



Land Use Committee Agenda

City of Newton

In City Council

March 28, 2017

7:00 PM

Room 211

#180-16 (2) MARK NEWTONVILLE, LLC petition for a change of zone to Mixed Use 4 for land located at 22 Washington Terrace, 16-18 Washington Terrace, 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Street, 869 Washington Street, 867 Washington Street, 861-865 Washington Street, 857-859 Washington Street, 845-855 Washington Street, 245-261 Walnut Street (a/k/a 835-843 Washington Street), 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, and an unnumbered lot on Bailey Place, also identified as Section 21, Block 29, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, and 23, Ward 2, currently zoned Business 1, Business 2, and Public Use, further described as follows:

Beginning at a point on the northerly line of Washington Street, running thence;

Along the northerly line of Washington Street, south 89 degrees - 04 minutes - 40 seconds west, a distance of 433.14 feet to a point; thence

Along the easterly line of Washington Terrace north 02 degrees - 03 minutes - 34 seconds west, a distance of 278.34 feet to a point, thence, the following four (4) courses along the existing zone lines of MR-1 and MR-3:

North 86 degrees - 11 minutes - 41 seconds west, a distance of 15.07 feet to a point; thence

North 01 degrees - 52 minutes - 35 seconds west, a distance of 3.01 feet to a point; thence

South 86 degrees - 11 minutes - 41 seconds east, a distance of 85.43 feet to a point; thence

North 88 degrees - 31 minutes - 34 seconds east, a distance of 370.56 feet to a point on the westerly line of Walnut Street; thence

Along the westerly line of Walnut Street, south 04 degrees - 12 minutes - 48 seconds east, a distance of 261.82 feet to a point of curvature; thence

Along a curve to the right having a radius of 17.00 feet, a central angle of 93 degrees - 17 minutes - 28 seconds, an arc length of 27.68 feet, a chord bearing of south 42

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.

degrees - 25 minutes - 56 seconds west, a chord length of 24.72 feet to the point and place of beginning.

Containing 123,765 square feet, or 2.84 acres, more or less.

Please see the attached request to Withdraw without Prejudice

#179-16

MARK NEWTONVILLE, LLC petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a mixed use development in excess of 20,000 square feet consisting of three interconnected buildings with building heights not exceeding 60 feet and five stories, total gross floor area not exceeding 235,000 square feet incorporating not more than 163 residential units, not exceeding 45,000 square feet of commercial space, not exceeding 2,500 square feet of community space, not less than 350 onsite parking stalls outside at grade or within a below-grade garage, and related site improvements; to authorize uses including retail of more than 5,000 square feet, personal service of more than 5,000 square feet, restaurants over 50 seats, standalone ATMs, health club establishments at or above ground floor, animal service, and street level office; to allow FAR of not more than 1.90, lot area per dwelling unit of approximately 775 square feet, reduction of the overall non-residential parking requirement by 1/3, 1.25 parking stalls per residential unit, and free standing signs; to grant waivers of not more than 97 parking stalls and of the height setback and facade transparency and entrance requirements; to grant waivers of certain parking facility design standards including dimensional requirements for parking stalls, parking stall setback requirements, entrance and exit driveways, interior landscaping, interior planting area, tree plantings, bumper overhang, lighting of one foot candle, curbing and surfacing, wheel stops, guard rails, bollards, and maneuvering space for end stalls; and to grant waivers as to number, size, location, and height of signs and number of required loading bays, at 22 Washington Terrace, 16-18 Washington Terrace, 10-12 Washington Terrace, 6-8 Washington Terrace, 875 Washington Street, 869 Washington Street, 867 Washington Street, 861-865 Washington Street, 857-859 Washington Street, 845-855 Washington Street, 245-261 Walnut Street (a/k/a 835-843 Washington Street), 241 Walnut Street, 22 Bailey Place, 14-18 Bailey Place, and an unnumbered lot on Bailey Place, also identified as Section 21, Block 29, Lots 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 19A, 20, 21, 22, and 23, containing approximately 2.84 acres of land in a proposed Mixed Use 4 District. Ref.: Sections 4.2.2.A.2; 4.2.2.B.1; 4.2.3; 4.2.5.A.2; 4.2.5.A.3; 4.2.5.A.4; 4.2.5.A.4.c; 4.2.5.A.6; 4.2.5.A.6a; 4.2.5.A.6.b; 4.4.1; 5.1.4.A; 5.1.4.C; 5.1.8.A; 5.1.8.A.2; 5.1.8.B; 5.1.8.B.1; 5.1.8.B.2; 5.1.8.B.6; 5.1.9.B; 5.1.9.B.1; 5.1.9.B.2; 5.1.9.B.3; 5.1.9.B.4; 5.1.10; 5.1.10.A.1; 5.1.10.B.3; 5.1.10.B.5; 5.1.12; 5.1.13; 5.2.13; 5.2.13.A; 7.3; and 7.4 of Chapter 30 of the City of Newton Revised Zoning Ordinances, 2015. **Public Hearing Opened on June 7, 2016 and continued to July 12, September 13, October 6, 2016, November 1, 2016, November 29, December 15, 2016, January 12, 2017, January 31, 2017 and February 7, 2017.**

Please see the attached request to Withdraw without Prejudice

#37-17 **Special Permit to extend nonconforming FAR & front setback at 8 Hazelwood Ave**
JOEL AND MARGHERTIA ROBBINS petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a two-story rear addition and deck in front of the house, further extending the nonconforming front setback and nonconforming FAR to .62 where .50 is allowed and .55 exists at 8 Hazelwood Avenue, Ward 3, West Newton, on land known as SBL 44003 0030, containing approximately 4,750 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.1.9, 7.8.2.C.2, 3.1.4 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

7:30 PM
Or Later

#38-17 **Special Permit to exceed FAR at 1016 Centre Street**
CLAUDINE GROSSMAN petition for SPECIAL PERMIT/SITE PLAN APPROVAL to demolish an existing garage, structure and deck and to construct an attached two-car garage and indoor sport court, exceeding the maximum allowable FAR to .38 where .33 is allowed and .31 exists at 1016 Centre Street, Ward 7, Newton Centre, on land known as SBL 73049 0010, containing approximately 19,878 sq. ft. of land in a district zoned SINGLE RESIDENCE 2. Ref: 7.3.3, 7.4, 3.1.9.A.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

#43-17 **Special Permit to extend non-conforming two-family use at 893 Watertown Street**
JAMES AND CAROL HOOPES petition for SPECIAL PERMIT/SITE PLAN APPROVAL to construct a single-story rear addition extending the existing non-conforming two-family use at 893 Watertown Street, Ward 3, West Newton, on land known as SBL 31014 0005, containing approximately 19,560 sq. ft. of land in a district zoned SINGLE RESIDENCE 3. Ref: 7.3.3, 7.4, 3.4.1, 7.8.2.C.2 of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

8:00 PM
Or Later

Consistency Ruling relative to Special Permit 257-13, 257-13(3), 257-13(4) to discuss allowing the operation of a 9-week summer program.

#39-17 **Special Permit to locate a daycare center at 45-47 Bryon Road**
LARISA BANKOVSKY petition for SPECIAL PERMIT/SITE PLAN APPROVAL to terminate the residential use at the property and use it for a day care center to enroll 34 children, requiring a waiver of four parking stalls, a waiver for parking in the setback, a waiver for the parking stall dimensions, waiver for the minimum aisle width for two-way traffic, waivers for lighting requirements for parking, a waiver for the outdoor play area vegetative buffer at 45-47 Bryon Road, Ward 8, Chestnut Hill, on land known as SBL82043 0007, containing approximately 10,050 sq. ft. of land in a district zoned MULTI

RESIDENCE 1. Ref: Dover Waiver, 7.3.3, 7.4, 7.4.5, 6.3.4.3, 5.1.4.A, 5.1.13, 5.1.8.A.1, 5.1.8.B.1, 5.1.8.B.2, 5.1.8.C.2, 5.1.10, 6.3.4.B.3.a, of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

#431-16

Special Permit to allow three attached dwellings at 377 Langley Road

367-377 LANGLEY ROAD LLC., petition for SPECIAL PERMIT/SITE PLAN APPROVAL to allow three attached single-family dwellings, reduce frontage requirements for attached single family dwellings, reduce side setback requirements, allow parking within 20' of a side lot line and a driveway within 10' of a side lot line and to allow placement of a retaining wall of 4 feet or more within a setback at 377 Langley Road, Ward 6, Newton Centre, on land known as SBL 65019 0058, containing approximately 23,545 sq. ft. of land in a district zoned MULTI RESIDENCE 1. Ref: 7.3.3, 7.4, 3.4.1, 3.2.4, 6.2.3.B.2, 5.4.2.B of Chapter 30 of the City of Newton Rev Zoning Ord, 2015.

Referred to Land Use, Programs & Services, and Finance Committees

#256-16

Request to extend notification area of notice for special permit petitions

COUNCILORS COTE, NORTON, HARNEY, BLAZER, BROUSAL-GLASER, AND LEARY requesting an amendment to the City Council Rules, Article X; Section 6 – Additional Notification Requirements, to include that the area of notice for special permit petitions be expanded beyond the abutters to abutters within 300' required by Massachusetts General Law Chapter 40A to also include property owners within 600' of the subject property. This notification will apply to all classes of building except for residential 1 and 2-family units that will remain 1 or 2-family units after receiving a special permit. Only abutters to abutters within 300' will be entitled to the rights conferred by Massachusetts General Law Chapter 40A. [07/01/16 @2:09 PM]

Respectfully submitted,

Marc C. Laredo, Chair

**SCHLESINGER AND
BUCHBINDER, LLP**

ATTORNEYS AT LAW

1200 WALNUT STREET
NEWTON, MASSACHUSETTS 02461-1267

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

TELEPHONE (617) 965-3500
FACSIMILE (617) 965-6824

OF COUNSEL
ROBIN GORENBERG

E-Mail: sjbuchbinder@sab-law.com

February 22, 2017

BY HAND

Marc C. Laredo, Chairman
Land Use Committee
Newton City Council
1000 Commonwealth Avenue
Newton, MA 02459-1449

Re: Petition #180-16(2) and Petition #179-16
Mark Newtonville, LLC and Mark Lolich, LLC/Washington Place

RECEIVED
Newton City Clerk
2017 FEB 23 AM 11:03
David A. Olson, CMC
Newton, MA 02459

Dear Chairman Laredo,

My clients, Mark Newtonville, LLC and Mark Lolich, LLC, hereby request leave to withdraw, without prejudice, the pending requests for a change of zone and special permit, respectively, referenced above. I intend to present this request to the Land Use Committee at the next scheduled meeting of the Land Use Committee to be held on February 28, 2017, unless you advise me to the contrary.

Sincerely,

Stephen J. Buchbinder
Stephen J. Buchbinder

SJB/mer

cc: See attached distribution list

SCHLESINGER AND BUCHBINDER, LLP

Chairman Marc C. Laredo
February 22, 2017

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Distribution:

(By Hand)

Councilor Gregory R. Schwartz, Vice Chair
Councilor Scott F. Lennon
Councilor Jacob D. Auchincloss
Councilor James R. Cote
Councilor John W. Harney
Councilor Deborah J. Crossley
Councilor Richard A. Lipof

Councilor Allan L. Ciccone, Jr.
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Ouida C. M. Young, Associate City Solicitor
Robert J. Waddick, Assistant City Solicitor
Mr. Barney Heath, Director of Planning and Development
Ms. Alexandra Ananth, Chief Planner

(By First Class Mail)

Mr. Robert Korff
Mr. Damien Chaviano
Michael E. Scott, Esquire

Docket Item Text

Councilors Cote, Norton, Harney, Blazer, Brousal-Glaser and Leary requesting an amendment to the Council Rules, Article X; Section 6 - Additional Notification Requirements, to include that the area of notice for Special Permit petitions be expanded beyond the abutters to abutters within 300 feet required by MGL Chapter 40A to also include property owners within 600 feet of the subject property. This notification will apply to all classes of building except for residential 1 and 2 family units that will remain 1 or 2 family units after the Special Permit request. Only abutters to abutters within 300 ft. will be entitled to the rights conferred by Chapter 40A.

What this means for the office.

We have reviewed the Special Permit applications that have been filed over the last six months. Of the 34 requests that have been filed, 9 would have been required by the docket text above to have notification extended to 600 feet. This represents approximately 26% of the yearly requests.

The number of letters that we would need to mail for each of these projects increases by an average of 147%. The actual increase will depend on where the property is located. The postage and supply costs will go up by the same percentage.

Special Permits filed January – June 2016

| Docket | Address | Request | 300' | Postage | 600' | Postage |
|--------|------------------------------|--------------------------------|------|---------|------|---------|
| 99-16 | 360 WARD ST | GARAGE ADD | | | | |
| 98-16 | 99 OXFORD ROAD | LIVING SPACE ADD | | | | |
| 97-16 | 27 WAVERLEY AVE | ASSOCIATION OF PERSONS | | | | |
| 96-16 | 1573 BEACON STREET | GARAGE ADD | | | | |
| 94-16 | 2171 COMMONWEALTH AVENUE | GARAGE/LIVING SPACE ADD | | | | |
| 93-16 | 413 HAMMOND STREET | DECK/GARAGE ADDS | | | | |
| 49-16 | 103 COURT STREET | LOT SUBDIVISION | 49 | 22.78 | 118 | 54.87 |
| 48-16 | 255-257 NEWTONVILLE AVE | STORAGE FACILITY ZONED MFG | 44 | 20.46 | 116 | 53.94 |
| 215-16 | 344 ELLIOT STREET | ONSITE PARKING @ DUNN GAHERINS | 102 | 47.43 | 217 | 100.95 |
| 214-16 | 65 OAKMONT ROAD | KITCHEN, LIVING SPACE ADD | | | | |
| 195-16 | 41 CHESLEY ROAD | 2 FAMILY RESTORATION | | | | |
| 194-16 | 110 UPLAND AVE | BEDROOM ADD | | | | |
| 180-16 | ORR BLOCK | REZONING | 59 | 27.43 | 128 | 59.52 |
| 179-16 | WASHINGTON/WALNUT | MIXED USE DEV | 59 | 27.43 | 128 | 59.52 |
| 178-16 | 39 HAWTHORNE AVE | INTERIOR/EXTERIOR RENOVATION | | | | |
| 177-16 | 1375-1379 WASHINGTON STREET | SEAT ADDITION @ BLUE RIBBON | 25 | 11.625 | 72 | 33.48 |
| 16-16 | 30 CAROLINE PARK | DECK ENCLOSURE | | | | |
| 15-16 | 126 CORNELL STREET | ACCESSORY APARTMENT | | | | |
| 145-16 | 226-228 CALIFORNIA STREET | BATHROOM ADDITION | | | | |
| 132-16 | 45 PERKINS STREET | GARAGE, KITCHEN, BED ADD | | | | |
| 131-16 | 37 WESTBOURNE ROAD | GARAGE MODIFICATIONS | | | | |
| 130-16 | 260, 270, 280 ELLIOTT STREET | PARKING MODIFICATION | 34 | 15.81 | 180 | 83.7 |

| | | | | | | |
|---------------|------------------------|--------------------------------|-----|----------|-------|----------|
| 129-16 | 23 HOWE ROAD | CONSTRUCT SFR EXCEEDING FAR | | | | |
| 128-16 | 9-11 BRIDGE STREET | ACCESSORY APARTMENT | | | | |
| 127-16 | 288 WALNUT STREET | DAYCARE/PARKING WAIVER | 34 | 15.81 | 121 | 56.26 |
| 230-15 (2) | 239 CYPRESS STREET | BASEMENT/FIRST FLOOR ADD | | | | |
| 348-15 | 27-29 TALBOT STREET | SHED DORMER ADD | | | | |
| 349-15 | 28 BEECHER PLACE | HALF STORY ADDITION | | | | |
| 350-15 | 17 EAST BLVD ROAD | GARAGE/BED/LIVING SPACE ADD | | | | |
| 351-15 | 1110 CHESTNUT STREET | 4 UNITS IN 2 FAMILY DWELLING | 118 | 54.87 | 216 | 100.44 |
| 31-16 | 147 NEWTONVILLE AVENUE | LIVING SPACE ADD | | | | |
| 32-16 | 150 NEWTONVILLE AVENUE | PARKING W/IN 5' OF STREET | | | | |
| 126-16 | 17 MALVERN TERRACE | RAZE & REBUILD 2 FAMILY IN SR3 | | | | |
| 176-16 | 47 LEWIS STREET | ADD DORMERS, MODIFYING SP | | | | |
| | | | | | | |
| | | | | | | |
| | | Totals | 524 | \$243.65 | 1,296 | \$602.38 |

The increase in postage for this past 6 months would have been \$359. Estimating for a full year it would be approximately \$718.

Currently the Software that we use to calculate the properties involved and to generate the mailing labels can generate a 300' area as well as a 600' area. What it can't do is to distinguish the two areas for different mailings. We would need to send a legal notice to the individuals within 300 feet, and an informational notice to those between 301 and 600 feet, and we have no easy way of doing that at the moment. The best that the software could do for us at the moment is to print two sets of mailing labels, one for 300 feet and one for 600 feet and then compare the lists of labels to pull the labels that appear on the 300 ft. set from the 600 ft. set. The IT department is looking at whether the software can be modified, but did not have a ready solution.

Some additional past big projects and the impact.

| Address/Business Name | 300' | Postage | 600' | Postage | Percent Increase |
|--|------|----------|------|----------|------------------|
| 283 Melrose Street (Turtle Lane) | 36 | \$16.74 | 122 | \$56.73 | 239% |
| 28 Austin Street (Austin Street Lot) | 92 | \$42.78 | 392 | \$182.28 | 326% |
| 255-257 Newtonville Avenue (Storage) | 44 | \$20.46 | 116 | \$53.94 | 164% |
| 1239 Centre Street (Panera Bread) | 31 | \$14.42 | 91 | \$42.32 | 194% |
| 200 Boylston Street (Chestnut Hill Square) | 256 | \$119.04 | 875 | \$406.88 | 242% |
| 300 Needham Street (Restaurant/Storage) | 130 | \$60.45 | 143 | \$66.50 | 10% |
| 17 Herrick Road (Multi-unit Housing) | 33 | \$15.35 | 105 | \$48.83 | 218% |

Terrence P. Morris, Esq.
Law Offices of Terrence P. Morris LLC
57 Elm Road
5 Newton, MA 02460
617 202-9132

March 13, 2017

By Hand

John Lojek, Commissioner
Newton Inspectional Services Department
1000 Commonwealth Avenue
Newton, MA 02459

Re: 145 Wells Avenue (the "Property")
Request for Consistency Ruling

Dear Mr. Lojek:

I represent the owner of 145 Wells Avenue, Wells Avenue Business Center LLC. The property at 145 Wells Avenue consists of an 86,256 square foot lot in a Limited Manufacturing zoning district in the Wells Avenue Office Park ("Office Park"). There is a two-story commercial building located on the site that contains approximately 17,700 square feet of space. In 2013, the Board of Aldermen voted to amend the deed restriction governing the Office Park to permit a for-profit day care use which was followed by administrative site plan approval for approximately 12,000 square feet of the building to be used as a day care center, Newton Child Care Academy ("NCA").

In October 2014, the Board of Aldermen again voted to amend the deed restriction and grant a special permit to allow the balance of the building (5,700 sf) to be used for a "place of amusement". The special permit, Board Order #257-13(4) also provided for an increase in the maximum capacity for the day care center from 70 to 120 children and from 12 to 17 staff. This increase in capacity resulted in the need for a waiver of seven (7) parking spaces, which was granted based upon a finding that the uses will not be open to users (patrons/staff) at the same time.

The permit also contained conditions on the hours of operation and number of persons who could be present at any one time in each part of the facility to ensure that the two uses would be compatible and that the initial finding remained valid. The most basic characteristic of compatibility begins with the fact that the amusement center operates at days and times when the day care center is closed, i.e., after 6:00PM Monday-Friday and on weekends and holidays.

Despite the increased allowance, the current use as a day care center is operating at 50% capacity with a maximum of 60 children and 12 staff on site at any one time. At these numbers, it is operating at level that has yet to activate the parking waiver. To the contrary there is a surplus of two parking stalls based on the number of children (60 vs. 70). With the summer months approaching that number is certain to drop even lower as families opt out of day care in favor of summer programs that provide more varied experience focused on field trips and other outdoor activities, both on- and off-site, that include in part recreation, education and amusement. Similarly, the amusement center, aka "Jump N' Slide, is expected to experience a decline in the number of events/parties for the same reasons.

To offset this anticipated downturn, the owner who operates both NCA and Jump 'N Slide, under affiliated companies, is seeking to operate a 9-week summer program from June 26, 2017 through August 25, 2017, that makes use of the physical plant/site containing both activity centers from 9:00AM to 4:00PM (with extended hours of 8:00AM to 5:00PM) Monday-Friday for a maximum of 30 children ages 6-12 and a maximum of five staff members.

The purpose of this letter is to request a "consistency ruling" from your office that the proposed use for a summer program as outlined in the attached syllabus, is consistent with the terms, conditions and objectives of the administrative site plan approval and special permit granted for the current use of the property as both a day care center and amusement center. We ask that you come to this conclusion based on the fact that the nature and scope of the summer program closely aligns with the activities allowed in, and the conditions imposed on, the daycare and amusement centers. Specifically the summer program will operate within the same hours and occupancy limitations as the day care center and with no change in the Site Plan nor increase in the parking requirements above what has already been permitted.

Accordingly, I have enclosed the following documents referenced herein for your information:

1. Board Order #257-13 removing deed restriction to permit a for-profit day care center.
2. Board Order #257-13(3) removing deed restriction to permit a place of amusement.
3. Board Order #257-13(4) special permit/site plan approval to allow a place of amusement and to grant a waiver of 7 parking stalls and to waive interior landscaping requirements.
4. Approved Site Plan, revised to July 31, 2014, referenced in BO #257-13(4).
5. NCA/Jump "N' Slide Discovery Summer Program Syllabus.

We trust that the enclosed supporting documentation will enable you to conclude that operation of the proposed summer program would be consistent with approved uses of the site. On that basis, we respectfully request an affirmative determination of that fact so that my client may go forward with the plans to register the children in the coming weeks.

*145 Wells Avenue
Request for Consistency Ruling*

page 3

March 13, 2017

Thank you for your consideration.

Sincerely,

Terrence P. Morris

Terrence P. Morris

Enclosures (5)

Cc: Jane Santosuosso, Zoning Code Official
Andrian Shapiro, Wells Avenue Business Center



2013 00254233

Bk: 63048 Pg: 357 Doc: ORD
Page: 1 of 1 12/12/2013 09:19 AM

#257-13

CITY OF NEWTON

IN BOARD OF ALDERMEN

November 18, 2013

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 restrictions 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 11669, Page 535, the Board hereby agrees to amend the aforesaid restrictions as follows:

PETITION NUMBER: 257-13
 PETITIONER: One Wells Avenue Business Centre, LLC
 LOCATION: 145 Wells Avenue; Ward 8, Section 84, Block 34. Lot 2G
 OWNER: One Wells Avenue Business Centre, LLC
 ADDRESS OF OWNER: 14-20 Linden Street
 Allston, MA 02134
 TO BE USED FOR: Private for-profit daycare center

Property Address: 145 Wells Avenue, 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 11669, Page 535 as amended by Board Order nos. 189-72(2), 189-72(3), 734-72, 414-73, 591-76(2), 417-80, 71-87, 282-91, 469-93, 428-01, 38-03(2), 324-06(2), 325-06(2), and 56-12 be further amended to provide that the building may be used for a for-profit daycare use and all accessory uses as are proper, usual and customary in connection with such use, as well as any other uses permitted by the aforementioned restriction, as amended.

That 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 the Order of the Board herein or in the prior Orders of the Board.

Under Suspension of Rules
Readings Waived and Adopted
21 yeas 0 nays 2 absent (Aldermen Johnson and Kalis) 1 recused (Alderman Leary)

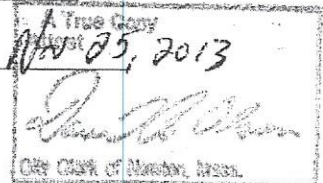
(SGD) DAVID A. OLSON
City Clerk

(SGD) SETT D. WARREN
Mayor

RETURN TO: Terrence P. Morris, Esq.
57 Elm Road, Newton MA 02460

TITLE REF. Book 62360 Page 25

Date Nov 25, 2013



#257-13 (4)

CITY OF NEWTON

IN BOARD OF ALDERMEN

October 6, 2014

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 allow a place of amusement use, to grant a waiver of seven parking stalls, and to waive interior landscaping requirements, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman, Alderman Marc Laredo:

1. The waiver of up to seven parking stalls is appropriate, as there is adequate parking on the site for the proposed day care and bouncy house uses, and such uses will not be open to customers at the same time. (§30-19(c)(3),(d)(13) and (m))
2. The site is an appropriate location for the proposed use. (§30-24(d)(1))
3. The proposed use as developed and operated will not adversely affect the neighborhood. §30-24(d)(2))
4. There will be no nuisance or serious hazard to vehicles or pedestrians, as there is adequate parking and circulation on the site. (§30-24(d)(3))
5. Access to the site over streets is appropriate for the types and number of vehicles involved. (§30-24(d)(4))

PETITION NUMBER: #257-13(4)

PETITIONER: Wells Avenue Business Center LLC

LOCATION: 145 Wells Avenue, Ward 8, on land known as SBL 84, 34, 2G containing approx. 84,256 sq. ft. of land

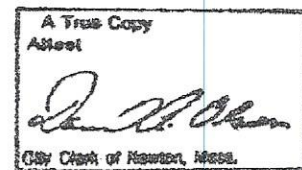
OWNER: Wells Avenue Business Center LLC

ADDRESS OF OWNER: 20 Linden Street
Newton, MA 02134

TO BE USED FOR: Bouncy House and Day Care

RECEIVED
 NEWTON CITY CLERK
 2014 OCT 10 11:11 AM
 David A. Laroche
 Newton City Clerk

Property Address: 145 Wells Avenue, Newton




EXPLANATORY NOTES: §30-12(e)(8), to allow an indoor place of amusement; §30-19(d)(13), §30-5(a)(3)(d)(iii), §30-19(d)(16), §30-19(m), to waive requirement for seven parking stalls; §30-19(h)(3)(a), to reduce the minimum aisle width for one-way traffic; §30-19(i)(2), to waive interior landscaping requirements

ZONING: Limited Manufacturing

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. Existing Conditions Site Plan, prepared, stamped and signed by Verne T. Porter, Registered Land Surveyor, dated June 6, 2014, and revised on July 31, 2014.
 - b. Proposed Site Plan, prepared and stamped by Verne T. Porter, Registered Land Surveyor, and Paul J. Tyrell, Professional Engineer, dated June 6, 2014, and revised on July 8, 2014, July 14, 2014 and July 31, 2014.
 - c. Area Plan, prepared, stamped and signed by Verne T. Porter, Registered Land Surveyor, dated May 2, 2013.
 - d. Floor Plan, prepared by RAV & Assoc., Inc., dated July 29, 2014.
2. The petitioner shall provide landscaping in the striped area located in the middle of the parking lot that allows for a minimum aisle width of 16 feet. Prior to the issuance of a building permit, the petitioner shall submit a revised site plan to the Department of Planning and Development for its review and approval.
3. During regular operating hours when the day care use is open to users, the maximum number of staff allowed on site at any one time shall be 17, and the maximum number of children allowed on site at any one time shall be 120.
4. During regular operating hours when the bouncy house use is open to patrons, the maximum number of staff allowed on site at any one time shall be three, and the maximum number of children/customers allowed on site at any one time shall be 30.
5. The hours of operation for the bouncy house shall be limited to 6:00 p.m. to 9:00 p.m. on weekdays, and from 9:00 a.m. to 7:00 p.m. on weekends. The bouncy house and the day care uses shall not be open to users at the same time.
6. The petitioner may hold two events/parties simultaneously and shall schedule all events/parties for the bouncy house use to allow for at least 15 minutes between the end of one event/party and the beginning of the next event/party.
7. No Building Permit shall be issued pursuant to this Special Permit/Site Plan Approval until the petitioner has:

A True Copy
Attest

City Clerk of Houston, Texas

- a. Recorded a certified copy of this Board 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 Board Order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. Obtained a written statement from the Planning Department that confirms the Building Permit plans are consistent with plans approved in Condition #1.
 - d. Obtained an approved Order of Conditions from the City's Conservation Agent.
8. 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. 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.
 - c. Filed with the City Clerk and the Commissioner of Inspectional Services, a statement from the Planning Department approving final location, number and type of plant materials and final landscape features.
9. Notwithstanding the provisions of Condition #8c. above, the Commissioner of Inspectional Services may issue one or more certificates of temporary occupancy for all or portions of the building prior to installation of final landscaping provide that the petitioner shall first have filed 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 landscaping to secure installation of such landscaping.

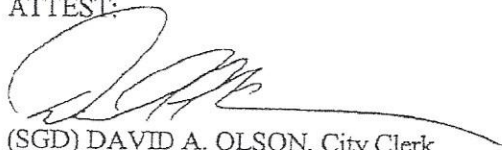
Under Suspension of Rules

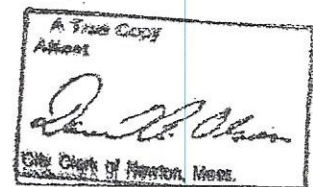
Readings Waived and Approved

22 yeas 0 nays 1 absent (Alderman Johnson) 1 recused (Alderman Brousal-Glaser)

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 said decision, the original of which having been filed with the CITY CLERK on October 8, 2014. 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



#257-13(3)

CITY OF NEWTON
IN BOARD OF ALDERMEN

October 6, 2014

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 restrictions 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 11669, Page 535, the Board hereby agrees to amend the aforesaid restrictions as follows:

PETITION NUMBER: 257-13(4)

PETITIONER: One Wells Avenue Business Centre, LLC

LOCATION: 145 Wells Avenue; Ward 8, Section 84, Block 34. Lot 2G

OWNER: One Wells Avenue Business Centre, LLC

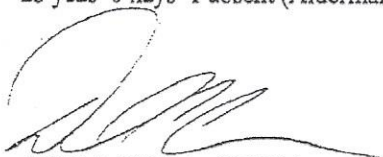
ADDRESS OF OWNER: 14-20 Linden Street
Allston, MA 02134


TO BE USED FOR: A place of amusement

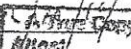
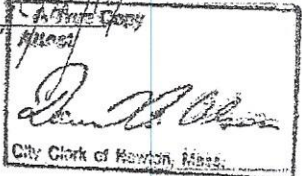
That the restriction adopted by the Board Order #276-68(3) as conveyed to the City of Newton by a Deed recorded with Middlesex South District Registry of Deeds in Book 11669, Page 535 as amended by Board Order nos.570-71(2), 189-72(2), 189-72(3), 734-72, 414-73, 591-76(2), 417-80, 71-87, 282-91, 293-93, 469-93, 428-01, 38-03(2), 324-06(2), 325-06(2), 231-07(2), 56-12, and 257-13 be further amended to provide that the building may be used for a place of amusement, i.e., a bouncy house, and all accessory uses as are proper, usual and customary in connection with such use, as well as any other uses permitted by the aforementioned restriction, as amended.

That 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 the Order of the Board herein or in the prior Orders of the Board.

Under Suspension of Rules
Readings Waived and Adopted
23 yeas 0 nays 1 absent (Alderman Johnson)


(SGD) DAVID A. OLSON
City Clerk

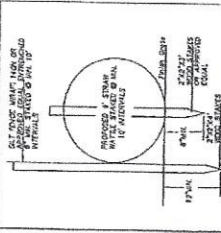

(SGD) SETTY D. WARREN
Mayor

Date 


Property Address: 145 Wells Avenue, Newton

NO SNOW STORAGE ENVIRONMENTALLY SENSITIVE AREA

TYPICAL 12" x 18" SIGN
5 Signs 30' on Center
N/S



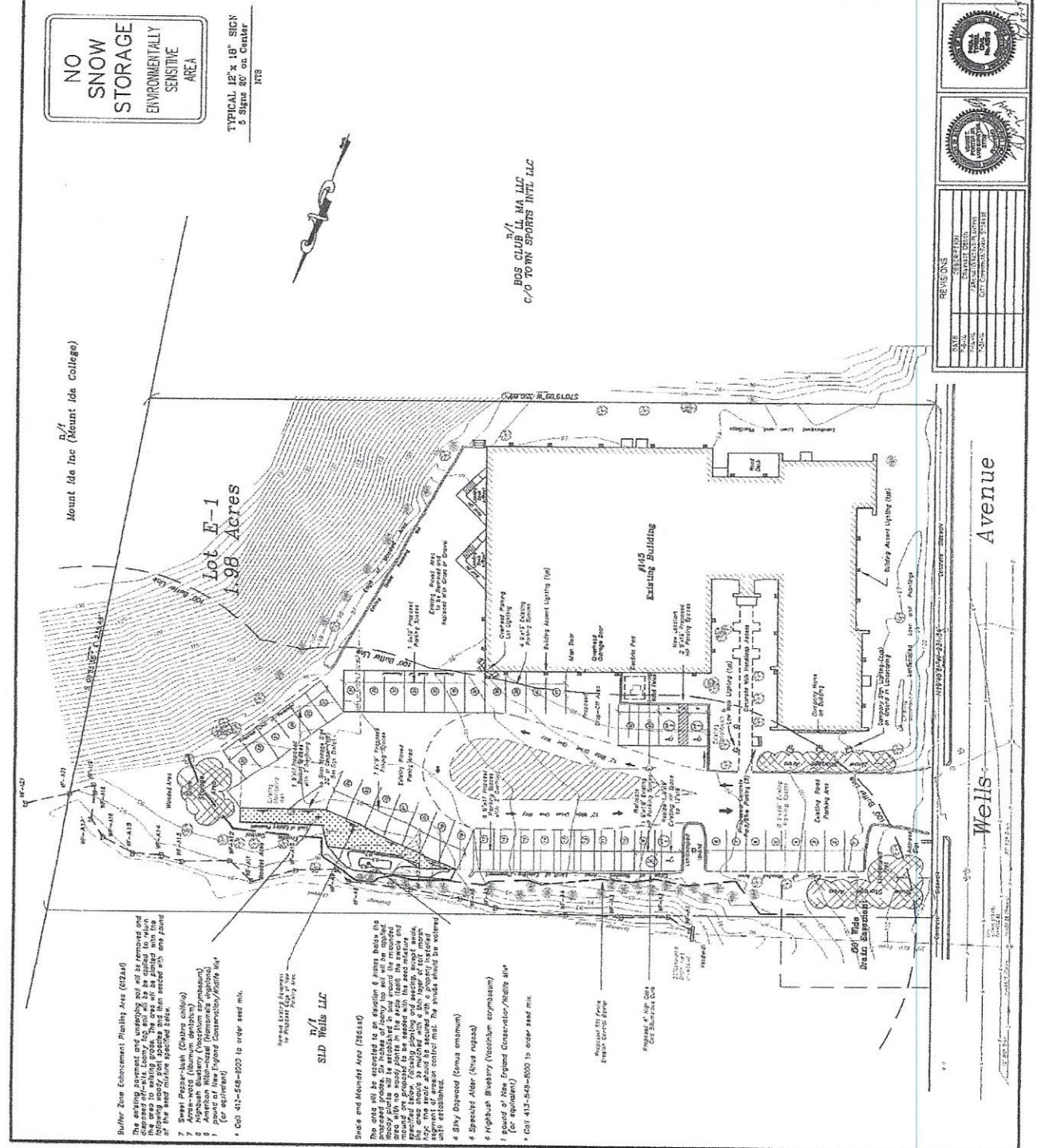
| Parking Space | Existing | Proposed |
|---------------|-----------|-----------|
| Handicap | 2 (15.6%) | 49 |
| Standard | 3 (19.4%) | 3 (19.4%) |

Notes: 1. All dimensions are from rail line and outside lines of road. 2. Final survey of location prior to construction.

145 Wells Avenue
Newton, Massachusetts
Proposed Conditions Parking Plan
Scale: 1" = 20'
June 6, 2014
VERNE T. PORTER JR., PLS
Land Surveyors - Civil Engineers
354 Elliot Street Newton, Massachusetts 02464
Project: 145-14
Checked By: V. Porter Jr.
Drawn By: K. Jordan Jr.



| DATE | REVISIONS |
|------|-----------|
| | |
| | |
| | |



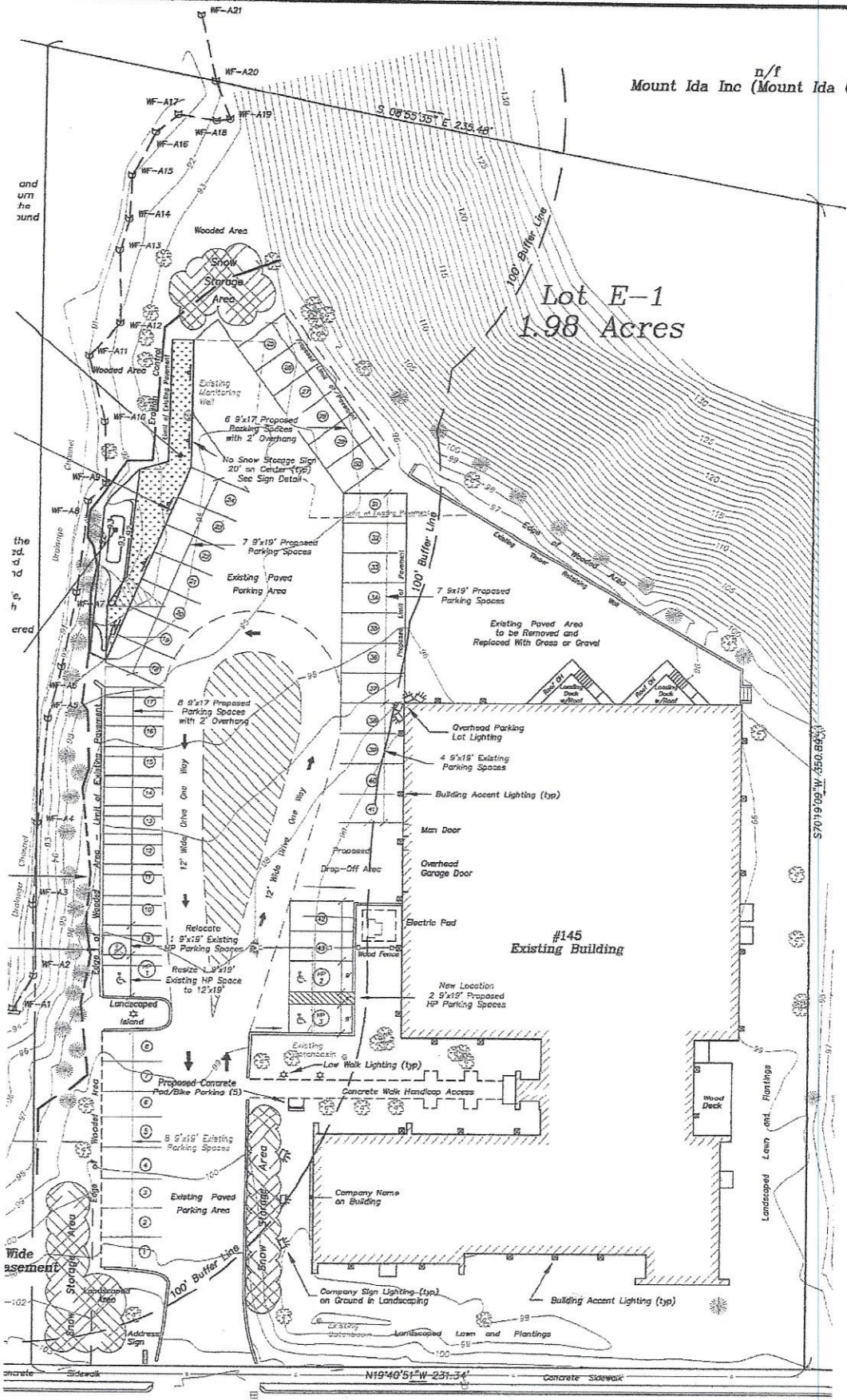
- 1. Sweep Paver-Link (Centre rolling)
- 2. Highbank Sweeper (Vestibulum system)
- 3. American High-mow (Removable wheels)
- 4. (For alternative)

Call 417-548-8000 to order seed mix.

- 5. Birds and Monitors Area (20x30)
- 6. This area will be restricted to an exception of items below the... (text partially obscured)
- 7. Highbank Sweeper (Vestibulum system)
- 8. (For alternative)
- 9. Call 417-548-8000 to order seed mix.

n/f
Mount Ida Inc (Mount Ida)

Lot E-1
1.98 Acres



Wells Avenue

Scale: 1" = 20' (Horizontal)
1" = 40' (Vertical)
Date: 02/20/2020
Drawn: J. D. [Name]
Checked: [Name]

Newton Childcare Academy – Jump'n'Slide Discovery
Summer Program

Hours of Operation: 8:00 am - 5:00 pm

of Participants: 35

Age: 6-12

| Day | Time | Week 1 | Week 2 | Week 3 |
|------------------|---------------------|----------------------------------|----------------------------------|----------------------------------|
| Monday | 8 am Early drop off | Early drop off | Early drop off | Early drop off |
| | 9:00 - 9:30 | Group work out | Group work out | Group work out |
| | 9:30 - 10:30 | Activity 1: Arts and Crafts | Activity 1: Arts and Crafts | Activity 1: Arts and Crafts |
| | 10:30 - 10:45 | Break | Break | Break |
| | 10:45 - 11:45 | Activity 2: Games | Activity 2: Games | Activity 2: Games |
| | 11:45 - 12:30 | Lunch and free time | Lunch and free time | Lunch and free time |
| | 12:45 - 3:30 | Field trip & Swimming | Field trip & Swimming | Field trip & Swimming |
| | 4:00 | Pick-up | Pick-up | Pick-up |
| | 4:00 - 5:00 | Late pick up | Late pick up | Late pick up |
| | | | | |
| Tuesday | 8 am Early drop off | Early drop off | Early drop off | Early drop off |
| | 9:00 - 9:30 | Group work out | Group work out | Group work out |
| | 9:30 | Departure | Departure | Departure |
| | 10:30 - 12:30 | Activity: Museum of Science | Activity: Franklin Park Zoo | Activity: Childrens Museum |
| | 12:30 - 1:00 | Lunch | Lunch | Lunch |
| | 1:00 - 3:00 | Activity: Museum of Science | Activity: Museum of Science | Activity: Childrens Museum |
| | 3:00 | Return to camp | Return to camp | Return to camp |
| | 4:00 | Pick-up | Pick-up | Pick-up |
| | 4:00 - 5:00 | Late pick-up | Late pick-up | Late pick-up |
| | | | | |
| Wednesday | 8 am Early drop off | Early drop off | Early drop off | Early drop off |
| | 9:00 - 9:30 | Group work out | Group work out | Group work out |
| | 9:30 - 10:30 | Activity 1: Science | Activity 1: Science | Activity 1: Science |

| | | | | |
|-----------------|---------------|----------------------------------|----------------------------------|----------------------------------|
| | 10:30 - 10:45 | Break | Break | Break |
| | 10:45 - 11:45 | Activity 2: Theatre | Activity 2: Theatre | Activity 2: Theatre |
| | 11:45 - 12:30 | Lunch and free time | Lunch and free time | Lunch and free time |
| | 12:45 - 3:30 | Field trip & Swimming | Field trip & Swimming | Field trip & Swimming |
| | 4:00 | Pick-up | Pick-up | Pick-up |
| | 4:00 - 5:00 | Late pick up | Late pick up | Late pick up |
| | | | | |
| Thursday | 8 am | Early drop off | Early drop off | Early drop off |
| | 9:00 - 9:30 | Group work out | Group work out | Group work out |
| | 9:30 | Departure | Departure | Departure |
| | 10:30 - 12:30 | Activity: Aquarium | Activity: MIT Museum | Activity: Cannobie Lake Park |
| | 12:30 - 1:00 | Lunch | Lunch | Lunch |
| | 1:00 - 3:00 | Activity: Aquarium | Activity: MIT Museum | Activity: Cannobie Lake Park |
| | 3:00 | Return to camp | Return to camp | Return to camp |
| | 4:00 | Pick-up | Pick-up | Pick-up |
| | 4:00 - 5:00 | Late pick-up | Late pick-up | Late pick-up |
| | | | | |
| Friday | 8 am | Early drop off | Early drop off | Early drop off |
| | 9:00 - 9:30 | Group work out | Group work out | Group work out |
| | 9:30 - 10:30 | Activity 1: Trivia | Activity 1: Trivia | Activity 1: Trivia |
| | 10:30 - 10:45 | Break | Break | Break |
| | 10:45 - 11:45 | Activity 2: Scavenger Hunt | Activity 2: Scavenger Hunt | Activity 2: Scavenger Hunt |
| | 11:45 - 12:30 | Lunch and free time | Lunch and free time | Lunch and free time |
| | 12:45 - 3:30 | Field trip & Swimming | Field trip & Swimming | Field trip & Swimming |
| | 4:00 | Pick-up | Pick-up | Pick-up |
| | 4:00 - 5:00 | Late pick up | Late pick up | Late pick up |