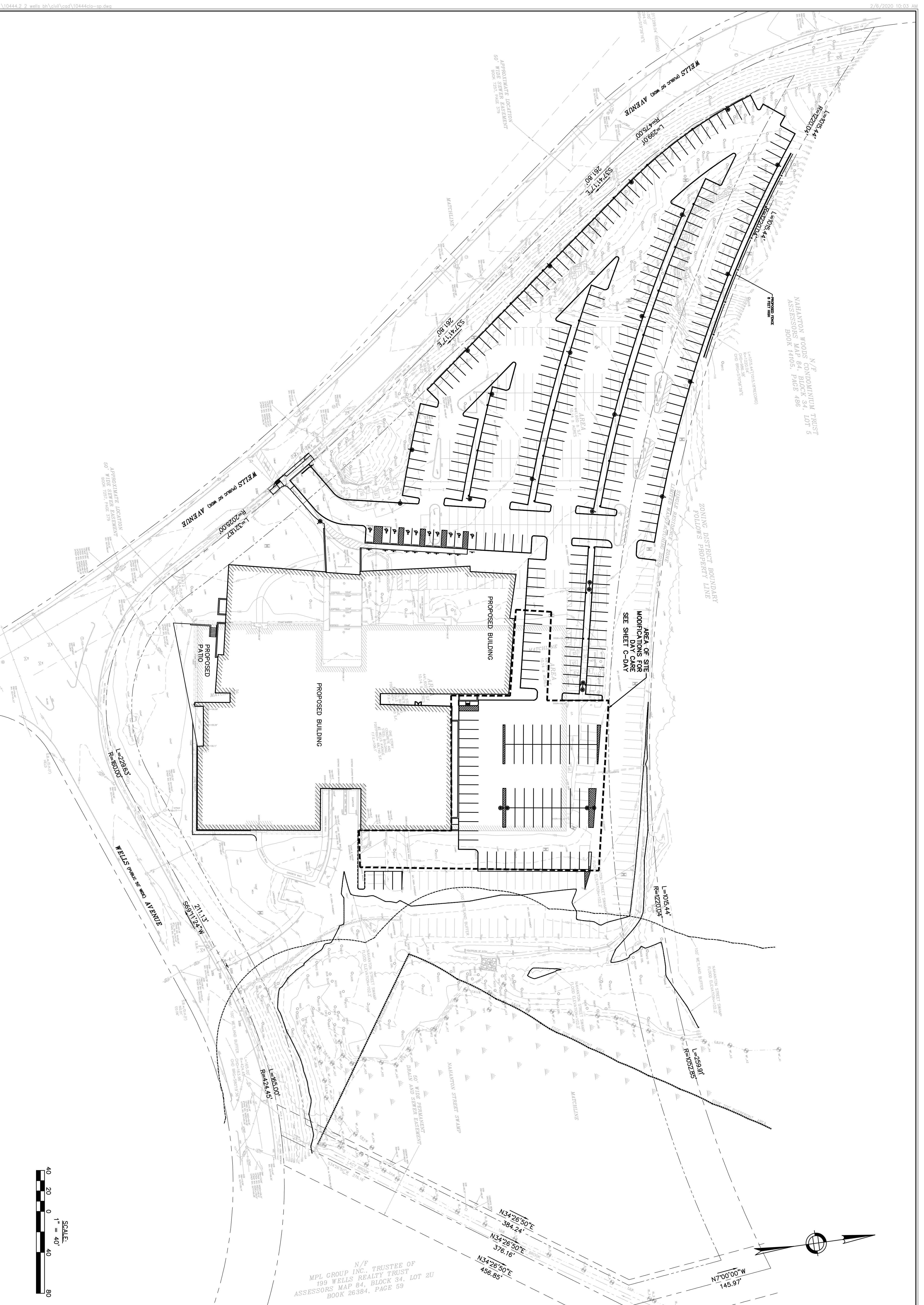


PREPARED FOR:
TWO WELLS AVENUE LLC C/O BAL MANAGEMENT LLC
145 ROSEMARY STREET, NEEDHAM, MA 02494

Nitsch Engineering
www.nitscheng.com
2 Center Plaza, Suite 430
Boston, MA 02108
T: (617) 338-0083
F: (617) 338-6472

- Civil Engineering
- Land Surveying
- Transportation Engineering
- Sustainable Site Consulting
- Planning
- GIS

COVER



N/F
MPL GROUP INC., TRUSTEE OF
199 WELLS REALTY TRUST
ASSESSORS MAP 84, BLOCK 34, LOT 2U
BOOK 26384, PAGE 59

FULL SITE LAYOUT PLAN - SPECIAL PERMIT APPROVAL

2 WELLS AVENUE
NEWTON, MA 02459

TWO WELLS AVENUE LLC C/O BAL MANAGEMENT LLC

145 ROSEMARY STREET, NEEDHAM, MA 02494

PREPARED FOR:

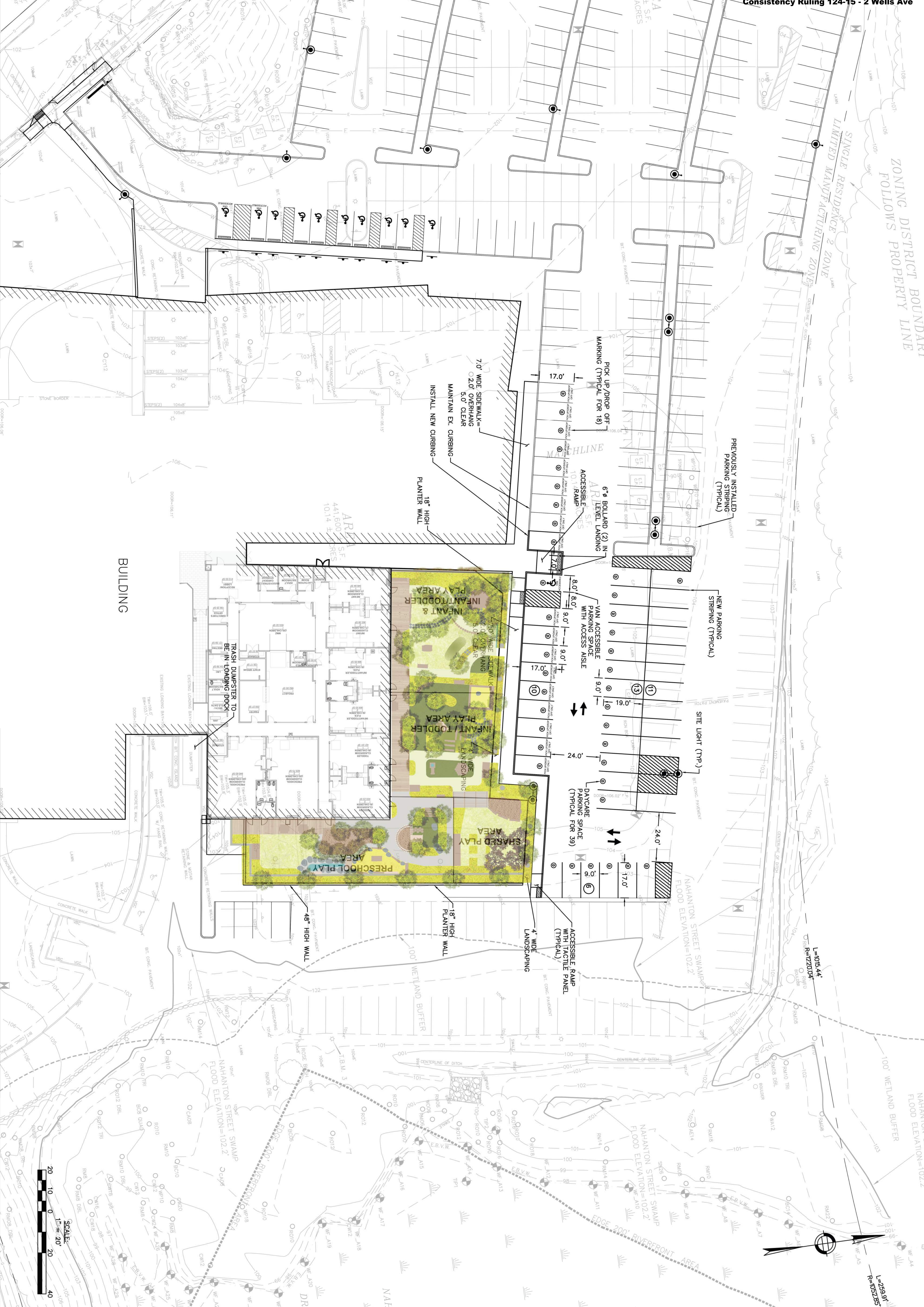
Nitsch Engineering
www.nitschang.com
2 Center Plaza, Suite 430
Boston, MA 02108
T: (617) 338-0063
F: (617) 338-6472

- ▲ Civil Engineering
- ▲ Land Surveying
- ▲ Transportation Engineering
- ▲ Sustainable Site Consulting
- ▲ Planning
- ▲ GIS

NO.	REVISION	DATE

FILE:	104LL4_2CL0
SCALE:	1" = 40'
DATE:	05/08/2015
PROJECT MANAGER:	SOT
SURVEYOR:	METROWEST
DRAWN BY:	BMV
CHECKED BY:	DMD

SHEET:
C-SITE-SP



ZONING DISTRICT BOUNDARY
FOLLOWS PROPERTY LINE

SINGLE RESIDENCE 2 ZONE
LIMITED MANUFACTURING ZONING

BUILDING

DAY CARE LAYOUT PLAN
2 WELLS AVENUE
NEWTON, MA 02459

PREPARED FOR:
TWO WELLS AVENUE LLC C/O BAL MANAGEMENT LLC
145 ROSEMARY STREET, NEEDHAM, MA 02494

Nitsch Engineering
www.nitsch-eng.com
2 Center Plaza Suite 430
Boston, MA 02108
T: (617) 338-0093
F: (617) 338-6472

- ▲ Civil Engineering
- ▲ Land Surveying
- ▲ Transportation Engineering
- ▲ Sustainable Site Consulting
- ▲ Planning
- ▲ GIS

NO.	REVISION	DATE
FILE:	NITSCG PROJECT # 10444.2	
SCALE:	1" = 20'	
DATE:	03/09/2016	
PROJECT MANAGER:	SDT	
SURVEYOR:	METROWEST	
DRAWN BY:	BMV	
CHECKED BY:	DWD	
SHEET:		

C-DAY



Middlesex South Registry of Deeds

Electronically Recorded Document

This is the first page of the document - Do not remove

Recording Information

Document Number	: 40695
Document Type	: DECIS
Recorded Date	: April 02, 2019
Recorded Time	: 10:03:16 AM
Recorded Book and Page	: 72409 / 331
Number of Pages(including cover sheet)	: 5
Receipt Number	: 2308780
Recording Fee	: \$75.00

Middlesex South Registry of Deeds

Maria C. Curtatone, Register

208 Cambridge Street

Cambridge, MA 02141

617-679-6300

www.middlesexsouthregistry.com

Consistency Ruling 362-18 - 21-25 Gardner Street

#362-18
21-25 Gardner Street

CITY OF NEWTON

IN CITY COUNCIL

August 13, 2018

RECEIVED
Newton City Clerk
2018 AUG 15 PM 12:09
DAVID A. OLSON, City Clerk
Newton, MA 02459

ORDERED:

That the City Council, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to

allow four single-family attached dwellings and grant exceptions to dimensional requirements for front, side and rear setbacks and lot coverage, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Councilor Gregory Schwartz:

1. The site is an appropriate location for the proposed four attached single-family dwellings in two structures as it is located in a neighborhood with a mix of single-, two- and multi- family dwellings and the project will preserve three existing dwellings and create a new accessible dwelling unit (§7.3.3.C.1);
2. The proposed project as developed and operated will not adversely affect the surrounding neighborhood (§7.3.3.C.2);
3. There will be no nuisance or serious hazard to vehicles or pedestrians (§7.3.3.C.3);
4. Access to site is appropriate for the number and types of vehicles involved (§7.3.3.C.4).
5. Granting the required exceptions to the dimensional standards for front, side and rear setbacks and lot coverage is in the in the public interest as they will allow for the preservation of three existing dwellings in two structures with nonconforming setbacks and the addition of a one-story, accessible attached dwelling unit (§3.2.4)

PETITION NUMBER: #362-18

PETITIONER: Olimpia Fusco and Guiseppe Bove

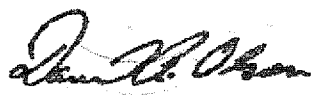
LOCATION: 21-25 Gardner Street, Ward 1, on land known as Section 11, Block 25, Lots 7 and 8, containing approximately 18,717sq. ft. of land

OWNER: Olimpia Fusco and Guiseppe Bove

Property Address: 21-25 Gardner Street, Newton

TITLE REF. Recorded Book 25114 Page 226 (21 Gardner Street)
Recorded Book 72402 Page 123 (25 Gardner Street)

A True Copy
Attest



City Clerk of Newton, Mass.

Consistency Ruling 362-18 - 21-25 Gardner Street

#362-18

Page 2 of 4

ADDRESS OF OWNER: 25 Gardner Street
Newton, MA 02458

TO BE USED FOR: Four single-family attached dwellings

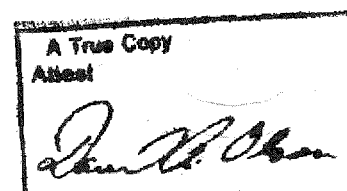
EXPLANATORY NOTES: Special permit as per §7.3.3 to:

- allow four attached single-family dwellings in an Multi-Residence 2 (MR2) zoning district (§3.4.11)
- reduce the side setback requirement for attached single-family dwellings in an MR2 zoning district (§3.2.4)
- reduce the front setback requirement for attached single-family dwellings in an MR2 zoning district (§3.2.4)
- reduce the rear setback requirement for attached single-family dwellings in an MR2 zoning district (§3.2.4)
- reduce the lot coverage requirement for attached dwellings in the an MR2 zoning district (§3.2.4)

ZONING: Multi-Residence 2 (MR2) district

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this Special Permit/Site Plan Approval shall be located and constructed consistent with:
 - a. A set of plans prepared by VTP Associates, Inc., signed and stamped by Joseph R. Porter, Professional Land Surveyor:
 - i. "Topographic Site Plan, Newton, Massachusetts, Showing Existing Conditions at #21 and #25 Gardner Street, Sheet 1 of 1," dated December 30, 2015 as revised through May 15, 2017;
 - ii. "Topographic Site Plan, Newton, Massachusetts, Showing Proposed Conditions at #21 and #25 Gardner Street, Sheet 1 of 2," dated June 8, 2018;
 - iii. "Detail Sheet, Newton, Massachusetts, Showing Proposed Conditions at #21 and #25 Gardner Street, Sheet 2 of 2," dated June 8, 2018.
 - b. Architectural plans entitled "New Residence for 21b Gardner St.," prepared by C.D. Calhoun & Associates Incorporated, dated January 10, 2018 as revised through March 6, 2018, signed and stamped by Charles D. Calhoun, Registered Architect on April 24, 2018:
 - i. Floor Plan for 21b (A-1);
 - ii. Front & Left Elevations for 21b & 21a (A-2);
 - iii. Rear & Right Elevations (A-3).
2. Prior to the issuance of any building permit issued pursuant to this special permit, the petitioner shall: record at the Registry of Deeds for the Southern District of Middlesex County a lot plan showing the lots known as Section 11, Block 25, Lots 7 and 8, and subject to this special permit combined into a single lot, and



Consistency Ruling 362-18 - 21-25 Gardner Street

#362-18

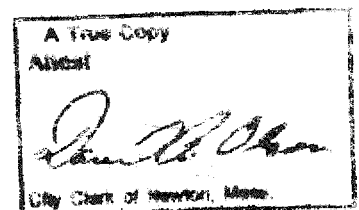
Page 3 of 4

- b. file certified copies of such recorded document(s) with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
3. The petitioner shall comply with the Tree Preservation Ordinance.
4. All lighting fixtures shall be residential in scale.
5. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:
 - a. Recorded a certified copy of this Order for the approved Special Permit/Site Plan Approval with the Registry of Deeds for the Southern District of Middlesex County.
 - b. Filed a copy of such recorded Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Provided a final Site Plan for review and approval by the Department of Planning and Development, Engineering Division of Public Works and Fire Department.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division approving the final site plan.
 - e. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1 including all dimensional requirements.
6. No Final Inspection/Occupancy Permit for the use covered by this Special Permit/Site Plan Approval shall be issued until the petitioner has:
 - a. Filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. Provided a final Operations and Maintenance Plan (O&M) for stormwater management to the Engineering Division of Public Works for review and approval. Once approved, the O&M must be adopted by applicant, and recorded at the Registry of Deeds for the Southern District of Middlesex County. A certified copy of the O&M shall be submitted to the Engineering Division of Public Works.
 - c. Submitted to the Department of Inspectional Services and the Department of Planning and Development a final as-built survey plan in paper and digital format.
 - d. Filed with the City Clerk, the Commissioner of Inspectional Services, and the Department of Planning and Development, a statement from the Engineering Division certifying that the final site construction details have been constructed to the standards of the City of Newton Engineering Division.

Under Suspension of Rules

Readings Waived and Approved

21 yeas 0 nays 3 absent (councilors Cote, Krintzman, and Rice)



Consistency Ruling 362-18 - 21-25 Gardner Street

#362-18

Page 4 of 4

The undersigned hereby certifies that the foregoing copy of the decision of the Newton City Council granting a SPECIAL PERMIT/SITE PLAN APPROVAL is a true accurate copy of said decision, the original of which having been filed with the City Clerk on August 15, 2018. The undersigned further certifies that all statutory requirements for the issuance of such SPECIAL PERMIT/SITE PLAN APPROVAL have been complied with and that all plans referred to in the decision have been filed with the City Clerk.

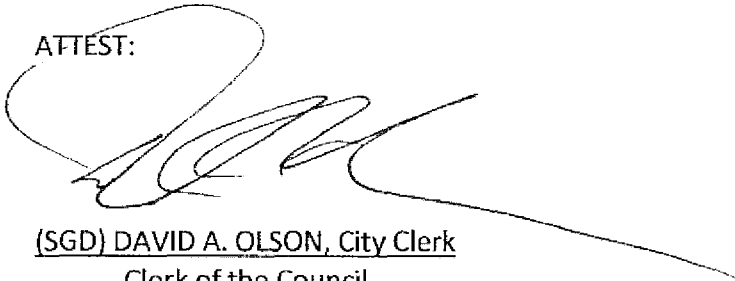
ATTEST:



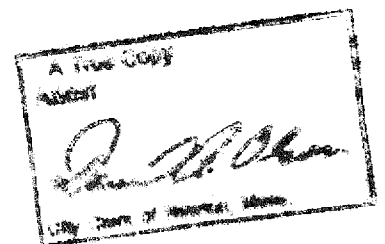
(SGD) DAVID A. OLSON, City Clerk
Clerk of the City Council

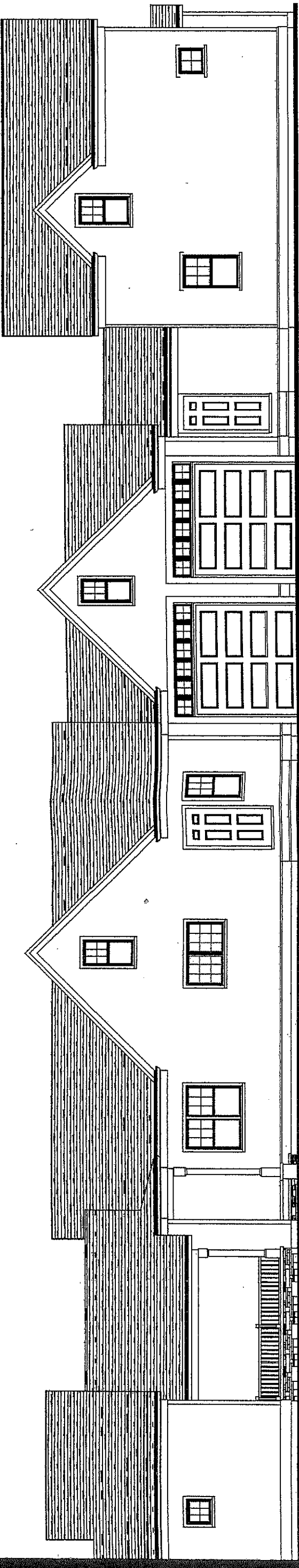
I, David A. Olson, as the Clerk of the City Council and keeper of its records and as the City Clerk and official keeper of the records of the CITY OF NEWTON, hereby certify that twenty days have elapsed since the filing of the foregoing decision of the Newton City Council in the Office of the City Clerk on 8/15 and that NO APPEAL of said decision pursuant to G.L. c. 40A, §17 has been filed thereto.

ATTEST:



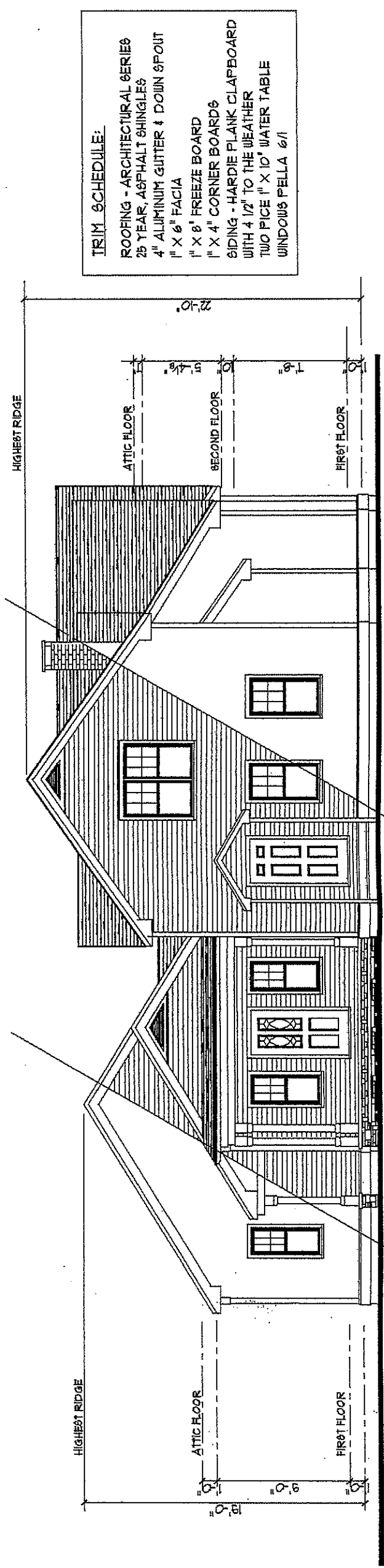
(SGD) DAVID A. OLSON, City Clerk
Clerk of the Council





LEFT ELEVATION
EXISTING HOUSE @ 21a GARDNER ST

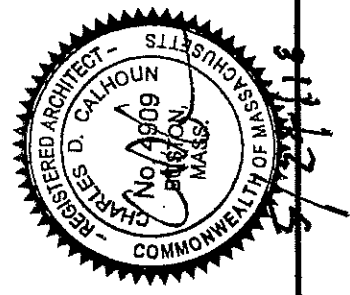
LEFT ELEVATION
PROPOSED HOUSE @ 21b GARDNER ST



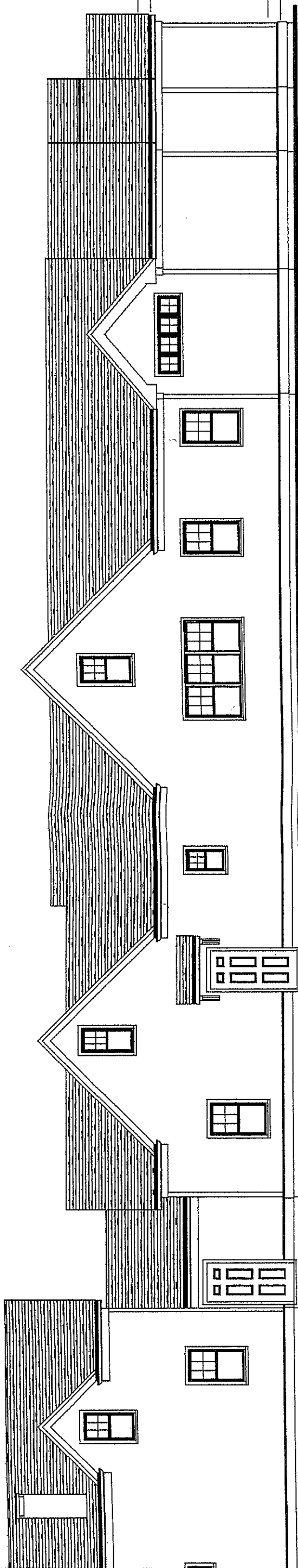
TRIM SCHEDULE:
 ROOFING - ARCHITECTURAL SERIES
 25 YEAR, ASPHALT SHINGLES
 4" ALUMINUM GUTTER & DOWN SPOUT
 1" X 6" FACIA
 1" X 8" FREEZE BOARD
 1" X 4" CORNER BOARDS
 SIDING - HARDIE PLANK CLAPBOARD
 WITH 4 1/2" TO THE WEATHER
 TWO PIECE 1" X 10" WATER TABLE
 WINDOWS PELLA 6/1

FRONT ELEVATION:
PROPOSED HOUSE @ 21b GARDNER ST

FRONT ELEVATION:
EXISTING HOUSE @ 21a GARDNER ST

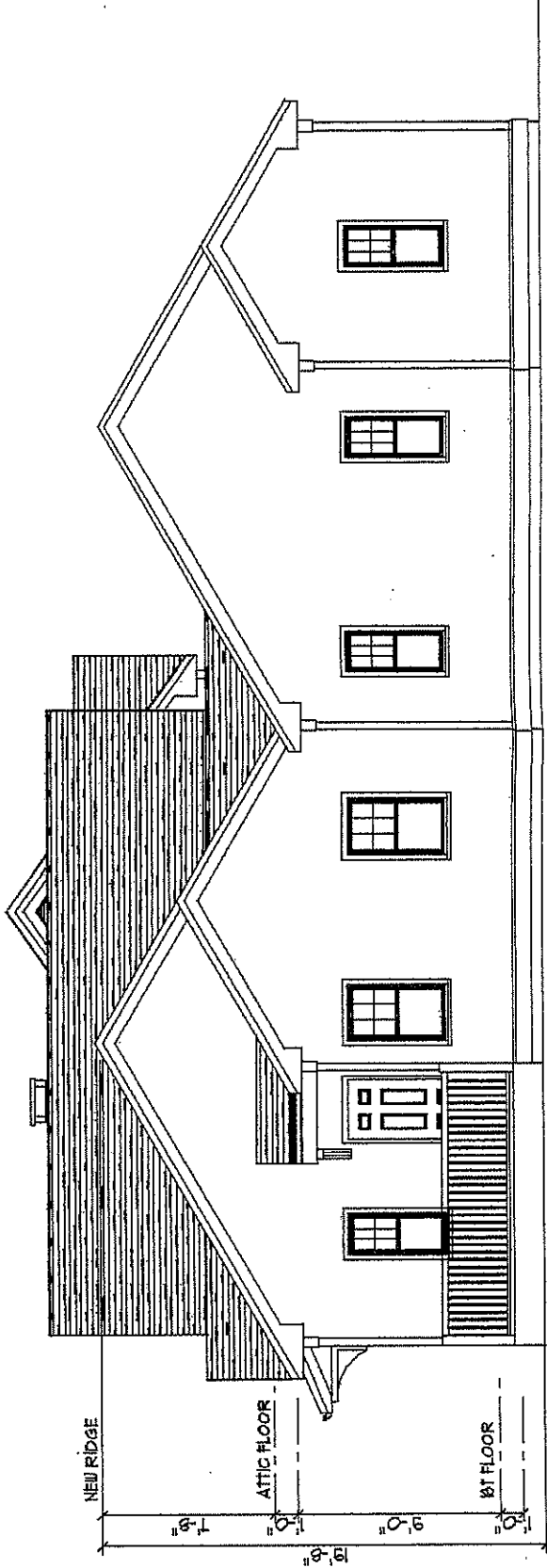


NEW RESIDENCE FOR 21b GARDNER ST
 SCALE 1/4" = 1'-0"
 DATE 11/27/18
 DRAWING NO. A-2
 TITLE FRONT & LEFT ELEVATIONS FOR 21b & 21a
 C.D. CALHOUN
 ASSOCIATES INCORPORATED
 51 BACHEY DRIVE, BOURNE MASS., 02532 BOB • 833 • 3106



ELEVATION
OF HOUSE @ 21a GARDNER ST

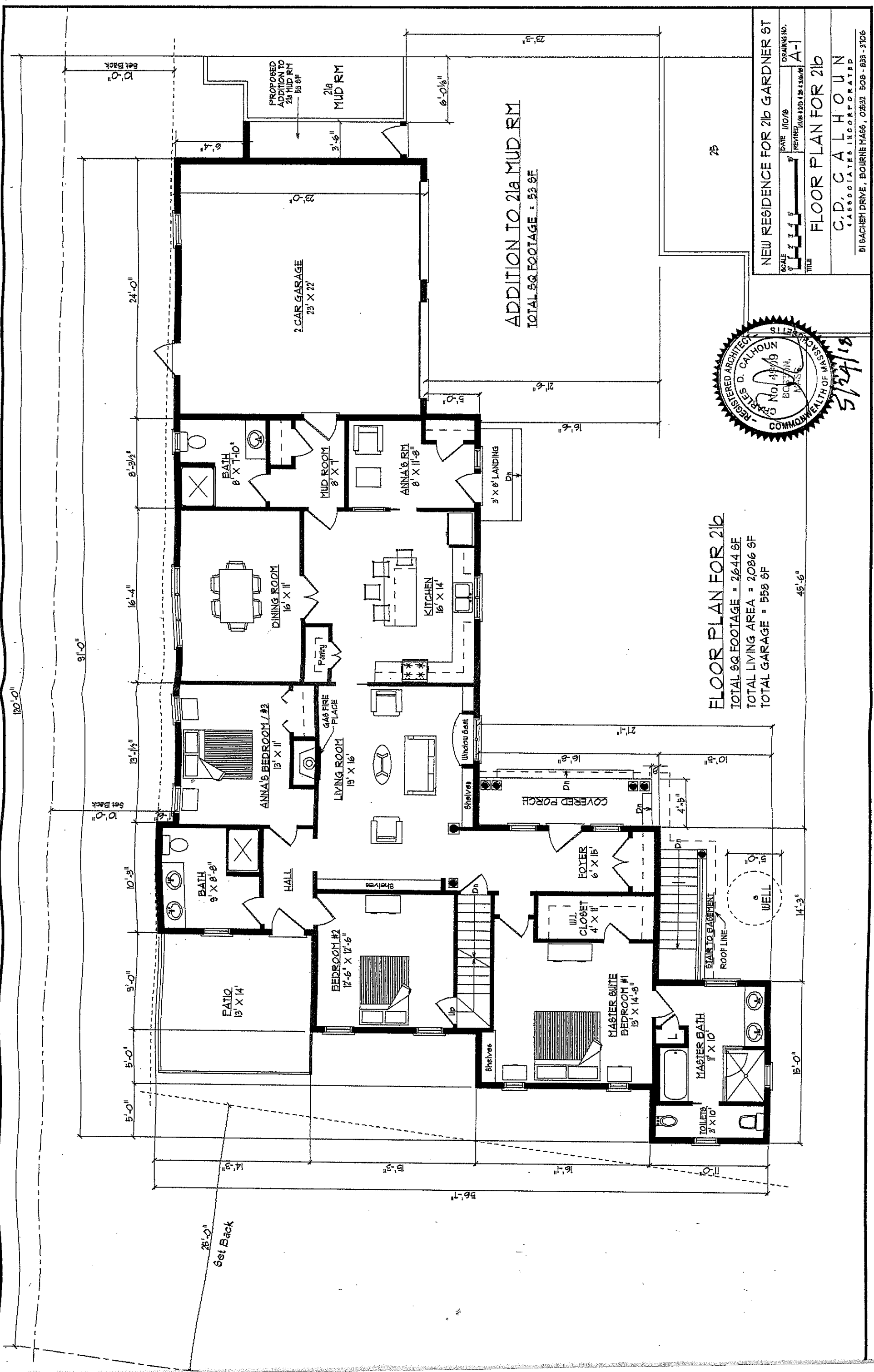
RIGHT ELEVATION
PROPOSED HOUSE @ 21b GARDNER ST



REAR ELEVATION
PROPOSED HOUSE @ 21b GARDNER ST

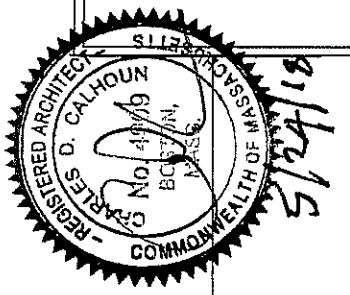


NEW RESIDENCE FOR 21b GARDNER ST	
SCALE 1/4" = 1'-0"	DATE 1/10/18
TITLE REAR & RIGHT ELEVATIONS	REVISION 3/16/18
DRAWING NO. A-3	
C.D. CALHOUN ASSOCIATED INCORPORATED	
51 BACHEM DRIVE, BOURNE MASS, 02532 508 - 833 - 3106	

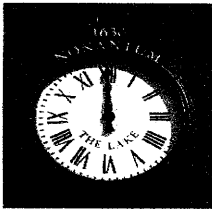


ADDITION TO 21a MUD RM
TOTAL SQ FOOTAGE = 53 SF

FLOOR PLAN FOR 21b
TOTAL SQ FOOTAGE = 2644 SF
TOTAL LIVING AREA = 2086 SF
TOTAL GARAGE = 558 SF



NEW RESIDENCE FOR 21b GARDNER ST
SCALE: 1/8" = 1'-0"
DATE: 1/10/18
DRAWING NO.: A-1
REVISED: 1/10/18 (20' x 13' 6" x 6")
TITLE: FLOOR PLAN FOR 21b
C.D. CALHOUN
ASSOCIATED, INCORPORATED
51 SACHEM DRIVE, BOURNE MASS, 02532 508-838-3106



Nonantum Neighborhood Association

50 Cook Street

Newton, MA 02458



2020 FEB -5 PM 4:43

CITY CLERK
NEWTON, MA. 02459

January 13, 2020

Mr. David Olson, City Clerk

City of Newton

1000 Commonwealth Ave.

Newton, MA 02459

RE: Nonantum's 9th Annual Village Day, June 7, 2020

Dear Mr. Olson:

Once again, we are planning our 9th Annual Village Day. To reiterate the last eight years; I am the Event Coordinator for the Nonantum Neighborhood Association. Pursuant to Chapter 30 Section 6(k), the following is an outline of activities and attached is a copy of two drawings (not to scale) of the area we are requesting for this event.

There is one addition to our festivities this year, (and for subsequent years to come). Because of the inclement weather last year (the threat of rain), we are adding a tent for our band. This tent will be set up, and taken down by a professional company. Because our event is on a Sunday the tent may have to be put up on Saturday and taken down on Monday.

9:00 am – Nonantum Neighborhood Association arrives in Coletti-Magni Park to tidy up and look for hazards (trash, dog's poop, etc.). Vendors start to arrive and set up in designated areas, (most have only tables and chairs, 3-4 (10x10 pop-up) tents will be set up.

10:00 – 6-8 Auxiliary Police (arranged through Traffic Officer) will close off streets (see attached letter to Traffic Officer)

-2-

11:30 – Speeches, and opening ceremonies (a mike and speakers will be utilized). This year we are honoring the Nonantum Volunteers, and presenting two \$1,000.00 scholarships to two Nonantum Seniors.

12:00 - Free lawn games, face painting, bounce house, formal dance routines performed, a band, touch an ambulance/truck/police motorcycle, balloon artist, rock climbing, mechanical bull ride, miniature train ride (that operates in the street) all of which are FREE but, we do ask for donations to the Nonantum Neighborhood Association to pay for the above entertainment that is not free to us.

Food and a vendor trucks will have a nominal charge for their items, and the money has nothing to do with us, but they obtain health certificates from City of Newton. Vendors (Tupperware, Avon, Pampered Chef, jewelry artists, (approx. 30 vendors total) etc.), also charge for their wares and have donated \$25.00 for coming to Village Day. All Nonantum based businesses and children's tables are free, as well as non-profit organizations.

We have Insurance, and vendors and entertainers have their own insurance. All parties requiring insurance will name Newton and the Nonantum Neighborhood Association as secondary insured. All state inspections will be completed in late May and the company (New England Party Rentals) will have the certificates at set up.

We have given a donation to the Boys and Girls Club in the past, and will continue that tradition.

All the necessary permits have been applied for (Traffic Officer) (police and fire), Parks and Recreation Department, and Board of Health, etc.)

3:15 – Closing ceremonies. Including the reminder to use sidewalks, due to street opening.

3:30 – Streets opening.

This year Councilor Maria Greenberg will represent us at your meeting.

-3-

I hope that this gives you a clear vision of our Village Day activities. If there are any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Lois".

LoisMargaret Dominique, RN (retired), Event Coordinator

Nonantum Neighborhood Association

(Terry Sauro cell: 617-230-4658)

(Lois cell: 781-363-7161)

(Lois email: loismargaret@gmail.com)

cc: Councilor Gregory R. Schwartz, Chairman, Land Use Committee;

Alison Leary, Ward One Councilor-at-Large

Maria Greenberg, Councilor Ward One

Terry Sauro, President, Nonantum Neighborhood Association

Coletti-MAGNI

BEATLES
TRIBUTE
BAND

Bounce
House
N.E. PARTY
RENTALS

A Few TENTS
(STAKED +
WEIGHTED)
WHERE THERE
IS NO TREES

APPROX.
40 (MIX)
TABLES/TENTS
IN PARK

OO
OOO
OOO
OOO
chairs

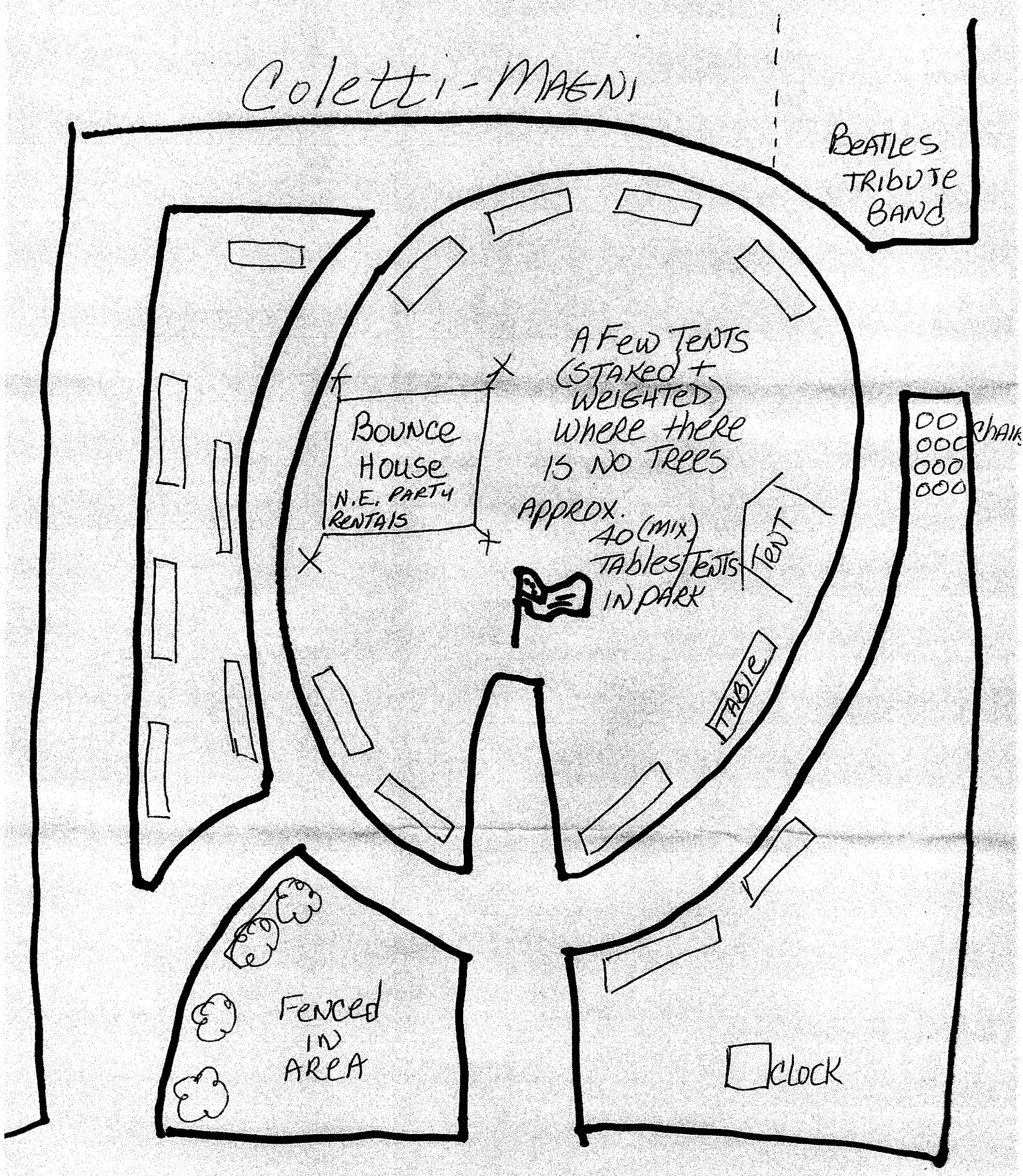
TENT

TABLE

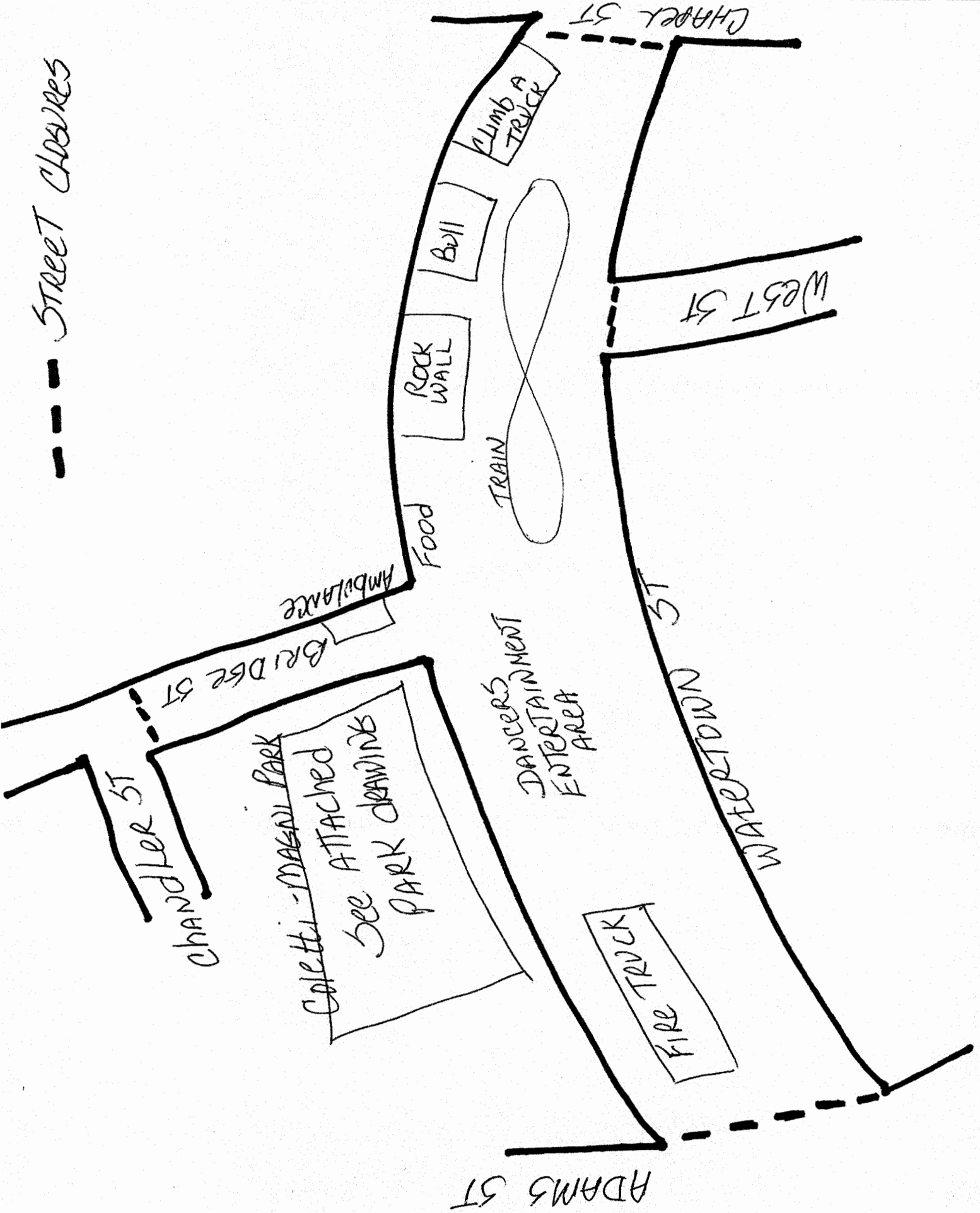
Fenced
IN
AREA

clock

WATER TOWER ST



--- STREET CLOSURES



STEPHEN J. BUCHBINDER
ALAN J. SCHLESINGER
LEONARD M. DAVIDSON
A. MIRIAM JAFFE
SHERMAN H. STARR, JR.
JUDITH L. MELIDEO-PREBLE
BARBARA D. DALLIS
PAUL N. BELL
KATHERINE BRAUCHER ADAMS
FRANKLIN J. SCHWARZER
RACHAEL C. CARVER
ADAM M. SCHECTER

1200 WALNUT STREET
NEWTON, MASSACHUSETTS 02461-1267
TELEPHONE (617) 965-3500
www.sab-law.com

E-Mail: sjbuchbinder@sab-law.com

February 25, 2020

BY HAND

Ms. Nadia Khan
Committee Clerk
Newton City Council
1000 Commonwealth Avenue
Newton, MA 02459-1449

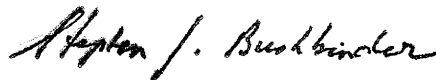
Re: Council Order #41-19/24-26 Elliot Street

Dear Ms. Khan,

On May 6, 2019 the City Council granted approval to amend Council Order #288-18 to allow a co-located registered medical marijuana dispensary (RMD) with the retail sale of recreational marijuana at 24-26 Elliot Street. Pursuant to Section 7.3.2.E of the Zoning Ordinances, the petitioner, Cypress Tree Management, Inc., respectfully requests an extension of the time period within which to exercise the special permit for two additional years to May 6, 2022.

The petitioner requests this extension because the Cannabis Control Commission has not yet processed the petitioner's adult use application.

Sincerely,



Stephen J. Buchbinder

SJB/mer

cc: (By Email and First Class Mail)
Councilor Deborah J. Crossley
Councilor Andreae Downs
Councilor William B. Humphrey
Mr. Neil Cronin
(By Email)
Mr. Todd Finard
Mr. Victor Chiang

CITY CLERK
NEWTON, MA. 02459

2020 FEB 25 AM 10:32

RECEIVED